

Special meeting of the Board of Trustees of the Village of Brockport was held in the Auditorium of the A.D. Oliver Middle School, 40 Allen Street, Brockport, New York, April 15, 2010 at 7:00pm.

PRESENT: Mayor M. Connie Castañeda, Deputy Mayor Christopher R. Martin, Trustee Kent R. Blair, Trustee Scott W. Hunsinger, Trustee Hal S. Legg, Clerk Leslie A. Morelli, Interim Treasurer Mary Beth Lovejoy

ALSO PRESENT: ~100 per sign in sheet: Kristina Gabalski, Pat Baker, Josephine Matela, Bernie LoBracco, Merv Beaney, George Foster, Margaret Foster, Jean Brooks, Kenneth Moore, Jean Moore, Merrill Melnick, Shoshana Melnick, Sri Ram Bakshi, Kathleen Halstead, Norm Giancursio, Kevin Elliott, Jim Cook, Sarah Watts, Joan Aceto, Raymond Murphy, C Kurzrock, E. Campbell, Jonathan Keck, Rhett King, Michael Henry, Kenneth Tully, Kyle Boyst, Michelle Henry, David Moore, Jackie Henry, Cheryl Conner, Michael Conner, Harley Perry, Ken Rombaut, Cindy Rombaut, Libby Caruso, Don Roberts, Tammy Roberts, Tom Enderle, Peter Smith, Susan Smith, Cody Dean, Annette Locke, Steve Locke, Daniel Kuhn, Linda Borrayo, Francisco Borrayo, Leisa Strabel, David Strabel, Rob Carges, Karen Carges, Jack Milner, Leonard Natiello, John Lodge, Damon Drennan, Dolores Schreiner, David Schreiner, Jim Gort, Margay Blackman, Bill Andrews, Marcelle Stickles, Raymond Duncan, Ute Duncan, Carrie Maziarz, Paul Gallaway, Fran Bovenzi, Bob Sodoma, Jean Sodoma, Joan Hamlin, Jim Hamlin, Harry Hamlin, Marsha Green, Karen Overmyer, Deb McFarland, Dolores Flow, Martha Lemcke, Lynette Lemcke, Mary Jo Nayman, Mark Kristansen, Kathy Kristansen, Frank Lapinski, Julie Lapinski, Mark Norris, Nadine Young, Dorothy Webster, Clark Webster, Jessica Gonyea, Ashley Panzica-Talbert, Elizabeth Rangel, Jennifer Stavalone, Pam Krahe, Scott Zarnstorff, Rich Miller, Michael Melson, Anna Melson, Helen Brown, Robin Waller

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

Mayor Castañeda encouraged attendees to sign in, take a handout, and silence their electronic devices.

SET REFERENDUM DATE RE VOTER INITIATED PETITION TO DISSOLVE AND TERMINATE THE VILLAGE OF BROCKPORT:

→ Mayor Castañeda moved, Trustee Hunsinger seconded, to approve the following resolution:

RESOLUTION

Be it resolved that the Village of Brockport Board of Trustees schedules a referendum on Tuesday, June 15, 2010 from Noon to 9pm at Village Hall 49 State Street Brockport, NY 14420 on the voter initiated petition to dissolve and terminate the Village of Brockport. The referendum question to be placed before the electors of the Village of Brockport: “Shall the Village of Brockport be dissolved? Yes or No.”

UPON ROLL CALL VOTE:

Mayor Castañeda	Voting	yes
Deputy Mayor Martin	Voting	yes
Trustee Blair	Voting	yes
Trustee Hunsinger	Voting	yes
Trustee Legg	Voting	yes

Unanimously carried 5 to 0.

PUBLIC HEARING ON BUDGET:

Mayor Castañeda called for a motion to open the public hearing at the advertised time.

→ Deputy Mayor Martin moved, Trustee Hunsinger seconded, unanimously carried 5/0 to open the public hearing at 7:01pm.

Mayor Castañeda asked Clerk Morelli to read the legal notice.

Clerk Morelli read the following and stated that the legal notice was published in the Village’s official paper (Suburban News) in the March 22nd edition and posted on the Village’s official website and at the Village Hall.

