

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, February 2, 2004 at 7:00pm.

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: Planning Board Chair / Economic Development Coordinator Scott Winner

ALSO PRESENT: Village Attorney Edward W. Riley, Assistant Fire Chief Timothy Rombaut, Ken Pike, Terri Green (Brockport Post), Robbie Hess (Suburban News), Ian Coyle, Ray & Jackie Morris, Carrie Maziarz, John Brugger, Glenn Emerson, Jim & Joan Hamlin, Ralph & Buffy Gleason, Jack, Jean, Cassandra, Emma Coyle, Norm GianCursio, Tony Perry, Fred Webster, John Lessord.

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

Mayor Matela announced the bad news that former Monroe County Legislature President and west side Legislator Dennis Pelletier died suddenly. Some Village of Brockport officials recently had the pleasure of dining with him at the Monroe County Association of Villages banquet the week before. Condolences to his family, friends and colleagues.

REVIEW OF MEETING MINUTES: Mayor Matela called for any additions or corrections to the minutes of the regular meeting held January 20, 2004.

→ Trustee Wexler moved, Trustee Knapp seconded, unanimously carried that the minutes of the meeting held January 20, 2004, be approved as written.

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

PUBLIC COMMENT: None

GUESTS: None

DEPARTMENT REPORTS:

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

1. Snow Budget – Superintendent Upson said due to the non-stop snow in January, the Village will exceed its snow budget. Trustee Knapp asked how much. B. Upson said there was \$54,000 in the line and they are up to \$80,000. He has had to have full crews on every night in January. Most of the equipment is holding up well. They have had some minor problems with the sidewalk plow. Trustee Wexler asked where they are dumping the excess snow. B. Upson said it is being hauled to the former wastewater treatment plant on East Avenue. Trustee Knapp questioned why he did not apply for a permit to dump in the Canal this year. B. Upson said due to the new wall. He does not want the salt and such to ruin it. Mayor Matela commended the DPW crew for working tirelessly to keep the roads and sidewalks clear of snow. She said SUNY President's wife Ellen Yu wished to pass along her compliments.

B. POLICE DEPARTMENT – Chief Daniel P. Varrenti

1. Swearing In of Part-Time Officer Ralph Gleason – Chief Varrenti introduced Ralph Gleason, the new part-time Police Officer the Board appointed at the last meeting. He asked that he be sworn in. R. Gleason's wife Buffy was in attendance. Mayor Matela administered the Oath of Office.
2. Quarterly Report - Chief Varrenti asked if there were any questions on the lengthy quarterly report he delivered to the Board. He distributed the 2003 year end report. In summary, the Brockport Police Department responded to 8,412 calls in 2003. He shared that 2002 showed 12,234, but as he shared previously, statistics are now kept differently and in accordance with standard practice. For example one criminal report number is issued per stop instead of one number per ticket.
3. Resignation of part-time clerk Michelle Pedley – Chief Varrenti said he was disappointed to report that part-time clerk Michelle Pedley has resigned. She was a good employee and he hates to lose her. She explained to him that she did not like the atmosphere of having to deliver bad news and deal with the Police Department's clientele. She stressed that it was not the interior workings, but dealing with the department's public that was not for her.

→ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried to accept the resignation of Michelle Pedley with regrets.

4. Special Recognition Award – Mayor Matela read the following letter from Chief Varrenti to Jack Hall of the Elks Club into the record. “Thank you for allowing me the opportunity to nominate a police officer for a special recognition award to be presented to him/her at your event on February 7, 2004. I would like to nominate Officers Stephen Mesiti and Joseph Morabito for this award. They are deserving of this award because of their actions on March 4, 2003. On that evening Officer Morabito, while on routine patrol, observed smoke coming from the Landry Time Laundromat located at 79 Main Street in the Village of Brockport. Officer Morabito called his observations into the dispatcher and requested additional police assistance and fire personnel to respond to the scene immediately. Officer Morabito then entered the smoke filled Laundromat and evacuated customers. At this time Officer Mesiti arrived on the scene and both officers then reentered the building and evacuated residents from the apartments located above the building. The officer’s observations and actions may not have only saved the Laundromat but also the entire block and most importantly the lives of those who reside above it. Thank you for your consideration in this matter and I look forward to seeing you on February 7, 2004.” Mayor Matela asked that congratulations be passed on to Officer Morabito and Officer Mesiti.

