

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 5, 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, Treasurer / Village Manager Ian M. Coyle, Clerk Leslie A. Morelli.

EXCUSED: DPW Superintendent Harry G. Donahue, Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Fire Chief Laurence C. Vaughan.

ALSO PRESENT: Robbi Hess (Suburban News), Jim & Joan Hamlin, Kathy Snyder, Linda Borraro, Mary Jo Nayman, John Bush, John Lessord, William Heyen, Bob Canham, Fred Webster, Bob Webster

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

Mayor Wexler reminded everyone that the Fire Department would be holding its 12-hour vigil on September 11th at the memorial monument with services at 8am, Noon and 7:30pm.

REVIEW OF MEETING MINUTES: Mayor Wexler called for any additions or corrections to the minutes of the regular meeting held August 21, 2006.

→ Trustee Heyen moved, Trustee Castañeda seconded, unanimously carried that the minutes of the meeting held August 21, 2006, be approved as written.

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

GUESTS: None

PUBLIC COMMENT: None

REPORTS:

A. VILLAGE MANAGER - Ian M. Coyle

1. Appoint Bernard Donegan, Inc. municipal financial services consultant of record – Manager Coyle asked if the Board had any further questions regarding his memo of August 9th and August 8th Donegan proposal. Trustee Maziarz asked Trustee Castañeda if her questions had been answered satisfactorily. Trustee Castañeda said she did speak with Manager Coyle. She said she would like to Village to put pressure on Monroe County Water Authority for funding assistance. She stated that several years ago there was \$3 million in reserves, but past Boards expended it. She said although the bond for the Seymour Library will be coming to an end, for one year the Village will have to carry that bond and this one.

→ Trustee Wagenhauser moved, Trustee Maziarz seconded, unanimously carried:

Be it resolved by this Board of Trustees as follows:

- (1) The firm of Bernard P. Donegan, Inc., is hereby designated financial consultant to the Village of Brockport.
 - (2) Said firm shall be compensated for its services to be rendered in connection with the proposed approximate \$3,000,000 Route 19 Water and Sewer Line Replacement Improvements Capital Project in accordance with its proposed letter dated August 8, 2006.
 - (3) The Mayor is hereby authorized to execute and deliver said proposal letter.
 - (4) This resolution shall take effect immediately.
2. Authorization to attend OSC training 9/12 – 9/14 in Canandaigua – Manager Coyle referred to his August 24th memo to the Board and requested permission to attend the New York State Comptroller's Advanced Accounting Class being held September 12 – 14 in Canandaigua.

Trustee Heyen thanked him for saving the Village money by driving to and from the conference rather than needing room and board.

→ Trustee Castañeda moved, Trustee Heyen seconded, unanimously carried to approve this travel request.

3. Authorization to expend from Capital Project #43 for Village Hall building repairs – Manager Coyle referred to his August 25th memo and shared that he, DPW Superintendent Donahue, CEO Zarnstorff, Trustee Heyen and Clerk Morelli have met recently and toured the Village Hall. Various updates and repairs are needed at Village Hall including an update to the sprinkler system, and repairs to the east side wall, patio, and roof over the conference room to name a

few. He asked for authorization to expend approximately \$10,000 from Capital Project 43 (Building Capital Reserve) for the purpose of funding interior and exterior repairs at the Village Hall.

Trustee Castañeda asked when work would begin. Manager Coyle said now that DPW is up to full staff, they should be able to begin work soon. He said this would include installation of the upstairs window replacement previously approved.

→ Trustee Castañeda moved, Trustee Heyen seconded, unanimously carried authorizing the expenditure of approximately \$10,000 from Capital Project 43 (Building Capital Reserve) for the purpose of funding interior and exterior repairs at the Village Hall.

4. NIMS Compliance – Manager Coyle said he received a checklist from Monroe County Office of Emergency Preparedness that needs to be returned by October 15th. Key municipal officials need to become NIMS compliant. This includes the elected officials, Manager, Code Enforcement Officers, DPW Administrators, and Police Department. He asked that those still needing information and instructions contact him.

