

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 15, 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, Treasurer Ian M. Coyle, Clerk Leslie A. Morelli.

EXCUSED: Village Attorney Keith O'Toole, Planning Board Chair / Economic Development Coordinator Scott Winner

ALSO PRESENT: Fire Chief Christian McCullough, Ken Pike, Elliotte Bowerman (Brockport Post), Robbi Hess (Suburban News), Jim Sutton, Jim & Joan Hamlin, Dorothy Keable, Mary Jo Nayman, H & E. Donn, Norm GianCursio, Linda Borrayo, Kathy Snyder, John Lessord, Marv Beaney.

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 November 1, 2004.

➔ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried that the minutes of the meeting held November 1, 2004, be approved as written.

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

PUBLIC COMMENT:

1. Mary Jo Nayman of 5 Carolin Drive returned to voice her disappointment again that the Carolin Drive project is not very far along and appears that it will not be completed before winter. She said at the last Village Board meeting Lauren Lieberman of Carolin Drive suggested a timetable be set up and that any contacts, such as the one B. Upson was to make to the Towns of Sweden and Clarkson Highway Departments, be made right away. MJ Nayman asked the following: 1) the status of the timetable and contacts. 2) If there is adequate drainage piping in stock now to complete the project. 3) The status of a letter to the residents of Carolin Drive promised by Mayor Matela and H. Donahue on 11/10. 4) Disappointment that she was encouraged to speak under "Public Comment" and a request to be formally on the next Village Board meeting agenda.

B. Upson responded that half the pipe is here and the other half is on order and expected to arrive in a couple of days. Sweden and Clarkson were contacted and are unable to help. Mayor Matela reported that a project schedule was developed and gave MJ Nayman a copy. Mayor Matela shared that B. Upson was on vacation last week and they did not have enough information to put out a status letter to the residents. Mayor Matela said the public comment section of the agenda is the most appropriate, but she would be glad to have her on the formal agenda next time. Mayor Matela shared that she and H. Donahue walked in Corbett Park last week and work there to assist with drainage problems can be done over the winter when the ground is frozen.

B. Upson reviewed the project schedule. There are 2 versions. One is if only 1 crew (a minimum of 4 workers) are available and one if 2 crews (a minimum of 8 workers) are available. Much is dependent on the department's workload and weather. The section of Carolin Drive from West Avenue to Clark Street could be completed by December 2nd and the remainder by the end of December if two crews are available and the asphalt plant stays open until December 23rd. B. Upson said promising 2 crews is not practical with the other work required in the Village and holidays and time off. B. Upson said the Stafford plant plans to close November 19th. The Gates plant will stay open longer. This depends on the amount of work remaining from the Department of Transportation.

Trustee Wexler said the weather forecast this week is good. Trustee Knapp asked for clarification about Sweden and Clarkson's availability to help as interagency. B. Upson said the Sweden and Clarkson Highway Departments were contacted about equipment and labor availability. Both are too busy to help at this time. Each municipality has work scheduled as well as fall clean ups and winter preparations.

Trustee Wexler said it bothers him that the Village Board promised the Carolin Drive residents in a September 29th letter that he hand delivered, that the project would be completed before winter. This was 6 or 7 weeks ago, and south of Clark Street has barely been touched. It is understandable that they are frustrated. Trustee Wexler said he understands that fall brush pick up and leaf pick up needs to take place. B. Upson said two other commitments took priority. Mayor Matela thanked B. Upson for putting together the project schedules.

MJ Nayman said on September 29th they were told the project would be fully done before winter. Then it sounded like drainage and curbing would be done. Now it sounds like only drainage will be done.

sense to start the project where the need is greatest (the south end). Instead, they started at the north end. She said she is disappointed in this and to hear that half the pipe is still on order.

Trustee Maziarz asked if this project is costing overtime. B. Upson said overtime would occur on the 2 paving days only due to the requirements of that operation. B. Upson said there simply are not enough bodies to dedicate to this project at this time.

Trustee Knapp suggested better communications with residents in the future prior to the start of a job as well as being more efficient in planning. B. Upson reminded Trustee Knapp that the Village Board made the change on this project after he forwarded a petition to them from the residents of Carolin Drive. It rendered the decision at the end of September to turn a planned project of one size into one much larger – with weather always being a concern.

Trustee Wexler said if there was an inkling that the paving could not take place until spring, the letter should have indicated such. Mayor Matela said perhaps more was promised than could be delivered in that time frame. Regardless the project will move forward and it WILL be completed. The paving may not get done before winter sets in, but it will get done.

