

The Bergen Town Board convened at 7:00 p.m. for a Public Hearing Local Law #1-2010 and regular session on in the Town Hall with Supervisor Cunningham presiding.

PRESENT:

Supervisor Donald Cunningham
Councilman Hugh McCartney
Councilman Barry Miller
Councilman Joe Nenni

ALSO PRESENT:

Michele M. Smith, Town Clerk
Dave Roggow, Highway Superintendent
Bob Patterson, ZEO/CEO

ABSENT

Councilwoman Rachael Millspaugh

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

Public Hearing for Local Law No. 1-2010 *Councilman McCartney made a motion to open the public hearing at 7:00 PM; seconded by Councilman Nenni and it carried by a vote of 4-0. Councilman Miller made a motion to close the public hearing at 7:32 PM; seconded by Councilman McCartney and it carried by a vote 4-0.*

MINUTES: *Councilman Nenni made a motion to approve the minutes of June 22, 2010; seconded by Councilman McCartney and it carried by a vote 4 -0.*

COMMUNICATIONS:

Budget Report

Supervisors Report

Town Clerks Report

Claim receipt from Selective Insurance (Highway Garage Damage)

GCEDC Project Summary from 6/29/10 Public Hearing

Copy of Attorneys notice to G.C. Dept. of Planning, Re: Local Law #1-2010

Zoning, Code Enforcement Log sheet for June 2010

Building Innovation Group estimate of repairs for Highway Garage

Letter from Stuart Brown Assoc., Re: Rural Development request for Asset & Strategic Management Plans

Notice from ISO, Re: Insurance underwriting survey/evaluation

Notice from Genesee County Planning Board, Re: Approval for codification of Zoning Law

Sample of Standard Workday Resolution

GCEDC address change

Short E.A.F. for SEQRA

Sample Resolution for SEQRA Determination pertaining to Local Law for codification

Sample Resolution to establish Records Access office

REPORTS:

HIGHWAY: Nothing to report

ZEO/CEO : New Junkyard application form *Councilman Nenni made a motion to accept the new Junkyard Permit Application; seconded by Councilman McCartney and it carried by a vote of 4-0. Retirement notice* from Bob Patterson for December 31, 2010.

BUILDING USE COMMITTEE: Bookkeeper Lori Nelson submitted a drawing for the design of her office and Star Electric will be contacted to set up her office for internet and phone. Councilman Miller will try to have another committee meeting to discuss the use of Chapell-Drews house as possible space for the Town Historian so they can vacate 17 S. Lake Avenue.

TOWN OFFICE/COURT PROJECT UPDATE: The closing for the Serial Bonds to pay off the Bond Anticipation Note is Thursday, July 15th. Close-out for the project is held up because the Bonding Agency has not yet issued the Consent of Surety to the contractor.

SUPERVISOR'S AND TOWN CLERK'S JUNE 2010 REPORTS: *Councilman Nenni made a motion to file the Supervisor's and Town Clerk's June 2010 reports; seconded by Councilman McCartney and it carried by a vote 4 -0.*

OLD BUSINESS:

LIBRARY CARPET Councilman McCartney made a motion to have Warren’s carpet to clean Library carpet and hallway/bathroom floors not to exceed \$500; seconded by Councilman Miller and it carried by a vote 4-0.

STANDARD WORK DAY AND REPORTING FOR ALL TOWN EMPLOYEES Councilman McCartney offered resolution #13-2010 for Standard Workday Day Reporting; seconded by Councilman Nenni and it carried by a vote 4-0.

**TOWN OF BERGEN
RESOLUTION # 14-2010**

BE IT RESOLVED, that the Town of Bergen hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on the record of activities maintained by these officials to the Clerk of the body.

Title	Name	Standard Work Day (hrs. / day)	Term Begins/Ends	Participates in Employers Time Keeping System. (Y/N)	Log or Time Sheets Submitted (Y/N)	Days / Month (based on record of activities)
Elected Officials						
Supervisor	Donald Cunningham	6	1/01/2010-12/31/2013	N	Y	9.4
Town Clerk	Michele Smith	6	1/01/2008-12/31/2011	N	Y	20
Receiver of Taxes	Michele Smith	6	1/01/2008-12/31/2011	N	Y	INCLUDED ABOVE
Town Justice	Donald Kunego	6	1/01/2010-12/31/2013	N	Y	6.2
Town Justice	Rob Swapceinski	6	1/01/2009-12/31/2012	N	Y	5.6
Board Member	Rachael Millspaugh	6	1/01/2010-12/31/2013	N	Y	3.4
Board Member		6		N	N	
Board Member		6		N	N	
Board Member		6		N	N	
Highway Superintendent		8		N	N	
Appointed Officials						
Assessor	Anne Sapienza	6	10/1/2007-9/31/2013	N	Y	6.7
Code/Zoning Officer		6		N	N	
Deputy Town Clerk		6		Y	N	
Historian		6		N	N	
Planning Board Member		6		Y	N	
Planning Board Member		6		Y	N	
Zoning Board Member		6		N	N	
Zoning Board Member		6		N	N	
Constable		6		Y	N	
Constable		6		N	N	

NEW BUSINESS:

Appoint Records Access Officer for the Town Councilman Nenni made a motion to accept the Records Management procedure manual; seconded by Councilman McCartney and it carried by vote 4-0. Councilman McCartney hereby moves to designate the Town Clerk as records access officer in accordance with the regulations promulgated by the Committee on Open Government with resolution #14-2010; seconded by Councilman Nenni and it carried by a vote 4-0.