B. CLERK - Leslie A. Morelli

1. Fire Department Membership Drops and Adds – Clerk Morelli said Chief Vaughan asked that she bring forward the drops and adds. She asked the Board to consider approving the following drops: Janet Brodessor, Jessie Barr, Justin Bulak, Melissa Cleveland, Jody Davis, Benjamin Geiger, Peggy Hart, Sarah Justice, Daniel Ray, Sharon Sailer, James Shannon, Laura Williams and the following adds: Samantha Raymond to ambulance only and Andrew Young to fire and ambulance as a mutual aid member.

→ Trustee Maziarz moved, Trustee Castañeda seconded, unanimously carried approving the previously mentioned drops and adds.

EXECUTIVE SESSION:

At 7:20pm Trustee Wagenhauser moved, Trustee Heyen seconded, unanimously carried that the Board of Trustees of the Village of Brockport enter into an executive session to discuss personnel and legal matters (Village Attorney candidates, future Stetson Club negotiations).

At 8:43pm Trustee Maziarz moved, Trustee Heyen seconded, unanimously carried that the Board of Trustees of the Village of Brockport exit executive session and re-enter the regular meeting.

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

VILLAGE BOARD REPORTS:

A. Trustee Maziarz

1. Main Street Rehabilitation Project Committee – Trustee Maziarz reminded the Board that they discussed the formation and makeup of said committee at a recent workshop. She suggested the Board establish the committee and send out the appropriate solicitation letters and position interest forms for consideration.

Mayor Wexler asked how it would be handled if someone applies and he does not wish to bring their name forward. Trustee Heyen suggested the selection process be outlined in the letter. Trustee Maziarz said she would think for example that the Chamber of Commerce and the Merchants Association would nominate the person they wish to represent them. She said the Board should respect their nomination. Mayor Wexler said there might be a person from the Merchants Association that he would not want to serve in this capacity. He said he would not bring the name forward for appointment and would ask for an alternative. Trustee Maziarz asked Mayor Wexler if there is someone he does not want and suggested he put that in the letter to them. Mayor Wexler said he would not put this in writing. Trustee Maziarz said they could indicate that names would be brought forward by the Board. Mayor Wexler said he has the authority to bring the names forward to the Board. Trustee Wagenhauser said this is an ad-hoc committee. Mayor Wexler said he understands that and also spoke to NYCOM. He said he is not looking for a confrontation on the matter.

Trustee Heyen said there must be some way to come to some common ground. She suggested that the letter ask the groups to submit two or three names for consideration. She said the last thing needed is dissension before the committee even begins. Mayor Wexler said that is a good idea.

→ Trustee Maziarz moved, Trustee Wagenhauser seconded, unanimously carried to form the Main Street Rehabilitation Committee as follows: 1 representative from SUNY College at Brockport (suggested: Chris Florence-Cook or Jan _____-ski), 1 Brockport Central School District Transportation Director (Joe LaMarca), 1 Planning Board member / RGRTA employee (Charles Switzer), 1 Historic Preservation Board Chair (David Strabel), 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.

2. Police Department – Old Vehicles – Trustee Maziarz brought forward a request from Chief Varrenti that the following old cars that are off the road be declared surplus and authorize their disposal via the County Municipal Auction in October: 1999 Crown Victoria – green 2FAFP71W7XX144762, 2003 Crown Victoria – white 2FAFP71W23X114336, 2003 Crown Victoria – white 2FAFP71W23X114335.

→ Trustee Maziarz moved, Trustee Castañeda seconded, unanimously carried to declare the above mentioned cars surplus and authorize their disposal at the County Municipal Auction in October.

3. Conferences – Trustee Maziarz said she plans to attend the 2006 New York State Canal Conference in Troy September 24 – 26. She asked the Board to authorize the registration fee and hotel. She will cover her own travel and food.

Trustee Castañeda asked the registration cost. Trustee Maziarz said \$195. Trustee Castañeda asked if she had gone to this conference before. Trustee Maziarz said yes, once.

→ Trustee Wagenhauser moved, Trustee Heyen seconded, unanimously carried authorizing the registration fee and hotel for Trustee Maziarz to attend the September 24 through 26 New York State Canal Conference.