MINUTES OF VILLAGE BOARD MEETING HELD April 15, 2010 continued.....page 2

Please take notice that on March 19th, the Mayor of the Village of Brockport filed with the Village Clerk the Tentative Budget of said Village for the fiscal year beginning June 1, 2010. It is available for review on the Village website at www.brockportny.org and at Village Hall during business hours Monday – Friday 8:30am - 4:30pm. Said tentative budget includes compensation proposed to be paid to each member of the Board of Trustees as follows:

Mayor \$9,866
Trustees (4) at \$3,443.25

Please take notice that the Board of Trustees of the Village of Brockport will meet at 7:00pm on **Thursday, April 15, 2010** at the Brockport Central School District's Middle School Auditorium, 40 Allen Street Brockport, New York for the purpose of holding a public hearing on the Tentative Budget of said Village for the fiscal year beginning June 1, 2010.

Mayor Castañeda introduced Interim Treasurer Lovejoy.

Interim Treasurer Lovejoy made the budget presentation. (Power Point presentation is attached.)

Mayor Castañeda thanked Interim Treasurer Lovejoy for the presentation and for all of her efforts. After the public hearing, Interim Treasurer Lovejoy will give a generic presentation on dissolution of Villages in New York State. The presentation will not be specific to the Village of Brockport. There will be no question and answer session. Those interested are welcome to stay.

Mayor Castañeda stressed that this is an opportunity for the public to comment on the proposed budget. This is not a question and answer session. Mayor Castañeda read the guidelines for public comment:

- Speakers must step to the microphone
- Speakers must give their name, address and organization, if any.
- Speakers must be recognized by the presiding officer.
- Speakers must limit their remarks to 3 minutes. Deputy Mayor Martin will serve as time keeper.
- Speakers may not yield any remaining time they may have to another speaker.
- 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.

At 7:35pm Mayor Castañeda invited the public to comment.

- Bill Andrews of College Street – shared that he is on the Welcome Center Management Committee and coordinates the volunteer canalfront greeter program. The 2009 season brought in \$4,900 in Welcome Center revenues. Therefore, the income from last season exceeds the \$4,500 projected cost for utilities and such for next season.
- Rhett King of Adams Street – said he had some comments on the budget and on dissolution.

Deputy Mayor Martin reminded him that this is a public hearing on the budget only.

R. King said several years ago the Village had over 5 million in its coffers and now has near nothing. He said even with an 11.8% tax increase in 2009, the Village didn't meet, but exceeded its budget. He wondered why people should believe the Village is fiscally responsible enough to stick to this or any budget it sets. He said the numbers don't lie. There is no planning in case an issue comes up. There are always issues. He said the Board is making assumptions as to revenues from other governments such as SUNY water revenues and Sweden and Clarkson fire revenues. He questioned why Village of Brockport taxpayers have the highest water rate in Monroe County.

Interim Treasurer Lovejoy clarified that the Water Fund is an entirely separate fund and not part of the General Fund. The Water Fund does not affect this budget.

- Harley Perry of Meadowview Drive – questioned what happens to the extra funds between what Monroe County Water Authority charges the Village of Brockport and what the Village of Brockport charges its customers.

Interim Treasurer Lovejoy again stressed that the Water Fund is an entirely separate fund and not part of the General Fund. The Water Fund does not affect this budget.

MINUTES OF VILLAGE BOARD MEETING HELD April 15, 2010 continued.....page 3

H. Perry commented that since 2/3 of the properties in the Village are tax exempt, the Village should implement a sewer user fee so that those properties contribute to the Village as they do with water. H. Perry questioned eliminating funding for the Sweden Senior Center. H. Perry commented that he heard the retaining wall at the Smith Street Bridge and wooden steps and pavement down the hill are not going to be replaced by NYSDOT. He wondered why money for maintenance of the Smith Street Bridge was not included in the budget. He said the Village could never replace the Smith Street Bridge with this or any budget. It should fund the capital reserve for long term maintenance and repairs.

