

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, August 15, 2005 at 7:00pm.

PRESENT: Mayor Morton Wexler, Trustee/Vice Mayor Carrie L. Maziarz, Trustee Maria C. Castañeda, Trustee David J. Wagenhauser, Trustee Mary Jo Nayman, DPW Superintendent Harry G. Donahue, Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Treasurer / Village Manager Ian M. Coyle, Clerk Leslie A. Morelli.

EXCUSED:

ALSO PRESENT: Fire Chief Christian A. McCullough, Planning Board Chair / Economic Development Coordinator Scott Winner, Village Engineer Tom Carpenter from Chatfield Engineers, Ken Pike, Greg Lund, Ray & Jackie Morris, Jim & Joan Hamlin, Francisco & Linda Borrayo, Jack Wahl, Sharon Kehoe, Frank Trinca, Michael Ferrauilo, Betty Northrup, Donald Sauer, Carolyn Iarcuccio, John Bush, Robbi Hess (Suburban News), Merv Beaney, Greg Lund, Robert Connors, John Lessord, Fred Webster, Kathy Snyder, Norm GianCursio.

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 July 18, 2005.

➔ Trustee Maziarz moved, Trustee Nayman seconded, unanimously carried that the minutes of the meeting held July 18, 2005, be approved as written.

PUBLIC INFORMATION MEETINGS: None

PUBLIC COMMENT: None

GUESTS:

1. Greg Lund of the Lions Club – Car Cruise In – G. Lund introduced himself as Past President of the Lions Club. Current President Jack Barry was unable to attend due to his work schedule. G. Lund said for many years a car cruise in was held past Brockport Ford. Then 7 or 8 years ago it moved to the Village's Main Street. The Fire Department sponsored the first 1 or 2 and showcased fire equipment and demonstrations. The Lions Club raises \$5,000 to \$6,000 per year. Each car cruise in raises approximately \$1,000. The event is dependent on good weather. Approximately 90% of the funds are returned locally to many different causes. These include eye exams for Brockport Central School District that can't afford it otherwise, support of the Veteran's Club, Food Shelf, Sweden Senior Center, Lakeside Hospital Twig, Boy Scouts, Project Graduation, BCSD Band/Chorus trip, Varsity Club, Senior Prom, Camp Abilities, Downtown Merchants Association Halloween Party, Max's Mardi Gras Parade, Hockey boosters and more.

G. Lund said they would like permission to continue the car cruise ins on Main Street. He said it is good advertising for the Village since 200 to 300 cars are entered which alone brings 600 to 1,000 people into the Village. Those people may shop or dine in the Village, thereby bringing dollars into the downtown commercial district. He said if done right it is a win win situation. He said they have tried to address concerns related to parking and will continue to improve that situation. He said he understands the importance of emergency fire and ambulance equipment having the ability to get through. They are now specifically keeping the crosswalk and handicapped parking space by the Strand Theater clear as well as the corners of Market and Main Streets. They have also gotten smarter about how they park the vehicles for display.

G. Lund asked if there were any concerns and asked the Village Board to authorization the continuation of the Lions Club Car Shows. Trustee Maziarz said she thinks the events are great for the Village and would like to see them continue. She said she has a concern regarding the trash generated and that it be appropriately disposed of. She said the downtown Village area of Main Street and Market Street were littered with trash the morning after the recent cruise in of Saturday, July 23rd. She said she knows this due to being up so early to prepare for the Sunday morning Farmer's Market. The debris was scattered because the Village's trash receptacles were full and overflowing. Trustee Maziarz asked if they would be willing to provide extra bins such as BISCO did with the Arts Festival this past weekend. G. Lund said he noticed the overflowing bins and scattered garbage on Sunday morning as well. He said they would make sure to address this concern. Trustee Castañeda said she spoke with DPW's H. Donahue on August 4th and he said he would be willing to provide a dumpster for their use. Mayor Wexler asked that he and H. Donahue work this out before the next cruise in.

G. Lund said the next event is Saturday, September 10th from 4pm to 9pm. He said the Fire Department is welcome to do any demonstrations. He also said the D.J. is very patriotic and willing to mention the Village, organizations and merchants in his verbal advertising.

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Chief McCullough said there is a rumor that the Fire Department does not support this event. He said that is not true. They are very supportive of all events in the Brockport community. The Fire Department like other community organizations cannot survive without fundraising. He simply stressed the importance of proper layout so that emergency equipment can through if needed. When a response is needed, they don't get a second chance.

G. Lund said the cruise ins have grown. There is so much interest that they could double the size of it if there were room. He said they are open to suggestions on ways to accommodate more vehicles.

John Bush of 157 Barry Street asked from the audience if they had looked into blocking off Park Avenue. G. Lund said no and that they do not block the Catholic Church on Main Street either. J. Bush said the Arts Festival blocks it. J. Bush said he feels Market Street is blocked even worse on Sundays due to the Village's Farmer's Market. Emergency equipment cannot get through there at all.

G. Lund committed to working on the parking and trash concerns and thanked the Village for its support.

→ Trustee Nayman moved, Trustee Wagenhauser seconded, unanimously carried to approve the Saturday, September 10th 4-9pm car cruise in on Main Street.

PUBLIC HEARINGS: 7:30pm

Clerk Morelli read the following legal notice that was published in the July 25, 2005 edition of Suburban News and sent to property owners within 500' of the rezoning proposal as a courtesy.

VILLAGE OF BROCKPORT
LEGAL NOTICE

Please take notice that the Board of Trustees of the Village of Brockport will hold Public Hearings beginning at 7:30pm on Monday, August 15, 2005, in the Conference Room of the Village Hall, 49 State Street, Brockport, New York to consider the following:

- Request of Michael Ferrauilo Canalside Developers, Inc. for consideration of rezoning from Residential to Q District for proposed Sunflower Landing Subdivision to include 40 single family homes and 134 senior units on 52.92 acres on East Avenue tax map number 069.100-5-008.1.
- To consider the dissolution of the Board of Water Commissioners.

All interested parties will be given the opportunity to be heard.

→ At 7:32pm Trustee Wagenhauser moved, Trustee Castañeda seconded, unanimously carried to close the regular meeting and open the public hearings. Mayor Wexler asked the applicant to make the presentation first and then those in the public with questions or comments to identify themselves for the record.

Sunflower Landing Subdivision proposal – rezoning request -

Kris Schultz of Schultz Associates introduced himself as site engineer, Norbert Hausner of NH Architecture as site architect and Michael Ferrauilo of Canalside Developers, Inc. as site developer. They are requesting a rezoning of this 52.92-acre parcel located on East Avenue in the Village of Brockport. The site is identified by tax account number 069.100-05-008.1. The current zoning is O-residential and the proposed zoning would be Q-residential. The purpose of the zoning change is to facilitate the development of a 174 unit senior oriented community, called Sunflower Landing, currently under review by the Village of Brockport Planning Board. The property borders the Town of Sweden to the east, the Town of Clarkson to the north, the canal to the south, and McCormick Place - the subdivision under construction to the west.

