

August 14, 2007

Bergen Town Board

Regular Meeting

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

**PRESENT:**

Supervisor John Specht  
Councilman Hugh McCartney  
“ Donald Cunningham  
“ Barry Miller

**ALSO:**

Michele M. Smith, Town Clerk  
David Roggow, Highway Superintendent  
Bob Patterson, Zoning/Code Enforcement Officer

**Also Present:**

Tally Almquist  
Tom Williamson  
Paul Cooper

**ABSENT:**

Councilwoman Julie Baker

**PRAYER**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**MINUTES:** *Councilman Cunningham made a motion to approve the minutes of July 10; Councilman McCartney seconded it carried by a vote 4-0.*

**COMMUNICATIONS:**

Budget summary through July

Letter from Peggy Denton regarding Bldg. #3 restroom. Complaints have made about the building's upkeep.

Clark-Patterson's resubmittal of SEQRA Negative Declaration for BBCS expansion project

Bob Patterson's July Report

Letter from Selective Insurance to Alexander & Catalano regarding claim against Town

County Sales Tax distribution letter for 2<sup>nd</sup> quarter and Supervisor's 5 year analysis of same

Judge Donald Kunego gave the Board a suggested copy of a resolution supporting the State Legislature to override of the Governor's veto.

**BERGEN TOWN BOARD  
RESOLUTION No.   2**

At Its Meeting held August 14, 2007

*Councilman Cunningham moved and Councilman Miller seconded the following Town Board Resolution:*

**WHEREAS**, the Town maintains a local Town Court system at considerable expense in furtherance of the pursuit of justice within the Town; and

**WHEREAS**, the New York State Police Superintendent, to save in officer compensation, has initiated a new policy prohibiting State Police Troopers, as County Law Paragraph 700 Prosecutors as designated by

the Genesee County District Attorney, from participating in the well and long time established prosecutorial negotiations necessary for the timely and proficient pursuit of justice within this Town (the prosecutorial arm of our Town Court system of justice has been substantially handicapped, very potentially leading to more trials or case dismissals); and

**WHEREAS, in the same form of State Legislative bills, Assembly Bill 10710-A and Senate Bill S7354** the State's Legislature recently adopted bills essentially reversing the Superintendent's policy in recognition of its adverse impact on local Courts, Governments and Taxpayers; and

**WHEREAS,** the New York State Governor, the Honorable Eliot Spitzer, recently and unfortunately vetoed that legislation and returned it to the Legislative Branch of State Government.

**NOW THEREFORE BE IT RESOLVED,** that the Town Board of the Town of Bergen solicits the State's Legislative Branch of Government to timely **OVERRIDE THE GOVERNOR'S VETO** thereby permitting the State Police Troopers to fully act as duly authorized County Law Paragraph 700 prosecutors as permitted by law without interference by an order of the Superintendent of State Police, a member of the Executive and not Judicial Branch of State Government.

VOTE:

Supervisor Specht – Aye  
Councilman McCartney – Aye  
Councilman Cunningham – Aye  
Councilman Miller – Aye  
Councilwoman Baker – Absent

**Councilman Cunningham asked about a Resolution for the PIF for Adtech** The Town Board is waiting for the village's answer to the Town's request to increase the town's allocated sewer capacity. Councilman Miller will contact Eric Wies.

**REPORTS:**

**ZONING/CODE ENFORCEMENT:** Officer Patterson gave an overview of the West shore Churchville to Byron Linear Trail. He stated that there is no Certificate of Occupancy for the Highway garage; Supervisor Specht said we are waiting for the engineer to clear the building. Update on the property on Townline Road, Officer Patterson is frustrated with not hearing from the town attorney, he did talk to the attorney after 2 weeks. The attorney suggested that he give the owner a cease and desist order; he would like to also tell him to remove the dirt and cement from the detention pond. Councilman Cunningham suggested the possible use of eminent domain should possibly be considered and be added by the attorney's letter to the owner of the property. Officer Patterson is supposed to be meeting with the attorney on August 15<sup>th</sup>.

**HIGHWAY:** Superintendent Roggow received plans for improvement Robins Brook Park and presented to the board, plan should be approved by the Town Board. He also presented an invoice from Creekside Rental for port-a-john additional rental for soccer tournament; Dave was told to ignore the bill by Jeff the owner of Creekside and generously donated the rental.

**UNION CONTRACT:** Councilman Miller plans on meeting with attorney on August 20th

**TOWN CLERK'S AND SUPERVISOR'S JULY REPORT** *Councilman Miller made a motion to file the Town Clerk's and Supervisor's July reports, Councilman McCartney seconded it and it carried by a vote 4 -0.*

**OLD BUSINESS:**

Councilman Miller wants to be involved in the talks with the City of Batavia about continuance of ambulance service to Bergen.

**NEW BUSINESS:**

Reinstate Building committee to analyze joint Town/Village facilities – Materials included in agenda  
Councilman Cunningham was made chairman of the committee with committee members Dave Roggow, Anne Sapienza, Barry Miller and Judge Donald Kunego. An August 20<sup>th</sup> meeting has been tentatively set at 7:00PM.

Supervisor Specht will miss next two meetings Councilman Cunningham will preside over those meetings.

Plan for usage of Ruth Chapell-Drew’s home, the Town took ownership August 11 before the nine months was up.

Think about next year’s budget

Painting bid for Town Clerks Office *Councilman Cunningham made a motion to approve painting the Town Clerks Office by Kyle Docteur for \$680; seconded by Councilman Miller and it carried by a vote 4-0*

Approval of Official Undertaking for Tax Collection Officer the board signed the approval

**BILLS:** The bills were presented for audit and totaled for Post Audit – General A Fund vouchers, Post Audit A Fund Abstract 8 \$265.03 vouchers # 3 -5, Post Audit – General A Fund Abstract 9 \$605.01 voucher #6; Post Audit Highway Fund \$58,804.49 Vouchers # 2 & 3; Capital Fund \$2,140.33 vouchers # 12 – 16; Highway \$56,136.66 vouchers # 103 – 120; General A Fund \$51,814.09 vouchers # 262 - 291 and General B Fund \$3,228.25 vouchers # 8 - 18. *Councilman Miller made a motion to pay the August bills, seconded by Councilman Cunningham and it carried by a vote 4-0.*

**HSBC will be at the next meeting at 7:30**

**NEXT MEETING** will be Tuesday, August 28 at 7:30 p.m. in the Courtroom

**ADJOURNMENT** *was at 10:13 p.m. on a motion by Councilman Cunningham seconded by Councilman McCartney and carried by a vote of 4 -0.*

Respectfully submitted,

Michele M. Smith,  
Town Clerk