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

1. Renew appointment of Pam Ketchum to Assessment Board of Review – S. Zarnstorff shared that Pam Ketchum’s term on the Assessment Board of Review expired in 2003. He asked that she be reappointed to a four-year term.

→ Trustee Whipple moved, Trustee DeToy seconded, unanimously carried reappointing Pam Ketchum to the Assessment Board of Review.

2. D.O.S. certification of Ron Ott as Building Inspector Technician – S. Zarnstorff reported that Ron Ott has completed his code enforcement officer training to the level of Building Inspector Technician.

Trustee Wexler asked when he is used. S. Zarnstorff said when he calls him in on a case.

→ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried acknowledging the Department of State certification of Ron Ott as Building Inspector Technician.

3. Tentative Assessment Roll Filed – Clerk Morelli reported that the tentative assessment roll is ready for review.
4. Assessment Grievance Day – Clerk Morelli reminded everyone that assessment grievance day is Tuesday, February 17th 4pm to 8pm.

D. FIRE DEPARTMENT – Assistant Chief Timothy Rombaut

1. Membership Adds/Drops/Transfers – None
Assistant Chief Rombaut reported that a new recruit class of 10 to 12 begins next week.
2. Call Load - Ambulance calls year to date: 159 Fire calls year to date: 75
Assistant Chief Rombaut shared that there was another fatal motor vehicle accident recently. That makes 3 within the district for the month of January. Rescue 238 is out for repairs for approximately 2 weeks.
3. 1971 Hahn Fire Truck – Assistant Chief Rombaut shared that the old fire truck that was declared surplus (1971 Hahn) is being considered for donation to the Fireman’s Home on the Hudson. They would donate it in the name of D. Scott Warthman. The Fire Council has approved it. Trustee Knapp is gathering information on all that is involved. The most that it could be sold for is \$2,500 to \$4,800. Trustee DeToy asked if they would be pulling off what the department can still use. Assistant Chief Rombaut said yes. More details to come.

E. TREASURER - Scott D. Rightmyer

1. Resolution appointing Ian M. Coyle as Treasurer and Swearing In – Treasurer Rightmyer introduced Ian M. Coyle. Treasurer Rightmyer announced that he would be retiring at the end of May. The search committee for his replacement was comprised of Mayor Matela, Trustee Wexler, Treasurer Rightmyer, Deputy Clerk Coopenberg, and Lou Spiro of Finance and Management and SUNY Brockport. There were 41 applicants. The committee conducted screening interviews with 18 of them then narrowed it down to 6 finalists. One dropped out and the other 5 were given full interviews and asked to make a presentation using parts of the Village budget provided to them the week before. The committee was unanimous that Ian Coyle was clearly the best choice. He recently received his Master’s Degree in Public Administration and not only will he learn a lot at the Village, but everyone will learn from him as well. Treasurer Rightmyer said he will work with him for his remaining few months and then he’ll be on his own. He is ready and able to begin tomorrow.

→ Trustee Wexler moved, Trustee DeToy seconded, unanimously carried appointing Ian M. Coyle to the position of Village Treasurer.

Mayor Matela administered the Oath of Office to Ian Coyle with his family looking on. Trustee Wexler thanked Lou Spiro of SUNY Brockport for participating on the search committee and being such help.

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

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

1. Educable Contract – Attorney Riley reported that Brian Caterino made the revision from an open 3-year term to a definite 1-year term as he had requested. He recommended that Mayor Matela be authorized to sign the contract.

→ Trustee Wexler moved, Trustee Knapp seconded, unanimously carried authorizing the Mayor to sign the revised Educable contract for one year.

2. Town of Clarkson Fire Contract – Attorney Riley reported that he reviewed the Town of Clarkson fire contract. It is in the same form as years past. He recommended that Mayor Matela be authorized to sign the contract.

→ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried authorizing the Mayor to sign the 2004 Clarkson Fire Contract.

3. Town of Sweden Fire Contract – Attorney Riley reported that he contacted Town of Sweden Attorney Bell regarding the Sweden Fire Contract. He was promised it would be forthcoming. Mayor Matela assured all that they are still receiving coverage in the absence of a contract.
4. Resolution to allow Betty Northrup to join group insurance policies at her own cost – Attorney Riley said there is no problem in allowing the surviving spouse of a deceased Village retiree to re-join the Village's group medical and dental insurance – at her own cost as is specified in the Employee Handbook.

→ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried to allow Betty Northrup to re-join the Village's group medical and dental insurance – at her own cost as is specified in the Employee Handbook.

5. Resolution to allow Retiree A. Gary Zimmer to remain on same insurance as police department per General Municipal Law 207m – Attorney Riley said no resolution is necessary because according to General Municipal Law 207m, Police Chiefs and retired Police Chiefs are entitled to the same benefits as their officers. This is guaranteed by State statute.
6. Resolution to allow DPW non-union Retirees Elliott Reynolds and Duke Rife to remain on same insurance as DPW – Attorney Riley reviewed a recommended resolution for the Mayor and Trustees consideration. Since there were no prior resolutions or contracts with Elliott Reynolds and Duke Rife, and the State Constitution prohibits gifts, the recommended resolution specifies the Village Board as designator of the plans and if the plans change in the future, they are not bound to provide a specific plan.

Trustee Wexler asked if they are being allowed to remain on the same plan as the CSEA union. Trustee Wexler said 30 years ago when they were made management, there was a handshake agreement that although not members of the union, they would receive the same benefits as the union. Trustee Wexler referred to a letter from former Village Trustee Ruth Kaznowski recalling the appointment in 1971. She said they always received the same benefits as their union employees. Attorney Riley said this should not be linked to the collective bargaining unit. Past practice may have tied it to the union; however, the Village is not bound to do so. What the Village provides for its retirees is separate and apart from union contracts. Attorney Riley advised the Board to be very conscious of what precedent they are setting. It may be subject to inquiries. The resolution was carefully worded to avoid problems and benefits all parties.

Trustee DeToy said these men were given a gentleman's agreement at the time and they are fully expecting to continue to receive whatever the Union does. Attorney Riley said there was no written agreement. That is key. It is within the Village Board's discretion as to the type of coverage it provides. Trustee DeToy said there was no Employee Handbook when they worked here or when they retired. Attorney Riley said he does not recommend that the Village Board give up the discretion to change plans. It needs to avoid what could appear to be a gift.

Attorney Riley said the Village Board is bound by a resolution or written agreement. Mayor

Matela said situations such as this have to be entered into the record so the Village is not put in similar positions in the future.

MINUTES OF MEETING HELD February 2, 2004 continued.....page 4

Trustee DeToy commented that their plans would switch when they turn 65 and become Medicare eligible. Clerk Morelli shared that Duke Rife is already Medicare eligible due to disability. Therefore, Medicare becomes his primary insurance and anything else becomes secondary. Clerk Morelli said he wishes to stay on Blue Choice as his secondary, which unfortunately will not save the Village any money as it would by switching to Preferred Care Gold.

→ Trustee Knapp moved, Trustee Whipple seconded, unanimously carried that the Village of Brockport by its Board of Trustees does hereby resolve that health insurance coverage, presently Blue Choice and dental insurance, presently Smile Saver, shall be made available to retirees Elliott Reynolds and Clifton "Duke" Rife, at this time, it being understood that said health and dental insurance plans and the allocation of premium costs are subject to future modification by the Board of Trustees, which may take into consideration fiscal circumstances as they may from time to time exist, benefits afforded other retirees of the Village, and the relevant provisions of the Village of Brockport Employee Handbook as it may apply to non-union retirees, all of which is conditioned upon said coverage being lawful and not in contravention of the Constitution of the State of New York and other applicable statutes and regulations.

H. ECONOMIC DEVELOPMENT – Coordinator R. Scott Winner (excused)

SUPPORT BOARDS REPORTS:

- A. PLANNING BOARD – Chair R. Scott Winner (excused)
- B. LIBRARY BOARD – President Sean Wilcox (absent)
- C. ZONING BOARD OF APPEALS - Chair Jennifer Skoog-Harvey (absent)

VILLAGE BOARD REPORTS:

- A. Vice Mayor Wexler
 1. Response to Trustee DeToy's article in the paper regarding the Police Department – Trustee Wexler said he questions the legality and propriety of Trustee DeToy being involved with and allowed to vote on issues related to the Brockport Police Department since his son is a Police Officer with the department. Trustee Wexler shared that he has two cases that turned into Attorney General's opinions where officials were told to recuse themselves. He provided a copy to the Village Attorney.