As indicated at the July 15th Village Board meeting, they have been working with the Planning Board for the last 7 or 8 months. The proposal includes 40 single-family homes (open to any age) and 134 senior units. They have worked on layouts, density, road alignments, unit styles and the like. They held a public hearing and conducted a coordinated SEQR review. The Planning Board granted concept approval and a Negative Declaration (no significant environmental impact) on SEQR. The Village Engineer is conducting a detailed review. K. Schultz said the Village's Q district zoning works better for condo-type use. The development would be a mix of single-family lots for those of any age with one to four unit buildings for senior citizens. It will be an opportunity for multi-generations to live close by. There will be a wide range of prices and styles. The development will have sidewalks on one side, street lighting, walking paths, gazebos and 2 access points to the Canal. There will be one large

detention pond. There will be a Homeowner's Association in which all exterior maintenance, mowing and driveway plowing will be taken care of with the monthly fee.

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Reviews that have taken place include environmental, wetland delineation, utilities, grading, and traffic engineer's study. The primary access will be off East Avenue. Since that is a County road, Monroe County Department of Transportation has required access at the point where it will form an intersection with the new street that has just gone in across the way in Clarkson called Cottage Rose Court. Plans for the overall subdivision and Section one have been drawn up. The development will likely be built in 8 sections with 1 or 2 sections being built per year.

N. Hausner said the architectural style would be craftsman / mission. There will be low-level signage at the front entrance to the senior portion. There will be stone on every home. Every single family home will have a front and rear porch as well as a picket fence decoration with the house number on it. There will be mission style window grills, shakes and wood like garage doors. Dark trim will be used. All building materials will be consistent. The single-family homes will be 1,200 to 1,400 square feet. N. Hausner showed renderings of a duplex on a cul de sac with landscaping. He said this would be a well-planned, higher-end, first class development.

Public Comment:

John Bush of 157 Barry Street asked the anticipated prices. N. Hausner said the single family homes could range from \$150,000 to \$200,000 NOT on the canal and \$250,000 to \$300,000 ON the canal.

Sharon Kehoe of 320 Main Street asked what the largest size would be. N. Hausner said 1,500 square feet.

Betty Northrup of East Avenue said the property was purchased as O-residential zoning and expressed dismay that they want to change to Q-zoning since this would allow smaller lots and commercial uses. She said that many units only 15 feet apart will look very close and tight like a mobile home park. She said there are too many units too close together. B. Northrup expressed concern that if they do not sell, the rezoning could lead to a strip mall and commercial development that could mame the neighborhood. She added that the entry road is in an awful location. She said she is against rezoning.

Hanny Heyen asked if there is only one entrance / exit. N. Hausner responded that there is a connection in the rear of the subdivision to McCormick Place. That subdivision also has only one access point onto East Avenue.

Robert Collier of 476 East Avenue asked why anyone would drive through another development just to get to the main road (East Avenue). He said there is a hill there and in bad weather there have been accidents in front of his house. With 174 units times 2 cars, there will be a lot more traffic. They are just asking for accidents.

Marcia Collier of 476 East Avenue said they are the first house and will be impacted by this development. She questioned the need for the development. She expressed concern of increased traffic, school buses, other subdivisions, and changing speed limits. She said she is also concerned of the view behind her house. She said the property is currently not cared for and has drawn rodents and snakes. She also asked if there would be fencing around the pond to protect children.

K. Schultz said there is a proposal to shield existing homes with landscaping at time of construction. He said this would be the entrance to the development. It would be beautiful so as to attract potential buyers. Regarding the pond, fencing is not advised but it will be graded with such a gradual slope so as to be very low risk. K. Schultz said the developer is very sensitive to any impacts on existing homes and will be happy to work with the homeowners on screening. He said the developer has a lot of time and money into the project. It is a very high-end plan – nothing mediocre about it.

M. Collier said her father was a developer and died in the process of a project. She said this development is supposed to be geared towards senior citizens. However, nowadays a lot of seniors take in their grandchildren. She questioned how that would be possible if it is not designed for children. Seniors would not appreciate blasting stereos. She also said there is likely to be turnover when the elderly die and their families take over the unit. N. Hausner said they couldn't legally prevent children from living there. If a family inherited the unit, they would likely sell it. M. Collier said she cannot imagine the market for this type of development and questioned why they don't build 50 big expensive homes instead. K. Schultz said there is definitely a market for this. The Brockport area is one of the few areas that have not aggressively planned for senior housing. M. Collier asked why they propose so many units. N. Hausner said to meet the demand and for the developer to be successful.

S. Kehoe asked if the single-family homes are restricted to those aged 55 and over. K. Schultz said no. The 40 single-family homes are open to anyone.

An unidentified woman asked why they would want to rezone to a zoning district that allows

commercial. K. Schultz explained that the Village's Q zoning fits better with condo type developments and homeowners associations. They do not have plans for any commercial elements or to duplicate commercial efforts. This development would utilize area services. She asked what would stop them from adding commercial at some point in the future if the zoning were changed. K. Schultz said the use
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could be subject to returning to the Village for approvals.

J. Bush asked the tax structure since there would be a homeowner's association. K. Schultz said the roads would be dedicated to the Village, and they would be taxed like others. They would also pay the homeowner's association fee.

Fire Chief McCullough expressed concern for traffic safety on East Avenue. He recommended a grade reduction on East Avenue. He further hoped for a speed reduction on East Avenue. Police Chief Varrenti also expressed concerns for safety and the best interests of the community. He said he could provide statistics from the speed sentry device placed on East Avenue. He suggested it would be easier and less expensive for Monroe County Department of Transportation to install a traffic light at the intersection than to re-grade the road. This would force traffic to slow down. K. Schultz said he respects their views, but shared that site distances meet all thresholds for the intersection there without improvements.

K. Schultz said he would be happy to work with the Village to solicit the County for a reduced speed limit. Trustee Maziarz said a petition by East Avenue residents and supported by the Village of Brockport, Town of Clarkson and Town of Sweden was forwarded to Monroe County last year. Chief Varrenti said to his knowledge, no decision had yet been made. Merv Beaney of Coleman Creek Road said he thought the speed limit was 30 miles per hour in the Village. Chief Varrenti said it is, but East Avenue is a County road and a section of it is 40 miles per hour and then goes to 55 miles per hour. K. Schultz said he imagines the Village would like to see it 30 miles per hour in its district, which includes this parcel. Chief Varrenti said they write a lot of tickets for doing 55 miles per hour in a 30 mile per hour zone. He feels a traffic signal and speed reduction in concert would work. K. Schultz said that with heavy enforcement and the Village will gain the reputation of an area you just do not speed in. He said they can also do alert signs.

