

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, September 18, 2006 at 7:00pm.

PRESENT: Mayor Morton Wexler, Trustee/Vice Mayor Maria C. Castañeda, Trustee Carrie L. Maziarz, Trustee David J. Wagenhauser, Trustee Hannelore G. Heyen, DPW Superintendent Harry G. Donahue, Police Chief Daniel P. Varrenti, Treasurer / Village Manager Ian M. Coyle, Clerk Leslie A. Morelli.

EXCUSED: Building/Zoning Officer Scott C. Zarnstorff

ALSO PRESENT: Fire Chief Laurence C. Vaughan, Kathy Snyder, Jim & Joan Hamlin, Rudy Aceto, Anthony Peone, Linda Borrayo, Sal Sciremammano, Mary Jo Nayman, Norm GianCursio, Robbi Hess (Suburban News), Fred Webster, William Heyen, John Lessord

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

REVIEW OF MEETING MINUTES: Mayor Wexler called for any additions or corrections to the minutes of the regular meeting held September 5, 2006.

➔ Trustee Maziarz moved, Trustee Castañeda seconded, unanimously carried that the minutes of the meeting held September 5, 2006, be amended.

Trustee Castañeda asked Manager Coyle if they had contacted Attorney William Smith of Wood-Oviatt-Gilman, who is representing the Village in the lawsuit by Police Chief Varrenti regarding a charge on a recent bill for research the Village did not request. Attorney Smith indicated that he researched said point of his own volition. He will follow up in writing.

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

PUBLIC COMMENT:

1. Joan Hamlin of 50 Park Avenue referred to the recent edition of the Brockport Post and said it was full of holes. She said Jay Thomas built the stairs to the canal and cleaned up and painted the equipment at Evergreen Tot Lot. There is graffiti in Corbett Park. The fence on the Carolin Drive side needs repair. She said a year ago the parks and playgrounds account had over \$100,000 in it. It certainly has not been spent. She said several years ago BISCO funded improvements to the Utica Street playground to be done in phases. She asked what stopped the process.

She said an article regarding the Police Chief's waiver stated that the new contract had been revoked. She said that is false. The only contract was revoked in August 2005. She said any new contract could only run as the terms of Trustee Maziarz and Wagenhauser (200_). The article also said the Board eliminated his health insurance. This is also false, as he never had health insurance through the Village since he is covered under his previous employer. The article also said he did not receive a uniform allowance. She said he did not receive a \$1,000 separate allowance for suits. She said the contract given the Police Chief a few years back has been a cloud over the Village since day one and that the Village taxpayers deserve the lawsuit go to court and receive the impartial decision of a judge instead of a settlement. That way it won't look like a political stunt. J. Hamlin said Trustee Wagenhauser mentioned at the last meeting that 3 attorneys have okayed signing the waiver. She asked whom. Trustee Wagenhauser said Attorneys Lippitt, Calandra and Smith. Further, the Attorney General as per Mayor Wexler.

2. Linda Borrayo of 155 Utica Street asked if a permissive referendum would be needed for the bond issue regarding Main Street improvements. Manager Coyle said certain aspects of it do require permissive referendum. The appropriate notices will be issued at the appropriate times.

L. Borrayo referred to the \$10,000 approved for Village Hall repairs and asked if that would include exterior work such as painting and rotting brick and cement. She suggested that exterior work be done before interior work such as repairing the sprinkler system. Manager Coyle said the \$10,000 includes that. L. Borrayo said the Village Advisory Committee held its recent meeting at the Welcome Center. She said so much money has been spent on that building and yet there are so many little things that have been forgotten and many repairs needed. She said this includes broken door locks, lights out, no doorstops and the like. She said there is peeling where the stamping was done and that the contractor should be held responsible.

L. Borrayo referred to the Police Chief's lawsuit and said it would be best for the community to let it go to court and have a Judge decide. She said the Village has nothing to lose for a Judge's knowledge and impartiality. She said the Village Board proved at a recent meeting that

they were baffled by whether the position is competitive or non-competitive.

MINUTES OF MEETING HELD September 18, 2006 continued.....page 2

3. Rudy Aceto of 170 Frazier Street said in March 2006 he requested financial support, on behalf of the Western Monroe Historical Society, for the music for the annual Fourth of July celebration at the Morgan Manning House. He said they were well under budget this year on music and their Board voted to return the money not used. He presented a \$300 refund check to the Village. He said they would be back to ask for support next year. The Board thanked him.
4. Anthony Peone of 83 Smith Street and Main Street Merchant expressed concern of the composition of the newly formed Main Street Rehabilitation Committee according to a recent article in the Brockport Post. He commented that if the Walk Bike Brockport Action Group had their way, they would have a bike path put right through the middle of Brockport. He said the committee should be heavily weighted toward merchants.

