

**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, November 4, 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, Treasurer Scott D. Rightmyer, Clerk Leslie A. Morelli.

**EXCUSED:**

**ALSO PRESENT:** Village Attorney Edward W. Riley, Fire Chief Gregory B. Wing, Planning Board Chair / Economic Development Coordinator Scott Winner, Bill Pettine (Brockport Post), Robbie Hess (Suburban News), Jason Fraser, Brandon Whitaker, Ben Geiger, Kristen Case, Nicolle Bettino, Thomasa Sanderson, Tim Beirsto, Colby Jones, Stephen Remillard, Justin Stevenson, Ashley Maucha, Ray & Jackie Morris, John Bush, Tricia White, Giff Mosher, Ken Moore, Carrie Maziarz, Jim & Joan Hamlin, Ralf Kurzowski, Louie Smith, Paul Kimball, Nat (Buddy) Lester, Bill Bird, Dan Zimmer.

**CALL TO ORDER:** Mayor Matela called the meeting to order and led the Pledge to the Flag. Vice Mayor Wexler welcomed the many students from Government class at Brockport High School.

**REVIEW OF MEETING MINUTES:** Mayor Matela called for any additions or corrections to the minutes of the regular meeting held October 7, 2002 and October 21, 2002.

- ➔ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried that the minutes of the meeting held October 7, 2002, be approved as amended.
- ➔ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried that the minutes of the meeting held October 21, 2002, be approved as written.

**PUBLIC HEARINGS:** None

**PUBLIC INFORMATION MEETINGS:** None

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

1. Bill Bird of Clark Street turned in another 300 letters from residents wanting to keep local dispatch. This totals over 800 letters submitted plus a petition with over 225 signatures. It took 20 to 25 people going door to door to collect these. People are saying it is not a good idea to go to 911. He told Mayor Matela that when she ran for office she promised an open government. He said this public comment period at meetings is not open. We need conversation. Mayor Matela responded that dialogue is not encouraged at public meetings since the meetings could last all night. However, her door is always open to meet and she is available by phone. Mayor Matela said he has never attempted to meet with her. B. Bird said as past Fire Chief he had a lot of bad experience with 911. He said he may not be the smartest guy in the world, but he has some experience that should count for something. He said the Village went with 911 for the overnights some years back and there were problems. It's okay to make a mistake, but you should learn from those mistakes. He said over 800 people are not crazy. He further said Mayor Matela and Chief Varrenti are the only ones pushing going to 911.
2. Paul Kimball, Supervisor of Clarkson asked for permission to speak at the end of the meeting.
3. Buddy Lester, Supervisor of Sweden also asked for permission to speak at the end of the meeting.

**GUESTS:**

1. Troop 84 Spencerport Eagle Scout Candidate – proposed monument site work – no show

**DEPARTMENT REPORTS:**

- A. PUBLIC WORKS – Superintendent Bradley B. Upson
  1. Resolution regarding separation of Gary D. Rheinwald Sec 73 NYSCS Law – Superintendent Upson shared that Gary D. Rheinwald transferred, as a Laborer, to the DPW from the water treatment plant following its takeover by MCWA. His permanent change of duty station took place on January 1, 1997. On September 1, 1999 Gary stopped working and went on sick leave due to disability (dysrhythmia, leg cramps and HTN). He returned to work on September 12, 2000 and worked until October 3, 2000, when he again went on sick leave. It has been over 24 months since he has been to work. His health has not improved and he has not been released by his doctor to return to work. Unfortunately, it has been determined that he does not meet the requirements for the 2002 Early Retirement Incentive and cannot use that mechanism to separate from public service. The Village has been paying his health benefits and holding his position open, but we can no longer afford to do this. *New York State Civil Service Law* allows a public employee to be terminated if they have been continuously absent from and unable to perform the duties of their position for more than one year. He meets these requirements, thereby, DPW Superintendent Upson said he his requesting this his employment status with the Village of Brockport be terminated pursuant to Section 73 of *New York State Civil Service Law*.

