

June 10, 2014

BERGEN TOWN BOARD

REGULAR MEETING

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

ALSO PRESENT:

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

ABSENT

Councilman Hugh McCartney

OTHER ATTENDEES:

Kamaljit Sembhi, Jr.
Sergeant Ron Meides (Arr. 7:30)

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

MINUTES: *Councilman Nenni made a motion to approve the minutes of May 27, 2014; seconded by Councilwoman Grant and it carried by a vote 4-0.*

COMMUNICATIONS:

Supervisor's Report for April & May 2014
Summary Spreadsheets for April & May 2014
Town Clerk's Report for May 2014
ZEO/CEO Report for May 2014
Summary of Water Surveys
Letter from Bernard Donegan, Inc. Re: Organizational Changes
Notification from A.O.T. for Planning & Zoning Summer Schools
Cover letter & Resolution from Genesee County Legislature, Re: Contract Highway Shared Services
Cover letter & Resolution from Genesee County Legislature, Re: Opposing Expansion of Federal Control Under the Clean Water Act

REPORTS:

HIGHWAY: still waiting for new truck, roadwork being done
ZEO/CEO: 7-Eleven to start construction soon; placement of Historical Society signs approved
TOWN CLERK'S MAY 2014 & SUPERVISORS APRIL AND MAY 2014 REPORTS: *Councilman Nenni made a motion to file the Town Clerk's May 2014 report and Supervisors April and May 2014 reports; seconded by Councilwoman Grant and it carried by a vote 4-0.*

COMMITTEES:

BUILDINGS: Sickles – warranty up on court railing- possibly have Miller's Millworks repair; Court window install next week, Triple-0 Maintenance agreement; windows ordered for 13 S. Lake Ave.
HIGHWAY & PARKS: SUNY Syracuse & Swamp Society to do a plant study at Drew's Nature Center. Weed-n-feed proposal from Dugan Lawncare for \$2,290, pricing backstops, Chief Gordon Dibble says signage for West Shore is confusing and needs rewording, box culverts may be available through county. Sergeant Meides discussed West Shore ATV problems. *Councilman Stone made a motion to accept Weed-n-Feed proposal from Dugan Lawncare for \$2,290; seconded by Councilman Nenni and carried by a vote 4-0.*
VILLAGE RELATIONS: next meeting 6/16/14

OLD BUSINESS:

Sleds of Stafford Land Use Request - Tabled

NEW BUSINESS:

Water Surveys Supervisor Cunningham requests Chatfield Engineers put together estimated costs for new water districts. *Councilman Nenni made a motion for Chatfield put together plans and estimated costs for proposed water districts; seconded by Councilwoman Grant and carried by a vote 4-0.*

Resolution Opposing Expansion of Federal Control Under Clean Water Act *Councilman Nenni offered Resolution #13-2014 Opposing Expansion of Federal Control Under the Clean Water Act; seconded by Councilwoman Grant and it carried by a vote 4-0.*

**RESOLUTION #13-2014
OPPOSING EXPANSION OF FEDERAL CONTROL
UNDER THE CLEAN WATER ACT**

WHEREAS, The U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) have released a 371 proposed rulemaking defining the Waters of the U.S. under the Clean Water Act, and

WHEREAS, Both agencies are seeking a rule change to give the federal government more authority by expanding the definition of "navigable waters" in the Clean Water Act, and

WHEREAS, The rule change proposed by the EPA and the Corps would subject almost all physical areas with a connection to downstream navigable waters, including features such as ditches, natural or man-made ponds, and flood plains, to the jurisdiction of the Clean Water Act, and

WHEREAS, The proposed rule change, if adopted, will cause significant economic harm to local farmers, stall the development of businesses, take control of land use for sustainable food production out of our local providers' hands, and negatively impact County-owned and maintained infrastructure such as roadside ditches and flood-control channels, and

WHEREAS, The cost to our farms, municipalities and taxpayers will be enormous, and

WHEREAS, The New York Farm Bureau opposes the proposed rule change, and

WHEREAS, It is impractical for the federal government to regulate every ditch, pond and rain puddle that may have some tenuous connection or "significant nexus", miles away, to a body of water currently defined as "navigable", now, therefore, be it

RESOLVED, That the Bergen Town Board hereby strongly opposes the EPA and Corps proposed rulemaking that changes the Clean Water Act, as proposed, and be it further

RESOLVED, That the Town Clerk of Town of Bergen is hereby directed to forward a certified copy of this resolution to Senator Schumer, Senator Gillibrand, Congressman Collins, the Environmental Protection Agency, the U.S. Army Corps of Engineers, the National Association of Counties, State Senator Ranzenhofer, State Assemblyman Hawley, the New York State Association of Counties, and the Western New York Inter-County Association.

BILLS: The bills were presented for audit and totaled General A Fund \$11,199.80 vouchers #142-165, General B Fund \$2,302.85 vouchers #43-56; Highway DB \$ 80,028.36 vouchers #59-68; PA-A6 \$858.43 vouchers #10; PA-DB5 \$5,097.67 voucher #4. *Councilman Nenni made a motion to pay the June bills; seconded by Councilwoman Grant and it carried by a vote 4-0.*

REGULAR MEETING – Tuesday, June 24, 2014 – at 7:00 pm in the Courtroom

ADJOURNMENT was at 7:59 pm on a motion by Councilwoman Grant; seconded by Councilman Stone and carried by a vote 4-0.

Respectfully submitted

Michele M. Smith

Michele M. Smith,
Town Clerk