

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 5, 2004 at 7:00pm.

PRESENT: Mayor Josephine C. Matela, Trustees Morton Wexler, James E. Whipple and Norman J. Knapp; DPW Superintendent Bradley B. Upson, Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Treasurer Scott D. Rightmyer, Treasurer Ian M. Coyle, Clerk Leslie A. Morelli.

EXCUSED: Trustee Peter C. DeToy, Planning Board Chair / Economic Development Coordinator Scott Winner

ALSO PRESENT: Village Attorney Edward W. Riley, Fire Chief Christian McCullough, Ray & Jackie Morris, Jim & Joan Hamlin, Inga Songbird, Carrie Maziarz, Jennifer Skoog-Harvey, Bill Weber, Giff Mosher, Fred Montag, Norm GianCursio, Francisco Borrayo, Linda Borrayo, Michael (Flash) Guerreri, Karl Zimmer, Glenn & Laura Emerson, Fran Welch, Lisa Rivera, Kevin Bush, Sean Riley, Jennifer Houle, Aly Schaefer, Tamara Smith, Heather Herman, Jennifer Newman, John Hack, Jill Hamilton, Rachel Werth, Jennifer Drest, Brittany Lyga, Liz Barletta.

CALL TO ORDER: Mayor Matela called the meeting to order and led the Pledge of Allegiance. Mayor Matela welcomed a class of SUNY Brockport students.

REVIEW OF MEETING MINUTES: Mayor Matela called for any additions or corrections to the minutes of the regular meeting held March 15, 2004 and the special meeting held March 26, 2004.

- ➔ Trustee Knapp moved, Trustee Whipple seconded, unanimously carried that the minutes of the meeting held March 15, 2004, be approved as amended.
- ➔ Trustee Knapp moved, Trustee Whipple seconded, unanimously carried that the minutes of the special meeting held March 26, 2004 be approved as written.

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

PUBLIC COMMENT:

1. Bill Weber of 333 Main Street – A) Again requested the Mayor and Trustees re-consider its policy of public comment at Village Board meetings. He said it is helpful to have it at the beginning and at the end. For those that have questions about things discussed in the meeting, they should be able to ask their questions right away rather than wait until the next meeting which can be 2 to 3 weeks during the year and 4 to 5 weeks in the summer. She reminded B. Weber that she tried it her first year in office. It took a lot of time and became misused as a critique of the meeting. It is uncommon to offer two public comment periods and the Board was glad to see it go back to one only at the beginning. Trustee Wexler commented that if people have a simple question, they should be able to ask it at the end of the meeting. Mayor Matela said she would be happy to revisit the topic with the full board at their next workshop. B. Weber said he spoke to Trustee DeToy recently and that he concurs that both public comments are useful. Mayor Matela said it would be scheduled on the April 26th workshop agenda. B) At the 3/26 special Village Board meeting, Mayor Matela voted against the Stetson Club contract and said she was dissatisfied with it. B. Weber asked for clarification on this. Mayor Matela said there were other things proposed such as a 5-step hiring program, one officer off at a time, and other things the Village was hoping to accomplish that would aid in the practical managing of the contract. Mayor Matela further stated that part time officers are very costly to hire and train and often leave after a short period of time. Mayor Matela said she appreciates the concessions that the Stetson Club made, but felt more could have been done. B. Weber said as Mayor, she did not have to bring the proposal to the Village Board if she was not in favor of it. Mayor Matela said she realizes that. He asked if she is comfortable with the tentative budget and would plan on bringing that forward and voting in favor of it. Mayor Matela said yes. The Village has done all it can to pare down the cost of doing business while provided the services the community needs and wants. C) B. Weber said in the budget work sessions, a sewer user fee is proposed to generate \$175,000 in revenue. This makes the tax increase, not 9.8%, but 22%. He stated that the 9.8% tax increase is misleading. It is still money out of the taxpayers' pockets. Mayor Matela said it would be based on water usage. This is the fairest way. Other municipalities have had sewer districts for years. B. Weber agreed, but said they should call it what it is and not play a shell game. Mayor Matela said the Village needs to establish a sewer district. Some areas are in dire need of sewer repair. B. Weber asked if a curb district or sidewalk district is next. He said it is a tax increase. Trustee Knapp commented that 2/3 of the Village is tax exempt. Forming a sewer district allows the Village to receive a revenue stream from the tax-exempt properties. B. Weber said he is well aware of this and is in favor of generating revenue. He just thinks it should be considered a 22% tax increase.

