

The Bergen Town Board convened in a regular session at 7:00 p.m. in the Town Hall with Supervisor Cunningham presiding.

PRESENT:

Supervisor Donald Cunningham
Councilman Joe Nenni
Councilman Brian Stone
Councilwoman Belinda Grant
Councilman Hugh McCartney

ALSO PRESENT:

Michele M. Smith, Town Clerk
Mike Johnson, Highway Superintendent
David Mason, ZEO/CEO

OTHER ATTENDEES:

Debbie List	Ashley Pocock
Casey Kosioreck	Arnulfo Sanchez
John Murray	Jessica Wannike
Nicole Stone	Brenden Murray

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

Casey Kosioreck Superintendent, Byron-Bergen Central School 2013-14 Budget Presentation

MINUTES: *Councilman Nenni made a motion to approve the April 9, 2013 minutes; seconded by Councilman McCartney and it carried by a vote 5 -0.*

COMMUNICATIONS:

Letter from Assemblyman Hawley, Re: Support of Assembly Bill 88
Letter from Chatfield Engineers, Re: Peachey Road Project Representation Hours
Notice from Assemblyman Hawley, Re: Forum on New Gun Laws
Proposal from Kleen-All Co. for carpet and floor cleaning at 13 S. Lake Ave.
Letter of interest for Planning Board Appointment from Andrew Fink
Mercy EMS Report for March 2013
Travel Request from Highway Superintendent Michael Johnson
Proposal from Dugan Lawncare for fertilizer & weed control
Village of Bergen Newsletter
Letter from Monroe County Environmental Services, Re: Millseat Expansion Documents
Resolution in Support of Legislation Restricting False Liens Against Public Officers & Public Employees
Resolution to Approve Out of District Non-Resident Water User Agreement
Level1Pc Full Labor Computer Maintenance Quote
Proposal from T & L Cleaning for carpet and floor cleaning at 13 S. Lake Ave.

REPORTS:

ZONING/CODE ENFORCEMENT: Software is done waiting for installation on laptop.

HIGHWAY/SOLID WASTE: New Pickup delivered - permission 2010 F150 to declare as surplus and take to auction valued between \$17-20,000. *Councilman McCartney made a motion declare the 2010 F150 as surplus as of May 1st; seconded by Councilman Nenni and carried by vote 5-0. Councilman Nenni made a motion to authorize Highway Superintendent Johnson to take the 2010 F150 to auction; seconded by Councilman McCartney and it carried by a vote 5-0.*

COMMITTEES:

BUILDING COMMITTEE: Low-Key Construction will replace roof at 15 S. Lake Ave. mid May; Next meeting May 13th Carpet and tile cleaning for 13 S. Lake Ave. tabled until confirmation of stripping of floor included in quote.

HIGHWAY/PARKS COMMITTEE: *Councilman Nenni made a motion to accept the fertilizer & weed control from Dugan Lawncare of \$1,990 for fall & summer applications; seconded by Councilman Stone and it carried by a vote 5-0. Next Park committee meeting May 7th.*

VILLAGE RELATIONS COMMITTEE: May 18th Community Action Day

OLD BUSINESS:

Peachey Rd. Water District The Village wishes to connect to the district, an agreement will be put in place; Water main installation complete, testing is being conducted and preliminary clean up has begun; Project meeting scheduled for April 26th at 8:30 am.

NEW BUSINESS:

Computer Services Tabled until next meeting

Day of Caring May 1st *Councilman Nenni made a motion to purchase flowers not to exceed \$500; seconded by Councilman McCartney and it carried by a vote 5-0.*

Planning Board Appointment *Councilman Stone made a motion to appoint Andrew Fink as Planning Board Alternate; seconded by Councilwoman Grant and it carried by a vote 4 -1.*

Travel Request *Councilman McCartney made a motion to approve travel request of Highway Superintendent Johnson for Highway School; seconded by councilman Nenni and it carried by a vote 5-0.*

Restricting False Liens Resolution *Councilman Nenni offered Resolution #11-2013 Approval of Restricting False Liens Against Public Officers & Public Employees; seconded by Councilman McCartney and it carried by a vote 5 -0.*

**RESOLUTION #11-2013
IN SUPPORT OF LEGISLATION RESTRICTING FALSE LIENS
AGAINST PUBLIC OFFICERS AND PUBLIC EMPLOYEES**

WHEREAS, a 2012 study by the National Association of Secretaries of State indicates a “dramatic rise” in bogus filings under the Uniform Commercial Code (UCC) in recent years mainly filed by the “sovereign citizens movement” and,

WHEREAS, recent court rulings have noted that phony filings by people in separatist groups or who believe they are not subject to government rules or control have ensnared public officials in all branches and at all levels of government by filing property liens or tax forms that have triggered unwarranted credit reviews and IRS scrutiny and,