Trustee Maziarz said the annual NYCOM Fall Training School for City and Village Officials is being held in Albany October 2 – 6. She said she is unable to attend, but encouraged representation from at least one Board member, Manager or Clerk. Trustee Heyen is unable to attend. Trustee Castañeda attended in 2005. Manager Coyle attended in 2004. Clerk Morelli attended in 2003. Clerk Morelli previously indicated a desire to go, but she is on vacation the following week and does not want to be out of the office 2 weeks in a row.

B. Trustee Wagenhauser

1. Building / Zoning / Code Enforcement – Trustee Wagenhauser reported the following on behalf of S. Zarnstorff: The deteriorating building at 11 North Main Street which last housed a pizza parlor had been boarded up and demolition recommended to the owner. Further steps may now be needed. Code Enforcement action has begun regarding 77 State Street and the parking expansion and paving project that went out of bounds of what the Zoning Board of Appeals and Planning Board approved. Work has been stopped until this is resolved. Numerous issues are being worked on in the upper Erie Street area. There was a break in and small fire at the abandoned Kleen Brite buildings. There is no one yet in custody, but the police have a description of the youths and a vehicle.
2. Re-Tool Jack – Trustee Wagenhauser thanked everyone who donated money or tools to the effort to replace the tools stolen from Jack Mazzarella.
3. Village Attorney Search – Trustee Wagenhauser thanked all applicants for the position of Village Attorney. Some endured long interviews and it was a high caliber of applicants.

C. Trustee Heyen

1. Street Closure Process – Trustee Heyen said she would be attending the monthly Department Heads meeting tomorrow to discuss establishing a policy and process for requests of groups to close and use streets for events. Perhaps an application packet and form could be established where all the Department Heads have an opportunity to sign off. She said she would keep the Board apprised.
2. Committees – Selection / Purpose / Terms – Trustee Heyen said she is also reviewing the various committees the Village has in place and the selection and appointment process including the establishment of terms. She said she is not looking to make changes as much as to solidify a consistent process. She will keep the Board apprised.

3. Police Chief Daniel Varrenti's 211 Waiver – Trustee Heyen the reason she encouraged holding executive session early in the meeting was because she wanted to discuss this issue before bringing a motion. She said the “211 waiver” will allow Chief Varrenti to receive his full retirement benefits without any reduction while employed as the Chief of Police in the Village of Brockport. As a cost saving measure (\$17,000 per year to the taxpayers \$102,000 for 6 years) it doesn't cost the Village anything. She said she believes it is wrong to take away a retirement earned for over 20 years of service to another municipality. She said she firmly believes this will be a means to an end and will help bring the lawsuit to a closure. She said she is clear on right and wrong.

→ Trustee Heyen moved, Trustee Wagenhauser seconded, Trustee Maziarz in favor, Trustee Castañeda opposed, Mayor Wexler opposed to direct Mayor Wexler to immediately sign and apply for the “211 waiver” pursuant to Section 211 of the Retirement and Social Security Law for Police Chief Daniel P. Varrenti.

Trustee Castañeda said that after careful consideration she couldn't in good conscience vote to approve the authorization to have Mayor Wexler sign the 211 waiver. The purpose of this waiver is to allow Chief Varrenti to collect a pension in the amount of \$47,000 per year, while at the same time collecting his salary of \$100,013 from the Village. This will also allow the Village to hire a retired individual instead of a non-retired chief of police as the law mandates. The granting of a 211 waiver by the Department of Civil Service also mandates that the municipality requesting the waiver should try first to recruit a non-retired police chief. “Employers when submitting a request to employ a retiree under Section 211, should take particular note of the requirement contained in number (3) – that there are not readily available for recruitment persons qualified to perform the duties of such position. Employers will need to submit documentation to support that there are no other qualified persons willing to accept appointment to the position. It is recommended employers include documentation that shows the recruitment efforts taken to identify other qualified persons.” She said to her knowledge, the Village has not advertised or tried in any way, shape or form to find a non-retired chief of police.