2. Fran Welch of Fayette Street, and SPARTAC and Museum volunteer, said there are misconceptions regarding the Monroe County Sheriff's Department patrolling the Village of Brockport. There is no

way that a Sheriff's car would cover just our jurisdiction. They have a large west-side jurisdiction to cover and an accident or domestic anywhere on the west side would call that one car for backup.

MINUTES OF MEETING HELD April 5, 2004 continued.....page 2

This could leave a Brockport call waiting a long time for police presence. When there is no visible police presence, people are more lax about obeying laws. The SUNY University Police can be called in emergencies, but their jurisdiction is the college campus. He gave an example of a shoplifter having to be held for 1 to 3 hours by a merchant until a Sheriff's Deputy arrives. He thinks it is a horrible idea to get rid of the Police Department day shift. He referred to a recent story in City newspaper in which Trustee Wexler said the Village of Brockport is more like Mayberry than the Wild Wild West. F. Welch said this could not be further from the truth. There are alcohol, drugs, bank robbery, arson, armed robbery, assault, and domestic violence calls here. The worst that happened in Mayberry were the antics of Otis, the town drunk and when Opie killed a bird with his slingshot.

3. Michael "Flash" Guerreri, owner of Flash's Tavern on Erie Street shared that his establishment was raided Thursday night/Friday morning. Uniformed police entered and asked patrons to leave. It was shut down for 1-½ hours. He questioned what, if any, the Village involvement was. Mayor Matela said it was initiated by the New York State Liquor Authority (ABC) for Flash's Tavern and the Canalside Pub. The Village assists when requested by this agency. Mayor Matela congratulated both establishments on the minimal problems found and for doing a good job policing the establishments. Flash asked why he was selected.

4. Francisco Borrayo said he agrees with Bill Weber's comments regarding needing more public comment opportunities. He reminded Mayor Matela that one of her campaign promises was that of open government. He said he does not disrespect Fran Welch's opinion, but feels the Village needs the Monroe County Sheriff to come out and answer questions about the possibility of covering the Village of Brockport.

GUESTS:

1. SUNY Walk for Youth – 5/1 procession application – Katrina Byrne was in attendance to request permission for the annual procession. Board reviewed the application. Chief Varrenti said he has no concerns. Trustee Knapp asked if they need any support from the Brockport Police Department. K. Byrne said no. They will have 50 to 100 participants and use crosswalks and lights. The University Police will assist.

→ Trustee Wexler moved, Trustee Knapp seconded, unanimously carried approving the procession application as submitted.

2. CROP Walk – 5/2 – Art Appleby was unable to be in attendance, but submitted the annual procession application. Board reviewed the application. Chief Varrenti said he has no concerns. Bruce Rex submitted a request to have their CROP Walk banner hung across Main Street. DPW Superintendent Upson is working with him on this. It will go up 2 weeks prior to the event. B. Rex further submitted a request that the Board adopt a proclamation regarding CROP Walk. Clerk Morelli read the proclamation.

→ Trustee Knapp moved, Trustee Whipple seconded, unanimously carried approving the procession application and proclamation as submitted.