Trustee Maziarz said the article did not report the entire composition. She shared that the committee will include the following: 1 representative from SUNY College at Brockport, 1 representative from Brockport Central School District, 1 Planning Board member who is also employed by RGRTA, 1 Historic Preservation Board Chair, 1 Town of Sweden elected official that lives in the Village, 1 Walk Bike Brockport Action Group member that lives in the Village, 1 Brockport Merchants Association member north of the canal, 1 Brockport Merchants Association member south of the canal, 1 Chamber of Commerce member, 1 Main Street resident, 1 non-Main Street resident. All members must be approved / appointed by the Village Board. The term of appointment shall end when the Village Board dissolves the committee.

A. Peone commented that he means no offense to Josephine Matela, President of the Brockport Merchants Association, as she rents her store space from him, but that group is not the only game in town. He said many merchants are members of the group only to be able to participate in the annual sidewalk sale. Some are not members at all. He said the group does not necessarily represent all the merchants.

A. Peone commented that congestion on Main Street has been worse than ever since NYSDOT closed the Smith Street Bridge. He asked the status. Trustee Maziarz said there is a meeting scheduled at the end of September with Village officials, State officials and NYSDOT officials. Mayor Wexler said the Village of Brockport is one of many municipalities experiencing similar problems with bridges. He said the public would be kept apprised.

5. Sal Sciremammano of 26 South Street said he does not usually attend Village Board meetings, as it would raise the hairs on the back of his neck. However, he commented that a Board that always agrees is not healthy. He said if Village residents want that, they should move to the Town of Sweden where they have one opinion. He said he sees the concerns of the same few people in the paper and at the meetings and that is not good. He said there is a limit to cutting taxes, since it means cutting services. Regarding the Police Chief's lawsuit, he said it is 10 times better if the two sides come to an agreement rather than have a judge who lives in Rochester and does not really care about the Village of Brockport render a decision.

Trustee Castañeda said when the Board revoked and disaffirmed Chief Varrenti's contract in August 2005, she encouraged both sides to sit down and resolve it then. However, the Police Chief sued the Village. Chief Varrenti said she is saying it is his entire fault. S. Sciremammano said Trustee Castañeda is on cloud 9.

Mayor Wexler asked for some civility and reminded everyone that public comment is an opportunity for members of the public to make comments or ask questions, but the Board does not have an obligation to respond immediately. He suggested that Village officials respond, if necessary, when it is their turn to provide a report. Trustee Heyen commented that it is awfully difficult not to respond right away when the person is right there. Mayor Wexler said he is simply trying to keep some semblance of control so meetings do not get too heated. He said there will be times when there are differences of opinion, but when it comes to voting, majority rules. He encouraged everyone not to have a tone of animosity.

6. Kathy Snyder of 38 Lyman Street said she was also disturbed with recent articles in the Brockport Post. She referred to the article on parks and playgrounds and said she has a hard time swallowing that the G.E. M.O.U. monies might be used towards the Utica Street playground. She said it made it sound like decisions have already been made. The public input meeting is October 16th.

GUESTS: None

DEPARTMENT REPORTS:

A. PUBLIC WORKS – Superintendent Harry G. Donahue

1. Staffing – Superintendent Donahue reported that Water Foreman Rick Herzog had heart surgery on September 6th and is home recuperating and doing well. He will likely be out 3 months.
2. West Avenue Sidewalk Extension – Superintendent Donahue asked the Board to accept the Village Engineer’s proposal for \$1,200 for the preparation of construction plans for the installation of sidewalks in the following areas along West Avenue: approximately 440 LF between Presidents Village and Graves Street and approximately 300 LF between house #171 West Avenue and Carolin Drive. This would come out of the \$8,000 CDBG grant. H. Donahue said New York State Department of Transportation has been contacted since West Avenue is a state highway.

→ Trustee Wagenhauser moved, Trustee Castañeda seconded, unanimously carried to accept this proposal.

3. Rochester Infrastructure Seminar – Trustee Castañeda encouraged DPW management to attend this 9/29 roundtable seminar. There is no cost to the Village. H. Donahue said Mayor Wexler memo’d him suggesting it as well. He said he would check his calendar and staffing.