→ Trustee Whipple moved, Trustee Knapp seconded, Trustee DeToy abstained due to lack of prior information on this, Carried that Gary D. Rheinwald's employment status with the Village of Brockport be terminated pursuant to Section 73 of *New York State Civil Service Law*.

2. Resolution approving contract with Chatfield Engineers re canal wall – DPW Superintendent Upson shared that in August of 2002 Chatfield Engineers submitted a proposal to provide professional engineering services for the design and construction phases of the south canal wall rehabilitation project. That proposal got lost during the “change of command” at the DPW and never got brought before the board for action. Chatfield, however, continued to work on the project, as it was necessary to get it to the various review agencies in order to bid the project this fall. They have proposed to provide the following services:

a. Preliminary Design	\$41,920
b. Permits & Approvals	3,020
c. Bidding Phase	2,930
d. Construction Phase	10,090
e. Record Drawings	520
f. Resident Inspection	<u>41,820</u>
i. Total	\$100,300

Funds to pay for these services will come from the Canal Corporation grant for the wall rehabilitation and were included in the grant. Superintendent Upson asked the board to authorize the Mayor to execute the agreement with Chatfield Engineers for these services.

→ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried authorizing the Mayor to sign the agreement with Chatfield Engineers for said services at no cost to the Village.

Mayor Matela commented that she spoke to Paul Chatfield. They are waiting for SHPO approval and then work can begin once the canal is drained.

3. Report on non-routine work – Superintendent Upson said in addition to the routine tasks done to maintain the public facilities, the following was accomplished during the period ending November 2<sup>nd</sup>:
- a. Completed water main flushing.
  - b. Completed final brush and yard debris pickup.
  - c. Started annual leaf pickup.
  - d. Installed 16 CY of concrete sidewalk (formed, poured and restored).
  - e. Completed ditching along Owens Road within the Village.
  - f. Setup salt bodies and installed some plows.
  - g. Completed monthly meter readings.
  - h. Renewed three water services on South Avenue.

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

- 1. 3<sup>rd</sup> Quarter Report – Follow Up – Chief Varrenti asked if anyone had any questions regarding the quarterly report he distributed at the last meeting. There were no questions. Trustee Wexler thanked him for the report and the department's work. He noted that DWI cases increased 80 percent. Chief Varrenti said it is an honor to serve the community and appreciates the opportunity to do so. Trustee Knapp asked if the report is available for interested members of the public. Chief Varrenti said yes.
- 2. First Degree Assault – Chief Varrenti reported on a stabbing incident of Saturday, October 26<sup>th</sup> at 11pm in front of SUNY Tower Fine Arts building. Officer Paul Wheat was the first car on the scene then a SUNY University Police car and then Officer Mark Philippy. Officer Wheat provided first aid and will be submitted for a commendation award. The victim survived after a 3-hour surgery. The suspect was arrested.
- 3. SPARTAC – Chief Varrenti said they have added 4 new members who will go through training. He will provide their names at the next meeting.
- 4. Neighborhood Watch – Chief Varrenti said their second meeting was held with good attendance. Another meeting is scheduled for Thursday at 7pm.

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

- 1. Aged / Disability Exemption Increase – S. Zarnstorff shared that the State has raised the income limit allowable for aged and disability exemptions from \$20,500 to \$21,500. The School District and Town of Sweden plan to follow suit. He asked that the Village hold a public hearing to consider same.

→ Trustee Knapp moved, Trustee DeToy seconded, unanimously carried to hold a public hearing to consider raising the income limit for aged and disability exemptions from \$20,500 to \$21,500 on November 18<sup>th</sup> at 8pm.