- Jim Hamlin of Park Avenue – said in comparing the revenue numbers from the tentative budget to the preliminary budget, they don't seem to change until the bottom line of \$159,000 difference.

Interim Treasurer Lovejoy said that difference is the real estate tax – the first line on the revenues.

J. Hamlin said the projected revenues versus expenditures are almost a wash. He questioned where we lose the money.

- Rich Miller of State Street – commented that the Board has done a miraculous job on the budget and should be commended. However, it's simply not enough. Why not look at wholesale reductions such as cutting positions? Union contracts have a deadline coming up. Don't settle negotiations until after the June 15th referendum on dissolution. He said the Board already made a huge mistake by granting a 10 year contract to the Police Chief. This is longer than the Board's terms and has ramifications. He said whether it's an 18% tax increase or a 4% tax increase, the taxpayers don't want to pay any more. The Board should look to cut by 50% instead of keeping the status quo. It's the taxpayers money and the Board answers to the taxpayers. He suggested everyone think about what will happen when it all goes away. You might as well start weaning off the public dole. He referred to a quote by Einstein about doing the same thing and expecting different results as being the definition of stupidity. He said the Village shouldn't even be in the water business anymore. Everyone else has gone to Monroe County Water Authority and they have lower water rates. He said the Village may lose water revenue from SUNY since they are looking to go directly through MCWA.
- Dan Kuhn of Utica Street – commented that just a few months ago the independent auditors and financial consultants projected an 18% tax increase, then a few weeks ago the Interim Treasurer described the tentative budget as "bare bones" with an 11.8% tax increase. During the March cash flow analysis presentation the Interim Treasurer identified a shortcoming of elected leadership to understand financials and apply expert recommendations. Where are the plans to correct the problem of overspending that has plagued the Village for the last decade? D. Kuhn referred to 3 current Board members forming a group with their friends to oppose dissolution. He suggested that if they were really concerned, they would come up with a plan as to how the Village will be viable in 5, 10, 15, 20 years.

Trustee Legg reminded D. Kuhn that this is a public hearing on the budget, not on dissolution. Mayor Castañeda concurred and asked D. Kuhn to keep his comments to the budget. D. Kuhn said "This is your Village government, ladies and gentlemen".

- Fran Bovenzi of Utica Street – commented that funding is needed for improvements around the Senior Center property.
- Linda Borraro of Utica Street – comment that the Village has been identified as a municipality in financial distress, the budget has been referred to as bare bones, and all but the Fire Department reserves are depleted. The taxpayers paid for a spring pick up in their last Village taxes, but aren't going to get it. The suggestion is to utilize the Town of Sweden's recycle center. The Village isn't funding towards the Senior Center. People had better cross their fingers or hold their breath and hope nothing goes wrong, because there is no contingency money. What about the bond for the Main Street sanitary sewer and water main project?

Interim Treasurer Lovejoy said the bond payment is included in the budget.

L. Borraro said the Village hasn't gone for permanent financing yet and doesn't know what interest rate it will get. She said it will be probably be high due to the Village's financial condition. What about safety? The DPW is in need of a new bucket truck. The current one is a safety hazard. The cheapest one would cost \$100,000. The DPW deserves better than to

have to continue to operate with old or unsafe equipment. She referred to past Board members putting a letter in the paper a couple of years ago promising that Village finances were just "fine". They're not.

MINUTES OF VILLAGE BOARD MEETING HELD April 15, 2010 continued.....page 4

Mayor Castañeda called for a motion to close the public hearing.

→ Deputy Mayor Martin moved, Trustee Blair seconded, unanimously carried 5/0 to close the public hearing.

Mayor Castañeda shared that the Board will take the public hearing comments into consideration. The Board may further change the preliminary budget. Such budget, as so revised, shall be adopted by resolution no later than May 1. In the event that the Board fails to adopt a budget on or before May 1, the preliminary budget, with such changes as shall have been made by resolution of the Board, shall constitute the budget for the forthcoming fiscal year.

The next regularly scheduled Board meetings for the remainder of the fiscal year are April 19, May 3, May 17 all at 7pm at Village Hall. The Board may call for additional meetings between April 20 and May 1 as necessary.