B. POLICE DEPARTMENT – Chief Daniel P. Varrenti

1. Responding to Comments – Chief Varrenti said he agreed with Trustee Heyen’s earlier comments that it is awfully difficult to not respond during public comment period when you want to provide the answers and/or correct misinformation. He said the past year has been particularly difficult for him since he has been the subject of many editorials and lies. He said some people would be confused by the facts. Mayor Wexler said the fact is, D. Varrenti sued the Village. Chief Varrenti said there are so many positive things that he and his department and others are doing that it is too bad some people wish to instead continually focus on negative things.

C. BUILDING / ZONING / CODE ENFORCEMENT - Scott C. Zarnstorff (excused)

1. Quarterly inspections and applications reports (June, July, August) – Trustee Wagenhauser asked L. Vaughan what level of grass requires code enforcement. L. Vaughan said 10 inches per Village Code. L. Vaughan said he and S. Zarnstorff deal with a multitude of property maintenance issues.
2. 134 Monroe Avenue – L. Vaughan reported that 134 Monroe Avenue was red-tagged this past weekend for overcrowding, code and safety violations and the sale of alcohol. He said one partygoer was a 15-year-old female. He commended the Police Department for their work.

Mayor Wexler said a SUNY student came in to speak with he and S. Zarnstorff last week regarding Code Enforcement and Police Department response to parties. He was informed that both are doing their job enforcing the codes and protecting their safety. He said lots of people gathered at a property is a red flag. L. Vaughan said 60 plus students were removed from a house twice in the same night.

D. FIRE /AMBULANCE / COMMUNICATIONS - Chief Laurence C. Vaughan

1. Calls for Service – Fire: 620 year to date and Ambulance: 1,238 year to date for a total of 1,858 calls for service year to date which averages 6.6 calls per day.
2. Annual Vital Signs EMS Conference – EMS Chief James Toole referred to Lucas VanDervort’s memo to Chief Vaughan dated today and asked for approval to send 20 EMS personnel to the 2006 Vital Signs conference in Syracuse from October 19 to 22. Brockport has sent personnel to this annual conference the last 7 years. The registration fee is \$130 per person if registered by October 3rd. Therefore, the registration cost would total \$2,600. Hotel cost would total \$2,300. Registration and hotel totals \$4,900. Terry Taylor is attending through the City of Rochester Fire Department. They will pay his expenses, but he will be grouped with Brockport for hotel purposes. Two members of Spencerport Volunteer Ambulance will also be grouped with Brockport for hotel purposes and will reimburse Brockport for their costs.

Mayor Wexler reminded the Board that this comes from the third party billing account and has no impact on taxes. Chief Vaughan confirmed the importance of this conference and that there is sufficient monies in the conference line. Trustee Maziarz asked if those attending receive

continuing education credits. EMS Chief Toole said yes. Chief Vaughan said this cuts back on the refresher courses they will need.

MINUTES OF MEETING HELD September 18, 2006 continued.....page 4

Chief Vaughan apologized for not having this information for the Board's review sooner. Having just received the information, the Board agreed to discuss it at the September 25th workshop.

Chief Toole thanked them and asked that it be approved at the October 2nd meeting so they can register by October 3rd. Otherwise, the registration cost goes from \$130 to \$180 per person. Trustee Maziarz said she will not be at the workshop since she will be at the canals conference, but said she supports approval of the request.

3. National Night Out – Chief Vaughan said they would be working with the Police Department on Friday evening, September 22nd for the re-scheduled National Night Out.
4. FEMA Fire Act Grant Application Status – Chief Vaughan reported that they have information that the \$300,000 FEMA Fire Act Grant has been passed into the middle approval phases. Final questionnaires are being completed and they have a file number. They feel they have a very good chance of receiving this grant for a complete change out of the self-contained breathing apparatus.
5. Operation Patriot – Chief Vaughan reported that Operation Patriot was a huge success. There were approximately 650 motorcycles. The numbers were down this year due to the weather. They felt very comfortable with the plan they had in place and how it was executed. It appeared that there was very little disruption to the community and the other events of the day.
6. 9/11 Vigil – Chief Vaughan reported great participation from the community and the department. Each of the three services was very well attended by the public and Village officials as well as other agency representatives from the County.
7. Kleen Brite Fire – Chief Vaughan shared that all involved in the fire of September 9th did a nice job. He said his people and mutual aid responders worked hard. Mutual aid companies were patient while they sat staged for possible use. The support from County level officials was excellent. The on-scene support from the Mayor and several Trustees was welcomed. The Police Department and the Department of Public Works did what they normally do – lend their high level of expertise as needed. The Police Department made a quick grab on the two juveniles, and that is just plain good police work. Thanks to the Town of Sweden for sending their track shovel for demolition and for Brockport DPW for assisting in getting on site in a timely fashion. He said there are others too numerous to mention. It was truly a team effort. He said how or why the fire did not extend beyond the northeast building, he will never know. He said he was planning for a longer fight. He said when you drive up Fair Street around Quaker Maid Street or out South Avenue; you don't see anything out of the ordinary. However, view the situation from the railroad side and you get a whole different perspective. There was an explosion that blew out a portion of the north wall as they were getting apparatus set up and in place. He said luckily there were no injuries, no major damage to apparatus or equipment and no effect on the health and safety of the community.