2. Update on Court Issues – S. Zarnstorff updated the Board on recent court issues regarding rental properties. The first was on October 29<sup>th</sup> regarding 26 Holley Street owned by Douglas VanDetta who was cited for failure to have a certificate of occupancy and property maintenance issues. The judge imposed a \$1,000 fine with \$250 payable now and \$750 payable in May 2003 if stipulated exterior renovations are not completed by May 15, 2003. The property would also be subject to closure. If stipulations are satisfied, the \$750 portion will be suspended. The second was November 1<sup>st</sup> regarding 248 Main Street and 34 South Avenue owned by Rich Miller who was cited for code issues including multi-family, property maintenance, lack of c of o's and inspections. The Judge promised a decision at 5:30pm Tuesday, November 19<sup>th</sup>. S. Zarnstorff commended Village Attorney Riley for his presentation of the code issues and being well prepared.

**D. FIRE - Chief Gregory B. Wing**

1. Membership Adds/Drops/Transfers – None
2. Call Load – Ambulance calls year-to-date: 1,354 and Fire calls year-to-date: 920 totaling 2,274 Chief Wing mentioned that motor vehicle accidents are on the rise again and warned citizens to drive carefully, especially during the hectic holiday season.

**E. TREASURER - Scott D. Rightmyer**

1. Unpaid Village Taxes – surrender to County for collection – Treasurer Rightmyer distributed a list of 37 unpaid 2002 Village taxes totaling \$110,119.24 (\$101,026.78 in taxes and \$9,092.46 in interest). All but approximately \$25,000 is due to the closure of Kleen Brite Laboratories. These will be turned over to Monroe County to be relieved onto the January 2003 Town and County tax bill. The County will reimburse the Village. Treasurer Rightmyer asked the Board to sign the certificate of Village surrender authorizing that this list be sent to Monroe County.

→ Trustee Whipple moved, Trustee DeToy seconded, unanimously carried authorizing the certificate of Village surrender.

2. Request for Reimbursement – Treasurer Rightmyer shared that Carolin Drive residents Mark and Karen Collichio had to pay \$25 to a nuisance wildlife professional to trap and remove a raccoon from their property that had been wandering the neighborhood, possibly rabid. Mayor Matela said the Village has a dog control officer through Sweden and in the past paid for trapping feral cats, but does not have animal control. Attorney Riley said it would not be appropriate for the Village to cover this. It would open Pandora's box. The property owners took it upon themselves to order the service. Board agreed to deny the request.

3. Fire / Ambulance Contracts – Treasurer Rightmyer asked to address this after Trustee Whipple's comments.

**F. CLERK - Leslie A. Morelli**

1. Approval for new interested Planning Board / ZBA members to attend training – Clerk Morelli shared that Monroe County Planning and Development offers its Planning and Zoning training series twice per year. Since there are new members to the ZBA, she asked for authorization to pay the registration fee of those interested in attending. It is \$25 per session or \$175 for the entire series.

→ Trustee Knapp moved, Trustee Whipple seconded, unanimously carried to cover the registration fees of new Planning Board and ZBA members attending the Monroe County Planning and Zoning series.

2. Semi-Annual Newsletter – Clerk Morelli announced that she would like to put out the next newsletter in early December and asked for "articles" by Tuesday, November 12<sup>th</sup>.

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

1. Code – Attorney Riley shared that there are many areas of the Village Code needing to be updated. Deputy Village Attorney Aloï is working on suggested revisions.
2. Use of Village Facilities Agreements – Attorney Riley said he is reviewing the current agreements used for the Market Street Fire Hall, Village Hall Conference Room, and proposed agreement for use of Sagawa Park. He will provide recommendations and suggests they be discussed at the next workshop.

**H. ECONOMIC DEVELOPMENT – Coordinator R. Scott Winner (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 Skoog-Harvey (absent)

**VILLAGE BOARD REPORTS:**

A. Vice Mayor Wexler

1. Nativity School Banners – Trustee Wexler read a letter from Nativity School requesting that the Village hang their banners for Catholic Schools Week January 26<sup>th</sup> to February 1<sup>st</sup>, 2003. Trustee Wexler said there has been some concern in the past that the Village is promoting religion. This is not the case. The Village supports all students.

