

VILLAGE OF BROCKPORT
VILLAGE BOARD - MEETING AGENDA
Tuesday, May 8, 2012 7:00pm
Location: Brockport Village Hall
(If over occupancy relocate to: Middle School Auditorium)

- **CALL TO ORDER / PLEDGE:** please silence cell phones & electronic devices & refrain from texting
- **MOMENT OF SILENCE:** to honor those that serve our Country, enforce our laws, & respond to emergencies
- **MISSION STATEMENT:** "To provide a high quality of life for all residents, exercising fiscal responsibility and preserving Brockport's unique heritage and historic character."
- **PUBLIC COMMENT:** 5 minute limit per person / state name & address for record & speak directly to entire Board / share if this is a prepared statement & submit hard copy to Clerk after reading (& electronically next day)
- **CONSENSUS ITEMS:**
 - Approval of minutes – 4/24
 - Approval of bills to be paid
- **CLERK REPORT:**
 - Clerk – Leslie Ann Morelli
 - Sidewalk Café Permit application – Java Junction
 - Resolution correcting 6/1/12-5/31/13 Tax Rate as \$12.09 not \$12.10/1,000
 - Workers Comp Program update
- **PERSONNEL ITEMS:**
 - Appointments:
 - Fire Department – membership drops/adds
 - Welcome Center Greeters – membership drops/adds
 - Re-Appointments:
 - Farmers Market Managers for 2012 season
- **NEW BUSINESS:**
 - Authorize advertising for 4 seasonal laborers for DPW
 - Authorize purchase of transfer switch \$2,899 ½ from Shafer Trust funds for Village Hall backup generator
- **OLD BUSINESS:**
 - Update on Village Court research – Trustee Blackman
- **VILLAGE BOARD REPORTS:**
 - Mayor Maria Connie Castañeda
 - Confirmation of CDBG of \$37,250 for Barry Street Water Main Replacement Project
 - 6/16- Annual MCDES Mobile Household Hazardous Waste Collection – call 637-2144 to schedule
 - Association of Monroe County Village Mayors – upcoming training opportunities
 - Trustee Margaret B. Blackman
 - Trustee Kent R. Blair
 - Trustee Carol L. Hannan
 - Trustee Scott W. Hunsinger
- **EXECUTIVE SESSION**
 - Deputy Clerk-Treasurer – search committee to bring forth finalists (separately) to meet Trustees – for appointment consideration 5/22
- **ADJOURNMENT**

Vacancies:

- Assistant Building Inspector (pt) – Village Board to form search committee after 6/19 referendum
- Historic Preservation Board – to complete a 3-year term to 6/30/12 – (1 application received)
- Parks Committee – 4-year term to 6/30/15 (1 application received)
- Zoning Board of Appeals – to complete a 5-year term to 6/30/13
- Ethics Board – 4-year term to 6/30/16 – Village employee

Upcoming:

- 7pm Tuesday, 5/22 – Village Board meeting (w/ Attorney, Treasurer, Department Heads)
- Friday, 5/25 & Monday, 5/28 – Village Hall closed for holiday

GUIDELINES FOR PUBLIC COMMENT:

The public shall be allowed to speak only during the public comment period of the meeting or at such time as recognized by the presiding officer.

- Speakers must be visible.
- Speakers must give their name, address and organization, if any.
- Speakers must be recognized by the presiding officer.
- Speakers must limit their remarks to (5) five minutes on a given topic or extended if recognized by the presiding officer.
- Board members may, with the permission of the Mayor, interrupt a speaker during their remarks, but only for the purpose of clarification or information.
- All remarks shall be addressed to the Board as a body and not to any member thereof.
- Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste.
- Interested parties or their representatives may address the Board by written communications in the event of creating a hardship to attend the meeting personally.

VILLAGE OF BROCKPORT
SIDEWALK CAFÉ PERMIT APPLICATION #4863

VILLAGE OF
BROCKPORT
PAID
MAY - 1 2012
PAID

Date of Application: 5/1/12

Fee submitted: 200.-

Proof of Insurance submitted: Will Fax

Date scheduled on Village Board agenda: _____

Note: Applicant must attend the Village Board meeting.

BUSINESS: Java Junction

PERSON / PERSONS IN CHARGE: Peter Apicella

ADDRESS: 56 Main St.

TELEPHONE: 637 9330 FAX: 637 0728

E-MAIL: javajet@frontiernet.net

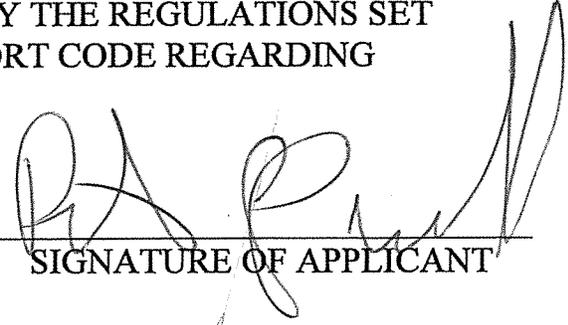
DAYS OF WEEK SIDEWALK IS TO BE USED: 7

HOURS OF DAY SIDEWALK IS TO BE USED: 12

DESCRIBE EXACTLY WHAT WILL BE PLACED ON SIDEWALK:
(# of tables, # of chairs, umbrellas, trash receptacle, cigarette receptacle...)

