

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, Monday, January 6, 2003 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: Village Attorney Edward W. Riley, Fire Chief Gregory B. Wing, Planning Board Chair / Economic Development Coordinator R. Scott Winner.

ALSO PRESENT: Deputy Fire Chief Christian A. McCullough, Mike & Kelly Cuzzupoli, Jeremy Tanner, John Lessord, Carrie Maziarz, Ray & Jackie Morris, Kathy Snyder, Jim Hamlin, Robert Connors, Bill Weber, Fred Webster.

CALL TO ORDER: Mayor Matela called the meeting to order and led the Pledge to the Flag.

REVIEW OF MEETING MINUTES: Mayor Matela called for any additions or corrections to the minutes of the regular meeting held December 16, 2002.

→ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried that the minutes of the meeting held December 16, 2002, be approved as written.

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

PUBLIC COMMENT (1st opportunity):

1. John Lessord of Lyman Street said that he read in the Brockport Post that the Village has spent thousands of dollars on the pollution issue. He said he would like to know how much and on what. Mayor Matela said the Village would be happy to release that information through its process.

GUESTS: None

DEPARTMENT REPORTS:

A. PUBLIC WORKS – Superintendent Bradley B. Upson

1. Resolution approving Change Order #1 to Main Street Beautification contract for a net increase of \$6,941.40 to adjust for actual quantities installed – B. Upson stated that during construction field conditions required adjustment of the work done. This resulted in material quantities installed that differed with the estimated quantities. The contract between the Village and Hub-Langie Paving, Inc. for this work allows for the adjustment of the final contract amount for actual quantities installed. The changes in materials installed result in an additional \$6,941.40 due the contractor.

→ Trustee Whipple moved, Trustee DeToy seconded, unanimously carried authorizing the Mayor to execute Change Order No. 1 for a net increase in the contract amount of \$6,941.40.

2. Resolution approving a \$3,460 increase in the professional services agreement with Chatfield Engineers for addition design work on Holley Street Drainage Project – B. Upson shared that because of continual flooding experienced at the intersection of Holley Street and Utica Street, the Village authorized Chatfield Engineers to design certain improvements to the storm sewers serving Utica, Holley, and Perry Streets. The problem was identified as the size of the drainage area and capacity restrictions in the existing storm sewer on Holley and Perry Streets. Chatfield was initially directed by DPW staff to design a replacement sewer from the intersection of Monroe Avenue and Utica Street to where the storm sewer crosses under Perry Street (between Utica and Perry Streets). In addition, the Village obtained a \$50,000 CDBG grant to fund part of the costs of the improvements, with Village DPW forces doing the actual construction.

During the design phase, numerous constraints limiting the size and depth of the proposed improvements were discovered. One of the most critical constraints is the elevation of the existing storm sewer. By designing the improvements in the middle of the existing sewer, new sewer construction is limited by those existing grades. The size of the drainage area dictates that a sewer with the hydraulic capacity of a 36-inch diameter pipe is required. The existing elevations would require such a pipe to be installed without sufficient cover and inadequate access structures. Further complicating the issue is the locations of existing utilities in the roadway. The expense to relocate them to accommodate such a shallow sewer is prohibitive.

Only part of the bottleneck in the existing system (the box culvert) would be addressed by replacing the middle section of the sewer. Portions of the existing box culvert would still remain and still be a bottleneck. Additionally, parts of the existing box culvert are located on private

property and under a privately owned garage.

Any improvements done this way will only be a temporary patch and the elimination of future flooding cannot be assured. The proper way to address the flooding situation is to design a replacement sewer that has adequate capacity for the entire drainage basin, is at grades to provide sufficient cover, and is located within publicly owned right-of-ways.

B. Upson said he requested Chatfield to look at the crossing under the canal (Culvert 59) to see if the grade of the new sewer can be lowered to allow an adequately sized storm drain. This revised scope would involve the replacement of approximately 1,000 linear feet of additional storm sewer along Erie Street from the canal crossing to Perry Street, and along Perry Street to Holley Street. In addition to addressing the flooding problem and drainage concerns along these streets, the changed scope would also provide the framework for other improvements in the future.

With assistance from DPW staff, this change in scope requires extra investigation and professional services on Chatfield's part. They have indicated that the supplementary work will cost \$3,460.

→ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried authorizing the Mayor to execute a change to the Professional Services Agreement with Chatfield Engineers in the amount of \$3,460 for the additional engineering work required to properly address the problem with the Holley Street storm sewer.