Trustee Wagenhauser asked for examples of other projects that this particular developer has been involved in. K. Schultz said the developer owns a large plumbing contracting firm and has been in the contracting business for his entire life. He will forward information on a number of smaller developments he has been involved in. The developer has gone in to this with his eyes open and understands the market; costs and what will work in the area.

Mayor Wexler said he is all for increasing the tax base, but not at the expense of people's safety. He said he realizes that as people age, reflexes slow down. He said the Board could either vote on the rezoning tonight or postpone decision until they are provided more information regarding the traffic safety issue.

Trustee Wagenhauser said Q district zoning does not allow for just any commercial element. S. Zarnstorff clarified that that it would allow a Doctor's office, daycare, professional building and the like. Planning Board Chair Scott Winner said the Q district code is ambiguously worded which provides for a fair amount of latitude for the Planning Board. This developer has not proposed any commercial element and the Planning Board is not approving any commercial element. The phases are all residential. The further back the property goes, the less sense it would make to place commercial. Each phase must return to the Planning Board for final approval. S. Winner said the County has been contacted as part of the planning and environmental process. The County has provided input. It is incumbent on the developer to follow through. It does not preclude the Village from contacting the County regarding its traffic concerns on East Avenue. However, it will be very difficult to influence MCDOT.

Trustee Wagenhauser said as a concept he is in favor. However, he is concerned about actually voting on the rezoning until the safety issue is appropriately addressed.

Trustee Castañeda said she would like more time to consider the information provided. She said she sees potential problems with only one exit onto East Avenue.

Trustee Maziarz said she is concerned with the following: density, 15 foot side setbacks unit to unit, sidewalks on only one side, and the loss of a lot of green space due to so much blacktop. She would not want it to look industrial. K. Schultz responded to the green space issue with plans for extensive trails, links to the Canal, 3 gazebo areas and ponding. These will balance out the hard surface areas. He said adding a sidewalk on both sides would not help, but lose more green space. He said the trend in senior developments is to have a sidewalk on one side. He said this is consistent with what was approved for McCormick Place to the west. He said some buyers purposely purchase on the side without the sidewalk.

Trustee Maziarz said she knows they are aware of the proposed project on Redman Road since Schultz Associates is the site engineer. That is also senior oriented. She questioned if there is truly a need for so much senior housing. She asked for copies of the market research studies. She also questioned if there is a conflict of interest between the two developments. K. Schultz said there is definitely the need. He shared that the smaller community of Hilton is on Section 7 of a senior project. Every other

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application in Greece is for senior housing. Regarding the conflict of interest, K. Schultz said no. They are different projects and they will actually feed off each other. This area has what people want. They will draw from within the community and from the next County. This gives seniors the opportunity to remain in the Brockport area without having to find this type of housing elsewhere in the County. Trustee Wagenhauser asked what happens when the baby boom busts. K. Schultz said there is still new standard residential housing across the street and on West Avenue. This development with its variety will be unique in the Brockport area.

Trustee Maziarz asked if there would be recreation for children that live in the single-family homes. K. Schultz said there are purposely not any playgrounds planned. Since it will be primarily a senior community, there will be passive recreation.

Trustee Nayman said she hopes feedback does not fall on deaf ears. She said the former DPW Superintendent had expressed his dislike for cul de sacs and the difficulty plowing them. K. Schultz said street plowing inevitably places snow in driveway aprons. This is more so in cul de sacs. However, the center island maintenance and driveway plowing will be done by the homeowner's association. Therefore, it is not a Village DPW concern. K. Schultz said feedback is definitely not falling on deaf ears. They do not have the luxury of ignoring it.

Jim Hamlin of 50 Park Avenue said this seems more like cluster zoning and asked what the advantage of Q-zoning is here. K. Schultz again explained that the Village's Q-zoning allows for condo-type projects. J. Hamlin questioned the side setback. S. Winner said cluster zoning does not allow for condos. J. Hamlin said planned unit development might be better. S. Winner said Q-zoning is planned unit development.

Marilyn Colby asked where the mailboxes would go. K. Schultz said they would really like the mailbox on each unit. However, the Postmistress may not agree to that. S. Winner fought for this with McCormick Place but the USPS wanted them at the curb. M. Colby asked the ratio of single-family homes to senior units. K. Schultz said 15% would be single-family homes.

R. Collier asked where visitors would park. He also asked how quick the next unit would catch on fire since they are so close together. K. Schultz said visitors would park in the driveway and overflow on the street just like any other neighborhood in the Village. Emergency vehicles will get through just like any other neighborhood in the Village. N. Hausner said the standard fire safety smoke detectors would be installed. The multi units may require sprinklers. Chief McCullough said they would need to follow New York State Code. He said a 15-foot setback should contain the incident. Today's construction is made with better materials. R. Collier questioned the third road along the east of the pond. K. Schultz said they originally proposed the road further west. However, that did not work out. Then MCDOT required the street to line up with Cottage Rose Court to form an intersection.

An unidentified woman asked the volume of cars in the subdivision across the street. K. Schultz said he understands there are 45 to 50 homes in the existing subdivision and 30 in the new one. He said they hired a traffic engineer to do traffic counts, review potential hazards and recommend improvements needed. This was done at peak times (rush hours). The traffic analysis was submitted to the Village Engineer, Planning Board and MCDOT early on. With a senior development, the residents do not often use peak times; therefore there is less impact. If they were all to be single-family homes, there would be two to three times the impact.

Tom Carpenter of the Village Engineer asked if MCDOT had returned comments on the traffic study and sight distance. K. Schultz said yes. Chief Varrenti said with all due respect, the traffic study consisted of one day in October. That does not necessarily grasp reality. S. Winner suggested meeting on sight at peak time. K. Schultz said they would be happy to do so.

K. Schultz said a lot of the issues raised tonight were issues for the Planning Board. Tonight's appearance before the Village Board involves rezoning. This is just one of many steps in the process.

→ Trustee Wagenhauser moved, Trustee Castañeda seconded, unanimously carried to close the public hearing regarding rezoning and table decision until the comments and concerns raised tonight are addressed.

K. Schultz said with all due respect, the developer has made a considerable investment and is anxious to move forward in the process. He suggested that the Village Board consider granting rezoning

approval with contingencies. Trustee Maziarz said this is a new Board and it is important that they get up to speed and make the best decision for the community.

Developer Mike Ferraulo said he does not understand what the concerns are. For people to comment that they are concerned it could look industrial or like a trailer park is outrageous. They are not looking at the plans. There is no commercial planned. The whole project is high-end residential.