Trustee DeToy's article said the Village Board has not given the Police Chief the tools to be able to reduce overtime (more full time officers). Trustee Wexler said unfortunately Chief Varrenti inherited the contract with a minimum-staffing clause that he cannot control. Changes occur in a contract for two reasons. The first is abuse by either side. The second is inability to control costs. The minimum-staffing clause of having two full time officers on every shift sounds harmless until an officer or two are out for 6 to 9 months at a time. Then time and a half has to be paid to the officer covering the shift. The provision is flawed and it handicaps the Chief. However, hiring during negotiations sets the wrong tone. A budget is a plan. It is not carved in stone. Just because money is set aside for something does not mean it has to be spent. Three of 5 Board members feel there are a sufficient number of officers.

Mayor Matela asked if Trustee Wexler could try to encapsulate his comments for the sake of time. Tony Perry from the audience said to let him talk and commented that it's as bad as only allowing the public 3 minutes under public comment.

Trustee Wexler said there are 7 people involved in contract negotiations. Two negotiators and 5 Village Board. Five of the 7 agree that hiring during negotiations sets the wrong tone. It was voted on and yet it continues to be brought up.

Trustee Wexler said overtime costs are outrageous. This is because of that flawed provision in the contract. Chief Varrenti has commented that Brockport is no longer Mayberry. Well, we're not Fort Apache the Bronx or the Wild Wild West. Trustee Wexler said he was not involved in the last contract negotiations or approval. He said he understands negotiations very well having served as President of the Brockport Central School District Union and Section 5 negotiator. You never say never. No longer can the Village endure \$200,000 in police overtime per year. Change the damn provision in the contract. The safety and well being of the officers and community will be protected. It is not a safety issue. It is a money issue. Trustee Wexler questioned if 3 or 4 officers on a 6am to 2pm shift on a Sunday when SUNY is on break is necessary. Until this clause is removed, the Village is going to pay and pay and pay for overtime.

B. Trustee Whipple

1. Market Street Fire Hall / Clinton Street Police Department – Trustee Whipple reported that much has been accomplished on the punch list to complete the move of the communications center (dispatch office) from the Police Department at 1 Clinton Street to the Fire Hall at 38

Market Street. There are still a few things to be done and the committee will hold a follow up meeting.

C. Trustee Knapp – No report.

D. Trustee DeToy

1. Response to Trustee Wexler – Trustee DeToy commented that his son is a Brockport Police Officer, which pre-dated his election to the Village of Brockport Board of Trustees. The voters knew through three elections that his son was a police officer. Similarly, he, Trustee Knapp and Trustee Whipple are members of the Brockport Fire Department. They are affected directly by many decisions, include budgetary that the Village Board makes. Does that mean they should not vote on anything related to the Fire Department?

Regarding Trustee Wexler’s response to his article in the newspaper about the Police Department, Trustee DeToy said that is his story and he is sticking to it.

E. Mayor Matela

1. Village Board Discourse – Mayor Matela commented that she is saddened and sorry that this sort of discourse goes on with this Board. She said she contacted NYCOM and verified that Trustee DeToy is free to vote on the contract or anything related to the entirety of the Police Department.

Attorney Riley said there is a distinction involved. Trustee DeToy has no conflict of interest under the General Municipal Law; however, there are Attorney General opinions that describe this as an appearance of impropriety. The Attorney General recommends he recuse himself with anything related to the terms and conditions of employment of a family member.

Mayor Matela said that is an opinion, not law. Attorney Riley said these opinions are usually taken quite seriously. Mayor Matela asked Trustee Wexler to make a copy of these opinions available to the entire Board.

2. Cancellation of February 17th meeting due to lack of quorum – Mayor Matela announced that it appears each Trustee has planned Florida vacations and there will not be a quorum for the Tuesday, February 17th Village Board meeting. Therefore, that meeting will be cancelled.

The next regular Village Board meeting will be Monday, March 1, 2004 at 7pm. Clerk Morelli will place a notice in the Suburban News.

AUDIT:

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

<u>Village</u>		
Date	Check #	Amount
02/02/04	169082-169125	28,799.53
02/02/04	169129-169142	8,521.74
<u>Fire</u>		
02/02/04	169068-169081	3,938.94
<u>Capital Projects</u>		
02/02/04	001627	2,500.00
<u>Third Party Billing</u>		
02/02/04	000255-000259	854.32

ADJOURNMENT:

- ➔ Trustee Whipple moved, Trustee Knapp seconded, unanimously carried that the meeting be adjourned at 8:15pm.