→ Trustee Wexler moved, Trustee DeToy seconded, unanimously carried to have the DPW hang the Nativity Schools banners the week of January 26, 2003.

B. Trustee Whipple

1. Dispatch Committee Recommendation – Trustee Whipple said he appreciates so many people attending this evening. Upon adoption of the current budget, the Mayor and Board committed to take a close look at the budget and began with the Communications Center (local dispatch). Some consider it a duplication of services with 911. Therefore, the Mayor formed a task force to study the facts, costs versus benefits and to make a recommendation. The group consisted of all four Trustees, the Police Chief, Fire Chief, Building/Zoning Officer, DPW Superintendent, and Communications Coordinator. The committee met four times for a total of 10 ½ hours during September and October. The proposals considered were: 1) keep the systems in place as is. 2) Completely convert all dispatching to 911. 3) The Brockport Fire Department takes over dispatching with part-time personnel and Police are dispatched by 911. 4) The Brockport Fire Department takes over dispatching with full-time personnel and Police are dispatched by 911. 5) Any other proposal.

Trustee Whipple the recommendation being brought forward has a bearing on the Fire / Ambulance budget. The Towns of Sweden and Clarkson have been held up on receiving the proposed contracts due to this dilemma. The goal is to provide the best possible service at the most affordable price. This was not an easy task and the recommendation will probably not make everyone happy. It can be looked at as a band-aid until the forming of a Fire District comes to fruition. It could take a year or two for Brockport, Clarkson, Sweden to form a Fire District, and all three municipalities will likely want representation. A Fire District would most likely want its own dispatchers. Until then, 911 is the way that all other Police Departments in Monroe County have gone. We are confident that 911 can handle dispatching for Brockport Police Department. That will occur soon, possibly as early as January 2003. Chief Varrenti has acknowledged that 911 will be suitable for Police calls.

However, 911 is not necessarily the best way to go for Fire and Ambulance dispatching. There is not the luxury of the number of channels or number of dispatchers to handle it. This comes down to a matter of public safety. Our own Fire Chief Wing is a 911 dispatcher. Several years ago 911 handled the overnight shift. It was not necessarily a good experience. By turning Police dispatching over to 911 but keeping local dispatching for Fire and Ambulance, it creates a different formula for sharing expenses. Currently there are 3 full time and 10 part time dispatchers. One full time dispatch will be retiring. The two full time dispatchers could go to 911, but there would be separation contracts to consider. Brockport DPW would still need to be dispatched unless they went to a 24-hour cellular or paging system. There are also dispatch contracts with Hamlin and Walker.

The majority of the committee recommends to go with 911 for Brockport Police dispatching, but keep local dispatching for Fire and Ambulance retaining the two full time dispatchers and supplementing them with part-timers. This could work for a year or two until the Fire District is formed. Fire and Ambulance personnel need a dispatcher at the other end of the line. 911 can not provide this. Therefore, it is not a duplication of services. Twenty-two other Fire Departments in Monroe County have their own dispatching. This is a safety feature. By keeping local dispatching for Fire and Ambulance, it shifts the burden of the cost to the Fire Department budget. Rather than current \$275,000 per year, the proposed cost would be \$188,000 per year. That would be decreased by \$70,000 from the capital truck replacement fund and \$50,000 already planned from the Third Party Billing revenue account with an extra \$20,000 added to it. This brings it to \$105,000 to be distributed by formula of assessed value of the towns and village. The proposed budget is \$718,497. Sweden has the highest assessed value at 40.63% (\$291,923), then Clarkson at 34.69% (249,230), then Brockport at 24.68% (\$177,344). Trustee Whipple said that many assumed last years assessment revaluation in Sweden and Brockport would cause the Village assessed value to go up, but it went down.