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Consider dissolution of the Board of Water Commissioners -

Mayor Wexler said the intent is to dissolve the 5 member Board of Water Commissioners as it currently exists. He said he has spoken with Harry Donahue as well as former DPW Superintendents Fred Perrine and Elliott Reynolds on this issue. They recommend that something take the place of the BOWC until the Village Board can take over the responsibilities completely. This could be a consultant or a 2 or 3 member advisory committee. This would be either voluntary or a small stipend. The Village Board would be in charge of setting rates and such.

Public Comment:

Betty Northrup of East Avenue asked if they had spoken with the BOWC first. Mayor Wexler said Manager Coyle spoke with them at their last meeting. B. Northrup asked who would serve in an advisory capacity. Mayor Wexler said that has not yet been determined. Trustee Wagenhauser shared that BOWC Chair Tim Carges provided the Village Board with a memo of points to be considered. It read as follows:

1. It has been asserted by some that the salaries of the Water Commissioners come from the Village General Fund and have some effect on the Village tax rate. This is totally false, since the Water budget is entirely separate from the general village budget and has no effect on the tax rate at all. Eliminating these salaries will not have any effect on the Village tax rate.”
2. It has been suggested that the size of the BOWC should be reduced from five possibly to two or three. The size of any board can be reduced to save money, but the number of people involved in any board tends to give a broader base of input and provides, hopefully, for the best possible decisions for the Village. Reducing the number of members doesn't really make very good economical or logical sense.
3. It has also been suggested by some that the BOWC should have to submit any water rate increases to the Village Board for approval. The BOWC makes rate increases only when the business case makes this necessary to continue operation without losing money. What possible input, other than political, could the Village Board add to this, and if it is not “politically correct” to raise rates at some time would that effect the implementation of the raise in rates. This could cause the Brockport Water Department to begin to operate at a loss of revenue, which would mean the Village would have to provide the funds necessary to balance the Water budget.
4. Quite a number of years ago, the Village Board did control the Water Department and they managed to make many poor decisions and bad concessions that cost the department dearly, most made to be “politically correct”. They operated for a number of years with a deficit that had to be made up from the Village general fund. At that time they created the BOWC and made them independent of the Village Board and for the past thirty years or so the Water Department has operated without a deficit and has been a positive source of funding within the Village. If we learn nothing else from this we should learn that politics and business do not mix.

Based on the above points, I feel that you should reconsider the ideal of eliminating or reducing the powers of and numbers on the BOWC. The small amount of these salaries, that are paid out of the water budget, are of small consequence when compared to the positive funding of the Department of Public Works where we fund two or three positions. We also fund part of the salary of the Superintendent of Public Works and partial salaries of other village personnel as well as the salary of one clerk in the Village Office. We have made direct contributions to the Village from our budget over the years and these have ranged from a high of \$100,000 to a low of \$20,000 during a particularly bad year. We have also funded the purchase of numerous pieces of Village equipment (backhoes, drott, etc) from the water revenues. Thank you all for your consideration of these points.

Trustee Wagenhauser responded that it may not affect the Village tax rate, but to make Brockport more affordable, the Board needs to consider water rates as well as taxes. He said the Village buys water from Monroe County Water Authority just as the Town of Sweden does. However, we pay approximately \$50 per year more for water in the Village. Trustee Wagenhauser said according to the water fund history, the Village operated at a deficit for a long time. The last time the BOWC made money was in 1996. Poor decisions have been made since then. We were leaking for a lot of years. Water rates went up. The Water fund balance has gone down. There is not a lot of money left. He said there was some cross-subsidization in manpower and equipment. Trustee Wagenhauser said he believes with the right counsel and expertise, the Village Board can successfully take over the BOWC responsibilities. As to water rates being political, if the Board does not need to raise rates and does so, the voters can vote them out.

Trustee Castañeda agreed. Mayor Wexler said the BOWC has been accountable to no one. They set rates and the Village Board has had no control. He said the Village Board should determine rates.

→ Trustee Maziarz moved, Trustee Nayman seconded, unanimously carried to close the public hearing and return to the regular meeting.

→ Trustee Wagenhauser moved, Trustee Castañeda seconded, unanimously carried to dissolve the Board of Water Commissioners.

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DEPARTMENT REPORTS:

A. PUBLIC WORKS / COMMUNICATIONS CENTER – Superintendent Harry G. Donahue

1. Carolin Drive 2005 Water Main Cleaning & Relining – SEQR & bid results – H. Donahue shared that 2 bids were received. One was from Mainlining Service for \$54,900. The other was from Heitkamp for \$22,500. The Village Engineers reviewed the qualifications of Heitkamp, Inc. and have discussed their bid with them. They are familiar with the bidder's qualifications. They feel their bid is balanced and a true representation of costs to complete this project. They recommend that the Village Board pass a resolution accepting the bid from Heitkamp, Inc. for the total amount bid of \$22,500 and award the contract to them.

Trustee Nayman questioned the significant difference in the bids. H. Donahue said the higher bidder might not have read in the specifications that the Village DPW will be doing a lot of the work. He said it surprised him as well. H. Donahue confirmed that this was a budgeted project.

→ Trustee Maziarz moved, Trustee Castañeda seconded, unanimously carried to accept the bid from Heitkamp, Inc. for the total amount bid of \$22,500 and award the contract to them.

2. Fire Department Roof Replacement – request authorization to bid – Mayor Wexler said this was discussed by the former Village Board more than a year ago. He thanked H. Donahue said he and I. Coyle for their recent work on it. H. Donahue asked for authorization to go out to bid on the project.

→ Trustee Wagenhauser moved, Trustee Castañeda seconded, unanimously carried authorizing going out to bid on the Market Street fire hall roof replacement project.

B. POLICE DEPARTMENT – Chief Daniel P. Varrenti

1. Calls for Service – Chief Varrenti reported 7,781 calls for service year to date. This is slightly ahead of the number of calls for this time last year. He said as in the past they will have an extra officer on Thursday, Friday and Saturday nights in September and October to set the tone for the new academic year.

Trustee Wagenhauser asked the number of officers that are scheduled for those nights normally and for that time of year. Chief Varrenti said now on a Thursday, Friday or Saturday night there are 2 to 3 officers on. In September and October there will be 3 to 4 officers on. He said he has not posted any overtime for September.