Trustee Castañeda said she feels that if the Board authorizes Mayor Wexler to sign the 211 waiver at this time, it will amount to perjury. The Certification By Appointing Authority section of the waiver application reads: “I, the appointing authority, hereby affirm under penalties of perjury as provided for in Section 210 of the Penal Law, that the statements made herein (and on attached papers) are true and correct and that I have determined that the retiree is duly qualified, competent and physically fit to perform the duties assigned and there are not readily available for recruitment non-retired persons qualified to perform the duties of such position.” She said she would not break the law she was sworn to uphold by authorizing Mayor Wexler to sign the waiver. She strongly encouraged the rest of the Board to do the same.

Trustee Castañeda said before the Board authorizes Mayor Wexler to sign the waiver, the Village needs to follow the law and seek to hire a non-retired chief of police. If the Village cannot find a suitable candidate for this position, then, and only then, can the Board legally authorize Mayor Wexler to sign the 211 waiver. The Board must follow the procedure dictated by law. A fundamental requirement to obtain a 211 waiver is that no other qualified non-retirees are available to fill this position. Per the Department of Civil Service Procedures for Making a Request to Employ a Retiree in Local Government, “Approvals under Section 211 are valid for a period of up to two years. Appointing authorities/employers should submit a new request prior to the expiration of any existing approvals to employ retirees and must again demonstrate that there are no other qualified candidates available who are not retirees to fill the vacancy.”

Trustee Castañeda said there was a letter in Chief Varrenti's file from a union sympathizer and New York State system participant who made these comments in his letter to the previous Board: “A basic requirement for issuance of a 211 waiver is that there not exist other qualified non-retirees to fill the position, in this case Chief of Police. In fact, there are many non-retirees who fit the qualifications of Police Chief and who would be readily available for recruitment and hire. According to published reports, the Village of Brockport received a number of applicants and selected five for final interviews (footnote 1). The Mayor (Matela) is quoted as saying all are qualified (footnote 2). The existence of five qualified candidates is persuasive proof that the requirements for a Section 211 waiver do not exist.” Trustee Castañeda said the signing of the 211 waivers in the past does not make it right to sign it now. The law requires the Board to try to find non-retired, qualified candidates for this position BEFORE certifying that there are none. Therefore, Trustee Castañeda said she will not authorize Mayor Wexler to sign the 211 waiver and will continue to represent the best interest

of Brockport residents.

Trustee Wagenhauser said this action would not be intended as a tacit admission regarding the strengths or weaknesses of the Police Chief's litigation. Nor is it an admission that the contract is binding. Nor does the Village feel required to do this. However, this is being done to resolve an issue in dispute. Most importantly this is a financial issue. This is about \$17,000 per year. Not just the current year, but also every year Daniel Varrenti is employed here.

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Trustee Wagenhauser further shared that 3 attorneys have signed off that this is not a perjury issue. Trustee Wagenhauser clarified that the letter Trustee Castañeda referred to was an unsigned letter of 4 years ago. He said she might believe it bolsters her contention, but it really cuts the other way. He said it is truly a financial issue and some would say a moral issue.

Trustee Castañeda said the previous Board was made aware of this. Trustee Wagenhauser asked Trustee Castañeda if she is saying the Village should seek to hire a different police chief. He said he is a civil servant and can't simply be terminated. Trustee Castañeda said the Village has to prove there are no qualified non-retired candidates. She said she is not saying he should be terminated, but that procedure is followed.

Mayor Wexler said if a majority of the Board authorizes him to sign the waiver, he might have a legal obligation to do so. He said he would make certain that there is a disclaimer with language approved by an attorney that indicates he signed because a majority of the Board directed him to do so. He said this is in case someone commences a lawsuit. Mayor Wexler said the Village Board previously directed him not to sign the waiver. He said he would have hoped the court would have settled the matter. He said he believes it will hurt negotiations and that there may be no reason to continue negotiating. He said the fact that Daniel Varrenti is losing \$47,000 per year keeps negotiations alive. He said the Village has little leverage now.

Trustee Maziarz said if the waiver gets signed and the lawsuit gets dropped, it would mean that Daniel Varrenti does not contest the terms and conditions placed on his employment in December 2005. She said the end goal is that it does not cost the Village more money. She said there are two separate issues: the waiver and the terms and conditions of employment. If these are resolved, the Village "wins". Mayor Wexler said Trustee Maziarz is making an assumption that if the waiver is signed then the December 2005 terms and conditions of employment are in place. He said if he knew that were the case, he would support the signing of the waiver.

