

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, Tuesday, January 18, 2005 at 7:00pm.

PRESENT: Mayor Josephine C. Matela, 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: Trustee/Vice Mayor Carrie L. Maziarz (conference), Trustee Norman J. Knapp, Planning Board Chair / Economic Development Coordinator Scott Winner

ALSO PRESENT: Village Attorney Keith O'Toole, Fire Chief Christian A. McCullough, Deputy Fire Chief Laurence Vaughan, Assistant Fire Chief Timothy Rombaut, Elliott Bowerman (Brockport Post), David Wagenhauser, Glenn & Laura Emerson, Ray & Jackie Morris, Jim Hamlin, K. Snyder, Fran Welch, Mary Lynne Turner.

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 January 3, 2005.

→ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried that the minutes of the meeting held January 3, 2005, be approved as written.

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

PUBLIC COMMENT: None

GUESTS: (see end of meeting)

EXECUTIVE SESSION:

⇒ At 6:05pm Trustee Whipple moved, Trustee Wexler seconded, unanimously carried that the Board of Trustees of the Village of Brockport enter into an executive session to discuss proposed, pending or current litigation.

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

⇒ At 6:20pm Trustee Whipple moved, Trustee Wexler seconded, unanimously carried that the Board of Trustees of the Village of Brockport re- enter the regular meeting.

**RESOLUTION RE: AUTHORIZING SETTLEMENT
IN THE MATTER OF THE PETITION OF NATAPOW REALTY CORPORATION
VS. VILLAGE OF BROCKPORT**

WHEREAS Natapow Realty Corporation (the petitioner) has previously initiated various Petitions under Article 7 of the Real Property Tax Law against the Village of Brockport in Monroe County Supreme Court to review the assessments placed upon the parcel of real property in the Town of Sweden located at 80 Student Lane, Brockport, New York, and more specifically identified on the assessment roll as Tax Account No. 068.14-3.3 (hereinafter referred to as the subject property) as of the taxable status date in the tax years 2002-2004, and

WHEREAS The aforesaid Petitions are currently pending in Monroe County Supreme Court and have been consolidated into one action under Index Number 02-5729, and

WHEREAS The parties have reached a settlement in this matter not only for the years 2002-2004 but also in relationship to the tax years 2005-2007, all as more specifically set forth in the attached Proposed Stipulation and Final Order.

NOW THEREFORE BE IT RESOLVED:

Section 1. The assessments on the subject property for the tax years 2002-2004 shall be set as follows:

<u>TAX YEAR</u>	<u>ORIGINAL ASSESSMENT</u>	<u>SETTLEMENT ASSESSMENT</u>
2002	\$2,304,300	\$1,550,000
2003	\$2,304,300	\$1,550,000
2004	\$2,304,300	\$1,300,000

Section 2. The Assessor for the Village of Brockport shall correct the assessment rolls to indicate that the assessment of the subject property for the tax years 2002-2004 have been changed as hereinabove set forth.

Section 3. The Village of Brockport, the Brockport Central School District and the County of Monroe shall refund to the petitioner a sum equal to the difference between the real property taxes paid for the tax years 2002-2004 and the tax which would have been imposed if the assessment had been in the settlement amounts, together with interest on overpayments at 6% from the date the taxes were paid to the date of payment of refunds, except that there will be no refund or interest for the tax year 2004 paid to the petitioner.

Section 4. The assessment on the subject property for the tax years 2005-2007 will be set at \$1,300,000 and the Real Property Tax Law §727 exception for townwide revaluation will be eliminated so that the \$1,300,000 value will take priority to any revaluation that may occur during this three (3) year period.

Section 5. James D. Bell, Acting Attorney for the Village of Brockport is hereby authorized to execute a Stipulation and to approve a Final Order to be entered.

MOTION for the adoption of this Resolution by Trustee Whipple, seconded by Trustee Wexler.