**Town of Bergen
Resolution # 15-2010**

WHEREAS the Freedom of Information Law requires the Town Board to adopt procedures consistent with the terms of that statute and the regulations promulgated by the Committee on Open Government, and

WHEREAS the regulations promulgated by the Committee on Open Government require the designation of one or more records access officers by the Town Board, and

WHEREAS the Town Clerk is the custodian of Town records and the Town's records management officer,
Now, therefore, be it **RESOLVED**

RESOLVED, that the Town Clerk is hereby designated as records access officer in accordance with the provisions of the Freedom of Information Law and the regulations promulgated by the Committee on Open Government.

SEQRA RESOLUTION #15-2010 FOR LOCAL LAW #1-2010

Councilman Nenni made a motion for Supervisor Cunningham to sign the SEQRA impact assessment form; seconded by Councilman McCartney and it carried by a vote 4-0. Councilman Nenni presented the following resolution# 15-2010 and moved that it be adopted; seconded by Councilman Miller and it carried by a vote 4-0.

**Town of Bergen
Resolution # 16-2010**

WHEREAS, on July 13, 2010, the Town Board of the Town of Bergen, New York shall consider a Local Law to provide for the codification of certain Local Laws, Ordinances, and Resolutions of the Town of Bergen into a Municipal Code (the "Local Law"); and

WHEREAS, the Town Board of the Town of Bergen ("Board") is principally responsible for undertaking, funding or approving the foregoing Local Law and its anticipated impact is primarily of local significance; and

WHEREAS, to aid the Board in determining whether such Project and financing and other actions of the Board in connection therewith (the "action") may have a significant effect on the environment, the board has caused to be prepared an environmental assessment form or similar information ("EAF"), a copy of which is attached hereto; and

WHEREAS, the Board has duly reviewed the EAF and duly considered the impacts which may be expected to result from the proposed action with the criteria set forth in the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"); and

WHEREAS, the Board had determined that the Project is an Type II Action pursuant to SEQRA; and

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF BERGEN, BERGEN, NEW YORK AS FOLLOWS:

1. The Board hereby declares itself and is hereby designated as Lead Agency for the proposed action and therefore responsible for determining whether an environmental impact statement is required in connection therewith and otherwise complying with the procedural and substantive requirements of SEQRA.
2. Based upon the review by the Board of the EAF and other necessary criteria, the Board hereby finds and determines that the proposed action is "Type II" under SEQRA and will result in no significant impacts and therefore, such action is not one which "may include the potential for at least one significant adverse environmental impact," (b) "there will be no significant adverse environmental impacts," and (c) no "environmental impact statement" need be prepared, as such quoted terms are defined in SEQRA and no further review of the actions need be taken pursuant to SEQRA.
3. A copy of this resolution shall be placed on file in the office of the Town Clerk where the same shall be available for public inspection during business hours and such notice of negative declaration shall be filed in such offices, posted in such places and published in such manner as shall be necessary to conform to the requirements of SEQRA.

This resolution shall take effect immediately

Adoption of Local Law #1-2010 Councilman McCartney made a motion to adopt Local Law #1-2010 as the Town Code; seconded by Councilman Nenni and it carried by a vote 4-0.

Appoint Additional of Dog Enumerator Councilman McCartney made a motion to appoint Connie Kaufman as an additional Dog Enumerator; seconded by Councilman Nenni and it carried by a vote 4 -0.

BILLS: The bills were presented for audit and totaled General A Fund \$12,458.47 vouchers #195-227, General B Fund \$2,504.44 vouchers #53-62, Highway DB \$51,214.44 vouchers #79-91, Town Hall Relocation \$5,723.00 vouchers #11-14, PA-A7 \$40.33 voucher #12, PA-B1 \$4,710.00 voucher #1 and PA-DB6 \$19,730.65 vouchers # 4 & 5. Councilman Nenni made a motion to pay the July bills; seconded by Councilman McCartney and it carried by a vote 4-0.

REGULAR MEETING – Tuesday, July 27, 2010 - at 7:30 PM in the Courtroom

ADJOURNMENT was at 8:15 p.m. on a motion by Councilman Miller; seconded by Councilman McCartney and carried by a vote 4-0.

Respectfully submitted

Michele M. Smith

Michele M. Smith,
Town Clerk