Trustee Wagenhauser said the Board had a similar discussion in August 2005 about gambling with taxpayer money. He said it is like playing a game of chicken. He said the waiver was due last January. Who knows if the State will even approve it at this late date? Trustee Castañeda said if the waiver were to be denied by the State, the Village would end up paying to compensate D. Varrenti. Trustee Wagenhauser said the court would decide.

Trustee Heyen said it might, in fact, be too late. However, this may give the Village a small window of opportunity. Trustee Maziarz reminded the Board that she asked Mayor Wexler and Chief Varrenti to sit down and work this out after the Board action of August 2005. She said they met twice and the Village ended up being sued. Mayor Wexler said he sent a reminder letter to Chief Varrenti and counsel in January regarding the waiver deadline. He never heard back until after the deadline. Trustee Heyen said she understands the history of the matter, but feels the climate is different now. She said the Board would have to agree to disagree.

D. Trustee / Vice Mayor Castañeda

1. Village Advisory Committee – Trustee Castañeda shared that the next meeting of the Village Advisory Committee will be Tuesday, September 12th at 7pm. Due to primary election voting at the Village Hall, the meeting will be at the Welcome Center.

2. DPW – Old Equipment – Trustee Castañeda brought forward a request from DPW Superintendent Donahue that the following old equipment be declared surplus and authorize its disposal via the County Municipal Auction in October: 1999 Jeep Cherokee 1J4FF28S7XL577766 with 27,681 miles on it and a generator.

→ Trustee Castañeda moved, Trustee Heyen seconded, unanimously carried to declare the above mentioned equipment surplus and authorize its disposal at the County Municipal Auction in October.

3. DPW – 1 Ton Dump Truck – Trustee Castañeda shared that DPW Superintendent Donahue will soon be asking the Board for approval to purchase a one-ton dump truck.

4. Parks / Playgrounds – Trustee Castañeda brought forward a request from DPW Superintendent Donahue to authorize the purchase of a slide for Havenwood tot lot in the amount of \$2,599 plus shipping. She said if this purchase were added to the previously

approved purchase of the easy digger, the Village would save some money on shipping and handling.

Trustee Heyen said she gathered the specifications. This piece of equipment is like the one at Evergreen. The old slide in that park needs to be removed, as it is a safety issue and not meant to be in a tot lot. She said she also spoke with Andrea Perry of the Parks Committee who concurred.

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→ Trustee Castañeda moved, Trustee Heyen seconded, unanimously carried to purchase said playground equipment authorizing the expenditure of approximately \$3,000 from Capital Reserve 41 (Parks and Playground Equipment Replacement).

5. Police Department – Trustee Castañeda said she spoke with Chief Varrenti and he mentioned the busy weekend that just past. They increased patrols, had 3 DWI arrests and 100 parking tickets.
6. Soap Box Derby – Trustee Castañeda said she spoke with Manager Coyle and the letter sent to the Smith Street and Clark Street property owners informing them of the Soap Box Derby event of September 23rd and 24th has not generated any questions or concerns.
7. Time Warner Communications – Trustee Castañeda said an audit is in process regarding the Time Warner Communications franchise fees.

E. Mayor Wexler

1. Former Kleen Brite Facility – Mayor Wexler shared that a small fire was started at the former Kleen Brite Facility on State Street recently. A representative from Monroe County Fire Investigators expressed concern about the building and the boarded up entrances. Mayor Wexler said a rock was thrown inside while representatives of the Police Department and Fire Department were there. It was noted that someone has been stealing some fittings and piping and car tracks were visible. He said the interior is just a mess. He said the County representative said he would be willing to put in a request to have a County prisoner detail work on cleaning up the area. Mayor Wexler said the Brockport Police Department has a high presence there. Mayor Wexler suggested the newly formed “property remediation” committee see what can be done.
2. Accept resignation of John Keiser from ZBA – Mayor Wexler referred to the letter of resignation from John Keiser that indicated that he no longer lives within Village limits.

→ Trustee Castañeda moved, Trustee Heyen seconded, unanimously carried to accept the resignation of John Keiser from the Zoning Board of Appeals with regret.