2. Quarterly Report – Chief Varrenti reminded the Board that he distributed the last quarter report some time ago and has not received any questions or comments. Additional copies are available for those interested.
3. National Night Out – Chief Varrenti said most of the Board was there. He said it was a great success. He thanked the Fire Department, Ambulance Corps and Army National Guard for their displays. Trustee Wexler thanked Chief Varrenti and the Police Department for coordinating the annual event. He said he only wished more kids were there to see what could happen in an accident.
4. SPARTAC Vehicle – Mayor Wexler said on June 20th the issue was raised with the former Board based on previous budget correspondence from Chief Varrenti of having spent \$400 to stripe a vehicle formerly used as police car for SPARTAC use. It was brought up again with the new Board July 18th and there was some concern as to the need for such a vehicle. Chief Varrenti offered and distributed a packet of information on his plans for this vehicle as well as the SPARTAC program and the Board discussed the issue at the last workshop. Mayor Wexler said it is now up to the Board whether the car is kept and activated for SPARTAC use or if the car is sold.

Chief Varrenti said he has done all in his power to educate the Village Board on the SPARTAC program, administrative orders, manual and the history and facts that led to plans for the SPARTAC vehicle. He said it is important to him, the community and the SPARTAC volunteers. He said to date he still does not know what the Village Board's concerns are. He has not received a single comment or question after having provided over 40 pages of

information, and yet the Board appears to be prepared to vote on it. He urged the Board to work with him to put their heads together to make it work. He said a good manager strives to say yes and works to achieve policy to address concerns.

Mayor Wexler said sometimes saying no is just as important as saying yes. He said the Board might have not had any questions after reviewing the information Chief Varrenti provided. He said there is want versus need. Trustee Nayman said she read the information 3 times and it was discussed at the workshop. She said she is committed to be frugal with taxpayer dollars. There are only 3 or 4 current SPARTAC members, at least one who does not drive. The program originated as volunteer walkers keeping their eyes and ears open. Now there are formal uniforms and bicycles. Chief Varrenti said the bicycles used belong to the members.

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The uniforms are a minimal expense to professionalize the group and gain them the recognition and respect they deserve. Chief Varrenti said he, too, is concerned with expense. Having a SPARTAC car on Utica Street with 2 volunteers could deter crime. This is a small price to pay to keep the car on the road with insurance and one tank of gas per month compared to posting a police officer there at \$50 per hour. Sometimes you have to spend a little money to save a lot of money. This will reduce overtime.

Trustee Castañeda said having a car almost defeats the purpose of a volunteer walking patrol. She said they could see and hear more as an extra team of eyes and ears by walking than sitting in a car. She expressed concern of the cost to maintain an extra vehicle. She said she believes it is a great program, but that the volunteers are of more benefit walking than sitting in a car.

Fire Chief McCullough spoke in support of the proposal. He said the Fire Department has its extra pool car and there is little cost impact on insuring the vehicle. Chief Varrenti said he would not ask officers or volunteers to walk in the freezing rain in the middle of the night. Chief Varrenti said he would do whatever the Village Board decides. He said when a community embraces a volunteer group it properly equips them. This also gains more volunteers.

Trustee Castañeda said the Board also received a letter from SPARTAC volunteer John Brugger in which he says they would be extensively trained. Chief Varrenti said they would be trained. Chief McCullough said the Fire Department puts its volunteers through EVOG – emergency vehicle operation course. Chief Varrenti said police officers also go through that, but SPARTAC volunteers do not respond to calls. They would only sit and be visible. This visibility at a prime location can act as a deterrent to crime and unwanted behavior. Trustee Castañeda said she is certainly not against volunteers, but the Village has police force paid to be on patrol.

Trustee Wagenhauser said he lived at Monroe Avenue and Utica Street for 6 years and witnessed the effectiveness of SPARTAC volunteers. When they are out walking, large groups scatter and potential problems dissipate. He said the old vehicle in question is not likely to bring more than \$1,000 to \$3,000 at municipal auction. SPARTAC is for the neighborhoods, not the volunteers. He suggested doing a pilot program where the vehicle is used only in inclement weather. He said the marked car in a highly visible location is a deterrent. It is likely to draw more volunteers and is striped already. Trustee Wagenhauser said he believes with conditions, it can work.

Trustee Maziarz said she was the first to put a halt to implementing the SPARTAC vehicle when it was brought up at the June 20th meeting. She said it was an oversight on her part since it had been presented in the Chief's information at budget time. Trustee Maziarz said the Village would be no more libel than it is with all of the Fire and Ambulance volunteers. Status of drivers license is monitored regularly. She said her concern was if the SPARTAC volunteers would respond to calls or the vehicle used inappropriately. She shared that other Police Departments have similar volunteer programs and vehicles such as Greece and Rochester. It is a minimal cost to encourage volunteerism and act as a deterrent. Trustee Maziarz said after studying the information provided by Chief Varrenti, she is willing to give it a try.

Chief Varrenti said why not give it a try as a pilot program. If it does not work, it goes away. He said he is willing to work with the Village Board to create or modify policy to be implemented.

Trustee Nayman asked if there would be an expectation to replace the vehicle if it died. Chief Varrenti said that would be up to the Board. By then, they would determine how valuable it is. However, it is not a Union issue.

→ Trustee Wagenhauser moved, Trustee Maziarz seconded, Trustees Nayman, Castañeda, Mayor Wexler opposed to putting the vehicle into use for SPARTAC subject to the Village Board agreeing with its use, policies, and procedures. DENIED.

→ Trustee Nayman moved, Trustee Castañeda seconded, Trustees Wagenhauser and Maziarz opposed, Mayor Wexler in favor of sending this vehicle to municipal auction in October. Carried.

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

1. Monthly Reports – S. Zarnstorff provided his July applications report and a draft of his July inspections report. He said the final version would be forthcoming. He shared that there is some new activity at Remington Woods with 2 new homes under construction as well as the dental office. He said his new part time clerk is working out well and is beginning to get freed up to be in the field more and move some back burner projects to the front burner.

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2. SUNY Partnership Opportunities – S. Zarnstorff shared that he, Chief Varrenti and Mayor Wexler met with SUNY’s Ray DiPasquale and Chris Cook-Florence about partnership opportunities, off campus student housing and the like. S. Zarnstorff and L. Vaughan as well as S. Winner and representatives from the Fire Department and Police Department have agreed to do the second annual “blitz” of information to off campus student housing on Saturday, September 10th. They will be presented with various brochures from the Village pertinent to living and thriving off campus. This is a good opportunity for dialogue with students and parents.

Trustee Maziarz suggested the Village have full editorial control since last year SUNY watered down some content provided by the Village when it went to print. S. Zarnstorff said his documents did not get watered down. Chief Varrenti said his did. Trustee Maziarz also commented that there are some inaccuracies in the “red brochure” about off campus living that SUNY published last year. Chief Varrenti said he is reluctant to participate after the watering down of important information last year. He said he would not have SUNY do the printing.