3. Resolution awarding the Canal Wall Rehabilitation construction contract to Crane-Hogan Structural Systems, Inc. for \$535,217 to be paid for from the NYS Canal Corp grant – B. Upson said as part of the effort to upgrade the waterfront and promote economic development along the canal, the Village Board recognized the need to repair the south wall of the Erie Canal between the Main Street and Park Avenue bridges. A grant from the NYS Canal Corporation was applied for and successfully obtained to provide \$700,000 to fund these repairs.

Rehabilitation of the wall needs to take place during the period when the canal is drained. The construction must be substantially complete by April 15, 2003 to allow the state to fill the canal. It is estimated that the rehabilitation of the wall will take approximately 8 to 10 weeks; therefore, it is necessary to start construction by January 13th in order to allow for any slippage in the schedule. B. Upson reviewed the proposed project schedule.

Pursuant to authorization granted by the Village Board at its October 7th meeting, the DPW advertised for bids. Seven potential bidders picked up plans and specifications. The plans were also available to contractors for review at the Builders Exchange. On January 3rd, Clerk Morelli received, publicly opened and formally read bids. Four firms responded ranging from \$546,160 to \$783,249.50. B. Upson reviewed the bid tabulation report and shared that the apparent low bid is \$10,943 below the estimated construction cost. Barring any unforeseen circumstances, the project should be completed within budget and on time. The apparent low bidder, Crane-Hogan Structural Systems, Inc. has completed similar projects on the canal and is qualified to perform the work required under this contract. B. Upson recommended award of the contract to them. He re-iterated that funding for this contract would be from the grant NYS Canal Corporation previously approved. This is at no cost to Village taxpayers.

→ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried awarding this contract, subject to NYS Canal Corporation approval, to Crane-Hogan Structural Systems, Inc. of Spencerport at a cost of \$535,217.

4. Snow Removal Operations – B. Upson reported that the crew is doing a good job without a lot of overtime. He will have a report on this at the next meeting. Trustee Whipple commented on a job well done in regards to snow removal.

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

1. Introduction of New Part-Time Police Officer Jeremy Tanner – Chief Varrenti introduced Jeremy Tanner, the new part-time police officer appointed by the Village Board at their December 16th meeting. The Board and staff welcomed him.
2. Hiring of Part-Time Police Officer Anthony Zapata – Chief Varrenti said the process is now complete for candidate Anthony Zapata and he recommends him highly for the other new position of part-time police officer. He is a former member of Rochester Police Department who went into the Ministry. He scored very well on all aspects of the process (medical, psychological, background check) and would be a tremendous asset to the department.

→ Trustee Wexler moved, Trustee DeToy seconded, unanimously carried authorizing the hiring of

Anthony Zapata as a part-time police officer.

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3. Promotion of Acting Sergeant Mark Cuzzupoli to Sergeant – Chief Varrenti shared that Acting Sergeant Mark Cuzzupoli is recovering from surgery and could not attend. However, his brother and sister-in-law are in the audience. Chief Varrenti said his vision one year ago was to train and promote members of the department wherever warranted. Officer Cuzzupoli was made “Acting” Sergeant in April 2002 pending the results of his written examination. Those results are in and he scored an 87, the highest of the top 3 on the list. He has done everything and more that is asked of him. He has taken a leadership role with Neighborhood Watch and SPARTAC. The word “no” is not in his vocabulary. He exemplifies what it takes to be a good supervisor. He is a sponge and gives 110 percent to every task. He recommended that the Village Board promote him to Sergeant at no additional cost to the Village since he has been paid Sergeant’s salary since he was made “Acting Sergeant”. Mayor Matela echoed the Chief’s comments and said she has seen Mark Cuzzupoli in action. He is a leader and deserving of the promotion.

→ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried promoting Mark Cuzzupoli to the status of Brockport Police Sergeant.