MJ Nayman said as a taxpayer she is concerned that many streets in the Village are in the same condition. Rather than wasting money (for example \$25,000 on milling and paving), the DPW should check that the inner workings are okay. Mayor Matela said the DPW did t.v. the sewers, which identified places needing work. B. Upson said milling and paving is a maintenance operation – a temporary fix. It is not re-construction.

GUESTS: None

DEPARTMENT REPORTS:

- A. PUBLIC WORKS / COMMUNICATIONS CENTER – Superintendent Bradley B. Upson
 - 1. Harvester Park Community Center – Resolution authorizing Payment #1 – B. Upson reported that he and Chatfield Engineers have reviewed the payment application and recommend the Village Board pass a resolution authorizing payment to the Contractor in the amount of \$42,370. The contract is approximately 26% complete.
- Trustee Whipple moved, Trustee Maziarz seconded, unanimously carried authorizing payment to the Contractor in the amount of \$42,370.
- 2. Leaf Collection – Mayor Matela asked B. Upson to relay her thanks for a good job with the ongoing leaf collection.
- B. POLICE DEPARTMENT – Chief Daniel P. Varrenti
 - 1. Calls For Service – 11,958 year to date
 - 2. Centennial Avenue No Left turn onto Main Street – Chief Varrenti shared that he forwarded a memo to Trustees Knapp and Wexler and DPW Superintendent Upson of the traffic committee with a recommendation that a sign be posted 100 feet before the intersection of Centennial Avenue and Main Street indicating no left turn. He thanked an audience member for suggesting that after the last meeting. This correlates with the law that a vehicle must signal its intent 100 feet ahead.
 - 3. Staffing Status – Chief Varrenti reported that there was concern that the police department's one part time officer, Ralph Gleason, was coming close to working in excess of part time hours which could make him eligible for benefits. Chief Varrenti said he, Stetson Club President Curley and Officer Gleason received a letter from Trustee Wexler after the last meeting indicating that it is the Chief's responsibility to manipulate the hours so that Officer Gleason does not become eligible for benefits. Chief Varrenti said Officer Gleason was rightly upset by the letter. He has been a good employee. He is not eligible for full time employment because he is not on the Civil Service list due to his age. Chief Varrenti shared that R. Gleason has indicated to him that he plans to seek full time work elsewhere. Therefore, his availability may be limited. Chief Varrenti said the concern re Officer Gleason's hours is a moot point. It turns out he is not as close to the limit as thought.

Chief Varrenti said there are 12 full time officers including him and 1 part time officer. Two full time officers are on long-term disability. One has surgery scheduled at the end of the month and has 20 years in the system and may look to retire. The other has filed for disability with the NYS Retirement system. A third is eligible for retirement and it is unknown when he may opt to retire. Chief Varrenti said they cannot mandate the notice given. In summary, the Brockport Police Department is severely understaffed and the near future does not look good for the number of officers available. Chief Varrenti referred to a November 3rd memo from Sgt.

Philippy who expressed concern that some officers are working 16-24 hours at a time. This is a safety concern and is unacceptable. Chief Varrenti said he issued a memo prohibiting a 24-hour shift.

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It is a liability accident waiting to happen.

Trustee Maziarz commented that the Stetson Club contract prohibits working more than 16 hours straight anyway.

4. DWI's – Chief Varrenti reported that the DWI arrests are down for the year. Officers are taken up filling in for vacancies on the road, therefore less officers are signing up for the special DWI details such as the DWI detail funded by the STOP DWI grant. Therefore, the grant money is not being utilized and the department is in jeopardy of losing it.
5. Failing to Yield in Crosswalk – Chief Varrenti shared that on November 6th a pedestrian was struck in a Main Street crosswalk and taken to Strong Memorial Hospital by a motorist who failed to yield to a pedestrian in a crosswalk. Chief Varrenti commented that the special detail in which one ticket was issued to the nice lady who spoke at a recent Village Board meeting was meant to save lives.
6. Donation towards Tasers – Chief Varrenti read a letter into the record and presented the \$300 donation check to Treasurer Coyle to spend out of the “less lethal” line.

”11/4/04

Sgt. Douglas Ziegler:

I originally had planned to donate enough money to purchase a TASER, non-lethal weapon, for the Brockport Police Department. I see it as one way to keep our officers safe while incapacitating an out of control combatant. When you estimated the costs for me, I regrettably realized my contribution would fall short. I would, however, like to contribute my \$300 towards maintenance, supplies, or training for the TASERs already purchased. This in a small way is a thank you for all the hard work and effort your department puts into making Brockport a great place to raise a family. Keep up the great work.