GENERAL PRESENTATION ON DISSOLUTION (not a question & answer session):

Mayor Castañeda introduced Interim Treasurer Lovejoy.

Deputy Mayor Martin cited the resources used in the generic dissolution presentation:

General Municipal Law 750(13)
The New N.Y. Government Reorganization and Citizen Empowerment Act – June 2009
Guide to Local Government Consolidation and Dissolution Under General Municipal Law Article 17-A
Power Point – "Special Forum on Consolidation/Dissolution" – presented 1/21/10

Interim Treasurer Lovejoy made the dissolution presentation. (Power Point presentation is attached.)

ADJOURNMENT:

→ Trustee Legg moved, Deputy Mayor Martin seconded, unanimously carried 5/0 that the meeting be adjourned at 8:15pm.

Leslie Ann Morelli, Village Clerk

**VILLAGE OF BROCKPORT
2010-2011 PRELIMINARY
BUDGET**

Presented by
Mary Beth Lovejoy, Interim Treasurer
April 15, 2010

"I've always tried not to be a politician,
but to do the job to help both ward and
the city."

Francis J. Frawley
7th Ward Alderman
Corning, NY



Current Situation

IF ALL REMAINS STABLE and NO NEW SUPPRISES

- ☐ Operating Deficit looking to be greatly reduced possibly eliminated
- ☐ Projecting a small unreserved fund balance at fiscal year end

VILLAGE IS IN FISCAL DISTRESS

Preliminary Budget Assumptions

- ☐ Salaries are projected at current levels
- ☐ Health Insurance projected with current plan
- ☐ No reserve transfers other than the fire department
- ☐ Dispatch program remains in budget

BUDGET WORK IS NOT DONE

Administration

1010	13,773	13,773	13,773
1210	11,366	11,062	11,062
1320	7,000	11,000	11,000
1325	148,193	124,407	110,164
1420	60,000	60,000	60,000
1450	600	600	600
1680	7,255	5,400	5,400
1910	59,000	59,000	59,000

Administration

1920	4,400	4,400	4,400
1950	1,700	1,700	1,700
1990	93,825	0	0
8010	1,700	1,400	750
8020	7,906	14,006	7,406
8989	1,800	2,500	0
90--	963,350	1,049,968	1,045,968
9730	57,956	209,250	125,550
Total Administration	1,439,784	1,568,466	1,456,773

Administrative Budget Information

- Budget increase of \$16,989 (1.18%)
- Proper coding of benefits for Village employees
- Elimination of Public Access TV and Contingency budgets

Fire and Ambulance

1650	120,000	120,000	120,000
3410	594,000	498,169	465,669
9950	138,000	138,000	138,000
Total Fire Department	852,000	756,169	723,669
4540	376,860	306,060	306,060
Total Fire and Ambulance	1,228,860	1,062,229	1,029,729

Fire and Ambulance Budget Information

- Fire Department Budget on Village Fiscal Year
- Budget holds each party to their share of the fire budget
- Fire Contract talks have resumed
- Corrected coding of employee benefits (dispatch staff)

Police Department

3120	1,208,939	1,215,501	1,215,501
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Budget is \$6,562 above current year budget (.50%)

Overtime is increased by \$50,000

One patrol position currently budgeted has applied for disability retirement - if authorized the position will not be refilled

Department of Public Works

1440	5,000	5,000	5,000
1490	114,505	110,718	110,718
1620	72,731	67,361	67,361
1640	64,156	62,156	62,156
3310	8,000	6,800	6,800
5110	369,987	393,337	393,337
5112	67,000	67,000	67,000
5142	98,725	101,925	101,925
5182	80,000	84,100	84,100

Department of Public Works

5410	6,329	13,273	13,273
5650	820	600	600
7140	26,377	26,477	26,477
8120	14,995	18,290	18,290
8140	19,524	19,024	19,024
8160	33,042	35,931	31,731
8170	33,604	33,390	33,390
8189	0	5,500	5,500
8560	21,383	13,000	10,800
Total DPW Budget	1,036,178	1,063,882	1,057,482