3. Accept resignation of Judith Jones from Historic Preservation Board – Mayor Wexler referred to the letter of resignation from Judith Jones that indicated that she no longer lives within Village limits.

→ Trustee Castañeda moved, Trustee Maziarz seconded, unanimously carried to accept the resignation of Judith Jones from the Historic Preservation Board with regret.

4. Accept resignation of John Prince from paid ambulance staff – Mayor Wexler referred to the letter of resignation from John Prince that indicated that he no longer lives in New York State.

→ Trustee Castañeda moved, Trustee Maziarz seconded, unanimously carried to accept the resignation of John Prince from the paid ambulance staff with regrets.

5. Accept resignation of Betsy Donnelly as SP3 Coordinator – Manager Coyle shared that the volunteer who was appointed to be the Village’s storm water prevention coordinator has relocated.

→ Trustee Castañeda moved, Trustee Heyen seconded, unanimously carried to accept the resignation of Betsy Donnelly as SP3 Coordinator with regrets.

6. Appoint Village Attorney – Mayor Wexler said the Board is down to two finalists for the position of Village Attorney. An appointment will likely be made at the next meeting.
7. Appoint to Code Review Committee – Mayor Wexler said Trustee Heyen recently suggested that the Code Review Committee return to being 7 members. Due to lack of applications a few months ago, the Board reduced the Code Review Committee from 7 members to 5 members.

Mayor Wexler said he would like to bring forth Mary Jo Nayman's application for appointment to the Code Review Committee. Trustee Maziarz said she thought MJ Nayman withdrew her application at the last Village Board meeting. Mayor Wexler said he would not have brought her name forward had she not re-considered.

Trustee Heyen said there are two applicants. MJ Nayman could replace the vacancy created by Kathy Snyder. Trustee Heyen said she favors increasing the committee from 5 members to 7 members because they have a tremendous amount of work to do and that she believes more members will get more accomplished. Trustee Heyen said she would like the Board to resolve the matter of terms for the non-standing committees.

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Trustee Wagenhauser said there are 2 applicants and he would not object to appointing both.

Trustee Castañeda said the Board changed the Code Review Committee membership from 7 to 5 at the time because they were having a hard time getting volunteers for it. She said there would still be one vacancy if it goes back to a 7-member committee. She questioned if it would still operate with less than 7. Mayor Wexler said yes.

Trustee Castañeda said the other applicant is Annette Locke. She serves on the Planning Board. Trustee Castañeda said there is already a representative from the Planning Board (Art Appleby) on the Code Review Committee. Trustee Maziarz said she doesn't have to be representing the Planning Board, she is a resident.

→ Trustee Heyen moved, Trustee Wagenhauser seconded, unanimously carried to return the membership of the Code Review Committee to 7 members with terms to be determined at a later date.

→ Mayor Wexler appointed Mary Jo Nayman to the Code Review Committee.

→ Trustee Wagenhauser moved, Trustee Heyen seconded, unanimously carried to appoint Annette Locke to the Code Review Committee.

8. GE MOU – Mayor Wexler reminded the Board that the memorandum of understanding with General Electric was signed and that the public was previously promised an opportunity to voice their suggestions on how the \$25,000 should be spent. He said the Village owes it to those most affected to hear their opinions and have their say as they endured some hardships due to contamination. The Board would take their suggestions under advisement.

The Board agreed to hold a public information meeting at the beginning of the Monday, October 16th Village Board meeting and to put a legal notice in the paper, on the website, in the upcoming newsletter and deliver a copy to affected property owners.

Trustee Maziarz suggested members of the Village Advisory Committee hand deliver a letter. She said she would be willing to help. Trustee Castañeda said she would bring that suggestion to the next meeting.

PUBLIC COMMENT:

1. Kathy Snyder of Lyman Street shared that she and John Lessord have discussed the GE MOU funding and suggest 9 new benches (like the ones from the Sitting Pretty program) be placed on the north side of the canal between Park Avenue and Main Street and that the north side canal path be blacktopped.

Trustee Heyen said she thought the New York State Canal Corporation was suppose to blacktop the path. Trustee Maziarz said no, the Erie Canal Heritage Corridor Plan calls for crusher run instead of blacktop because it provides a softer impact for runners.