Treasurer Rightmyer said he used \$196,600, not \$188,000. Trustee Wexler said it's a bit extra for unforeseen expenses. Treasurer Rightmyer reminded everyone that the Village's fiscal year is June 1<sup>st</sup> to May 31<sup>st</sup>, but the Towns run on a calendar year January 1<sup>st</sup> to December 31<sup>st</sup>. All tolled, the Fire budget increases 15% and the Ambulance budget decreases 18.5%. The paid part-time ambulance program began in March 2002. The paid staff is totally funded through Third Party Billing. Chief Wing concurred that Trustee Whipple's statements and numbers are an accurate reflection of the proposed budget and committee meetings.

Trustee Whipple said the numbers were reviewed in workshop with Fire Chief Wing and Ambulance President Duff. They have done their best to provide and protection and coverage necessary with a mostly volunteer department. It is imperative that it be a safe place to work and volunteer.

Mayor Matela commented that this department is the finest in the County, State and maybe even the United States. She further stated that the attorney working on the Fire District formation was extremely impressed that every piece of equipment is totally paid for and up to date and that the members are so well-trained. The Department protects the health, safety and welfare of the community.

Trustee Wexler thanked the committee, Chair Whipple and Treasurer Rightmyer for their work. He said he is fully aware that this is not an easy recommendation and that not all are in agreement, but everyone was able to express their views and come up with options. He also thanked the public for the 800 plus letters and petition of 223 signatures. The feeling came through that a big part of the community wants to keep local dispatch in some form.

Trustee DeToy commented that the 911 Director offered to attend a committee meeting and was never invited. He said if 911 services are not up to par, then it is our responsibility to make that an issue. Brockport often has an isolationist mentality, doing things differently and caring only about ourselves. The recommendation is simply playing a shell game with the financing with Sweden and Clarkson. The majority of the committee only saw justifying keeping local dispatch one way or another. Not fully examining all options is doing a disservice to everyone. Trustee Wexler said Trustee DeToy did not speak against the recommended proposal at the last meeting and did not bring forth any other proposals except those listed. Trustee Wexler said he could not cost out any ideas not brought forward.

Trustee Whipple said he could live with the term isolationism. Brockport is far enough away from Rochester and the center of Monroe County to be independent. Studies were conducted years ago about Brockport being likely to grow as a business center, but not Spencerport due to the distance from Rochester. Brockport Fire Department has only 200 less calls than Orleans County as a whole. We have been forced to take care of ourselves. He further shared that another proposal was briefly looked at. That was the possibility of contracting dispatching through Gates as Spencerport does. Trustee Wexler said Gates would not give us figures yet and said they would have to hire an additional person to handle our call load. Treasurer Rightmyer agreed that the time constraints precluded the committee from waiting for a response from Gates.

Trustee Knapp said he participated in the committee as much as possible due to his work schedule and illness and death of his father. He concurred that the "straw man" vote on the recommendation was as presented by Trustee Whipple.

Mayor Matela said this is not the way she would have gone. She would have liked to see other options explored and not use money from the truck replacement fund. She said 911 has agreed to employ the two full-time dispatchers, so there should not be concern of people losing jobs. However, the fire budget needs to be passed, and the committee's recommendation is included in it. Mayor Matela and Trustee DeToy expressed the need to pass the fire budget, but were not necessarily in favor of the committee recommendation on fire and ambulance dispatch.

→ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried to accept the Fire Department budget as proposed and reviewed.

→ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried to authorize Police Chief Varrenti to begin any necessary process to convert police dispatch to 911.