Mayor Wexler commended the Fire Department for the events of the very busy September 9-11 weekend. He also commended the Police Department for the quick arrests made in the Kleen Brite fire. He shared that he was on the sidelines of the fire passing out bottled water and pizza. He said Chief Vaughan was in complete control and everyone knew just what to do. He said a letter is going out to the 20 Fire Departments, EMS agencies and the County Haz-Mat team for their mutual aid assistance. He said there has been and continues to be big concerns about that abandoned building. The Village will be meeting with Senator Maziarz and Assemblyman Reilich to see if the State might be able to help.

8. Membership Drops and Adds – Chief Vaughan asked the Board to consider approving the following drop: James Clarke from the Explorer Post.

→ Trustee Castañeda moved, Trustee Maziarz seconded, unanimously carried approving the previously mentioned drop.

9. Election Results – President, Vice President, 3 Directors – Chief Vaughan announced the results of the elections held September 5th for the newly created positions of President, Vice President, 3-year Director, 2-year Director and 1-year Director. The following have been elected for the term September 2006 through December 2007: President: Willard Bird, Vice President: Norman Knapp, 3-year Director: Michael Corey, 2-year Director: Dean Westcott, 1-

year Director: Emily Cokeley. There will be a brief ceremony September 21st when they take office. The Board is welcome to attend.

MINUTES OF MEETING HELD September 18, 2006 continued.....page 5

10. Consolidated By-Laws – Chief Vaughan asked the Board to adopt the following resolution regarding the new consolidated Brockport Fire Department. He said the department has been working on consolidating the 5 companies for over 40 years. He said this would make them a tighter organization, help the administrative aspects run more efficiently, and will benefit the community. Service will remain the same. Trustee Castañeda said she knows she has asked this before, but wants assurance that this will not lead to a paid Fire Department or the Fire Department raising taxes. Chief Vaughan said the Fire Department has no authority to raise taxes. By New York State law, this is done by the Village Board. Chief Vaughan thanked the current and past Village Boards for their support. He also thanked Deputy Village Attorney Aloï for reviewing the resolution.

→ Trustee Maziarz moved, Trustee Heyen seconded, unanimously carried to adopt the following resolution:

**RESOLUTION
AUTHORIZING “BROCKPORT FIRE DEPARTMENT”**

BE IT RESOLVED:

The fire companies presently providing manpower and personnel to the Village of Brockport (and contract areas) for fire, emergency, and ambulance response - - the HARRISON HOSE COMPANY #2, PROTECTIVES INCORPORATED, CAPEN HOSE COMPANY #4, SILSBY HOSE COMPANY #1, C. D. DEWEY H and L COMPANY, and BROCKPORT AMBULANCE CORPS - - all of their manpower and personnel, and any of their fire fighting equipment and assets that are not already the property of the Village of Brockport, are hereby and herewith transferred to, and merged and consolidated into the new BROCKPORT FIRE DEPARTMENT.

The BROCKPORT FIRE DEPARTMENT will comply with any organizational and/or corporate formalities required by the laws of the State of New York, including without limitation, Article 10 of the Village law, and section 1402 of the Not-for-Profit Corporation Law. Any and all corporate approvals and formalities by the fire companies necessary to implement the merger and consolidation will be promptly completed.

The BROCKPORT FIRE DEPARTMENT will be forthwith empowered under the laws of the State of New York, specifically, and without limitation as they may apply, Article 10 of the Village Law, section 3-308 of the Village Law, and section 1402 of the Not-for-Profit Corporation Law, to be the exclusive provider of fire, emergency, and ambulance response services to the Village of Brockport (and contract areas).

The organization, election of officers and directors, direction, management, and operations of the BROCKPORT FIRE DEPARTMENT shall be governed by the By-Laws heretofore submitted to the Village Board of Trustees, which are hereby and herewith approved.