4. Stetson Club Community Service – Chief Varrenti reported that just over 100 children under 12 enjoyed a free showing of “The Thornberry’s” movie on December 21st sponsored by the Stetson Club. Members were there in uniform as well as a special visit by Santa. It was just one way the Stetson Club felt they could give back to the community in a positive way. He commended them for it.
5. Brockport Post – Chief Varrenti shared that Bill Pettine is no longer this area’s report. Mayor Matela suggested newsworthy items be sent to the Brockport Post in the form of a press release until a new reporter is appointed.
6. Computer Committee – Chief Varrenti commented that he has been attending computer committee meetings chaired by Treasurer Rightmyer. The Police Department has big server problems. In fact, the system being used as a server recently crashed. One of the computer consultant’s recommendations is to purchase \$2,000 to \$3,000 worth of software for the communications center. Chief Varrenti said he couldn’t suggest spending that money when there has been no final decision regarding the fate of local dispatch. He said this is one more reason that a final decision on the dispatch issue, sooner rather than later, would be helpful.
7. Snowmobiles – Chief Varrenti shared that at the November Department Heads group meeting with the Mayor they discussed the issue of snowmobiling in the Village and along the Canal. The NYS Police have and will assist with a couple of night details. B. Upson said signs have been ordered that state it is illegal and it could result in a maximum \$250 fine and jail time. Chief Varrenti said S. Winner would be putting out a press release. Assistant Fire Chief McCullough commented that he almost hit a snowmobile this evening that was crossing Main Street. Chief Varrenti said the department has a “no chase” policy for liability reasons.
8. Request Letter – Trustee Wexler commented that he reviewed a letter from Chief Varrenti and commented that there is no way to hire additional full time officers at this point with the budget the way it is. The status quo will have to do until contract negotiations are dealt with. Chief Varrenti said he would be asking for more officers to decrease or maintain the budget. He believes there are some compromises to be made in the upcoming contract negotiations.
9. Seatbelt Detail - Trustee Knapp commended Chief Varrenti and the department on the recent proactive seatbelt checking detail. Contrary to what one resident wrote in a local letter to the editor, it IS within the purview of the police to conduct such checkpoints. Chief Varrenti commented that the writer is supposedly a retired insurance agent and that he should know that insurance premiums would be astronomical without the seatbelt law.

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

1. Results of Kleen-Brite chemical issue with DEC – S. Zarnstorff shared that he was contacted by the Police Department about possible unauthorized activity in the building. It turns out the people were authorized to be there. However, numerous barrels of chemicals were found upon entering that have the potential of being a problem waiting to happen. He contacted the Fire Department and appropriate agencies as well as the building owner. Within 24 hours, DEC was on site to assess the chemicals. There is no electric, no heat, and the sprinkler system has been shut off. There is approximately 1,000 gallons of flammable, corrosive chemicals. The DEC confirmed these chemicals were in unstable condition and ordered the property owner to remove them or put them into a stable condition. Some of those of an immediate hazard were removed and some were repackaged for later transport. Therefore, his original assumptions of concerns turned out to be true. There is still a lot to address with the property owners. The DEC has given them a deadline to appropriately address the chemicals.

S. Zarnstorff said he believes the property owner, James Manno, now realizes that the Village is serious. The Village will use any avenue to make sure all concerns are remedied.

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DPW Superintendent Upson said they discovered a water leak there today. The water has been shut off. Trustee DeToy asked if this affects perimeter hydrants. Chief McCullough said they wouldn't use their hydrants – only the Village's. Chief McCullough said firefighting activities there are limited to maintain safety. Superintendent Upson asked S. Zarnstorff to have the owner "bag" the out-of-service private hydrants.

2. 34 South Avenue inspection – S. Zarnstorff shared that Rich Miller's attorney filed an appeal in Supreme Court challenging Judge Cody's decision as well as a stay from future code enforcement action on this property. Village Attorney's Riley and Alois appeared before Judge Keenan who ruled that there were no grounds for the stay. The appeal is pending. A thorough inspection is scheduled for January 10th with S. Zarnstorff, L. Vaughan, Village of Pittsford Building Inspector, NY Board of Fire Underwriters electrical inspector and RGE. If necessary, the property will be closed down for life safety issues.

Mayor Matela commended S. Zarnstorff for a good job. She said she would be interested in knowing whether Rich Miller has paid his fine yet.

3. Code Enforcement educational training request – S. Zarnstorff asked for authorization for Larry Vaughan and he to attend the following: Niagara Frontier Amherst NY one-day seminar on February 4th for a fee of \$100 each and Finger Lakes Building Officials Rochester, NY March 24-27 for of fee of \$275 and \$350 respectively. He reminded the Board that these training opportunities are budgeted items and that all of their training costs are entirely reimbursable from New York State. In the past, the state did not keep track of Code Enforcement Officers maintaining their minimum 24 annual hours of in service training, but now they are checking that they meet their obligation. S. Zarnstorff said he is glad and that he looks forward to the training to keep up with new information and make contact with others in the field.

→ Trustee DeToy moved, Trustee Knapp seconded, unanimously carried approving the training as requested and budgeted.