8 chairs
2 tables

APPLICANT AGREES TO ABIDE BY THE REGULATIONS SET FORTH IN VILLAGE OF BROCKPORT CODE REGARDING SIDEWALK CAFÉS (§58-11F).


SIGNATURE OF APPLICANT

Leslie Ann Morelli

From: Leslie Ann Morelli [lmorelli@brockportny.org]
Sent: Thursday, May 03, 2012 2:37 PM
To: Mayor Maria Connie Castaneda ; Trustee Carol Hannan ; Trustee Kent Blair; Trustee Margay Blackman ; Trustee Scott Hunsinger
Cc: Treasurer Daniel P. Hendricks
Subject: Tax rate - \$12.09 not \$12.10
Attachments: Budget Adoption Notice 12-13 - tax rate corrected 0503.12.doc

Good news. Sent our budget/tax stuff to County to run through the computer in order to work towards Village tax bill prep.

They found a minor error that Treasurer Hendricks checked & verified.

Our tax rate will be \$12.09 not \$12.10. Nothing else in the adopting resolutions changed.

Will add this to 5/8 agenda & get it on the record.

Leslie Ann Morelli
Village Clerk
Village of Brockport
49 State Street
Brockport, NY 14420
(585) 637-5300 X12
(585) 637-1045 fax
lmorelli@brockportny.org e-mail
<http://www.brockportny.org> website

Correction of tax rate from \$12.10 (4/24/12) to \$12.09/1,000

→ Trustee _____ moved, Trustee _____ seconded that the following resolution be adopted:

RESOLVED, that the Brockport Village Board adopts the 06/01/12 – 05/31/13 General Fund budget in the amount of \$4,647,690, the Water Fund budget in the amount of \$913,580, and the Sewer Fund budget in the amount of \$138,000 and that there be levied and assessed against the real property of the Village of Brockport the following sums for village government and other charges for the fiscal year 2012-2013 with a tax rate of **\$12.09** per thousand of assessed valuation levying the total taxes and other charges extended and levied against each parcel of real property, shown on the roll prepared and verified by the Town Assessor for the 2012-2013 fiscal year:

General Fund:

| | |
|---|-------------|
| Total Taxes for Current Budget | \$2,457,326 |
| For Releived Property Maintenance Charges | \$300.86 |

Water Fund:

| | |
|------------------------------------|---|
| For Releived Water Rents & Charges | 0 |
|------------------------------------|---|

Sewer Fund:

| | |
|------------------------------------|---|
| For Releived Sewer Rents & Charges | 0 |
|------------------------------------|---|

| | | |
|---|---|----------------|
| TOTAL REAL PROPERTY TAXES AND OTHER CHARGES ON ROLLS | = | \$2,457,626.86 |
|---|---|----------------|

A vote was taken and recorded as follows:

| | | |
|----------------------|---------|-------|
| Margaret B. Blackman | Trustee | _____ |
| Kent R. Blair | Trustee | _____ |
| Carol L. Hannan | Trustee | _____ |
| Scott W. Hunsinger | Trustee | _____ |
| Maria C. Castañeda | Mayor | _____ |

This resolution was thereby declared duly adopted ___/___.

Date: May 8, 2012

**VILLAGE OF BROCKPORT
NOTICE TO VILLAGE TAXPAYERS**

PLEASE TAKE NOTICE that the Brockport Village Board adopted the Final Budget for the Village of Brockport for the fiscal year June 1, 2012 – May 31, 2013:

RESOLVED, that the Brockport Village Board adopts the 06/01/12 – 05/31/13 General Fund budget in the amount of \$4,647,690, the Water Fund budget in the amount of \$913,580, and the Sewer Fund budget in the amount of \$138,000 and that there be levied and assessed against the real property of the Village of Brockport the following sums for village government and other charges for the fiscal year 2012-2013 with a tax rate of \$12.09 per thousand of assessed valuation levying the total taxes and other charges extended and levied against each parcel of real property, shown on the roll prepared and verified by the Town Assessor for the 2012-2013 fiscal year:

General Fund:

| | |
|---|-------------|
| Total Taxes for Current Budget | \$2,457,326 |
| For Releived Property Maintenance Charges | \$300.86 |

Water Fund:

| | |
|------------------------------------|---|
| For Releived Water Rents & Charges | 0 |
|------------------------------------|---|

Sewer Fund:

| | |
|------------------------------------|---|
| For Releived Sewer Rents & Charges | 0 |
|------------------------------------|---|

| | |
|---|-------------------------|
| TOTAL REAL PROPERTY TAXES AND OTHER CHARGES ON ROLLS | = \$2,457,626.86 |
|---|-------------------------|

Tax rate went from \$12.28 to \$12.09/1,000 of assessed valuation.