Discussion:

VOTE BY ROLL CALL AND RECORD:

- Mayor Matela
- Trustee Knapp - absent
- Trustee Wexler
- Trustee Whipple
- Trustee Maziarz – absent

DEPARTMENT REPORTS:

A. PUBLIC WORKS / COMMUNICATIONS CENTER – Superintendent Bradley B. Upson
 1. Resolution authorizing Letter of Credit Reduction #8 – Remington Woods – B. Upson said Calcagno Enterprises, LLC has requested that the Village issue a Reduction Certificate to reduce their letter of credit for the Remington Woods project by \$14,815.50 for payments withheld from reduction #4 authorized December 15, 2003. This release covers funds due to the Village for engineering services and back charges for Village services to the developer. Calcagno has brought the outstanding charges current and the letter of credit can be reduced accordingly. The Village Treasurer and DPW staff have reviewed this request and concur with the amounts. Therefore, B. Upson recommends that the Village Board pass a resolution authorizing the release of \$14,815.50 from M&T Bank *Irrevocable Standby Letter of Credit No. 17633* for the account of Calcagno Enterprises LLC and authorize the Superintendent of Public Works to execute Reduction Certificate 8 reducing the letter of credit to an aggregate amount of \$65,626.00.

→ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried authorizing the release of \$14,815.50 from M&T Bank *Irrevocable Standby Letter of Credit No. 17633* for the account of Calcagno Enterprises LLC and authorize the Superintendent of Public Works to execute Reduction Certificate 8 reducing the letter of credit to an aggregate amount of \$65,626.00.

2. Winter Weather – Superintendent Upson encouraged residents to adopt a fire hydrant and keep it shoveled out and to be patient with the plowing operations.

3. Carolin Drive – Trustee Wexler asked if the ground was frozen enough to do particular aspects of the work. B. Upson said it is getting there. If the weather continues as it is, they should be able to get in there next week.

B. POLICE DEPARTMENT – Chief Daniel P. Varrenti

1. Calls for Service - Chief Varrenti did not have the year to date numbers with him.
2. Fourth Quarter Report and Annual Report – Chief Varrenti distributed the fourth quarter report and the annual report for the Board's review. He said he would be happy to answer questions at any time or at the next meeting after everyone has had a chance to review them.
3. Speed Sentry Device – Chief Varrenti reported that the speed sentry device has been placed on Canal Road / State Street coming into the Village. So far, the speed records (46 to 56 miles per hour) are much higher than is safe and legal. There will be a concentration of radar and ticketing in this location.

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

1. Establish fee for rezoning application – S. Zarnstorff reminded the Board that there is no fee on the Village's fee schedule for an application to rezone property. Rezoning applications are pretty rare. However, the developer for 480 East Avenue plans to make a rezoning application from residential to Q district (planned unit development) and will be giving a preliminary presentation to the Village Board at their next workshop. He said he and Clerk Morelli have done some benchmarking of the fee that area communities charge for such. The Village will want to be sure it covers expenses such as the public hearing process, staff time, legal review and any change needed to the zoning map. He said he will share the benchmark results with the Board and recommends the Board consider an application fee of \$500 with the applicant being responsible for any additional engineering or legal fees involved.

Mayor Matela said the Board would take it under advisement and set the fee at the next meeting. Mayor Matela said the Board also needs to adopt a fee schedule for docking fees.

2. Hiring Recommendation for part-time clerk – S. Zarnstorff asked that this item be tabled. The individual the search committee selected is unable to accept the position.

D. FIRE DEPARTMENT - Chief Christian A. McCullough

1. Membership Adds/Drops/Transfers – Chief McCullough asked the Board to consider approving the following add to the Ambulance Corps: Alicia Sampson of Kimberlin Drive.

→ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried approving the previously mentioned add.

2. Call Load – Year to date fire calls: 42 Year to date ambulance calls: 92

E. TREASURER - Ian M. Coyle

1. Budgetary Transfers – Treasurer Coyle reviewed the proposed budgetary changes as of December 31, 2004. Village budgetary changes include \$36,550 from contingency to various lines.

→ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried approving said budgetary transfer.

Sewer budgetary changes include \$172 from contingency to one line.

→ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried approving said budgetary transfer.

F. CLERK - Leslie A. Morelli – No report.

G. ATTORNEY – Keith O'Toole / DEPUTY ATTORNEY – Frank A. Aloï – No report.

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 (excused)

B. Trustee Knapp (excused)

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C. Trustee Wexler – No report.

