

March 25, 2008

BERGEN TOWN BOARD

REGULAR 2ND MEETING

The Town Board Meeting convened at 7:30 p.m. with Deputy Supervisor Cunningham presiding.

PRESENT:

Deputy Supervisor Donald Cunningham
Councilman Hugh McCartney
" Barry Miller

ALSO PRESENT:

Michele M. Smith, Town Clerk
David Roggow, Highway Superintendent

ABSENT:

John Specht, Supervisor

OTHER ATTENDEES:

Rachael Millspaugh
George Vanderstow
Marcy Vanderstow
Michael R. Johnson
Ralph Garnish

Melissa Schmitt
Emma Long
Kelly Hollenbeck
Casey Engh
Megan Langer

Prayer

PLEDGE OF ALLEGIANCE TO THE FLAG

MINUTES: *Councilman Miller made a motion to approve the minutes of March 11, 2008 as amended; Councilman McCartney seconded it and it carried by a vote 3 -0.*

Ralph Garnish presented alternative solution to co-occupancy of the Tulley building by the Village and Town of Bergen – Old High School Building – Rochester Street, a selling price or value was not disclosed

COMMUNICATIONS:

Intermunicipal Agreement
Letter to Chester Kaleta, Re: Ambulance Service RFP
Ambulance Service, Task Force Meeting Minutes
Sample Resolution from GCEDC
Letter & Sample Resolutions #113-#115 from G.C. Legislature
Letter & Sample Resolutions from Assembly Minority Leader James Tedisco
Sample Letter for Water District Survey
Sample Questionnaire for Water District Consideration
Sample Letter for Town Board Candidate
GCEDC Notification of incentives package for Liberty Pumps project
Request for mowing bids
David Roggow travel request
Michele Smith travel request
Donald Cunningham travel request
Barry Miller travel request
Notification of Bankruptcy (page one only)
Email correspondence & Court Appearance Notification to Raul Valderama

REPORTS:

HIGHWAY: David Roggow reported that re-milling of Route 19 through the village is no longer on the State's schedule for 2008

NEW BUSINESS:

Re-appointment of Kevin Finnell as Town Prosecutor *Councilman McCartney made a motion to reappoint Kevin Finnell as Town Prosecutor through December 2008; Councilman Miller seconded it and it carried by a vote 3-0.*

Travel Requests *Councilman McCartney made a motion to approve travel requests made by David Roggow for 2008 Highway School, Michele Smith, Donald Cunningham and Barry Miller for Steve Hawley's Government Conference; Councilman Miller seconded it and it carried by a vote 3-0.*

Councilman McCartney made a motion to accept 5 resolutions on the agenda from GCEDC, Genesee County Legislature and Assembly Minority Leader James Tedisco; Councilman Miller seconded it and it carried by a vote 3-0.

**RESOLUTION #5
OPPOSING A-8703, AKA, THE “HOYT BILL”**

WHERE AS the Bergen Town Board is charged with acting in the best interest of the Town of Bergen.

AND WHERE AS, the Bergen Town Board believes that A-8703, aka, the “Hoyt Bill”, will be harmful to the Town of Bergen by limiting potential economic development by forcing prevailing wage on any IDA sponsored project,

NOW THEREFORE BE IT RESOLVED, that the Bergen Town Board, hereby opposes A-8703 and any similar legislation that would force prevailing wage on IDA sponsored projects.