Water rates remain unchanged.

Sewer rates remain unchanged.

Leslie Ann Morelli
Village Clerk
Village of Brockport

For publication in the 5/7 edition of Suburban News and posting on Village website and at Village Hall.

PROPERTY TAXES
Within the Village of Brockport
Sample – June 2012

JANUARY **Town of Sweden / County of Monroe**

JUNE **Village of Brockport**

SEPTEMBER **Brockport Central School District**

Tax Rates:

January 2012

| | |
|-----------------|------------|
| Town | 2.30 |
| County | 9.20 |
| County Services | <u>.90</u> |
| | 12.40 |

June 2012

| | |
|---------|-------|
| Village | 12.09 |
|---------|-------|

September 2011

| | |
|--------|-------|
| School | 23.86 |
|--------|-------|

= \$48.35/1,000 of assessed value

Example:

If your home's assessed value is \$100,000

| | | |
|---------------------|--------------------------|----------------|
| Town/County: | 12.40 x 100,000 = | \$1,240 |
| Village: | 12.09 x 100,000 = | \$1,209 |
| School: | 23.86 x 100,000 = | \$2,386 |

Total annual property taxes would be: \$4,835

Contact Town Assessor at 637-8683 for possible tax exemptions:
senior citizens, veterans, disability, clergy, STAR, single & 2-family home improvements...

Updated May 2012 lam

Village of Brockport
Town of Chili
Village of East Rochester
Town of Elma
Village of Fairport
Town of Gates
Gates Volunteer Ambulance Service Inc.
Town of Grand Island
Town of Hamlin



UNYMWCP
Upstate New York Municipal
Workers' Compensation Program

344 Delaware Avenue
Buffalo, NY 14202
Ph. (716) 856-1100
Fax (716) 803-6762

Village of Hilton
Hilton-Parma Fire District
Village of Honeoye Falls
Town of Marilla
Town of Ogden
Town of Parma
Village of Scottsville
Town of Sweden

Kathleen Saville—Chairperson
Town of Ogden

Janet Surrige—Treasurer
Village of Hilton

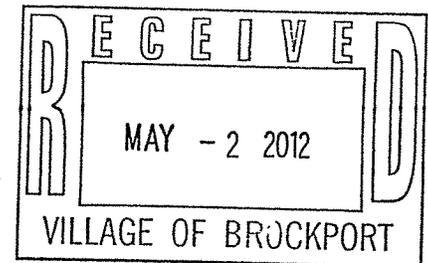
Pamela Barton - Secretary
Town of Grand Island

Martin D'Ambrose—Vice Chairman
Village of East Rochester

Gerard Pavelsky - At Large Representative
Village of Honeoye Falls

April 30, 2012

M. Connie Castaneda
Mayor
Village of Brockport
49 State Street
Brockport, NY 14420



Dear Mayor Castaneda:

On behalf of the Board, I am pleased to inform you that the Upstate New York Municipal Workers Compensation Plan has experienced another successful year. As a result, for the fiscal year ending December 31, 2011, the Board of Directors at its March 21, 2012 meeting declared a 60% dividend return.

As you know, there are three criteria which are used to determine the payment of premiums. These are (1) the payroll; (2) the employer classification; and (3) the experience record and number of accidents and severity of injuries included for this employer. It is important to educate all personnel about safety rules, workers' compensation and their duties and responsibilities in the workplace. The more education and training you give your employees, the more we find that problems are reduced with injured workers.

Enclosed please find the Village of Brockport's surplus dividend check in the amount of \$84,975.

The Board of Directors is confident that your municipality will continue its' efforts to keep employees safe and healthy. Congratulations!

Sincerely,

Kathleen Saville
Chairperson

Enclosure (1)

UNYMWCP Surplus Refund / Deficit Repayment Calculation

Calculated as of 12/31/11 for Program Years 2004-2011

2004 - 8th Adjustment

| Cost Elements | Brockport |
|----------------------------|------------|
| A. Contribution Made | \$0 |
| B. Undeveloped Losses | \$0 |
| C. Developed Losses (IBNR) | \$0 |
| D. Loss Ratio (C/A) | 0% |
| E. Return % (60-D) | 0% |
| Surplus Refund | \$0 |

2005- 7th Adjustment

| Cost Elements | Brockport |
|-----------------------------|-----------------|
| A. Contribution Made | \$144,461 |
| B. Undeveloped Losses | \$56,688 |
| C. Developed Losses (IBNR)* | \$56,688 |
| D. Loss Ratio (C/A) | 39% |
| E. Return % (58-D) | 19% |
| Surplus Refund | \$27,448 |

2006 - 6th Adjustment

| Cost Elements | Brockport |
|-----------------------------|------------------|
| A. Contribution Made | \$235,809 |
| B. Undeveloped Losses | \$36,614 |
| C. Developed Losses (IBNR)* | \$36,614 |
| D. Loss Ratio (C/A) | 16% |
| E. Return % (60-D) | 44% |
| Surplus Refund | \$103,756 |