3. Landlords Association – Mayor Wexler said representatives of the Landlords Association, Norm GianCursio, Rodney Davis and Tony Perry, wish to sit down with he and S. Zarnstorff sometime in September to address some concerns.
4. Good Neighbor Committee – Trustee Maziarz said Chris Cook-Florence of SUNY contacted her and asked for names of one or two landlords to sit on the committee. Trustee Maziarz asked N. GianCursio if he would be willing to sit and to solicit another member. N. GianCursio said he sat on the committee for several years up until a few years ago and would be glad to re-activate his membership.

D. FIRE DEPARTMENT - Chief Christian A. McCullough

1. Membership Adds/Drops/Transfers – Chief McCullough asked the Board to consider approving the following drops: Shawn Calbretti, Amanda Mancine, Andy Sankus, Michael Zale the following adds: Kyle Rombaut the following Explorer drops: Killian Boyd, Joseph Morehouse.

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

2. Call Load – Chief McCullough reported 557 fire calls year to date and 1,028 Ambulance calls year to date. He reported that they responded to a house fire on Sweden Walker Road at the end of East Avenue and got 11 people out safely. There was substantial damage to the structure, but no injuries.
3. Village / Fire Department Pool Car – Chief McCullough asked if the Board had discussed Deputy Chief Vaughan’s memo at their last workshop. Trustee Maziarz said they had. Chief McCullough summarized that as part of the budgeted vehicle replacement and rotation, plans call to replace the Deputy Chief’s current vehicle (Ford Crown Victoria) with a Ford Explorer. Then the Ford Crown Victoria would become the Village’s pool car housed at the Fire Department.

Trustee Maziarz asked the need to upgrade to an Explorer. Chief McCullough said the Explorer has proven to have an easier response and a better carry capacity among other reasons listed in the memo. Trustee Wagenhauser asked if the current Crown Victoria holds everything it needs to carry. Chief McCullough said it does, but it is quite jammed in. It adds a substantial load to the vehicle as well as time needed to sort through and pull out what is needed. Trustee Maziarz asked the difference in gas mileage. Chief McCullough said they are very comparable. Other benefits of the Explorer are the four-wheel drive, sitting higher, better line of sight.

Trustee Wagenhauser asked if this was for information only or if Board action is needed. Chief McCullough said they are looking for Board authorization to go out to bid. Trustee Maziarz asked who has access to the pool car. Chief McCullough said all Village employees and Fire Department volunteers. It takes people to conferences, training, run errands and the like. It has minimal equipment and safety striping and Village emblem. Trustee Maziarz said she thinks repair it begs the same question as the previously discussed SPARTAC vehicle re insurance, costs, liability.

Chief McCullough said the regular replacement of a Fire Chief's vehicle is really a separate issue than that of the pool car. It has been lumped together here since they propose to use the current Deputy Chief's vehicle as the next pool car. Chief McCullough urged the Board to consider the future of volunteerism and to not be "penny wise and pound foolish". For the most part, all a municipality has to offer its volunteers is quality equipment. Trustees Maziarz and Wagenhauser agreed.

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Manager Coyle questioned what the plans are for the existing pool car. Chief McCullough said it is old and in need of extensive repairs at great cost. They recommend it be sent to municipal auction in October.

→ Trustee Castañeda moved, Trustee Nayman seconded, unanimously carried authorizing to go out to bid on a new Ford Explorer to replace the Deputy Chief's vehicle.

→ Trustee Maziarz moved, Trustee Castañeda seconded, unanimously carried to send the current pool car to municipal auction in October.

4. Annual 9/11 Vigil – Chief McCullough shared that the annual 9/11 Vigil will be held at the Firefighter's Memorial Monument from sun up to sun down. All are welcome.

E. TREASURER / VILLAGE MANAGER - Ian M. Coyle

1. CDBG Grant – I. Coyle reported that the Village received confirmation that it will receive \$35,000 for part II of the Holley Street storm sewer project. The Village Board needs to accept this grant and authorize the Mayor to sign it.

→ Trustee Maziarz moved, Trustee Castañeda seconded, unanimously carried accepting the \$35,000 CDBG grant for Phase II of the Holley Street Storm Sewer Project and authorizing the Mayor to sign it.

2. Assemblyman Reilich – I. Coyle reported that he and Mayor Wexler met with Assemblyman Bill Reilich today. They thanked him for the grant support of the Village, Police Department and Fire Department this past year and provided him with a list of other funding that would be helpful. Assemblyman Reilich promised to lend his support where he can. He has thus far been very supportive of Brockport. I. Coyle said he is going to try to find funds for some playground equipment at the Havenwood Tot Lot.

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

G. ATTORNEY –

H. ECONOMIC DEVELOPMENT – Coordinator R. Scott Winner

SUPPORT BOARDS REPORTS:

A. PLANNING BOARD – Chair R. Scott Winner

B. LIBRARY BOARD – President Matthew Minor (absent)

C. ZONING BOARD OF APPEALS - Chair _____

VILLAGE BOARD REPORTS:

A. Trustee/Vice Mayor Maziarz

1. Appoint new volunteers to Welcome Center Greeter Program – Trustee Maziarz asked the Board to appoint the following as volunteers to the Welcome Center Greeter Program: Carol Bott, Laurie Gurnett, Maury & Liz Kleiman, George Sokolsky, John & Helen Maier, George Toth, Paul Drake, Laura Fisher. This brings the program to 85 volunteers.

→ Trustee Castañeda moved, Trustee Wagenhauser seconded, unanimously carried appointing the previously mentioned as volunteers to the Welcome Center Greeter Program.

2. Welcome Center Brochure Rack – Trustee Maziarz distributed a catalog page of a brochure rack for the Harbor Master's Office in the Welcome Center. This would get the brochures off the table so it can be used by community groups who reserve the conference room at the

Welcome Center for meetings and such. The cost is \$155.95.

→Trustee Wagenhauser moved, Trustee Maziarz seconded, unanimously carried to purchase said brochure rack for the Welcome Center at a cost of \$155.95.

3. Welcome Center – Canal Life Ring – Trustee Maziarz distributed a catalog page and shared that a life ring needs to be purchased. They need to investigate prices. Chief McCullough recommended one with an alarm system to deter theft and to get attention when used. H. Donahue commented that the DPW could install an alarm at little cost to whatever life ring is purchased. Therefore, it is not necessary to purchase an already alarmed life ring. This will be less expensive.

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4. NYS Canal Conference September 11th – 13th – Trustee Maziarz asked for authorization to attend the annual New York State Canal Conference at an early registration cost of \$145. Since it will be held in Rochester this year, there is no need for overnight accommodations. Trustee Maziarz said she was involved in securing a day trip for conference participants to Brockport to see our canal improvements. She encouraged the Mayor and other Trustees to attend the conference. Trustee Nayman said she might be interested in attending if it were not for the \$145 registration fee.