The management, direction, and operations functions heretofore provided to the fire companies by the Fire Council are hereby and herewith transferred to the Board of Directors and officers of the new BROCKPORT FIRE DEPARTMENT, and at such time as these management, direction, and operations functions are so transferred, the Fire Council will be and hereby is abolished (after such time as will be necessary for the Fire Council to wind up its operations and business).

The present Fire Chief, Chiefs, and line Officers will continue to serve until their successors are nominated by the new Board of Directors and its Election Committee, and elected as provided in the new by-laws. The Fire Chief will continue as the liaison person between the BROCKPORT FIRE DEPARTMENT, and the Village Board of Trustees, and will serve as titular department head, all as permitted by the Village Law, under the authority and control of the Village Board of Trustees.

The fire companies - - the HARRISON HOSE COMPANY #2, PROTECTIVES INCORPORATED, CAPEN HOSE COMPANY #4, SILSBY HOSE COMPANY #1, C. D. DEWEY H and L COMPANY, and BROCKPORT AMBULANCE CORPS - - may at their option, and subject to the provisions of law as they may apply, continue and/or change their jural identities so that they may continue to function as social organizations and/or clubs.

This merger and consolidation is subject to any other procedures and approvals as may be required by the laws of the State of New York, which approvals, if any, will be completed as soon as possible after the date of this merger and consolidation - - the date of enactment of this resolution being the "operative date" of the merger and consolidation.

MINUTES OF MEETING HELD September 18, 2006 continued.....page 6

BE IT FURTHER RESOLVED THAT:

The Board of Trustees of the Village of Brockport, speaking for the residents of the Village, and the contract areas of the Town of Sweden and Town of Clarkson, past and present, extends their heartfelt thanks and appreciation to all of the fire fighters, and emergency and ambulance personnel, who have provided uninterrupted fire, emergency, and ambulance service, often at risk to life and limb, to the community, for some 129 years.

11. Fire Department Rolls - Chief Vaughan asked that the Board drop the current membership rolls as of 7:59pm September 21st and add the new rolls as of 8:00pm September 21st. The new roll consists of 117 active members, 24 support members, 25 life members, 17 auxiliary members, 9 mutual aid members and 20 explorers. He has provided Clerk Morelli with a binder of all applications as well as a roster.

→ Trustee Castañeda moved, Trustee Maziarz seconded, unanimously carried to drop the current rolls and add the new rolls as stated above.

Mayor Wexler asked how many current members did not wish to remain active once consolidated. Chief Vaughan said 30. These were mostly older members as a result of stricter training requirements and NIMS compliance.

- E. TREASURER / VILLAGE MANAGER - Ian M. Coyle – No report.
- F. CLERK - Leslie A. Morelli – No report.
- G. ATTORNEY – / DEPUTY ATTORNEY – Frank A. Alo

SUPPORT BOARDS REPORTS:

- A. PLANNING BOARD – Chair R. Scott Winner
- B. LIBRARY BOARD – President Matthew Minor
- C. ZONING BOARD OF APPEALS - Chair John Bush

VILLAGE BOARD REPORTS:

- A. Trustee Maziarz
 1. Soap Box Derby – Trustee Maziarz reminded everyone of the Soap Box Derby on Smith Street September 23-24.
 2. SUNY Homecoming – Trustee Maziarz reminded everyone of SUNY Homecoming September 29-October 1.
 3. Propose Flex Time for Manager and Clerk for lengthy evening meetings – Trustee Maziarz asked that the Board give some thought to offering some sort of flex time to Manager Coyle and Clerk Morelli for their attendance at night meetings that go over 2 hours in length – except at budget time. She said the Board recently cut the number of Village Board meetings the rest of the Department Heads have to attend from 2 to 1. This will be discussed at a future workshop.
 4. Kleen Brite Fire –Trustee Maziarz said she was on the sidelines of the Kleen Brite fire and was very proud and impressed by the response. She said it was a real lesson on how the system works. She thanked all who assisted as well as the Police Department who apprehended the suspects so quickly.
 5. Remembrance Park Vandalism – Trustee Maziarz said the sculpture was dedicated on September 10th and was knocked down sometime on September 16th-17th. It was the product of countless people's efforts of Walk Bike Brockport Action Group's Arts and Aesthetics Committee who raised \$12,000 to commission and erect it. Artist Jennifer Hecker donated much of her time and effort and said she felt like she had been kicked in the gut. The committee is asking for donations to re-install it and for a reward that leads to the vandals. She said it is a sad, unfortunate situation, but has faith that the community will pull together

just as they did with the “Re-Tool Jack” effort recently. Upon recommendation of the Police Department, Trustee Maziarz asked Superintendent Donahue to solicit National Grid about installing a light to shine on the park. She thanked DPW Director of Operations, Dave Moore, for coming out Sunday morning to examine the situation.