2007 - 5th Adjustment

| Cost Elements | Brockport |
|-----------------------------|------------------|
| A. Contribution Made | \$225,195 |
| B. Undeveloped Losses | \$16,008 |
| C. Developed Losses (IBNR)* | \$16,008 |
| D. Loss Ratio (C/A) | 7% |
| E. Return % (60-D) | 53% |
| Surplus Refund | \$119,353 |

2008 - 4th Adjustment

| Cost Elements | Brockport |
|-----------------------------|-------------------|
| A. Contribution Made | \$200,260 |
| B. Undeveloped Losses | \$146,972 |
| C. Developed Losses (IBNR)* | \$198,311 |
| D. Loss Ratio (C/A) | 99% |
| E. Return % (60-D) | -39% |
| Surplus Refund | (\$78,101) |

2009 - 3rd Adjustment

| Cost Elements | Brockport |
|-----------------------------|------------------|
| A. Contribution Made | \$202,937 |
| B. Undeveloped Losses | \$1,989 |
| C. Developed Losses (IBNR)* | \$1,989 |
| D. Loss Ratio (C/A) | 1% |
| E. Return % (60-D) | 59% |
| Surplus Refund | \$119,733 |

2010 - 2nd Adjustment

| Cost Elements | Brockport |
|-----------------------------|------------------|
| A. Contribution Made | \$216,963 |
| B. Undeveloped Losses | \$12,731 |
| C. Developed Losses (IBNR)* | \$27,244 |
| D. Loss Ratio (C/A) | 13% |
| E. Return % (60-D) | 47% |
| Surplus Refund | \$101,973 |

2011 - 1st Adjustment

| Cost Elements | Brockport |
|-----------------------------|-----------------|
| A. Contribution Made | \$222,879 |
| B. Undeveloped Losses | \$14,734 |
| C. Developed Losses (IBNR)* | \$57,168 |
| D. Loss Ratio (C/A) | 26% |
| E. Return % (60-D) | 34% |
| Surplus Refund | \$75,779 |

Sharing of Paid Claims > \$200,000

| Cost Elements | Brockport |
|--|-----------------|
| <u>2006 Town of Gates Claim</u> | |
| Total Paid as of 12/31/11 = \$295,558 | |
| Share of \$95,558 | \$10,190 |
| Total Share of Claims > \$200K | \$10,190 |

| | Brockport |
|--|-----------|
| | |

| | |
|-----------------------------|------------------|
| Total Surplus Earned | \$459,751 |
|-----------------------------|------------------|

| | | |
|-----------------------------------|------------|-----------------|
| Deficit Payment | 12/31/07 | |
| | 12/31/08 | |
| | 12/31/09 | \$16,232 |
| | **12/31/10 | |
| | 12/31/11 | |
| Total Deficit Paid to Date | | \$16,232 |

| | |
|--------------------------------|------------------|
| Total Surplus Available | \$475,983 |
|--------------------------------|------------------|

| | | |
|-----------------------------------|------------------------|------------------|
| Less: Refunds Paid to Date | | |
| | 12/31/04 (Paid Apr 05) | \$0 |
| | 12/31/05 (Paid Jan 06) | \$0 |
| | 12/31/06 (Paid Apr 06) | \$17,335 |
| | 12/31/07 (Paid May 07) | \$69,468 |
| | 12/31/08 (Paid May 08) | \$23,838 |
| | 12/31/09 (Paid May 09) | \$0 |
| | 12/31/10 (Paid May 10) | \$168,194 |
| | 12/31/11 (Paid Apr 11) | \$112,173 |
| Total Refunds Paid to Date | | \$391,008 |

| | |
|--------------------------------------|-----------------|
| Indicated Refund for May 2012 | \$84,975 |
|--------------------------------------|-----------------|

*LDF applied to all open claims & claims closed within the last 24 months

**Fairport repaid \$36,941 in 2010 rather than the \$12,314 required (based on 1/3 repayment)

***2006 developed losses for Gates was reduced by \$95,558 (amount of shared claim > \$200K).

DRAFT

**Village of Brockport DPW
Seasonal Employment Opportunity**

SUMMER EMPLOYMENT

**The Village of Brockport Department of Public Works
is accepting applications for four (4) Seasonal Laborers.**

Work week shall be Monday - Friday 7:00am to 3:30pm, 40 hrs/week.

Wage subject to experience. No benefits.