→ Trustee Nayman moved, Trustee Castañeda seconded, unanimously carried authorizing Trustee Maziarz to attend the NYS Canal Conference in Rochester September 11th – 13th at a cost of \$145.

5. NYCOM Fall Training School – Clerk Morelli wondered while on the subject of conferences, if the Mayor or Trustees were considering attending the annual training school. It is September 19th – 23rd in Lake Placid. Registration, room and board for the four days at the host hotel is \$1,040. There is a course track designed for new elected officials. She said she attended in 2003 and Ian attended in 2004. The former Board agreed to budget for the Clerk and Treasurer to go on opposite years. Clerk Morelli said it would be her year to go, but said it may be more important for a new official to take her place. Mayor Wexler said he would circulate a copy of the conference information.

B. Trustee Castañeda

1. Parks – Trustee Castañeda said she and Trustee Nayman met with Andrea Perry of the Parks Committee. They visited the various parks throughout the Village. Trustee Nayman distributed the Parks Committee's recommendations to the Board and Department Heads. They will be meeting again soon and have been invited to come to a Village Board meeting.

C. Trustee Wagenhauser

1. Parks – Trustee Wagenhauser commented that he recently spent some time at Corbett Park with his family. He said the graffiti of language and pictures makes him blush. He suggested that the DPW get there soon to remove the graffiti. He further recommended that before new equipment is purchased for parks that the graffiti problem on existing equipment be rectified.
2. Garbage – Trustee Wagenhauser reported that he has spoken with 4 other municipalities and obtained sample contracts regarding bidding out garbage collection. More information will be forthcoming.

D. Trustee Nayman

1. DPW – Trustee Nayman said she recently met with Harry Donahue regarding DPW.
2. BISCO – Trustee Nayman said she has attended 2 BISCO meetings and observed a real cooperative effort in regards to the Arts Festival.
3. Library Board – Trustee Nayman said she would be meeting with the Library Board tomorrow evening.

E. Mayor Wexler

1. Appoint Hal Legg to vacancy on Assessment Board of Review – Mayor Wexler said Harold A. Legg III had applied for a vacancy on the Zoning Board of Appeals. Since those spots are filled, he would like to appoint him to the vacancy on the Assessment Board of Review.

→ Trustee Maziarz moved, Trustee Nayman seconded, unanimously carried appointing Harold A. (Hal) Legg, III to the Assessment Board of Review for a four-year term that runs through June 2009.

2. Appoint Thomas Calandra as Village Attorney – Mayor Wexler said a job description and salary proposal for Village Attorney was drawn up by Manager Coyle and appears agreeable to Thomas Calandra. Therefore, Mayor Wexler asked the Board to consider appointing Thomas Calandra as Village Attorney effective immediately.

→ Trustee Nayman moved, Trustee Wagenhauser seconded, unanimously carried to appoint Thomas Calandra as Village Attorney effective immediately per the job description and salary proposal presented.

3. Appoint David Lippitt as Labor Attorney – Mayor Wexler asked the Board to consider appointing David Lippitt as the Village’s Labor Attorney effective immediately. Mayor Wexler said he has previously represented the Village in contract negotiations and a few personnel issues.

Trustee Maziarz said she did not receive a job description or salary proposal for Labor Attorney. Trustee Wagenhauser commented that extensive research was done with credentials, resume and a formal letter of engagement with T. Calandra for the position of

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Village Attorney. He asked why the same would not be done for the position of Labor Attorney. Mayor Wexler said he was previously employed by the Village and would represent the Village on labor / personnel issues and charge \$140 per hour. Mayor Wexler said he presented this at the workshop meeting and did not receive any feedback from Trustees.

Mayor Wexler said he knows the Village will be receiving a bill since he and Manager Coyle recently used his services. Trustee Maziarz said she had no problem with soliciting his help on a specific issue since it was needed. However, the Board did not agree to formally hire him as Labor Attorney. She said she would like to see a job description before appointing him to the position. Trustee Wagenhauser agreed. This is consistent with the hiring process for Village Attorney.

→ Trustee Nayman moved, Trustee Castañeda seconded, Trustee Maziarz and Trustee Wagenhauser opposed, Mayor Wexler in favor of appointing David Lippitt as Labor Attorney. Carried 3 to 2.

4. Arts Festival – Mayor Wexler congratulated all on a successful Arts Festival and thanked Brad Alexander of Northside Mobil on the Run for providing 13 dozen donuts and Roger Smith for providing the coffee for the Mayor and Trustees to distribute to the vendors.
5. Walk Bike Action Group – Tour de Brockport – Mayor Wexler said Marilyn Colby was here earlier and wanted to ask the Board for \$50 for refreshments (apples, bananas and oranges) for the “Tour de Brockport” held September 17th.

→ Trustee Wagenhauser moved, Trustee Nayman seconded, unanimously carried approving the request for \$50 for fruit for Tour de Brockport.

Trustee Maziarz said she might be able to get some of the Farmer’s Market participants to donate apples.

6. Police Chief’s Contract – Mayor Wexler said on January 16, 2002 the Village of Brockport entered into a 10 year contract with Daniel Varrenti to be Police Chief by then-Mayor Matela’s signature. It was discovered that the minutes of the Village Board did not reflect prior approval and authorization of the contract or appointment as Police Chief. Therefore, on April 15, 2002 the Board at that time approved the contract between Daniel P. Varrenti and the Village of Brockport, authorizing the Mayor to sign the contract and appointing him Police Chief reconfirming the matter nunc pro tunc (“as if from the beginning with full force and effect”). Mayor Wexler said there is some question regarding the legality of a contract lasting that long. He referred to an opinion from the New York State Attorney General stating the Village does not have the power to bind a contract on successor boards. Mayor Wexler said he is the only person left from the 2002 Village Board. He said that Board, including himself, made a mistake. The current Board now has the opportunity to rectify that mistake. He said the Village Board could revoke and disaffirm the contract. He would then attempt to get a successor agreement for Village Board approval.

Trustee Wagenhauser said the Board is in agreement that the contract is overly generous and that the current Board would not vote for it today. Further, 4 of the 5 current Board members did not vote for it. He said the Village would be better off if officials sat down with Chief Varrenti to reasonably work out areas of concern. To approve a motion to revoke and disaffirm the contract is gambling with taxpayer money since it will very likely result in a lawsuit. He said there is not a lot of upside to taking this approach.

Trustee Maziarz said she and Trustee Wagenhauser spoke to Chief Varrenti a couple of weeks ago. She said Chief Varrenti expressed a willingness to discuss his contract. If a good attempt were to be made and they still did not get the results they want, then this motion would make sense. However, to approve such a motion will guarantee a lawsuit and cost a lot of money. Then they will not be able to say they tried reasonable discussion first.