MINUTES OF MEETING HELD September 18, 2006 continued.....page 7

Trustee Castaneda asked Chief Varrenti if the Police Department had any leads. Chief Varrenti said if so, he would not discuss it in this forum. Trustee Castaneda said those responsible should be made to pay for the damage. Chief Varrenti said that the Court would assign restitution.

B. Trustee Wagenhauser

1. Kleen Brite Fire – Trustee Wagenhauser said he was also impressed with the handling of the Kleen Brite Fire. He said there were no doubts that Chief Vaughan was in charge and in control of the situation.
2. Remembrance Park Vandalism – Trustee Wagenhauser said he hopes the vandals are identified and brought to justice.
3. Efficiencies Created – Trustee Wagenhauser reported that several steps have been taken to create efficiencies. These include shopping around for payroll service, garbage collection, cell phone plans, landline phone plans, janitorial supplies, office supplies, Employee Assistance Program, energy and utility costs. He thanked Manager Coyle for his efforts and said the Village is lucky to have a Manager with such capabilities. He shared that I. Coyle was recently recognized by his peers by being elected to the Board of the Association of Village Managers and as Vice President of the ASPA in Rochester. Congratulations!
4. Residential Refuse Collection – Trustee Wagenhauser shared that the New York State Comptroller’s Office has put out an updated report on municipal-wide refuse collections which can provide for a 50% savings. He said they have put out such reports in 1999, 2002 and 2005.

C. Trustee Heyen

1. News Articles, Misinformation & Rumors – Trustee Heyen encouraged citizens to contact Village officials with questions rather than taking news articles and word of mouth as truth. She said sometimes there is erroneous or incomplete information. The spreading of misinformation can often hurt the Village.
2. Kleen Brite Fire – Trustee Heyen commended all involved for their efforts regarding the Kleen Brite fire. She also commended all involved, particularly Chief Vaughan and Public Information Officer Christopher Martin for the September 11th vigil.
3. Brockport Public Bus Service – Trustee Heyen shared that she represented the Village at a press conference September 13th regarding the new Brockport public bus service. This is great for the community.
4. Student Rental Housing Information Blitz – Trustee Heyen shared that she assisted in the annual information blitz September 10th distributing information door to door at college student rental housing. She said it was good to work with the Explorers.
5. Parks and Playgrounds – Trustee Heyen referred to some earlier public comments regarding a newspaper about parks and playgrounds. She said she, too, yearned for some good in the article. She said BISCO donated \$3,000 for a pavilion for the Utica Street Playground. She said she and Superintendent Donahue visited it recently and that it and the removal of the slide at Havenwood Tot Lot and the slide at Corbett Park as well as the installation of 2 pieces of equipment at Havenwood Tot Lot will be added to the DPW’s list of things to do. She said the department has to prioritize its workload and that she is grateful for their work on parks and playgrounds in between other projects.
6. Remembrance Park Vandalism – Trustee Heyen agreed that additional lighting might act as a deterrent to vandals. She said although she is saddened, the positive thing is that the artwork can be put back up. Woodworker John Deats offered to help DPW put in a support structure underneath.

D. Trustee / Vice Mayor Castañeda

1. Kleen Brite Fire – Trustee Castaneda thanked the Fire Department and Police Department for

a job well done.

2. 9/11 Vigil – Trustee Castaneda thanked Chief Vaughan, Public Information Officer Martin, the Fire Department and all speakers and participants for the September 11th vigil.

MINUTES OF MEETING HELD September 18, 2006 continued.....page 8

3. Village Advisory Committee – Trustee Castaneda reported that the committee met September 12th. She said questions and concerns were raised in regards to the future bond issue for Main Street infrastructure improvements, the abandoned Kleen Brite buildings, Suburban Disposal driving too fast, in the wrong lane, and picking up too early. She said committee members expressed a willingness to hand deliver notice to the northeast quadrant of the Village regarding the October 16th public information meeting on the G.E. M.O.U. funds.

Trustee Castaneda said this was the first time the committee held their meeting at the Welcome Center (Village Hall was occupied with primary elections). She said some repairs and maintenance are needed including door locks, lighting, a section left undone behind the dryer, and peeling sandstone on the north face.