Paul Kimball, Town of Clarkson Supervisor shared that he is entering his 20<sup>th</sup> year as Supervisor. He has never seen contract negotiations done through the public. He said the Village Board has offloaded the cost of dispatchers from its budget to that of Clarkson and Sweden through the fire and ambulance contracts. This was not a hard vote. The term contract implies negotiation, yet the parties of the contract were not consulted or involved in the negotiations. Instead, this is presented at the eleventh hour with no input from the Village's two largest paying customers. He said he is not here to dispute the pros and cons of dispatch. He said he asked Mayor Matela for a Blue Ribbon Commission that would have a citizen representative from Brockport, Clarkson and Sweden. This was not done. Here we are in the middle of the Village's budget year, unable to negotiate. P. Kimball further stated that two years ago he was told that the purpose of going to ambulance third party billing would be to eliminate the ambulance tax. He expressed disappointment that the Village chose to negotiate through the public. He said Clarkson would not pay any town taxes toward the ambulance budget.

Nat Lester, III, Town of Sweden Supervisor said he would not discuss the merits of the budget since he has yet to see it. He stressed the importance of getting the fire and ambulance budgets as soon as possible to adequately prepare. It affects the bottom line and must be taken into consideration. They have not been given the courtesy of even a cursory look. Supposedly the Village spoke with Clarkson, but not Sweden. He said he would go through the budget with the Sweden Town Board. He said he knows the Village is trying to get their costs in control and stabilize the Village tax bill, but asked if the taxpayers have saved as a whole? No. This was not a difficult decision for the Village Board since they simply shifted the tax burden to the Towns. When a person is put in a fiduciary position they must not do what is best for friends and co-workers, but what is best for the public. He said he, too, asked for a representative on the committee and some say in the budget.

On a different note, N. Lester commended Police Chief Varrenti and Officer Cyr for their assistance with his father's motor vehicle accident last week on State Street.

- C. Trustee Knapp
  - 1. Election Day – Trustee Knapp reminded all that tomorrow is Election Day. Exercise your right to vote.
  
- D. Trustee DeToy
  - 1. Contamination Issue Perry and Erie Streets – Trustee DeToy reported that the remediation project is on schedule and that RG&E has been very upfront and inclusive with information.
  
  - 2. Annual Fruit Distribution – Trustee DeToy referred to a request by the Brockport High School Band to use the maintenance bay of the Market Street fire hall for their annual fruit sale. Chief Wing said this was fine.

→ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried authorizing use of the Market Street maintenance bay for the Brockport High School Band's annual fruit sale.

- E. Mayor Matela
  - 1. Appointment to Zoning Board of Appeals – Mayor Matela proposed that a Planning Board member fill the vacancy on the Zoning Board of Appeals on a rotating basis. Deputy Village Attorney Aloj explored this option and confirmed that there is no problem. The person would serve on both boards and then when the five-year ZBA term is up, a different Planning Board member would be appointed. This would lend some continuity to the two boards and the person can serve as a liaison. Mayor Matela said Planning Board member Charles Switzer has agreed to serve on the ZBA as well.

→ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried appointing Planning Board member Charles Switzer to the Zoning Board of Appeals.

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

- 1. Ken Moore of Sweden and Village Administrator of Fairport shared that Fairport has a similarly municipally owned Fire Department who has had fine experience with 911 dispatching. They participate in the 911 Practices Board, which is a great benefit to the taxpayers. He feels 911 could adequately service Brockport's needs. He said there should not be such a lack of consolidation and cooperation between Sweden and Brockport. He said going entirely 911 would be a great cost savings. The possibility exists to form a Fire District, but Clarkson and Sweden will have to have input on this.

**AUDIT:**

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

Village

Date	Check #	Amount
10/25	166527	135.00
10/23	166526	16.00
11/4	166553-591	18,925.15
11/4	166594-605	2,335.59
11/4	166608	3,270.00

Fire

10/21	166521-522	196.35
11/1	166532-552	11,873.96
11/4	166606	133.43

Ambulance

10/21	166514-517	1,839.67
11/1	166528-531	726.09

Capital Projects

11/1	1543-1545	9,703.54
P. 27	9,553.57	
P. 44	149.97	

Third Party Billing

11/4	132	1,839.67
11/1	130-131	385.00

**ADJOURNMENT:**

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

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Leslie Ann Morelli, Village Clerk