PROCLAMATION

WHEREAS, on Sunday afternoon, May 2nd, many area residents will "Walk With the World" in the 22nd Annual CROP WALK in Brockport; and

WHEREAS, this is done to help provide seeds, tools, water resources, vocational and literacy training and other self-help skills needed overseas through Church World Service; and

WHEREAS; women, men and children throughout the world must walk long distances every day to get water, food and shelter in order to survive; and

WHEREAS; twenty-five percent of CROP WALK funds raised will assist hungry people right in our own area through the Brockport Food Shelf; and

WHEREAS; there have been 21 walks between 1983 and 2003, which have raised the total of \$148,532 in the Brockport area; and

WHEREAS; there continues to be a growing number of people who need assistance at our local food pantry and a need for education regarding poverty and hunger in the world;

NOW, THEREFORE, I, Josephine C. Matela, Mayor of the Village of Brockport do hereby proclaim May

2, 2004 to be CROP WALK Day in the Village of Brockport and encourage all our citizens to 'Walk With the World' by walking, sponsoring a walker or making a gift to "CROP."

IN WITNESS WHEREOF, I do hereby set my hand, and cause the Corporate Seal of the Village of Brockport to be affixed this 5th day of April, in the year 2004.

MINUTES OF MEETING HELD April 5, 2004 continued.....page 3

Josephine C. Matela, Mayor
Village of Brockport

3. Memorial Day Parade – 5/29 – Stuart Dube was in attendance representing the annual Memorial Day Parade application. Board reviewed the application. Chief Varrenti said he had no concerns. It is the same route as usual offering a shorter, executive route. It is followed by a chicken barbeque and they encourage Village officials to participate. Mayor Matela commented that it is a wonderful tradition.

→ Trustee Whipple moved, Trustee Knapp seconded, unanimously carried approving the parade application as submitted.

4. Jimmy Z.'s – 53 Main Street – sidewalk use permit - The Board reviewed the application to use the sidewalk for 4 tables, 16 chairs and 1 umbrella per table. The Board determined that there is enough space for a pedestrian aisle. Applicant will be reminded that the area is not to be used for recreational activities, that the tables and chairs must be matching and kept in good repair and not block pedestrian traffic. A waste receptacle and smoking receptacle must be nearby. It is the business owner's responsibility to keep the sidewalk free from litter and trash.

→ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried approving the sidewalk use permit for Jimmy Z.'s at 53 Main Street.

DEPARTMENT REPORTS:

A. PUBLIC WORKS / COMMUNICATIONS CENTER – Superintendent Bradley B. Upson

1. Remington Woods – Reduction in Letter of Credit – B. Upson and Chatfield Engineers reviewed the developer's request to reduce his letter of credit by \$129,997.62. This still leaves \$187,317.43. Trustee Whipple asked if this is based on work performed. B. Upson said yes. Treasurer Rightmyer commented that the developer still owes the Village \$26,015 in engineering fees. B. Upson said the release would be contingent on payment of engineering fees. Attorney Riley said the release is fine as long as B. Upson and Chatfield are satisfied.

→ Trustee Wexler moved, Trustee Knapp seconded, unanimously carried authorizing the release of \$129, 997.62 from Remington Woods letter of credit contingent on their paying the \$26,015 in engineering fees.

2. Remington Woods – Sewer Easements – B. Upson shared that the DPW has been requested to review certain existing easements granted to the Village by Max Farash, Farash Construction Corporation, and Jalyann Inc. in 1972. These easements were given to Brockport in anticipation of proposed development that never took place. The current design of Remington Woods subdivision has no need for such easements. Two of the easements are to be abandoned in their entirety: Permanent Easement – Sedimentation Basin and Retention Pond Liber 4369 of Deeds, Page 173 and Temporary Easement – Pump Station Liber 4369 of Deeds, Page 169. The other two will be partially abandoned: Permanent Easement – Pump Station and Force Main Liber 4369 of Deeds, Page 163 and Sanitary Sewer Easement Liber 4199 of Deeds, Page 64. He said after review of this request and consultation with the Village Engineer, he recommends that the Village Board abandon, surrender, cancel, and make void these four easements subject to approval by the Village Attorney.

Attorney Riley asked if Farash would be preparing the releases. B. Upson said yes.

→ Trustee Whipple moved, Trustee Knapp seconded, unanimously carried to abandon, surrender, cancel and make void the easements stated.