**RESOLUTION #6
MEMORIALIZATION – CALLING ON THE GOVERNOR
AND STATE LEGISLATURE TO END THE PRACTICE
OF PASSING COSTS FOR STATE PROGRAMS TO COUNTY
GOVERNMENT AND OUR PROPERTY TAXPAYERS**

WHEREAS, Unfunded state mandates shift the responsibility and the cost of implementing programs from the state to the local level and force localities to cut existing services or raise property and other taxes to achieve the additional requirements; and

WHEREAS, State government leaders have acknowledged that high property taxes are a problem for residents and businesses in New York State, making the State less attractive and less competitive; and

WHEREAS, The Citizens Budget Commission states that local taxes in New York State are 79% higher than the nationwide in median real estate taxes as a percentage of median home value are in New York State; and

WHEREAS, The Tax Foundation, based in Washington D.C., reports that nine of the top ten Counties nationwide in median real estate taxes as a percentage of median home value are in New York State; and

WHEREAS, The Governor has formed a bipartisan commission to make recommendations on a package of reforms that get at the root causes of what is driving taxes so high, including looking at unfunded mandates on both school districts and municipalities, proposals on how to make our tax relief system fairer to middle class taxpayer, and proposal for a fair and effective cap to hold the line on school district property taxes, with said commission due to report its findings in June of the year; and

WHEREAS, The New York State Association of Counties (NYSAC) has previously recommended that state policy makers should strive to forge a stronger state/local partnership by eliminating unnecessary state requirements, make the state more responsive by requiring state payment of mandates it deems essential and to establish alternative methods for performance and implementation; and

WHEREAS, While awaiting the recommendations of the Governor’s commission on ways to reduce the high property taxes in New York State, state policy makers should refrain from making the problem worse by shifting costs from the state’s 2008-2009 budget to county budgets and our property taxpayers; Now, therefore, Be it

RESOLVED, That the Town of Bergen calls on the Governor and State Legislature to end the practice passing costs for state programs to county government and our property taxpayers.

RESOLUTION # 7
MEMORIALIZATION-URGING THE STATE LEGISLATURE
TO OPPOSE THE PROPOSED SHIFT OF THE STATE'S HISTORIC
SHATE OF PUBLIC ASSISTANCE TO COUNTIES

WHEREAS, The New York State Association of Counties (NYSAC) believes that the 2008-09 Executive Budget has broken a historic, fundamental state/local partnership by proposing to increase the county share of public assistance by two percent, while simultaneously decreasing the state share by two percent; and

WHEREAS, This shift in cost sets a policy from the Governor that mandates local property taxes increase their taxes for public assistance, while the State saves itself \$40.5 million per year; and

WHEREAS, Since 1938, counties and New York State have equally shared in the cost of public assistance at a 50 percent state, 50 percent local split for this program; and

WHEREAS, The 2008-09 Executive Budget proposes to break this historic state/local fiscal partnership by shifting a portion of the State's cost for the Family Assistance and Safety Net program; and

WHEREAS, The Governor's proposed budget includes another serious impact to counties by implementing a local share for the cost of carving out two-parent families from federal work participation rates, by removing the local district hold-harmless provision; and

WHEREAS, This carve-out of the two parent families will save the state approximately \$7.5 million per year, but directly, negatively impact county budgets with a two year additional cost to the Genesee County taxpayers of \$75,045. Now, therefore, Be it

RESOLVED, That the Bergen Town Board opposes any policy or fiscal initiative like this proposed increase in the local share for public assistance and "two-parent carve-out" that changes the fundamental promise Governor Spitzer made to the counties of New York State about ongoing, historic state and local partnerships.

RESOLUTION #8
MEMORIALIZATION-URGING THE STATE LEGISLATURE TO
OPPOSE THE PROPOSED SHIFT OF 100 PERCENT OF THE COST
OF JUVENILE DETENTION FACILITIES TO COUNTIES

WHEREAS, The New York State Association of Counties (NYSAC) strongly opposes the unprecedented 2008-09 Executive Budget proposal that ends the state/local partnership in funding the costs associated with operating local detention facilities by requiring counties to assume 100 percent of the cost; and

WHEREAS, According to the 2008-09 Executive Budget proposal, effective April 1, 2008, counties will assume the full cost of youth placed by the Family Court in secure and non secure detention facilities; and

WHEREAS, Currently, the Sate reimburses counties 50 percent for secure and non-secure detention costs but by shifting the cost completely to counties, the State's estimated savings for this initiative is \$35.4 million; and the increased two year cost to Genesee County is estimated to be \$32,111.00, and