D. Trustee Whipple – No report.

E. Mayor Matela – No report.

PUBLIC COMMENT: None

AUDIT:

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

Village

Date	Check #	Amount
1-7-05	170926	266.57
1-18-05	170951-171017	40,805.21

Fire

1-18-05	170929-170950	8,636.67
12-28-04	170866	200.00

Third Party Billing

1-18-05	486-493	8,038.51
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Capital Projects

1-18-05	1770-1777	37,768.80
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Sewer

1-18-05	1016	8.51
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6:30pm – Board called a short recess to await the arrival of the guest and members of the Brockport Police Department.

GUESTS:

- 7pm – James DeLapp, Associate Director Department of Criminal Justice Services – Police Department Accreditation Certification Presentation

Mayor Matela said exactly three years ago today Daniel Varrenti accepted the leadership role of Brockport Police Chief. I do believe that was the day the accreditation process started. He has followed through on his promise to the Board of Trustees and to this community and that is why we are here tonight. On behalf of the Board of Trustees, I want to thank Chief Varrenti for providing the leadership that made this possible, and also thank Sergeant Douglas Ziegler and the entire department for their dedication and commitment to excellence. It gives me great pleasure to introduce Mr. James DeLapp, Associates Director of the New York State Department of Criminal Justice Services.

Mr. DeLapp delivered greetings from Governor Pataki and Chauncey G. Parker, Director of Criminal Justice Commissioner of New York State Division of Criminal Justice Services and Chief Harry L. Perkins III, Chairman New York State Law Enforcement Accreditation Council.

Accreditation is a progressive and contemporary way of helping police agencies evaluate and improve their overall performance. It provides formal recognition that an organization meets or exceeds general expectations of quality in the field. Accreditation acknowledges the implementation of policies that are conceptually sound and operationally effective. There are four principle goals. The first is to increase the effectiveness and efficiency of law enforcement agencies utilizing existing personnel, equipment and facilities to the extent possible. The second is to promote increased cooperation and coordination among law enforcement agencies and other agencies of the criminal justice services. The third is to ensure the appropriate training of law enforcement personnel. The fourth is to promote public confidence. The program is comprised of 130 standards and is divided into three categories. Standards in the administrative section have provisions for such topics as agency organization, fiscal management, personnel practices and records. Training standards encompass basic and in-service instruction, as well as training for supervisors and specialized or technical assignments. Operations standards deal with such critical and litigious topics as high-speed pursuits, roadblocks, patrol, and unusual occurrences.

Only 107 out of 500 law enforcement agencies in New York State are accredited. This is a historic

milestone. Monroe County is the first county in New York State to have all of its law enforcement agencies accredited. They are a model for other counties. The Village should be proud of its police department, as they have worked long and hard to achieve this goal. The community is fortunate to have a department of such high caliber and high level of excellence.

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Mr. DeLapp presented the certificate that read as follows:

Certificate of Accreditation
be it hereby known that the
Village of Brockport Police Department
has met all applicable requirements established by the
New York State Law Enforcement Accreditation Council.
The Council is therefore proud to award the agency accreditation status for the period of
December 2, 2004 thru December 1, 2009.

Mayor Matela asked Sergeant Ziegler to say a few words. Sergeant Ziegler thanked his wife and children for their support. He lived and breathed this accreditation process over the last couple of years. Sometimes family events such as birthdays or recitals had to be sacrificed. He said he was warned from folks at the State Criminal Justice Services that he would likely encounter opposition from fellow officers, the Chief or the Board along the way. He said he encountered no such thing. Everyone was fully supportive of this goal and doing what needed to be done to achieve it. He thanked Chief Varrenti for the opportunity and said it is the biggest accomplishment of his career.

Mayor Matela asked Chief Varrenti to say a few words. Chief Varrenti recognized Gates Police Chief Thomas Roche and his wife and SUNY Brockport University Police Chief Robert Kehoe in attendance. He thanked them for their support through this process. He said he cannot take the credit for this achievement. He may lead the department, but it truly was a team effort. Each and every Sergeant, officer and civilian staff member played a part. Chief Varrenti commended Sergeant Ziegler for his work and thanked the Village for their support.

ADJOURNMENT:

➔ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried that the meeting be adjourned at 7:20pm.

Leslie Ann Morelli, Village Clerk