**Must have a valid NYS Drivers License. Minimum age requirement is 18.
Applicants are subject to pre-employment and random alcohol/drug testing.**

**Employment application can be obtained at Brockport Village Hall
or downloaded from the Village website: www.brockportny.org.**

Completed applications must be turned in to:

Leslie Ann Morelli, Village Clerk

Village of Brockport

49 State Street, Brockport, NY 14420

Monday thru Friday 8:30 am to 4:30 pm

Application Deadline: Thursday, May 24, 2012

Leslie Ann Morelli

From: Harry Donahue [hdonahue@brockportny.org]
Sent: Friday, May 04, 2012 9:55 AM
To: 'Mayor Maria Connie Castaneda '
Cc: 'Trustee Margay Blackman '; 'Trustee Kent Blair'; 'Trustee Carol Hannan '; 'Trustee Scott Hunsinger'; 'Leslie Ann Morelli'

Mayor & Trustees,

I have received 2 quotes for the purchase of a transfer switch for the generator @ village hall. For the newer trustees who were not here at the time a few years ago I received a donation from the Brockport Central School District. They were installing a new generator at the middle school and asked me if we were interested in the old one. Of course I said yes knowing that we had no backup power at Village hall. When we picked up the generator the transfer switch that went with it would not match our exact voltage therefore we had to look for a new transfer switch. As there is limited manufactures to match the exact switch to the generator I only was able to get 2 quotes. The cheapest one is from Key Power systems and it is on a Kohler switch that matches the generator. The other one is from Cummins Northeast. Key Power systems was \$2,899.00 Cummins Northeast was \$3,718.28. I would ask the board to act on the lower price. I would recommend that because of the museum in the building that we take 50% from the Schafer trust and the other 50% could come out of the buildings repair line. As always any questions don't hesitate to call.

Harry

JUSTICE COURT REPORT #2

Justice Court Revenue, Adjudication of Village Ordinances, Income and Expenses of the Sweden Town Court

Introduction

In researching the question of, “Should Brockport have a Village Court?” I broadened the issue to ask, “How well is the Sweden Town Court serving the needs of the Village?” My first report addressed the issue of unpaid parking tickets and their resolution.ⁱ

This report addresses the revenue sources received by New York State villages with no village courts vs. revenue sources received by those with village courts, the adjudication of Village ordinances in our town court, and the revenue stream Brockport receives in fines and forfeitures. It also notes the revenue retained by the Sweden Town Court and the costs of operating that court.

Future reports will look at the only two SUNY municipalities—Geneseo and Fredonia—with both town and village courts, at new village courts that have been recently formed, and the startup costs and other requirements for a village court.

As the second in a series of reports on Village Justice Courts, this is simply a fact-finding document. It is not a proposal to establish a Village Court in Brockport.

Sources

For material in this report, I relied on a variety of sources, which included the following:

- The Office of the State Comptroller—Sweden Court dispositions from 2008-2011 and other financial figures relating to the court.
- Town of Sweden—information on court revenue and costs per Director of Finance, Leisa Strabel
- Sweden Town Court—personal communication, Judge Robert Connors
- Village of Brockport—Fines and forfeitures 6/1/08–12/31/11
- Village Attorney Rob Leni

- Brockport Police Department—Annual reports (2009-2011)
- Brockport Code Enforcement Office—Annual reports (2009-2011)
- Office of Court Administration—phone conversations with Kevin Reilly and Jonathan Gold

My research benefited from work done by last year’s ad hoc committee on the Village Court chaired by Trustee Scott Hunsinger, and from articles relating to the issue of a village court published in *The Rochester Examiner* by Tom Mangan. On two occasions I sat through a total of 5 hours of court dispositions, one of which involved village ordinances. Trustee Carol Hannan, Police Chief Daniel Varrenti, and student intern Tanya Raycroft met with me regularly offering assistance and commentary on the contents of this report.

The Revenue Stream from a Justice Court

Because we do not have a village court in Brockport, the revenue we receive from fines and forfeitures is limited to two categories of local laws, village ordinances and parking regulations.

VILLAGE REVENUE, WITH AND WITHOUT A VILLAGE COURTⁱⁱ

| Types of Cases and Fines to which Village Courts are Entitled | What is the Village Entitled to without a Village Court? |
|--|---|
| <u>Local law (Village Ordinances)</u> Villages are entitled to fines from violations of its local laws unless otherwise directed by statute | YES |
| <u>Local Parking Regulations</u> -Villages are entitled to the fines from local parking laws enacted pursuant to NYS Vehicle and Traffic Law 1640 | YES |
| <u>Village Speed Limit</u> — Villages are entitled to the fines resulting from violations of local speed limits enacted pursuant to NYS Vehicle and Traffic Law 1643 & 1644. BUT, of the fines, villages are only entitled to a total of \$5/year/resident. ⁱⁱⁱ | NO |
| <u>NYS Vehicle & Traffic Law</u> — Villages are entitled to the fines from most violations of the State’s Vehicle and Traffic Laws except for Vehicle and Traffic Laws 1182 (speed contests and races), 1192 (DWI), and 1212 (reckless driving) | NO |
| <u>Penal Law</u> — Villages are entitled to fines resulting from convictions of the State’s Penal Laws. | NO |

**PARKING TICKETS ISSUED AND VILLAGE ORDINANCE ARRESTS,
BY CALENDAR YEAR^{iv}**

The following table shows the activity of the police department regarding violations for which the village is entitled to fines.