WHEREAS, The policy rationale behind the cost-shift is the State's recommendation that counties find alternative, diversion programs for these youth, such as community-based solutions, however, there is no possibility of diversion or other community-based alternatives for a youth who has been placed in a secure detention facility; and

WHEREAS, This is an example of a break in a state/local partnership, where local property taxpayers will be directly impacted; and

WHEREAS, At the time of this proposal, the State currently in the process of closing many of their state owned and operated secure detention facilities, which will result in immediate state savings: Now, therefore, Be it

RESOLVED, That the Bergen Town Board urges the State Legislature to oppose this policy and fiscal shift of 100 percent of the cost of juvenile detention facilities to counties, and to focus on strengthening, not serving, the local/state partnership.

**RESOLUTION #9
ENDORISING THE NYS PROPERTY
TAXPAYERS PROTECTION ACT**

WHEREAS, The tremendously high property tax burden on New York families and businesses is the number one issue facing our community today, and the sheer cost of living in New York has forced many residents and businesses to leave, thus slowing the economic engine of the state, and

WHEREAS, Young people are finding it difficult to purchase home, seniors are struggling to maintain their homes, and businesses are facing immense challenges to create and retain jobs; and

WHEREAS, New Yorkers face the highest property taxes in the nation, and when measured as a percentage of home value, nine of the top 10 property tax rates in the entire country belong to counties in New York; and the State must act now to thwart the detrimental effects that high property taxes are having on local governments; and

WHEREAS, Assembly Minority Conference Members have introduced the “New York State Property Taxpayers Protection Act” (Assembly Bill 8775-A), which puts forth new and innovative ideas for property tax reform that limit the amount school districts can raise annually through local tax levies to four percent or the rate of inflation, whichever is less; in addition the Act would relieve municipalities and school districts of unfunded mandates, reduce county Medicaid costs, strengthen financial accountability over school tax dollars, promote local government efficiency, and encourage local option insurance pooling; and

WHEREAS, The “New York State Property Taxpayers Protection Act” will help fix New York’s broken property tax system, providing homeowners, businesses and municipalities significant and lasting relief from the crushing burden of skyrocketing property taxes; and now, therefore, be it

RESOLVED, The Bergen Town Board acknowledges New York State’s Property tax crisis and urges the immediate passage and chaptering of the “New York State Property Taxpayers Protection Act”, which will help local governments reinvigorate New York’s economy by providing incentives for people and businesses to move and stay here.

OLD BUSINESS:

Tulley Building: Councilman Cunningham said a meeting is being planned for 1st or 2nd week in April

Townline Road property violations – Bob Patterson signed the appearance ticket and information for Raul Valderama March 25, 2008 for an April 2nd Court appearance

Fire Contract – Revised contract submitted for Town approval *Councilman Miller made a motion to accept the revised Fire Contract; Councilman McCartney seconded it and it carried by a vote 3-0.*

Roof repair estimates Councilman Miller has received two estimates for roof repair so far, he is waiting for two more

Action on request from Planning Board Chairman Bob Ridley – tabled until Fred Ely is contacted

Water District Survey Letter and Water System Questionnaire for review *Councilman Miller made a motion to send Water District Survey letter and Water System Questionnaire; seconded by Councilman McCartney and it carried by a vote 3-0.*

Councilman McCarthy made a motion to go into Executive session at 8:24 p.m. to discuss Union contract with Supervisor David Roggow present; Councilman Miller seconded it and it carried by a vote 3-0.

NEXT MEETING: Tuesday, April 8, 2008 in the Courtroom at 7:30 with audit of the bills at 7:10 p.m.

ADJOURNMENT was at 8:30 p.m. on a motion by Councilman McCartney, seconded by Councilman Miller and carried by a vote 3 -0.

Respectfully submitted,

Michele M. Smith,

Town Clerk