**Department of Public Works
Budget Information**

- ❑ One full-time employee previously paid from the Water Fund has been moved to the General Fund
- ❑ Corrected coding of Landfill budget
- ❑ Removed purchase of shade trees
- ❑ Removed Spring pickup

Building code enforcement

3620	87,098	83,768	83,768
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Decrease in budget of \$3,270 (3.80%)

Reduction in staffing levels

Home and Community

6410	0	0	4,500
6520	2,000	2,000	0
7145	6,000	6,000	0
7415	177,100	177,100	177,100
7450	650	650	650
7510	2,000	2,000	700
7550	3,000	3,865	0
Total Home and Community Budget	190,750	191,615	182,950

Farmer's Market removed from budget – local sponsor has come forward to support the program for 2010-2011

Total Budget Information

- ❑ 2010-2011 Preliminary Budget is \$206,270 less than 2009-2010 Budget (3.9%)
- ❑ 2010-2011 Preliminary Budget is \$39,904 less than what was expended in 2008-2009
- ❑ Begins to address coding corrections mentioned in previous audit reports
- ❑ Has allowed for payback of borrowing which may not occur in 2009-10

Total Budget Information

- ❑ Does not fund reserve funds other than the fire department
- ❑ Union contract negotiations are not completed
- ❑ Fire Protection Budget has been changed to Village Fiscal Year
- ❑ Accounting issues are beginning to be addressed
- ❑ Fire Protection Contracts not in place but talks have resumed

Total Budget

Administration	1,568,466	1,456,773
Fire and Ambulance	1,062,229	1,029,729
Police Department	1,215,501	1,215,501
Dept of Public Works	1,063,882	1,057,482
Building Code Enforcement	83,768	83,768
Home and Community	191,615	182,950
Transfer to Reserves	62,500	62,500
Total Budget	5,247,961	5,088,703

Revenue Information

- ☐ Projected conservatively based on history and current levels
- ☐ State aid at executive budget level (5% cut from 2009-2010 budget)
- ☐ Chips funding at current level
- ☐ Fire protection income at 2008 contract rate
- ☐ Decrease of \$187,496 (3.55%)
- ☐ Tax Levy Increase of \$90,940 (4.30%)
- ☐ \$21,134 equals 1% on the tax levy

Revenues

Real Estate Taxes	2,114,622	2,364,820	2,205,562
Other Tax Items	14,600	96,517	96,517
Non-Property Tax Items	1,570,000	1,465,000	1,465,000
Departmental Income	627,450	480,800	480,800
Intergovernmental Charges	592,675	550,724	550,724
Use of Money and Property	8,000	4,100	4,100
Licenses & Permits	9,100	5,500	5,500
Fines and Forfeitures	75,000	45,000	45,000
Sales & compensation	12,100	12,500	12,500

Revenues

Miscellaneous	9,000	8,000	8,000
State Aid	223,652	215,000	215,000
Inter-fund Transfers	20,000	0	0
Total Revenues	5,276,199	5,247,961	5,088,703

COMMENTS

Facts about Dissolution

Presented by Mary Beth Lovejoy
Interim Treasurer
Village of Brockport



Information presented is generic in nature and is not specific to the Village of Brockport



Resources

- General Municipal Law 750(13)
- The New N.Y. Government Reorganization and Citizen Empowerment Act - June 2009
- Guide to Local Government Consolidation and Dissolution Under General Municipal Law Article 17-A
- PowerPoint - "Special Forum on Consolidation/Dissolution"- presented 1/21/10



Dissolution

The termination of the existence of a local government entity.



What is Likely to Occur?

Each village dissolution is **UNIQUE**



Resulting Efficiencies

Proponents of village dissolution often contend that dissolving a village will result in significant cost-savings.

Such description is MISLEADING



Resulting Efficiencies-continued

Villages are an inherently unnecessary layer of government that duplicate the services provided by towns.

The vast majority of villages are urban (densely populated) in nature and have different service cost-structures than the towns in which they are located.