| Year | Parking Tickets Issued | Village Ordinance Arrests |
|------|------------------------|---------------------------|
| 2009 | 1610 | 244 |
| 2010 | 1798 | 251 |
| 2011 | 1578 | 441 |

**WITHOUT A VILLAGE COURT, WHAT DOES BROCKPORT RECEIVE
IN ANNUAL FINES AND FORFEITURES?^v**

| Year (Jan-Dec) | Total Parking Violations Adjudicated | Total Parking Fines | Total Village Ordinance Violations | Total Village Ordinance Fines | Total Fine and Forfeiture Revenue |
|----------------|--------------------------------------|---------------------|------------------------------------|-------------------------------|-----------------------------------|
| 2009 | unknown | \$26,980 | 326 | \$20,775 | \$47,755 |
| 2010 | unknown | \$32,670 | 261 | \$20,080 | \$52,750 |
| 2011 | unknown | \$29,260 | 386 | \$27,290 | \$56,580 |

Parking tickets disposed in court range from \$30-60; the majority are for \$30. Estimating a conservative average fine of \$35 for parking tickets in 2011, these fines represent 836 tickets out of 1578 or 51% of those written.^{vi} Fines from delinquent tickets (back to 2008) should increase in 2012 subsequent to the village's contract with Fundamental Business Service of Hempstead, New York to collect those fines.

Far and away the majority of village ordinance arrests and fines relate to late night disturbances of the peace and drinking behavior; far fewer relate to property codes.

PROPERTY CODE VIOLATION APPEARANCE TICKETS ISSUED, BY YEAR^{vii}

| Year | Appearance Tickets |
|------|--------------------|
| 2009 | unknown |
| 2010 | 3 |
| 2011 | 11 |

Surprisingly few property code appearance tickets are issued, particularly given the level of public complaint about code violations. Following suit, the number of property code violations prosecuted in the court is slim.

PROPERTY CODE VIOLATIONS PROSECUTED IN SWEDEN TOWN COURT

| Year | Number of Property Owners | Total Number of violations | Reduced to | Total Fines |
|------|---------------------------|----------------------------|------------|-------------|
| 2009 | 5 | 42 | 3 | \$1050 |
| 2010 | 3 | 9 | 2 | \$1500 |
| 2011 | 3 | 12 | 5 | \$475 |

How Well are Village Ordinances being Prosecuted in the Sweden Town Court?

A number of factors enter into this equation, among them: the attorney representing the village, the judge, the defendant's behavior at the time of the violation and the prior record of the defendant.

A review of the court dispositions of village ordinances from 2008-2011 shows:

1. The most common Village ordinance violations are open container, disorderly House/conduct, prohibited noise, littering.
2. Rarely are the above charges dismissed
3. The fines are consistent: Most commonly:
 - Open container \$100 (range = \$20 -250)
 - Prohibited noise \$50 (range = \$50-100)

| | |
|------------------|---------------------------|
| Disorderly House | \$100 (range = \$100-200) |
| Littering | \$75 (range = \$75-100) |

4. In the case of property code violations, the fines are not so clear because a schedule of remediation, negotiated between the code enforcement officer, the village attorney and the violator, affects the adjudication of charges and the fines applied.
5. The judicial process is slow for village ordinances compared to villages with village courts which deal with village ordinance violations as often as twice a month. Our village attorney appears in court 6-8 times a year to prosecute village ordinance violations.

Pluses and Minuses of A Village Court

WHAT ARE THE ADVANTAGES OF THE STATUS QUO (NO VILLAGE COURT)?

1. An annual net revenue of approximately \$52,000 from the Sweden Town Court, which itself operates at a deficit (see below)
2. None of the substantial costs of staffing and operating a court.

WHAT IS BROCKPORT LOSING BY NOT HAVING A VILLAGE COURT?

1. *Brockport provides the majority of the Sweden Town Court's business.*

Without going through dispositions case by case, we do not know exactly how many cases are Brockport's and how many are exclusively Sweden's (except for Village Ordinance violations which are listed separately and indicated by the code, "VO"). A conservative estimate, based on Geneseo, as a SUNY municipality,^{viii} is that about 40% of the court's business is Sweden's, and 60% Brockport's.

2. *Brockport receives no income for vehicle and traffic violations, or criminal violations*

In 2011, the Brockport Police Department made 1662 Vehicle and Traffic arrests, 259 speeding tickets, and 128 passed stop signs. Typically, most of the speeding tickets would have been pled down to violation of 1110A, "Failure to obey a traffic control device" in which case all of the fine money would revert to the village if we had a court.

In 2011 the BPD made 291 criminal arrests, which, with a village court, would result in fines paid to the village.

3. *A Village court would mean a more integrated and responsive judicial system*

Put simply, the police department would be writing tickets and making arrests that would be adjudicated at the local level, with the fines returning to the community in which those violations occurred. Additionally, Village courts have a flexibility that all other courts in the state do not. They can be created and abolished in response to local demand and circumstances.