D. FIRE – Deputy Chief Christian A. McCullough

1. Membership Adds/Drops/Transfers – Chief McCullough asked the Board to consider approving the following add: Raymond Kutterhoff of West Avenue to the Harrison Fire Department – Fire Police.

→ Trustee DeToy moved, Trustee Knapp seconded, unanimously carried approving the previously mentioned add.

2. 2002 Call Load – 1,033 Fire Calls and 1,594 Ambulance Calls for a total of 2,627 calls for 2002. He commented that The Landing (assisted living facility) on West Avenue accounts for 2 to 3 ambulance calls per day. He shared that there were 14 fatalities in the district from motor vehicle accidents. Some were not wearing seatbelts, which would have made the difference between life and death. Chief McCullough said January is already off to a bang with 16 Fire Calls and 27 Ambulance calls in the first 6 days.
3. Carbon Monoxide – Chief McCullough shared, as reported on the news last week, that there was a fatality in Rochester due to carbon monoxide poisoning. He stressed that it is colorless and odorless. Generators must be run in properly ventilated areas. Trustee Knapp commented that former Building Inspector Bill Weber was responsible for local legislation requiring carbon monoxide detectors in the Village about 10 years ago. This was originally met with some ridicule, but now is a model for others.
4. Replacement of Deputy Chief's Vehicle – Chief McCullough said they are \$11,000 short in the Chief's vehicle replacement account for the \$23,028 on NYS Bid needed to replace Deputy Chief Warner's vehicle. He said they have spoken with Treasurer Rightmyer and asked for authorization to borrow this from the rescue truck replacement account and pay it back in July when payments from the Towns are next due. Treasurer Rightmyer said the money is set aside for these purposes.

Mayor Matela asked if Motors Fleet would take the old one in trade. Chief McCullough said he did not think so. She asked the mechanism to get rid of the retired vehicle. Chief McCullough said they would get rid of the oldest and worst condition vehicle in the fleet.

→ Trustee Knapp moved, Trustee DeToy seconded, unanimously carried authorizing the temporary transfer of \$11,000 from the rescue truck replacement account to the Chief's vehicle replacement account on the condition that it is replaced in July.

5. Fire District – Mayor Matela reminded the Board of a meeting Wednesday, January 8th at 7pm

at the Market Street Firehall. Mayor Carter of Hilton will be there as well. Mayor Matela reminded Chief McCullough that the Chief's have been asked to attend the January 27th Village Board workshop meeting.

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E. TREASURER - Scott D. Rightmyer

1. Med Ex Annual Contract Renewal – Treasurer Rightmyer reported that Village Attorney Riley has reviewed the contract. He noted that it was made out improperly – between the Ambulance Corps and Med Ex instead of between the Village of Brockport and Med Ex.

→ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried authorizing the Mayor to sign the contract with Med Ex once it is corrected.

2. Med Ex Billing Rates – Treasurer Rightmyer shared that the average increase of other municipalities or corps with Med Ex is 4%. One is as high as 9%. He recommends 5% across the board except for the ground mileage rate, which is already the highest around.

→ Trustee Whipple moved, Trustee DeToy seconded, unanimously carried to increase the rates 5 percent.

3. Budgetary Changes – Treasurer Rightmyer apologized for just getting the requested budgetary changes to the Board today that will bring it up to date through November 2002. He said if the Board wishes, they could wait to act on it until the next meeting. Trustee DeToy asked if he is reading correctly that the law line is at 121% and the engineering line is at 192% at 6 months. Treasurer Rightmyer said yes.

→ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried approving the budgetary changes of \$33,919 as recommended by Treasurer Rightmyer. (attached in minute book)

F. CLERK - Leslie A. Morelli

1. Association of Monroe County Villages – RSVP's to annual dinner – Clerk Morelli asked that anyone who is interested and has not yet responded to the invitation to the annual dinner please do so by tomorrow.
2. Non-Payroll Benefits breakdown as of 1/03 for full-time employees – Clerk Morelli distributed a chart of the breakdown of non-payroll benefits for full time employees (medical, dental, life, disability, compensation insurances and employee assistance program) as of January 2003. This is to be distributed to full time employees with their next paychecks. After doing this last year for the first time, it raised awareness of how much these insurances really cost. Mayor Matela and Trustee Whipple commented that this was good information.

