

The Bergen Town Board convened in a regular session at 7:30 p.m. in the Town Hall with Deputy Supervisor Cunningham presiding.

PRESENT:

Deputy Supervisor Donald Cunningham
Councilman Hugh McCartney
Councilwoman Rachael Millspaugh

ALSO PRESENT:

Michele M. Smith, Town Clerk
Robert Patterson, ZEO/CEO
Anne Sapienza, Assessor

ABSENT:

John Specht, Supervisor
Councilman Barry Miller

OTHER ATTENDEES:

Myrna List
Paul List

Jean Stewart
Lee Ann Patterson

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

MYRNA LIST president of Historical Society asked permission to could go into 15 S. Lake Avenue to clean it. Bob Patterson said it needs to be handicap accessible, fire safety devices, the second floor should be cordoned off and have an engineer walk through it before it can be open to the public. The Board gave approval to clean and store things in the building and further suggested that the Historical Society work with the Town Historian to develop a long term plan for the building.

MINUTES: *Councilman McCartney made a motion to approve the minutes of the January 27, 2009; Councilwoman Millspaugh seconded it and it carried by a vote 3-0. .*

COMMUNICATIONS:

Bookkeepers notice for budget transfer (for miscalculation)
Budget Summary through December 2008
Supervisors Report through December 2008
Budget Summary through January 2009
Supervisors Report through January 2009
Library Statements for December 2008 & January 2009
Proposal for financial review, Justice Court Audit from Bob Fox
Memo & Grant Application from Stuart Brown Associates
Cover letter of bid notification for replacement truck
Travel request from ZEO/CEO Bob Patterson
Zoning & Code enforcement Log Sheet
Notice to discontinue City of Batavia Ambulance Service
Emergency Contact information from NYSEG/RG&E

REPORTS:

SUPERVISOR AND TOWN CLERK'S JANUARY 2009 REPORT *Councilman McCartney made a motion to file the Supervisor's December 2008, January 2009 and Town Clerk's January 2009 reports, seconded by Councilman Millspaugh and it carried by a vote 3-0.*

HIGHWAY: Superintendent Roggow was absent but left the following information with Deputy Supervisor Cunningham. New covers for Salt Storage sheds will be arriving and if weather permits will be installed, they will be stored if weather does not permit. Dave has questioned the benefit of building up a berm to protect from direct winds. He says he had some dirt and can acquire more from Robins Brook Park. Saturday July 4th is a normal transfer station operation day, consider time and a half holiday pay or offer alternate operation day. *Councilman McCartney made a motion to pay holiday pay for Saturday July 4th for Transfer Station employees; Councilman Millspaugh seconded it and it carried by a vote 3-0.*

Resolution to appropriate \$100,000 from fund balance for the purchase of a 6 wheel truck (not made in 2008). *Councilman McCartney made a motion to adopt a resolution to increase the Highway Appropriation by \$100,000; Councilwoman Millspaugh seconded it and it carried by a vote 3-0.*

RESOLUTION #5 – 2009

BE IT RESOLVED, that the Town of Bergen authorizes the increase of the Highway Machinery Appropriation (DB5130.2) by \$100,000.00 for the purpose of purchasing a truck in 2009. BE IT FURTHER RESOLVED, that this \$100,000 appropriation is being funded by the Unappropriated DB Fund Balance.

BUILDING & ZONING: Manufactured Home Park license application for Mapledale Estates: There has been no response to a letter sent to Mr. Ball on January 11, 2009, another letter will be sent with an additional \$50 fee due with a total of \$370. *Councilwoman Millspaugh made a motion to send a certified letter to Mr. Ball requesting additional late charges Councilman McCartney seconded and it carried by a vote 3-0. Councilman McCartney made a motion to approve Bob Patterson's Travel Request for FLBOA Training March 16 – 19, 2009 not to exceed \$540; Councilwoman Millspaugh seconded it and it carried by a vote 3-0.*

NEW BUSINESS:

Councilwoman Millspaugh made a motion to appointing Councilman McCartney to act to fill in for Deputy Supervisor Cunningham from February 15, 2009 – February 22, 2009; Councilman Cunningham seconded it and it carried by a vote 3-0.

OLD BUSINESS:

LOCAL LAW FOR INTERCHANGE: Councilwoman Millspaugh was told a long SEQR Form is needed, Chatfield Engineers will be asked for help. *Councilman Cunningham made a motion to for Councilwoman Millspaugh to engage Chatfield Engineer to help with SEQR; seconded by Councilman McCartney and it carried by a vote 3-0.*

2008 BUDGET TRANSFER: *Councilwoman Millspaugh made a motion to transfer \$1.00 from A1220.4 to A1220.1 due to a miscalculation by the bookkeeper for the annual salary breakdown; Councilman McCartney seconded it and it carried by a vote 3-0.*

LIBRARY BOARD APPOINTMENT: The Deputy Supervisor reported that the Library Board President reported to him; that after interviewing both Kelly Hallenbeck and Alyson Tardy for appointment, it was determined that the experience with grants, and fund raising, demonstrated by Kelly Hallenbeck would be most beneficial to the immediate needs of the Library, and therefore recommended her for appointment to the Library Board. The Library Board further recognized Alyson's interest in programming and library usage and encouraged her to continue her enthusiasm by participation in the "Friends of the Library" program. *Councilwoman Millspaugh made a motion to appoint Kelly Hallenbeck to the Library Board; Councilman McCartney seconded it and it carried by a vote 3-0.*

AUDIT/FINANCIAL REVIEW *Councilman McCartney made a motion to table the proposals for Audit from Freed Maxick & Battaglia and Eldridge, Fox & Porretti; Councilman Cunningham seconded it and it carried by a vote 3-0.*

NEW TOWN COURT & TOWN HALL OFFICES The Board reviewed the plans & specifications. *Councilman McCartney made a motion to adopt the following resolution; Councilwoman Millspaugh seconded it and it carried by vote 3-0.*

RESOLUTION # 6 -2009:

BE IT RESOLVED, that Bergen Town Board authorizes the publication of bids for the Town of Bergen Court and Town Offices relocation construction at the Fire Department as per specifications and plans by Simbari Design, with an opening date of March 17, 2009.

BILLS: The bills were presented for audit and totaled General A Fund \$14,055.27; vouchers #31-61, General B Fund \$801.15 vouchers #7-13, and Highway DB \$16,185.18 vouchers #9-29, Post Audit A-1 Fund \$326.86 vouchers # 1 & 2, Fire Contract \$63,004.00 voucher #1. *Councilwoman Millspaugh made a motion to pay the February bills; seconded by Councilman McCartney and it carried by a vote 3-0.*

Executive Session *at 8:45 pm Councilman McCartney made a motion to go into executive session to discuss proposed litigation with Anne Sapienza, Bob Patterson, Lee Ann Patterson and Town Clerk Smith present; Councilwoman Millspaugh seconded it and it carried by a vote 3-0. Councilman McCartney made a motion to come out of executive session at 9:11 pm; Councilwoman Millspaugh seconded it and it carried by a vote 3-0.*

NEXT MEETING: Tuesday, February 24, 2009 at 7:30 PM in the Courtroom

ADJOURNMENT *was at 9:12 p.m. on a motion by Councilwoman Millspaugh, seconded by Councilman McCartney and it carried by a vote 3-0.*

Respectfully submitted,

Michele M. Smith,
Town Clerk