Income and Expenses of the Sweden Town Court

SWEDEN TOWN COURT GROSS INCOME^{ix}

| Year | Total | State | County | Local (Sweden) |
|------|--------------|--------------|-------------|----------------|
| 2009 | \$442,330.15 | \$210,908.00 | \$37,871.05 | \$193,551.10 |
| 2010 | \$383,370.24 | \$175,860.60 | \$45,694.17 | \$161,815.47 |
| 2011 | \$421,338.05 | \$197,030.00 | \$44,172.35 | \$180,135.70 |

The local gross income is after reimbursing the Village for village ordinance fines and forfeitures, but before deduction and payment of parking fines due the village. This figure reflects the fact that Sweden was not reporting parking ticket dispositions to the OSC (see figures, next page).

SWEDEN COURT PERSONNEL COSTS (EXCLUDING BENEFITS)^x

| Year | Court Personal Services |
|------|-------------------------|
| 2009 | \$125,264 |
| 2010 | \$128,668 |
| 2011 | \$134,214 |

Personnel costs shown here are salaries only. They cover 3 part time judges, 3 fulltime clerks, and a part time court attendant. Benefits (\$31,864 in 2011) are an added cost as are contractual costs. The latter totaled \$20,460 in 2011 and cover stenographers, court interpreters, computer software, dues/conferences/training/mileage, law manuals/criminal files/appearance

tickets/dockets, office phone. Other costs, not tracked through the court but charged to the central building, include mailing, liability insurance, central office supplies, and payroll production. The court is not charged for use of the facility.

Town of Sweden's Court Revenue/Costs^{xi}

| Year | Total Fines Collected by Sweden Court | Fines Retained by Sweden Court | Cost of Court Operations | Cost of Court to Sweden Taxpayers |
|------|---------------------------------------|--------------------------------|--------------------------|-----------------------------------|
| 2009 | \$442,300 | \$174,751 | \$184,164 | \$9,413 |
| 2010 | \$362,426 | \$140,310 | \$173,433 | \$33,123 |
| 2011 | \$426,767 | \$151,221 | \$186,538 | \$35,317 |

The Sweden Town Court has operated and continues to operate in the red. We, as taxpayers, cover this deficit in our town taxes. Were Brockport to have its own village court, state law would not exempt village residents from supporting the town court with our tax dollars.

The Office of Court Administration does not evaluate courts based on their efficiency, though other courts are more efficient than the Sweden Town Court as measured in cost per case; rather, the OCA notes that courts, as an essential arm of government, are not created to be revenue producing. Some, like Geneseo's town and village courts are; some like Sweden's are not.

Some Recommendations for Working within the Present System

It's safe to assume that most of us are not closely following court activity, talking to judges or the village attorney about court matters, much less attending dispositions. Most of us are not aware of what transpires in court and how violations of our village codes are being dealt with.

The Village Board should discuss court fines and policies with the Village Attorney. It would also be helpful for the Village Attorney to periodically report at Village Board meetings on the disposition of village codes subsequent to his periodic appearances in court.

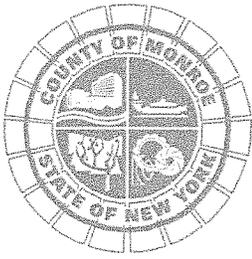
Code enforcement of property codes continues to be a weak link in the judicial system though the number of appearance tickets has increased markedly since moving the code enforcement

office to the Brockport Police Department. Placing code enforcement with law enforcement under the supervision of the Police Chief will further strengthen code enforcement in the Village regardless of whether these violations are prosecuted in a village or a town court.

-
- i In terms of parking tickets, it turned out not that well. Dispositions of parking tickets were not being recorded and transmitted to the *Office of the State Comptroller* as required, and the village was receiving only an annual check from the town of Sweden for parking fines. Although the town and court each possessed copies of the parking tickets as a crosscheck, the village had no way to account for the accuracy of the annual payment it received. That problem will shortly be resolved with the hiring of a collection agency which not only requires that the town court record dispositions, but which pursues delinquent tickets. As we collect only about 50% of the parking tickets issued, this will mean more revenue for the village, particularly since fines double after 30 days.
 - ii Beltramo, Wade, "Creating, Dissolving, and Running Justice Courts," 2008 NYCOM Fall Training School, Lake Placid, New York. September 18, 2008.
 - iii Very often, speeding tickets are pled down to a violation of State Law 1110A, Failure to obey a traffic control device (e.g. speed limit sign) because the municipality gets to keep more of the fine and the violator gets fewer points on his/her driver's license.
 - iv Brockport Police Department, Yearly Reports
 - v Fines and forfeiture information from the Office of the State Comptroller. Parking fine information from Leisa Strabel. Parking ticket fines from previous years, per Leisa Strabel: 2008 - \$25,755, 2007 - \$37,180, 2006 - \$38,910.
 - vi This assumes all tickets written in 2011 were adjudicated in 2011, which is never the case.
 - vii Brockport Office of Code Enforcement, Appearance Ticket Master List (March 2012).
 - viii Personal communication, Jane Dulmage, Geneseo Village Court clerk, February 2012.
 - ix (Does not include operating costs, personnel, etc.) Justice Court Fund, Court Ranking Reports (Revenues Collected). Office of the State Comptroller, Local Government and School Accountability. www.osc.state.ny.us/localgov/datanstat/jc/index_choice.htm