Trustee Heyen said she volunteers as a greeter at the Welcome Center and it is only in its second season of operation. Any new venture has kinks to work out. The key card system has been changed twice. There is a protocol that the volunteers follow in reporting needed repairs and maintenance. There is a volunteer management committee. The staff includes 100 volunteers and a paid part time cleaner. DPW handles needed repairs. She said there are a lot of good things that need to be pointed out instead of concentrating on small negatives.

Trustee Castaneda said she is not trying to be negative. She is just pointing out problems that need to be taken care of.

4. Resignation of Barbara J. Warner from Village Advisory Committee – Due to other commitments Trustee Castaneda announced that Vice Chair Barbara Warner needs to resign.

Trustee Castaneda moved, Trustee Maziarz seconded, unanimously carried to accept the resignation of Barbara J. Warner from the Village Advisory Committee with regrets.

5. Canal Bank Upkeep – Trustee Castaneda referred to a recent letter regarding the lack of upkeep of the Canal bank, particularly near the Evergreen Tot Lot and the benches on the north side of the Canal. She said she spoke with representatives at the Sweden Senior Center and to a Boy Scout representative. Often times, scouts going for their Eagle Scout status look for community projects to tackle. She said she would also contact Bill Andrews to solicit volunteers from his Adopt A Trail program.
6. The Galley – Trustee Castaneda referred to a letter that Trustee Maziarz wanted on the record at a recent meeting regarding The Galley. Proprietor Ross Gates responded to the Village's letter by stopping at Village Hall. Per the Village Code on Amusement Gaming Licenses, he does not need one. He has contacted Assistant Code Enforcement Officer Vaughan for his annual place of public assemblyman inspection that was overdue.
7. Mission Statement – Trustee Castaneda asked that this be discussed at the next workshop and that a mission statement be adopted at a regular meeting in the near future. This will help the Village move forward with a strategic plan.
8. Audit of Bills – Trustee Castaneda pointed out that on a recent bill from Woods, Oviatt and Gilman, only 3 Trustees initialed the voucher but a Trustee that used the service and caused a portion of the cost did not initial the voucher for payment.

Trustee Wagenhauser asked if that was a question for him. Trustee Castaneda said it is curious. Trustee Wagenhauser said it was a few hundred dollars of the \$22,000 spent on legal fees so far defending against the Police Chief's lawsuit. He said the reason he did not sign off on the voucher is that there was a portion of the bill that he did not agree with. He said he would not sign off on a bill expending funds for an investigation not authorized. Had that not been included, he would have signed off on it. He said he is trying to work toward a settlement to salvage the Village's tarnished reputation. He further stated that Trustee Castaneda had not even reviewed the bills in July or August and yet she voted for their payment. Trustee Castaneda responded that there would be times when she is on vacation. She said she was

informed that the bills require 3 Trustees initials. She said she is being sued and has not called the legal counsel once. Trustee Wagenhauser said a Trustee should abstain from voting on payment of the bills if they haven't taken the time to review them.

Manager Coyle clarified that the internal policy of the Village is that at least 3 elected officials initial each bill. He would hope that the Board review and initial the bills before voting on their payment. The bills are prepared and available for the Board's review by Friday before the Monday meeting. The true authority to pay the bills is when the Board authorizes payment by their vote at the meeting. Trustee Heyen said that was her understanding and that she feels it is her responsibility as a Trustee to review them before voting.

MINUTES OF MEETING HELD September 18, 2006 continued.....page 9

9. Police Chief's Waiver – Trustee Castaneda questioned why Chief Varrenti's start date on one waiver says January 2001 and on another waiver says January 2002 and why one waiver says competitive and one says non-competitive. She said Chief Varrenti signed both.

Mayor Wexler said he confirmed that it is a competitive position. D. Varrenti passed the police chief's exam in Ontario County was hired at Brockport Police Department for one day as a Lieutenant and then promoted to non-competitive Chief.

Manager Coyle said the previous waiver applications were in error in regards to the date. Chief Varrenti said it was a mistake. It said 2001 when it should have said 2002. Chief Varrenti shared that he attended a Civil Service seminar on how to hire police officers today. He met the individual who reviewed his waiver. His is a competitive permanent civil service position. This person said, "the waiver is a rubber stamp – it's no big deal." He said he had also spoken with Laura Eflinger of the New York State Attorney General's Office. She wrote the opinion a few years ago in response to an inquiry. She said, "Had she been provided with all the facts, she would have given a different answer" as the letter indicated that the Brockport Police Chief was appointed instead of Civil Service. Therefore, the opinion was based on erroneous information.

Trustee Castaneda said a municipality is not authorized to establish a term of office. Chief Varrenti said that is correct. The state has that authority.