Thank you all. Salvatore & Barbara Sciremammano 26 South Street”

Chief Varrenti responded with a letter of thanks that included a short history on the TASER gun and an offer for a demonstration on how it works.

7. Happy Thanksgiving – Chief Varrenti said everyone has issues and needs. However, instead of looking at the glass half empty, he encouraged all to look at it as half full. We have a lot to be thankful for. He wished everyone a very Happy Thanksgiving.
8. Back to Department Staffing – Trustee Wexler referred to the Stetson Club contract and said “could” does not mean “must” when it comes to utilizing part time officers for certain shifts. Therefore, full time officers can be used to avoid having to pay benefits to the one part time officer if he works in excess of 32 hours per week for 8 weeks in a row. Trustee Wexler defended his memo saying it is the Chief's responsibility to oversee this. Trustee Wexler said Chief Varrenti's memo back to him said he “will not cut a person's hours...”. However, the contract is binding. Chief Varrenti's reply said the administrative order to limit the number of hours an officer can work might cause an inadvertent grievance. Trustee Wexler said he has trouble when we have a contract and an administrative order goes against that contract.

Trustee Maziarz said Trustee Wexler's suggestion to put a full time officer on time and a half to avoid giving the hours to the one part time officer does not make sense. Trustee Wexler said we need more part time officers. Trustee Wexler said the Village Board approved the hiring of 2 additional part time officers several meetings ago. Trustee Wexler said he contacted the area college towns of Geneseo and East Rochester. Geneseo has 7 full time officers including the Chief and 3 part time officers with a \$600,000 budget. East Rochester has 8 full time officers including the Chief and 6 part time officers with a \$1.1 million budget. Combined, those two departments have a \$1.7 million budget. The Village of Brockport Police Department has a \$1.6 million budget and cannot afford to hire more full time officers. Those on disability or light duty are still being paid.

Trustee Wexler said one of Chief Varrenti's requirements in hiring part time officers is that they have at least an Associate's Degree. Trustee Wexler asked Chief Varrenti if all currently employed by the Brockport Police Department have this. Chief Varrenti said no. Trustee Wexler asked if any part time candidates have been eliminated due to having no A.S. degree. Chief Varrenti said no. Chief Varrenti encouraged the Board to bring him qualified candidates. He said he will not outfit anyone with a badge and gun like was done years ago.

Mayor Matela said there are not enough full time officers to cover shifts, and recommends the Board approve the hiring of a full time officer. Mayor Matela reminded the Board that the accreditation officials came to the conclusion that the department is severely understaffed. Trustee Maziarz said with 10 full time officers, each must take 4.2 shifts. With 9, each must take 4.66 shifts. This is not counting vacations, sick time, training time. It is a matter of math. To filling those slots, the department needs 1 or 2 additional full time officers.

Chief Varrenti commented that the memo he put out regarding not working 24 hours straight is in concert with the Stetson Club contract. He commented that there are many contradictions in the contract and that the Board will recall he recommended that they not approve it. Trustee Wexler said he understands there are emergency situations. Chief Varrenti said regular scheduling should not be considered an emergency. He said he is doing his duty of keeping the Board informed of the staffing situation at the Brockport Police Department. He is not asking again for additional full time officers. Trustee Wexler said the Chief is tired of asking and he is tired of hearing it.

→ Trustee Maziarz moved, Mayor Matela seconded, Trustees Wexler, Knapp, Whipple opposed to hire one full time officer. MOTION DENIED.

Trustee Whipple said the Board has heard several times that current officers may vacate their positions. In doing the math, it is still cheaper to pay overtime than it is to hire full time officers. Short term scheduling is a problem, but if it were kept to the minimum 2 officers per shift, it would help.

Chief Varrenti said if there are 3 officers working, it does not necessarily mean that the third officer is on overtime. Sgt. Phillipy does the scheduling and is well versed in it. There are a lot of slots to fill and only so many people. Chief Varrenti reminded the Board that it takes 6 or more months to background and train an officer.

Trustee Whipple said each time the issue is discussed, even those citizens in attendance are mixed. He sees half the heads go up and down for hiring and half for not hiring.

Trustee Wexler said the issue of liability has been brought up. A municipality has the right to spend its funds in a manner it deems necessary. He said in checking with attorneys, there are not too many lawsuits that involve not having enough officers on duty. Chief Varrenti reiterated that there are concerns of officers working too many hours.