^x Figures from Office of the State Comptroller

^{xi} Per Leisa Strabel, March 20, 2012



Office of the County Executive

Monroe County, New York

Maggie Brooks
County Executive

Daniel M. DeLaus, Jr.
Deputy County Executive

April 18, 2012

Hon. Maria Connie Castaneda
Mayor
Village of Brockport
49 State Street
Brockport, New York 14420

Dear Mayor ^{Connie} Castaneda:

It is a pleasure for me to inform you that I intend to include \$37,250 for the Barry Street Water Main Replacement project on the list of Community Development Block Grant (CDBG) projects contained in the 2012 Annual Action Plan for Housing and Community Development in Suburban Monroe County.

The Action Plan will be released for public comment on May 9th and considered by the County Legislature during the June legislative cycle. The Plan will then be sent to HUD for their review and approval. Funding for your project will not be finalized until HUD formally approves Monroe County's Action Plan submission on or around August 1, 2012. You will then receive final confirmation of funding and instructions to begin your project.

Again this year, the largest portion of our CDBG program will fund public works projects in our towns and villages. For thirty-seven years, the Community Development Block Grant has enabled Monroe County to direct available funding into our towns and villages for public works improvements, economic development, housing programs and community services that primarily benefit low to moderate-income families, the elderly and persons with special needs. By targeting our limited resources, we are able to provide the greatest benefit to communities that need these funds the most.

Once again, thank you for your participation in Monroe County's Community Development Block Grant program. I look forward to our continued partnership and the completion of another successful project.

Sincerely,

Maggie Brooks
County Executive

**Mobile Household Hazardous Waste
Collection Program**

**Sweden, Brockport
Ogden, Clarkson, Hamlin, Parma
Hilton and Spencerport**

**Saturday, June 16
7:45 a.m. to 12:00 p.m.**

**At the Town of Ogden Highway Garage
2432 South Union Street, Spencerport, NY**

Appointments for this HHW collection will be accepted until June 15. This service is open to all Monroe County residents. To schedule an appointment residents should call 637-2144. **Waste from businesses will not be accepted.**

Up to 30 Gallons will be accepted per appointment at no charge.

Do Not Bring: Propane tanks, used motor oil & vehicle batteries; cans with dried paint; empty containers; everyday alkaline batteries; glazing/spackle & joint compounds.

If residents are unable to take advantage of this mobile HHW collection, the county's permanent collection facility is open (by appointment only) weekly. For more information, or for business waste disposal options, call DES at 753-7600 (option 3), or go on-line at www.monroecounty.gov

Leslie Ann Morelli

From: Mayor Castaneda [mccastaneda@brockportny.org]
Sent: Wednesday, April 04, 2012 11:56 AM
To: lmorelli@brockportny.org
Subject: Fwd: NYCOM - Ethics Training
Attachments: Forwarded Message_ NYCOM - Ethics Training (5.94 KB)

FYI- Put on my calendar and FYI for invite to rest of the board members...
Mayor M. Connie Castaneda
Village of Brockport
49 State Street
Brockport, NY 14420

Leslie Ann Morelli

From: Richard B. Milne [mayorvhf@frontiernet.net]
Sent: Saturday, March 31, 2012 12:37 PM
To: 'Bob Corby-Pittsford'; 'Fred Ricci-East Rochester'; 'Fritz May - Fairport'; 'Joe Lee - Office'; 'Joe Lee-Hilton'; 'Joyce Lobene - Spencerport'; 'Kay Warmby-Treasurer'; 'M.Connie Castaneda-Brockport'; 'Nancy Steedman-Churchville'; 'Paul Gee-Scottsville'; 'Pete Elder-Webster'; 'Rick Milne-Home'; 'Rick Milne-Honeoye Falls'
Subject: NYCOM - Ethics Training
Importance: High

All:

Just providing you this brief note to let you know that on Wednesday, June 6th at MCC there will be a two-hour ethics training program put on by NYCOM and John Mancini. I am working with NYCOM on this and there will be much more detail to follow. I will be planning to ask my board and specific employees to attend. There will be a fee for this and that is being determined. I just wanted to you to know and early to get it on your calendar (if it's of interest). It is also in the works of being a state approved course - NYCOM will inform all about that.

Our surrounding counties will be invited first (Villages) and then if room will permit, we'll be able to invite towns etc.

Any questions, please feel free to call me!

*Richard B. Milne - Mayor
Village, Honeoye Falls, New York
Cellular: 585-202-7190*