Mayor Wexler compared it to the chicken and the egg as far as which should come first. He said he believes it is important to disaffirm the existing contract first to give the Village leverage. Then with the clock ticking, it behooves both parties to agree to a new contract. Mayor Wexler said there are no other Police Chiefs in Monroe County with a contract. He said there is a difference between private and government decisions. It was shown that a municipality couldn't grant such a long contract. The Village can renew it for 4 years or change it. Mayor Wexler said he understands there will be some points in the contract where there is not a lot of wiggle room. He said he does not blame D. Varrenti. The Village Board at that time gave him the contract and made a mistake.

Trustee Castañeda said the current contract does a disservice to the taxpayers. The Board owes it to them to revoke it and re-negotiate.

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Trustee Maziarz said she believes that a new contract should be in place before the current one is taken away. This could be worked out reasonably at no cost. The method Mayor Wexler is proposing will be very costly.

Mayor Wexler said the Village was wrong once. It would not be easy to come to agreement on revising the contract that exists. Trustee Wagenhauser said the Village may have been wrong once, but he is concerned that they will be wrong again. He said it is worth trying to work it out without lawsuits. Trustee Wagenhauser said in the current contract, the Chief does not get health benefits. This is an \$8,000 to \$12,000 savings to the Village per year. The Village also does not pay his 17% retirement, which saves approximately \$15,000 per year. The big difference is the "golden parachute". He said the Village could ask for a tiering of salary so that the next Police Chief does not start at as high a salary. Trustee Wagenhauser said there would likely be lawsuits backed by Police Chiefs organizations. He is not willing to gamble with the taxpayer's money.

Mayor Wexler clarified that there is no talk of dismissal. This is just about the contract. Although this may be un-chartered waters, there should not be an assumption of success on either side. The outcome is unknown. Trustee Wagenhauser said he agrees that they don't know what will happen. That's why it is a gamble.

Trustee Maziarz said she truly believes Chief Varrenti deserves the chance to sit down with the Village and work out any issues before it gets out of control, legal fees mount and a judge rules on what has to happen. Mayor Wexler said he was confused as to where Trustee Maziarz stood. He thought she was not happy with the contract. Trustee Maziarz said she is not happy with the current contract, but feels strongly that reasonable attempts at resolution should be tried first for free rather than taking action that will undoubtedly result in costly legal fees.

→ Trustee Castañeda moved, Trustee Nayman seconded, Trustees Wagenhauser and Maziarz opposed, Mayor Wexler in favor Carried:

BE IT RESOLVED that the Brockport Village Board hereby revokes and disaffirms the employment agreement between Daniel Varrenti and the Village of Brockport, which was signed by Mr. Varrenti and then-Village Mayor Josephine Matela on January 16, 2002, and subsequently approved by resolution of the Village Board on April 15, 2002, with such revocation and disaffirmation being effective immediately.

→ Trustee Castañeda moved, Trustee Nayman seconded, unanimously carried that Mayor Wexler and Manager Coyle meet with Chief Varrenti within 10 business days to discuss a salary and benefit package for presentation to the Village Board for their approval.

Mayor Wexler asked D. Varrenti if he was tape recording this. D. Varrenti said yes, on advice of his attorney. D. Varrenti asked if he could make a statement. Mayor Wexler said yes. He said that on January 16, 2002 he negotiated in good faith with his attorney, then-Mayor Matela and an attorney on behalf of the Village. He said he left a \$100,000 per year position with the Irondequoit Police Department where he was guaranteed employment to age 62. He has been proud to serve the Village of Brockport. On the advice of his attorney, he has run his tape recorder. This is his right and he will do so as he chooses. He said he has spoken with each Board member with the exception of Trustee Castañeda about his contract. He said Trustee Wagenhauser is correct. This will involve the New York State Chiefs of Police Association and other professional organizations. Mayor Wexler stated that

no other Police Chiefs in Monroe County have a contract. Maybe he is not aware of this, but that is not true. He said even if he may want to sit down and discuss this, his attorney might not see it in his best interests. By going this route, getting attorneys involved, it may be out of his hands. He said he wanted to sit down and discuss reasonably. This is not his style.

PUBLIC COMMENT:

1. Kathy Snyder of 38 Lyman Street said the Village sought out an opinion on the legality of the Police Chief's contract and wondered if they would be doing the same with the other unethical and illegal happenings in the Village over the last 4 years.

2. Joan Hamlin of 50 Park Avenue expressed concern that the garbage haulers are still picking up garbage of businesses very early and very noisy. Trustee Wagenhauser said this also awakened him recently. He asked S. Zarnstorff to provided J. Hamlin with a copy of his memo on this matter. Chief Varrenti encouraged her to call 911 when the early garbage collection is taking place. They would be glad to help in this matter.
 Joan Hamlin questioned the delay in 2002 in the Board approving the Police Chief's contract. Mayor Wexler said then Mayor Matela signed the contract January 16, 2002. Trustee Wagenhauser said per NYCOM and Village Law, it is the Mayor that enters into contracts. Mayor Wexler said it was discovered a couple of months later that the Village Board never confirmed that contract. Therefore, it was done in April 2002. J. Hamlin asked if the contract was legal in the period between January and April. Chief Varrenti said the motion included the words non pro tunc, which is a Latin term that means as it was in the beginning.

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3. Norm GianCursio referred to an incident on Holley Street with a former SPARTAC member going after someone with a shotgun. He recommended that a background check and psychological evaluation be done on SPARTAC volunteers. If not, SPARTAC should be dissolved so no one gets hurt. Chief Varrenti said background checks and psychological evaluations are done on police officers and are very costly. Background checks are also done on firefighters because a certain percentage has been shown to be arsonists. Fire Chief McCullough said arson and driver checks are done for firefighters. Chief Varrenti said the best thing to do when setting policy is to set it for the entire Village, not a particular department. Trustee Wagenhauser suggested this be placed on a workshop agenda.

Executive Session

Mayor Wexler declared a 5-minute recess at 11:20pm.

⇒ Trustee Maziarz moved, Trustee Nayman seconded, unanimously carried that the Board of Trustees of the Village of Brockport enter into an executive session to discuss a personnel matter.

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

AUDIT:

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

<u>Village</u>		
Date	Check #	Amount
8/11/05	171900-171969	182,279.94
8/15/05	172001-172017	19,427.67
<u>Fire</u>		
8/15/05	171970-172000	22,306.11
<u>Third Party Billing</u>		
8/15/05	603-612	7,054.43
<u>Capital Projects</u>		
8/15/05	1913-1921	21,433.40

Water
8/15/05 1185-1200 40,480.56

Sewer

ADJOURNMENT:

- Trustee Maziarz moved, Trustee Castañeda seconded, unanimously carried that the meeting be adjourned at 12:02am.

Leslie Ann Morelli, Village Clerk