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

1. October Monthly Reports – S. Zarnstorff said these will be forthcoming soon.
2. Part Time Clerical Help – S. Zarnstorff reminded the Board that they discussed at the last workshop and the last Village Board meeting the possibility of re-instating the position that was created in the fall of 2001 in which a part time clerk worked in his office from January to March 2002. Over the years, he has received some clerical support from Leslie and Betty and recently some from Trustee Maziarz. In working with Treasurer Coyle, there is money in his budget to cover a part time clerk for 20 hours a week at a rate of \$8.50 per hour – no benefits. It is a Civil Service Exempt position. They do not need to work off a list.

Trustee Knapp asked if they had explored utilizing a temporary agency. S. Zarnstorff said no. Trustee Whipple said there is usually a cost involved in them finding a person. Trustee Knapp said he would be happy to assist if needed.

→ Trustee Maziarz moved, Trustee Whipple seconded, unanimously carried to authorize the advertising for a part-time clerk for the Building/Zoning/Code Enforcement office for 20 hours per week at \$8.50 per hour, no benefits from S. Zarnstorff's budget.

D. FIRE DEPARTMENT - Chief Christian A. McCullough

1. Membership Adds/Drops/Transfers – Chief McCullough asked the Board to consider approving the following drops: Julianna Fitzgerald, Katie Weinkauff, Jeffrey Dennis, Casey Gifford.

→ Trustee Knapp moved, Trustee Wexler seconded, unanimously carried approving the previously mentioned drops.

2. Call Load – 1,535 ambulance calls year to date and 892 fire calls year to date.

3. Carbon Monoxide Kills brochure – Chief McCullough commended Christopher R. Martin for the new brochure on carbon monoxide. A mass mailing is being done next week for the entire Fire District.

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4. FEMA Grant Opportunity – Chief McCullough shared that they are working on an application for \$250,000 to replace air packs. The last lease payment for the current air packs will be March 2005. The equipment will start to fall short of NFPA regulations.
 5. Training Opportunity – Chief McCullough reported on the successful training drill held November 9th in which Mayor Matela suited up and trained.
 6. Damage to van – Chief McCullough reported that the Fire Department van sustained some damage when it hit a deer on the way back from an event. They will forward the information to submit to the Village's insurance.
 7. Vehicle Replacement - Chief McCullough shared that several vehicles are scheduled to be replaced in 2005 that are on a 10-year rotation. He would like to be scheduled on the next Village Board workshop agenda for discussion of vehicle replacement.
- E. TREASURER - Ian M. Coyle – No report.
- F. CLERK - Leslie A. Morelli – No report.
- G. ATTORNEY – Keith O'Toole / DEPUTY ATTORNEY – Frank A. Aloï - excused
- 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. Scott Winner's absence – Trustee Maziarz extends best wishes to S. Winner in a speedy recovery from surgery. In his absence she provided an update on the Planning Board and Economic Development as well as Zoning Board of Appeals. Dr. Weinstein's Dental Office was approved at 375 West Avenue in Remington Woods. It is anticipated to cost \$500,000. The Santa Train Rides will be held December 18 and 19 at Noon, 1:30 and 3pm. Concessions will be available from the Walk Bike Brockport Action Group. The fourth graders at Brockport Central Schools will take a special ride to the Medina Railroad Museum the Tuesday before that. Bill Andrews will narrate their tour. Wal Mart donated \$2,000 to the operating costs of the Visitors Center. This is the 2nd installment of a larger commitment. Senator Maziarz was able to secure an additional \$25,000 towards the Visitors Center. Chianti's Italian Restaurant will have it's grand opening tomorrow. The tree lighting ceremony will be Sunday, December 5th at 5pm at Sagawa Park. The ZBA granted the area variance application of Lakeside Memorial Hospital for 12 of 70 parking spaces to be 9' x 20' instead of 10' x 20'.
 2. Assistance to S. Zarnstorff – Trustee Maziarz shared that she has been assisting S. Zarnstorff on some Friday afternoons in formulating a list of rental properties and business's certificates of occupancy status.
- B. Trustee Knapp
 1. Carbon Monoxide Brochure – Trustee Knapp commended C.R. Martin for the carbon monoxide brochure. He shared a personal story in which he just had his furnace checked and four of five flues were deteriorated. He had to purchase a new furnace, but it prevented a potential problem.
 2. Weather preparation – Trustee Knapp commented that he hopes our supply of salt has been ordered since winter weather is coming.
 3. Happy Thanksgiving.
- C. Trustee Wexler
 1. Main Street Crosswalk just north of Canal – Trustee Wexler expressed concern of the crosswalk location just north of the canal bridge. It is hard to see due to the dip. Chief Varrenti

said he wrote the Village Board a year and a half ago about this and does not endorse its location. It would be better to place it at the bottom of the apex. B. Upson said the crosswalk was installed by the NYS Canal Corporation. The Village objected to its location. Mayor Matela said it is time to talk with them again about relocating this crosswalk.

