

JUNE 22, 2010 BERGEN TOWN BOARD REGULAR 2nd MEETING

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

PRESENT:

Supervisor Donald Cunningham
Councilman Barry Miller (7:34)
Councilman Hugh McCartney
Councilwoman Rachael Millspaugh
Councilman Joe Nenni

ALSO PRESENT:

Michele M. Smith, Town Clerk
Dave Roggow, Highway Superintendant

OTHER ATTENDEES:

Grace Gallivan

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

MINUTES: *Councilman Nenni made a motion to approve the June 8, 2010 minutes; seconded by Councilwoman Millspaugh and it carried by a vote 3 -0. Councilman McCartney abstained*

COMMUNICATIONS:

MERCY EMS REPORT FOR MAY 2010
SUMMARY OF WHEEL LOADER BIDS
NYSDOT NOTICE OF CHIPS FUNDING
GCEDC NOTICE OF PUBLIC HEARING
SAMPLE OF PUBLIC HEARING NOTICE FOR GENERAL CODE
SAMPLE RESOLUTION TO HOLD PUBLIC HEARING
BUILDING REQUESTS FOR 13 S. LAKE FROM NANCY BAILEY
GOAL POST PRICE COMPARISONS FROM JEFF MAURER
BLACK CREEK WATERSHED COALITION AGENDA FOR 6/29/10
ELECTED/APPOINTED WORK DAY REPORTING OUTLINE & SAMPLE RESOLUTION
NOTICE OF ANNUAL REPORT FROM GENESEE CO. SHERIFF DEPT.
SAMPLE LETTER FROM ASSOC. OF TOWNS

REPORTS:

HIGHWAY : Three bids were received for the Wheel Loader from Milton Cat for a Caterpillar for \$92,537 & two bids from George & Swede for a Hyundai for \$89,966 and a Kawasaki \$118,166. *Councilman McCartney made a motion to accept the Wheel Loader bid from Milton Cat for \$92,537; seconded by Councilman Nenni and it carried by a vote 4-1.* **Highway Garage Damage** The insurance company has been contacted for the accident in which a truck was backed into a bay with the dump body partially up and did damage to the door frame on Friday, June 18th.

BUILDINGS COMMITTEE: Carpet was installed in the old courtroom Friday, June 19th. Timetable needed to move bookkeeper into the former assessor's office and V2D will be contacted for internet and phone connections before she is moved. Councilman Miller will plan on having another committee meeting to discuss the historian office move.

TOWN OFFICE/COURT PROJECT UPDATE: Closeout of the project from Sickles is on hold waiting on the bonding company. Forty Chairs for new Courtroom will be delivered Friday, June 25th; tables are also being looked into. A Sherwin William rep. will look at the court exterior door for the paint not drying and being tacky, it may need to be stripped and repainted.

NEW BUSINESS

REFUSE & GARBAGE BID: Two bids were received from Waste Management's bid did not include a Waiver of Immunity or Certificate of Non-Collusion and Youngblood Disposal's bid did not include proposal for item 3 option B, Supervisor Cunningham suggested that it put out for rebid. *Councilman Miller made a motion to put the Refuse & Garbage back out for rebid seconded by Councilman McCartney and it carried by a vote 5-0.*

TOWN CLERK TOWN CREDIT CARD LIMIT Councilman Nenni brought up the fact that the Town Clerk credit limit needs to be raised for Town purchases. *Councilman McCartney made a motion to raise the Town Clerk's credit limit to \$5,000 on the Town Credit card; seconded by Councilwoman Millspaugh and it carried by a vote 5-0.*

STANDARD WORKDAY REPORTING will be prepared for the next meeting.

OLD BUSINESS:

East Bergen Cemetery restoration work Councilman Miller reported that restoration will start July 15th.

Burial policy for Cemeteries Waiting on further information

General Code Adoption/ Public Hearing Local Law Supervisor Cunningham informed the board that the Town attorney advised him to send a Code book for the County Planning Department to look over and approve before the public hearing. *Councilman Miller made a motion to set the Public Hearing for Local Law #1-2010 codification "Code of the Town of Bergen" for July 13, 2010 at 7:00 PM; seconded by Councilwoman Millsbaugh and it carried by a vote 5-0.*

**TOWN OF BERGEN
RESOLUTION #12-2010 TO HOLD PUBLIC HEARING
ON PROPOSED LOCAL LAW**

WHEREAS the Town Board of the Town of Bergen has entered into a project for the codification of local laws, ordinances and certain resolutions of the Town of Bergen for the purposes of increasing the effectiveness of town governmental administration, providing for greater public awareness of and access to town legislation and protecting the health, safety and welfare of town inhabitants; and

WHEREAS the proposed codification has been published in loose-leaf form and the Town Board now desires to formally effect the adoption of said codification by enactment of a local law;

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held by the Town Board with respect to enactment of the following local law, such public hearing to be held on the 13th day of July, 2010, at 7:00 p.m., in the Town Hall, 10 Hunter Street, Town of Bergen, New York. The proposed local law to be considered is as follows:

LOCAL LAW NO. 1-2010

A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE TOWN OF BERGEN INTO A MUNICIPAL CODE TO BE DESIGNATED THE "CODE OF THE TOWN OF BERGEN"

Copies of the text of the above-named local law shall be filed in the office of the Town Clerk.

AND BE IT FURTHER RESOLVED that the Town Clerk is hereby directed and authorized to cause public notice of said hearing to be given in accordance with the Municipal Home Rule Law, the Open Meetings Law and §§ 264 and 265 of the Town Law of the State of New York.

Action on NYS Deferred Compensation *Councilman McCartney made a motion to adopt the NYS Deferred Compensation Plan per Resolution 13-2010; seconded by Councilman Nenni and carried by a vote 4-0. Councilman Miller abstained*

**NYS Deferred Compensation Plan
RESOLUTION #13 -2010**

WHEREAS, the Town of Bergen wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the "Plan") for voluntary participation of all eligible employees; and

WHEREAS, the Town of Bergen is a local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law* and

WHEREAS, the Town of Bergen has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York; and

WHEREAS, the purpose of the Plan is to encourage employees to make and continue careers with the Town of Bergen by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and thereby provide for their retirement;

NOW, THEREFORE, it is hereby:

RESOLVED, that the Town of Bergen hereby adopts the Plan for the voluntary participation of all eligible employees; and it is further

RESOLVED, that the appropriate officials of the Town of Bergen here hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan; and it is further

RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

NEXT MEETING: Regular Meeting – Tuesday, July 13, 2010 at 7:00 PM in the Courtroom for Public Hearing on Local Law #1-2010.

ADJOURNMENT was at 8:39 pm on a motion by Councilman McCartney; seconded by Councilman Nenni and it carried by a vote 5-0.

Respectfully submitted,

Michele M. Smith

Michele M. Smith,
Town Clerk