B. POLICE DEPARTMENT – Chief Daniel P. Varrenti

1. Update on Investigation relative to dissemination of home telephone number - Chief Varrenti said he has prepared a 7-page report regarding the citizen complaint of officer handling of an incident involving the citizen's deaf uncle. In summary, the officers did not do anything wrong. Related to that was the citizen obtaining the Police Chief's unlisted home phone number and calling late on a Saturday night frightening his daughters. In re-reading the minutes of the last meeting, residents Joan Hamlin and Bob Connors expressed frustration with the frivolous fighting, arguing and finger pointing in the Village and the circus and cancer it has become on the Village. Chief Varrenti said he is not going to become a part of that circus. He brings no axes to grind, does his job and is professional, and will not get caught up in the in fighting. In

investigating the phone call, a Village Board member spoke to the resident 3 times for a total of 13 minutes. Trustee Wexler said he would like the opportunity to comment about this at the end.

2. NYS Liquor Authority – Chief Varrenti shared that he was contacted one month ago by the New York State Liquor Authority who said NYSDMV was looking for fraudulent documents. They inserted undercover officers and picked the establishments they were going to target.

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

The information is not given out in advance for obvious reasons. Fake ids are taken very seriously. Flash's Tavern and Canalside Pub passed with flying colors.

Flash said he appreciates knowing the Village has confidence in him and his establishment. He was just taken aback by the loss of business he sustained.

3. One-on-One meetings with Trustee Candidates – Chief Varrenti said he is willing to sit down with any candidate for Village Trustee to discuss the Police Department.
4. Annual Police Department Meeting and Awards Ceremony – Chief Varrenti announced that tomorrow at 6:30pm will be the annual Police Department meeting and awards will be at 7:30pm. Special awards are being given to Bob Ryan of Ryan's Big M, Fran Welch and Glenn Emerson of SPARTAC.
5. Recent Calls - GRANET Bust – Chief Varrenti reported that Officer Wheat is assigned when GRANET is involved in the Village. They recently seized ½ pound of marijuana on Holley Street. There was a report of sodomy last Saturday evening along the canal path. The investigation is ongoing. Chief Varrenti thanked Trustee Wexler for suggesting he cover for an absent officer once in a while to avoid overtime costs. He recently put in 2 days on the road and it got him out from behind the desk.
6. Unlisted home phone – Trustee Wexler said he takes exception to the Police Chief saying, "Somebody on the Village Board gave out his unlisted home phone number". Here we are celebrating various holidays when some were persecuted for expressing their views... Someone in the Village lost their job 14 months ago for telling the truth, so don't shoot the messenger. The Police Chiefs prior to Dan Varrenti lived here and people could call them at home. Trustee Wexler said he should press charges if he wishes, but don't have police from another municipality involved. Mayor Matela suggested he keep this civil. Trustee Wexler said he is 1/5 his boss, whether he likes it or not.

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

1. Monthly Reports – S. Zarnstorff said the totals for January, February and March of 2004 were in line with the same time period in 2003. This past January was slow due to the brutal weather. He anticipates an active construction season between Remington Woods and McCormick Place. S. Zarnstorff submitted a detailed written report. Common outdoor code issues right now include unlicensed vehicles, lack of house numbers, and indoor furniture outdoors.

D. FIRE DEPARTMENT - Chief Christian A. McCullough

1. Membership Adds/Drops/Transfers – Chief McCullough asked the Board to consider approving the following drop: Chris Young.

→ Trustee Whipple moved, Trustee Knapp seconded, unanimously carried approving the previously mentioned drop.

2. Call Load – 444 Ambulance calls year to date and 228 Fire calls year to date

3. Request to hire additional Career Staff: 4 BLS & 1 ALS – Chief McCullough said Dave Noltee, Interim Coordinator for the Ambulance Career Staff recommended and Betty Coopenberg put it in a memo to the Board, to advertise for 4 BLS and 1 ALS. C. McCullough said he wants to confirm those numbers. Trustee Whipple shared that when the Board appointed an Interim Coordinator, one of his functions was to evaluate the staff needs. It is a self-sufficient operation and is not tax related.

→ Trustee Whipple moved, Trustee Knapp seconded, unanimously carried approving to move forward with the process of hiring additional BLS and ALS staff as needed.