Resulting Efficiencies

Studies that have been conducted to date have shown that efficiencies resulting from village dissolution run in the area of only 2% to 5% because towns and villages run relatively efficient operations and most villages are frequently engaged in inter-municipal agreements



Resulting Efficiencies

Dissolution studies generally provide for the creation of, on average, more than four special districts for the town to hire much of the village staff to continue to provide the services that the village provides.

Communities should not expect to see tremendous savings or improvements in service because of improved efficiencies resulting from village dissolution.



Reduction in Taxes

Village residents are likely to see a reduction in their taxes as a result of village dissolution.

The source of reduction in property taxes comes not from any increased efficiencies or elimination of the duplication of services but predominantly from village residents no longer subsidizing town operations. In other words, dissolution frequently corrects the inequity of Village residents paying town taxes for town services not provided within the boundaries of the Village.



It is important to note that town residents who live outside of the village may see their taxes increase as a result of village dissolution.



Quality of Service

There is no evidence that village dissolutions in general result in any improvement in the quality of the services provided to either village residents or residents of the town outside of the village



State Aid

- Additional AIM Funding is available to towns in which the village is located - it is equal to 15% of the combined town and village tax levy.
- This aid is structured as "permanent" but is subject to annual appropriation in the State Budget
- The use of this aid is up to the town



Establishing Districts

- On average, every village dissolution results in the creation of over four town special districts
- Planning to form a special district solely for the village residents or to join an existing town special district must be carefully considered
- Generally speaking, providing services in New York's villages are lower cost than providing the same level of service to the less densely populated areas of the town outside of the village



Village of North Collins-Example

- Refuse Collection
- Village residents pay \$144 per year for refuse collection; town outside of the village pay \$192 per year
- Dissolution plan proposed the creation of one town special district with a resulting user charge of \$173, a 19% increase for village residents; a 9.9% decrease for the town



Consequently, it must be carefully examined how services are to be provided should the dissolution occur



Village Employees and Labor Contracts

- This is one of the most confusing and contentious issues surrounding village dissolution.
- Under many village dissolution plans, the town agrees to hire most of the village employees to continue to perform the same jobs they were performing prior to the village dissolution.



Village Employees and Labor Contracts - continued

- The town is under no obligation to hire the village employees
- Even if the town does agree to hire village employees, it is not bound by any of the village's union contracts.



Village Employees and Labor Contracts-continued

- It must be stressed that it is important to address the issue of job continuity for village employees early on in the dissolution process
- The prospect of the village ceasing to exist will invariably cause employees to question the security of their jobs and to seek other potential employment



Binding the Town to the Dissolution Plan

- It is often questioned if the town in which the village is located will be bound by the dissolution plan and any agreement the town makes with the village prior to the dissolution's effective date.
- Because such agreements are governmental in nature and because the common law doctrine that a governing board operating in its governmental or legislative capacity may not bind a successor board, town agreements to continue to provide services are NOT binding.



Should the village dissolve, residents of the former village will have to rely on the political process to address any issues regarding the providing of services.



Impact of the Vote for Dissolution

- If the vote for dissolution passes by the electors it will require a petition to be filed with the village clerk not later than 45 days after final approval of the dissolution plan to call for elector vote on the plan
- This petition to vote for/or against the plan must contain signatures of at least 25 % of the electors
- If voted yes, the plan takes effect on the effective date
- If voted no, the dissolution does not take effect



Questions to be asked

- Do we have the answers to the questions necessary to be asked?
- Are the village employees going to have jobs?
- Do we know what it will cost to have special districts for the services we currently have?
- What will happen to our current municipal agreements?
- Will their really be a reduction in taxes should the special districts be formed?



Questions to be asked-continued

- Is reduction in service what you are looking for? If so, have you addressed this with the current board?
- If you want the Village to dissolve, should we ask the board to look at the options prior to deciding to dissolve the village?
- What will be done with the additional state aid received by the town?



Information presented is generic in nature and is not specific to the Village of Brockport



Resources

- General Municipal Law 750(13)
- The New N.Y. Government Reorganization and Citizen Empowerment Act - June 2009
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