WHEREAS, opponents of such “paper terrorism” indicate that the Uniform Commercial Code provides a way for creditors to record an interest in a debtor's property through filing notice to debtor's future creditors and,

WHEREAS, the Uniform Commercial Code must accept each statement filed for recording and subsequently make it available for public viewing that later may be found to be fraudulent resulting in a negative result on a person's credit statement and could be used as a tool to unjustifiably characterize a person as target of a false filing as a credit risk and,

WHEREAS, no person whether elected, or appointed properly acting in their roles as public servants should be subject to the personal financial and emotional stress caused by this conduct, therefore be it,

RESOLVED, The Town Board of the Town of Bergen, encourages local governments, county governments, law enforcement, the Association of Towns, New York Conference of Mayors and the Office of Court Administration to work together to provide the state legislature with legislation that will protect public servants from exposure to this conduct and be it further

RESOLVED, that the New York State Assembly and the New York State Senate expeditiously consider all legislation to solve this problem and be it further

RESOLVED, The Town Board of the Town of Bergen authorizes the Bergen Town Clerk to send copies of this resolution to all involved parties to accelerate enactment of any proposed legislation and be it further

RESOLVED, that the Town Board of the Town of Bergen does hereby certify and support the proposed legislation and was passed on the 23rd day of April 2013 by a majority vote.

Approval Out of District Non-Resident Water User Agreement Councilman Nenni offered Resolution #12-2013 Approval Out of District Non-Resident Water User Agreement; seconded by Councilman Stone and it carried by a vote 5-0.

RESOLUTION #12-2013
APPROVING OUT OF DISTRICT NON-RESIDENT WATER USER AGREEMENT

WHEREAS, the Town of Bergen has previously approved the creation of the Peachey Road Water District, and the construction and financing of water mains and other related equipment therein (the "Project"); and

WHEREAS, the Village of Bergen (the "Village") is the owner of certain property located at 6593 North Lake Road, Bergen, NY 14416, bearing tax account number 6.-1-19.221 (the "Property") located outside the geographic boundaries of the Peachey Road Water District and has requested that it be permitted to hook up to the water main to be constructed in that area as part of the Peachey Road Water District;

WHEREAS, there is sufficient capacity in the Peachey Road Water District to serve the Property;

WHEREAS, the appropriate plans have been provided, reviewed and found to be acceptable;

WHEREAS, the Village has signified their intention to enter into an Out of District Non-Resident Water User Agreement; and

WHEREAS, based on the foregoing the Town Board of the Town of Bergen is desirous of allowing the Village to hook-up to the water mains to be constructed within the Peachey Road Water District (the "District") provided that the Village contributes to the annual debt service payments for the project in the same manner as other property owners within the District and as well as in accordance with the other terms set forth below;

NOW, THEREFORE BE IT RESOLVED that the Supervisor of the Town of Bergen is hereby authorized to execute, on behalf of the Bergen Town Board, Non-Resident Water User Agreement with the Village of Bergen for the sole benefit of the above-described Property on the following terms and conditions:

A. The Town Board of Bergen agrees that the Village may tie into the water mains to be constructed by the Town of Bergen in the Peachey Road Water District for the sole benefit of the above-described Property; and

B. The Village shall pay a fee to the Town of Bergen in the amount of \$536.00 upon the execution of the Non-Resident Water User Agreement representing debt service due and owing for the year 2013; and

C. Thereafter the Village shall pay annually to the Town of Bergen a debt service fee which shall be calculated in the same manner as the formula used to calculate the annual special assessments on residential property owners within the Peachey Road Water District, as may be modified by the Town of Bergen from year to year based on actual water usage. The annual debt service fee will be billed to the Village at its property address and the payment will be due within thirty (30) days of the date of the bill. A Two Percent (2%) late fee will be added for each month the annual fee is late, and all unpaid fees shall be liens against the property. In the event the annual debt service fee is delinquent by more than ninety (90) days, the Town of Bergen shall reserve the right to request that the Monroe County Water Authority (MCWA) turn off water service to the non-resident water user; and

D. The Village shall be responsible for paying any fees or charges associated with making the connection to the water main with the Monroe County Water Authority, including the initial account fee, meter fee, MCWA connection fee, and other costs associated with the installation of the water service.

E. The Non-Resident Water User Agreement shall be binding on the Village, its heirs, successors and assigns, and any transferee of the Village's property shall be obligated to inform the Bergen Town Clerk of the change of ownership within thirty (30) days of the date the deed of conveyance is recorded in the County Clerk's Office.

NEXT MEETING:

Regular Meeting – Tuesday, May 14, 2013 at 7:00 PM in the Courtroom with the audit of the bills at 6:45 p.m.

ADJOURNMENT was at 8:25 pm on a motion by Councilman Nenni; seconded by Councilman McCartney and it carried by a vote 5-0.

Respectfully submitted,

Michele M. Smith

Michele M. Smith,
Town Clerk