Trustee Maziarz expressed concern that this is being discussed in public, as there is serious pending litigation. She reminded the Board that they do not discuss other pending litigation in public like this.

Mayor Wexler again said that the waiver application was signed and submitted after 3 attorneys and the Attorney General's Office indicated that he had the legal right to do so and that he would not be perjuring himself. Mayor Wexler said he wished to correct an error in an article of a local newspaper and sent word to the local newspapers that the Village did not revoke D. Varrenti's health insurance as his health insurance comes through his former employer.

E. Mayor Wexler

1. Benches for north side of Canal – Mayor Wexler reported that Assemblyman Reilich is looking into obtaining funds for replacement of benches on the north side of the Canal.
2. Appoint Village Attorney – Mayor Wexler shared that the search was narrowed from 12 applicants to 8 being interviewed to 2 receiving second interviews.

→ Trustee Maziarz moved, Trustee Heyen seconded, unanimously carried to appoint Raja N. Sekharan as Village Attorney per the following job description.

Village Attorney Job Description

The Village Attorney's administrative function is to be responsible for the professional legal work and legal representation of the Village of Brockport. The attorney acts as an advisor on legal matters to the Mayor and the Board of Trustees of the Village, and is responsible directly to the Board of Trustees.

The Village Attorney will:

Provide counsel as needed to the: Village Mayor, Board of Trustees and Village Manager; Planning Board; Zoning Board; Zoning Board of Appeals; and Code Review Committee; and other Village Departments and Committees.

Attend Village Board meetings and workshops, as requested, and other board and committee meetings as agreed upon.

Handle relevant correspondence, contract and FOIL reviews.

Prepare applications, petitions, local laws and affidavits in connection with hearings and proceedings before any legal or municipal bodies having affect upon the Village.

Exhibit ethical conduct as the Village of Brockport's attorney in the practice of law in the State of New York.

Retainer:

\$1,333 month (\$16,000 per year). Additional work billed at a rate of \$110/hour

MINUTES OF MEETING HELD September 18, 2006 continued.....page 10

3. Appoint to Zoning Board of Appeals – Mayor Wexler said the Mayor has the right to appoint when a vacancy has been created for an unexpired term. Such is the case with the vacancy created on the Zoning Board of Appeals by John Keiser. Two position interest forms were received. However, since the notice indicated an application deadline of September 16th, there is a chance that tomorrow’s mail may contain an application(s) with the 16th postmark. Therefore, he will postpone making an appointment until the next meeting. He said he is confident that either applicant will serve the community well.

PUBLIC COMMENT:

1. Jim Hamlin of 50 Park Avenue asked if the new Village Attorney would be paid under retainer or hourly. Mayor Wexler said under retainer. He said once both parties have signed the agreement, it will become public record.
2. Joan Hamlin of 50 Park Avenue asked if the Village had yet sent a letter to Earthworks Environmental regarding Welcome Center certification. Manager Coyle said yes and that K. Pike indicated receipt of the letter and that a response will follow shortly.
3. Linda Borraro of 155 Utica Street commented that when you have a toothache you go to a specialist – a Dentist. When you need a new roof you contract a specialist – a roofer. When you need heart surgery you go to a specialist – a heart surgeon. She said it should be no different when it comes to Police Chief’s lawsuit against the Village. It should go to court and be determined by a Judge. She said she could wholeheartedly accept the outcome that way.
4. Kathy Snyder of 38 Lyman Street commented that the earlier discussion was regarding the Police Chief’s waiver application specifically and not the pending litigation. That should not require executive session.

AUDIT:

- ➔ Trustee Wagenhauser moved, Trustee Castañeda seconded, Trustee Maziarz abstained, carried that the bills be allowed and paid upon audit.

Village

Date	Check #	Amount
8/24/06	173895 – 173896	2,440.44
9/6/06	173959	14.40
9/7/06	173960	14.40
9/8/06	173961	175.00
9/18/06	173994 – 174060	57,735.13

Fire

9/6/06	173955	0
9/8/06	173962	4,265.29
9/18/06	174061	2,579.89
9/18/06	173966 – 173993	41,413.05

Third Party Billing

9/18/06	840 – 843	8,337.53
9/18/06	844	97.04

Capital Projects

8/24/06	2014	739.08
9/18/06	2018	41,264.50

Water
9/18/06 1501 – 1509 44,601.17

ADJOURNMENT:

- Trustee Castañeda moved, Trustee Heyen seconded, unanimously carried that the meeting be adjourned at 9:15pm.

Leslie Ann Morelli, Village Clerk