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2. Stetson Club Grievance – Trustee Wexler said he has not been informed of the outcome of a recent grievance by the Stetson Club. He expressed concern that an attorney was being used to represent the Village without the Village Board’s approval. He said the Village Board should be involved in selecting attorneys.

D. Trustee Whipple

1. Part Time Dispatchers – Trustee Whipple reported that the search committee would interview 10 of the 19 applicants on Friday. They hope to have 4 ready for hiring at the next Village Board meeting.

E. Mayor Matela

1. Seymour Library – Mayor Matela referred to a November 10th letter from Library Director, Jennifer Ries-Taggart, following up on Board President, Matthew F. Minor’s October 1st letter to each of the municipalities requesting a 3% increase for the 2005 calendar year. She said the Town of Clarkson has agreed to the proposed 3% increase. The Town of Sweden has acquiesced to a 2% increase.

Trustee Knapp asked if the increase begins with the Village’s fiscal year. Treasurer Coyle said yes. The Village’s portion of the 2004 library budget was \$147,000. A 3 percent increase would put it at \$151,000. Trustee Knapp asked if either the Towns of Sweden or Clarkson have anteed up with regards to taking their turn handling the financials. Mayor Matela said neither has made any commitment. She said she has a meeting scheduled with Supervisor Lester tomorrow. Mayor Matela said it is clear that the Village has more than honored its commitment. The three municipalities are supposed to take turns handling the financials every so many years. The Village has always done it. Neither Town has ever done it. Trustee Knapp said this is long overdue. Trustee Wexler said the same goes for maintenance responsibilities. It should be made clear who is responsible for what.

Trustee Whipple said all three municipalities need to be in line with the proposed increase. The memo said the Town of Sweden “acquiesced” to a 2% increase. All three need to agree to the same increase. Trustee Maziarz said she has no trouble with a 3% increase if one of the Towns takes on the financials. Mayor Matela said the two issues should be kept separate.

Trustee Whipple explained to those in attendance that the Village does all of the administrative work regarding finances for the joint municipal library. The written agreement between Brockport, Sweden and Clarkson was that this function would rotate every 5 years. It has never rotated in 25 plus years. There is a cost to the Village for employee time (Ian, Leslie, Betty). Trustee Whipple said the agreement should be honored.

→ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried to authorize a 3 percent increase in the Seymour Library contribution.

Village Board encouraged Mayor Matela and Treasurer Coyle to work with the Towns of Sweden and Clarkson to gain compliance with the agreement regarding financial duties rotation.

2. Empire Zone – Mayor Matela shared that the County wishes to make a boundary modification to the existing Empire Zone to delete existing and authorized Empire Zone acreage in the Towns of Gates, Henrietta, Brighton and Penfield and reallocate a portion of that acreage to new sites located in the Towns of Brighton, Chili, Gates, Henrietta, Ogden, Penfield, Perinton, Pittsford and the Villages of Brockport, Fairport and East Rochester. The allocation of acreage within the Empire Zone to applicant sites gives qualified businesses the ability to benefit from New York State tax credits, refunds and other incentives. In the Village of Brockport this involves boundary revision for Birds Eye at 180 State Street.

→ Trustee Maziarz moved, Trustee Whipple seconded, unanimously carried that the Village of Brockport has no objection to Monroe County assuming lead agency status for the action regarding Empire Zone Boundary Revisions and lead agency coordination under Article 8 (State Environmental Quality Review – SEQR) of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617.

3. Fire Department Training – Mayor Matela thanked everyone involved in helping her at the 11/9 Fire Department training. She said it reinforced the importance of good training and good equipment. She said she felt very safe and that the department will make good use of the new

training facility.

PUBLIC COMMENT:

1. Joan Hamlin of 50 Park Avenue questioned the area of the Empire Zone boundary changes. Mayor Matela said it relates to Birds Eye Foods in the Village of Brockport and gave her a copy of the correspondence.

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AUDIT:

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

Village

Date	Check #	Amount
11-08-04	170609	591.57
11-10-04	170610	30.00
11-15-04	170611-658	24,019.57

Fire

11-15-04	170659-81	16,122.41
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Third Party Billing

11-15-04	437-453	10,278.15
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Capital Projects

11-15-04	1720-1729	18,210.74
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ADJOURNMENT:

- ➔ Trustee Knapp moved, Trustee Whipple seconded, unanimously carried that the meeting be adjourned at 8:45pm.

Leslie Ann Morelli, Village Clerk