2. Jim Hamlin of Park Avenue asked if the Village Engineer's proposed capital improvement plan document is available for public review yet. Manager Coyle said no. It is still in draft form and is being reviewed by the Board. It will be scheduled for consideration of adoption soon.

J. Hamlin questioned the status of assigning term limits to the Village's various ad-hoc committees. Trustee Heyen said she and Clerk Morelli have discussed the history of this and suggested the Village Board discuss the matter at the October workshop.

3. John Bush of Barry Street reminded the Board that they are 3 months into the current budget year (2006-2007). He asked if they are working on the 2007-2008 budget and what they are doing to cut costs. He commented on the slow construction of the new subdivisions in the Village on East and West Avenues and that construction seems to be booming on the Clarkson side. He believes this is because Village taxes are too high. J. Bush said the Mt. Morris Police Department has the same number of officers, but Brockport Police Department has four times the budget. He said the new Rochester Police Chief manages a 700 man Department and is paid the same salary as

Brockport's Police Chief. J. Bush said he knows that some of the Department of Public Works employees are making \$60,000 per year and he sees them watering flowers, hanging banners and emptying trash. He suggested hiring less expensive part time labor.

Trustee Wagenhauser commented that McCormick Place, the new subdivision on East Avenue currently has two houses under construction and may be looking to phase 2. He said Don Hibschi, developer and builder, attended a Village Board meeting last spring and said slow sales in the Village are not so much a result of Village taxes as they are Village bickering and issues. Trustee Wagenhauser also commented that the Village of Brockport also has 2 Union contracts to deal with. The Police Department (Stetson Club) contract is up for negotiations this winter.

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J. Bush said Clarkson seems to be building at a rate of 10 to 1 compared to the Village. He said he has attended Village Board meetings on and off through the last 3 Mayors. He said previous Boards spent the Village's reserve funds in order to budget the balance. He said if taxes keep rising, the taxpayers would show their dismay come election time.

4. Linda Borrayo of Utica Street said she wished the lawsuit that Police Chief Varrenti brought against the Village would have gone to court. She said members of the Village Board should not take on this responsibility and that a Judge with no agendas would be impartial. She said she believes the 3 members of the Board voting to approve D. Varrenti's waiver have made a big mistake.

5. Kathy Snyder of Lyman Street said she is unclear as to whether D. Varrenti's Civil Service status is considered competitive or non-competitive. She pointed out that one year the waiver said competitive and one year it said non-competitive.

John Bush of Barry Street said that if an exam was required, then the position is competitive.

Joan Hamlin of Park Avenue pointed out that the current waiver application indicates a start date of 2001 when it should say 2002.

Trustee Wagenhauser said there is a difference if it is considered a promotion and if hired within the organization or from outside. Mayor Wexler said he would get the answers.

AUDIT:

➔ Trustee Heyen moved, Trustee Wexler seconded, Trustee Castañeda in favor, Trustee Maziarz opposed, Trustee Wagenhauser opposed, CARRIED that the bills be allowed and paid upon audit.

Trustee Maziarz said she is concerned about the bill from Attorney Smith of Woods-Oviatt, the attorney representing the Village in the lawsuit of Police Chief Varrenti. She requested the Village inquire about the line on his bill referring to time spent researching the possible termination of police chief. She said she wants to know who posed that question to him, and if no one did, why he would take it upon himself to do so if not directed to. Trustee Castañeda commented that she has not called Attorney Smith at all, thereby saving cost to the Village.

<u>Village</u>		
Date	Check #	Amount
8/30/06	173897-173898	13,411.02
8/30/06	173899	134.10
9/5/06	173914-173954	21,212.09
<u>Fire</u>		
8/30/06	173900-173901	2,421.07
9/5/06	173902-173913	2,649.15
<u>Third Party Billing</u>		
9/5/06	834-838	1,169.18
<u>Capital Projects</u>		
9/5/06	2015-2017	36,784.16
<u>Water</u>		
9/5/06	001489-001496	3,507.43

ADJOURNMENT:

➔ Trustee Maziarz moved, Trustee Heyen seconded, unanimously carried that the meeting be adjourned at 10:35pm.