G. ATTORNEY – Edward W. Riley / 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 Leslie Zink (absent)
- C. ZONING BOARD OF APPEALS - Chair Jennifer Skoog-Harvey (absent)

VILLAGE BOARD REPORTS:

- A. Vice Mayor Wexler
 1. Use of Sagawa Park and Facilities – Trustee Wexler reminded the Board that they have yet to finalize policy on this. Clerk Morelli said she has placed it on the January 27th workshop agenda per Mayor Matela.
 2. Pending Lawsuits – Trustee Wexler said he would hope that any pending lawsuits would soon be resolved. He wondered if Attorney Parrinello, hired regarding the DeToy matter, was writing his report by quill.
- B. Trustee Whipple – No report.
- C. Trustee Knapp – No report.
- D. Trustee DeToy – No report.
- E. Mayor Matela
 1. Phase II environmental study for 60 Clinton Street – Bill Andrews requested the Village Board expend \$5,550 maximum as part of the cost of the Phase Two environmental study of 60

Clinton Street, the building currently known as Fay's Garage. He said as the Board knows, the GBDC (Greater Brockport Development Corporation) is considering establishing the Brockport Community Museum in that location and received a CLG (Certified Local Government) grant of \$15,500 to study its feasibility. The Phase One environmental study is complete as are the

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architect's concept drawings. They have \$3,200 left from the grant that will be used toward the Phase Two environmental study. One proposal, Day Environmental came in at \$9,750. Requests for proposals are out to 3 other environmental firms (Erdman Anthony, Earthworks Environmental, Malcom Pirnie). They could come in less than this. Therefore, the maximum needed from the Village is \$5,550. This is all in an effort to determine if it is feasible, practical and economical to proceed. Mayor Matela commented that it is a worthwhile endeavor. Trustee Wexler asked what the clean up process will be if pollution is found there. B. Andrews said if the estimated cost of remediation is manageable, it could come from the Canal Revitalization fund. If it is major, then they could go to the NYS Brownfields program. This is where the State pays 75 to 90 percent of the clean up and the Village pays 10 to 25 percent. There is plenty of money in the Brownfields fund. Trustee DeToy asked if the Village's percent can be in-kind services. B. Andrews said that has not been explored yet, but is a possibility under the DEC's supervision. Trustee Wexler asked if there is support from elected state and federal officials. B. Andrews said Senator Maziarz, Congressman Reynolds, Senator Robach, Assemblyman Nesbitt and Assemblyman Reilich have expressed their support.

→ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried authorizing up to \$5,550 be spent towards the Phase Two environmental study on 60 Clinton Street.

PUBLIC COMMENT (2nd opportunity):

1. Robert Connors of 281 West Avenue asked if he understood the budgetary changes correctly and questioned if the budget line item of law is at 130 percent at 6 months into the year and if the budget line item of engineering is at 192 percent at 6 months into the year. Treasurer Rightmyer said law is at 121 percent, which means it is 21 percent over, and yes, engineering is 92 percent over. These are individual line items, but there is \$167,000 in the contingency line that can be used to replenish overages. R. Connors said he recalls there being \$58,500 in the law line item. Obviously, the Village is way out of control on this line. He reminded the Board that he began attending meetings a year ago when the threat of tax increases began. He and a local attorney spoke out about the cost of Village Attorney(s) and were brought into Attorney Riley's office and chastised for their comments. From all indications, the Village has serious financial problems and will be in a hole too deep to dig out. The well is running dry. He commented that he adds up what is authorized to be spent at each meeting. Rumors say the tax increase could be 70 to 90 percent. Tonight, other than the money to be reimbursed by the Canal Corp, \$100,000 was spent. He suggested that this year's budget hearing be held in a larger location since the maximum occupancy of the Village Hall conference room is 49. Mayor Matela suggested he sit down with Treasurer Rightmyer.

AUDIT:

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

Village

Date	Check #	Amount
12/19/02	166860	50.00
12/3/02	166766	294.38
1/6/03	166887-904	8,718.93
1/6/03	166924-940	23,868.72
1/6/03	166905-923	6,319.43
1/6/03	166941-951	7,259.37

Fire

1/6/03	166870-886	7,514.86
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Ambulance

1/6/03	166867-869	513.53
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Capital Projects

1/6/03	1555 P. 44	74.52
1/6/03	1554 P. 35	77.00

Third Party Billing

1/6/03	140-141	2,972.16
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ADJOURNMENT:

- ➔ Trustee Wexler moved, Trustee Knapp seconded, unanimously carried that the meeting be adjourned at 9:10pm.

Leslie Ann Morelli, Village Clerk