4. New Fire Pumper – Chief McCullough shared that the new fire truck (pumper) is in and has been inspected. There are only a couple of minor details needing adjustment as well as the regular post-purchase applications. They will have a Christening with the Village Board. Final payment has been requested. Trustee Knapp said he sees the voucher is ready for signature tonight.

- E. TREASURER - Scott D. Rightmyer
 - 1. Authorize signers on bank accounts – Treasurer Rightmyer said he needs authorization to change the signatories on the Village accounts to: Mayor Matela, Clerk Morelli, Treasurer Coyle and himself.

→ Trustee Whipple moved, Trustee Knapp seconded, unanimously carried authorizing the signatories on the Village accounts as specified.

MINUTES OF MEETING HELD April 5, 2004 continued.....page 5

- 2. Public Hearing on the Tentative Budget – Reminder that it is Wednesday, April 7th at 7pm.

- F. CLERK - Leslie A. Morelli
 - 1. Records Management – resolution of support –

→ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried to adopt the following resolution.

Resolution of Support
for the Elimination of the Sunset Provisions of the
Local Government Records Management Improvement Fund (LGRMIF)
and the Cultural Education Fund (CEF)

Whereas, the Local Government Records Management Improvement Fund (LGRMIF) was created in 1989 to provide technical assistance and grants to establish, improve or enhance records management programs in New York’s more than 4,300 local governments, and

Whereas, the closely related Documentary Heritage Program (DHP) for grants and technical assistance to non-governmental historical records repositories also is supported by the LGRMIF, and

Whereas, a sunset date for the LGRMIF was established in the original legislation to permit its operation as a five-year experiment, and

Whereas, the New York State Legislature in 1995 twice has extended the sunset date, most recently to December 31, 2005, and

Whereas, the LGRMIF has effectively supported essential advisory services and 6,300 grants totaling over \$113 million to improve the management of records for over half of all NYS local governments, and

Whereas, the LGRMIF and the programs it supports continue to operate at a high standard of excellence and provide direct and significant benefit to local governments at no cost to the taxpayers, and

Whereas, the Village of Brockport has benefited from technical assistance, training, publications and several grants supported by the LGRMIF, and

Whereas, the State Legislature created the closely-related Cultural Education Fund (CEF to support the New York State Archives, New York State Library and New York State Museum on behalf of all New Yorkers, and the Office for Public Broadcasting, and provided the CEF with an identical sunset date, and

Whereas, the LGRMIF and the CEF continue to be critically important in the fulfillment of the many records and information related responsibilities of the Village of Brockport, and to the cultural and scientific needs of the people of New York state, therefore

Be it resolved that the Village of Brockport supports the elimination of said sunset provisions in order to make the LGRMIF and the CEF permanent.

- 2. Appointment of 2004 Village Election Inspectors – Clerk Morelli asked that the following trained Village residents be appointed as this year’s election inspectors: Andrea Perry, Raymond Morris, Jackie Morris, Irene Manitsas, Patricia Nichols.

→ Trustee Knapp moved, Trustee Whipple seconded, unanimously carried appointing the above named as Village election inspectors.

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

- 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
 - 1. Updates – J. Skoog-Harvey shared that the ZBA granted a continuance of non-conforming uses to 30-32 Chappel Street. Similar applications for 32 Holley Street and 44 Smith Street are pending.

MINUTES OF MEETING HELD April 5, 2004 continued.....page 6

VILLAGE BOARD REPORTS:

- A. Trustee Wexler
 - 1. Main Street – Trustee Wexler referred to a call from a Village resident that Clerk Morelli outlined in a memo complaining that NYSDOT has no plans to repave Main Street for a couple of years. Trustee Wexler suggested the Village send NYSDOT a letter every month requesting resurfacing rather than piece meal filling.
 - 2. Public Hearing on the Budget – Trustee Wexler said he looks forward to hearing from the community on the proposed budget.
 - 3. Quote – Trustee Wexler commented that the quote Fran Welch referred to earlier in the meeting about whether we are Mayberry or the Wild Wild West or Fort Apache the Bronx” started with a comment by Police Chief Varrenti.
 - 4. Police Department General Orders – Trustee Wexler said he believes the Police Department General Orders should be more readily accessible to the public. He feels an updated copy should be kept at the Village Hall as well as the Police Department. Further, he suggested the Mayor, Trustees and Village Attorneys should each have a copy. Mayor Matela and Chief Varrenti shared how these are living, breathing documents that are constantly changing. It is hard to keep multiple copies in multiple locations up to date. It is important that people are looking at the most up to date version. Further, there is a file cabinet full of administrative orders, only kept at the Police Department. Many of the General Orders rely on referring to administrative orders. Trustee Knapp asked Chief Varrenti if he foresees a leveling off period once accreditation takes place. Chief Varrenti said yes, they will level off a bit, but again, they are a living, breathing document. Various scenarios were proposed. Chief Varrenti said he wants to avoid people reviewing outdated information or mis-interpreting it due to lack of full information.

→ Trustee Wexler moved to at least keep a copy of the General Orders, updated monthly, at the Village Hall.

Trustee Whipple said he would second it, but it would be with regret that something like this has to come to a vote. Trustee Whipple said he would withdraw his motion until the next meeting.

- B. Trustee Whipple – no report
- C. Trustee Knapp – no report
- D. Trustee DeToy (excused)
- E. Mayor Matela
 - 1. Request for Empire Zone Concurring Resolution – 180 State Street –

→ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried

VILLAGE OF BROCKPORT
 RESOLUTION OF SUPPORT AND CONCURRENCE
 WITH THE EMPIRE ZONE OF MONROE COUNTY
 REVISION APPLICATION

Introduced by Mayor Matela

WHEREAS, New York State has created the Empire Zone program to encourage industrial and commercial development in selected municipalities across the State; and

WHEREAS, Monroe County, as an eligible municipality, received designation of an Empire Zone made up of a sub-zone including a portion of the Village of Brockport on December 6, 2001; and

WHEREAS, New York State has amended the Zones program to increase benefits and allow additional sub-zones; and

WHEREAS, Monroe County intends to revise the County Empire Zone boundaries to encourage industrial and commercial development and to allow for the creation of an additional sub-zone in the Village of Brockport at the location of 180 State Street; and

WHEREAS, the Village of Brockport is committed to the development of new business with the proposed sub-zone; and

WHEREAS, the Village of Brockport wishes to support and concur with the Empire Zone revision **MINUTES OF MEETING HELD April 5, 2004 continued.....page 7**

application.

NOW, THEREFORE, be it resolved that the Village of Brockport Board, in its capacity as governing body of the Village, does hereby support and concur with the Empire Zone of Monroe County revision application.

- 7. Call for Executive Session regarding personnel matters – Mayor Matela called for an executive session regarding personnel matters.

⇒ At 8:30pm Trustee Whipple moved, Trustee Knapp seconded, unanimously carried that the Board of Trustees of the Village of Brockport enter into an executive session to discuss personnel and legal matters.

I, Leslie A. Morelli, Clerk for the Board of Trustees of the Village of Brockport, do hereby certify that the Board met in an executive session and did discuss the matters as expressed in their motion, and I further certify that no formal action regarding public funds was taken thereon.

Leslie Ann Morelli, Village Clerk

AUDIT:

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

Village

Date	Check #	Amount
3/31	169394-395	234.69
3/31	169397	496.02
4/05	169433-463	34,046.11
4/05	169464-506	23,790.80

Fire

3/31	169396	105.86
4/05	169403-432	19,486.39

Capital Projects

4/05	1632-34	142,088.98
	P. 22	128,964.00
	P. 50	1,383.88
	P. 30	5,350.00
	P. 36	6,249.98
	P. 44	141.12

Third Party Billing

3/31	293	88.36
4/05	294-305	5,262.63

ADJOURNMENT:

- ➔ Trustee Wexler moved, Trustee Knapp seconded, unanimously carried that the meeting be adjourned at 10:00 pm.

Leslie Ann Morelli, Village Clerk