

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

PRESENT:

Councilman Donald Cunningham
Councilman Hugh McCartney
Councilman Barry Miller
Councilwoman Rachael Millsaugh

ALSO PRESENT:

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

ABSENT:

Supervisor John Specht

OTHER ATTENDEES:

Paul List
Tally Almquist
Donald Kunego
Pam Madziarz
David Henry
Charlie Redinger
Rob Swapceinski

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

Public Hearing for Local Law No. 2 opened at 7:30 PM – *to correct procedural error to amend Section 409 and 409A of the Town of Bergen Code with a motion by Councilman McCartney; seconded by Councilwoman Millsaugh and carried by a vote 4-0.* Paul List and Dave Henry of the Zoning Board of Appeals are not happy with communications with the Planning Board and that the Zoning Board should be involved in zoning changes.

RESOLUTION NO. 19 - 2009
THE TOWN BOARD OF THE TOWN OF BERGEN
MAKING SEQRA DETERMINATION AND
ESTABLISHMENT OF LEAD AGENCY

At a regular meeting of the Town Board of the Town of Bergen held at the Town Offices in Bergen, New York on the 8th day of September, 2009: *Councilman McCartney presented the following resolution and moved that it be adopted and it was seconded by Councilwoman Millsaugh and carried by a vote 3-1.*

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

WHEREAS, on September 8, 2009, the Town Board of the Town of Bergen, New York shall consider a Local Law to amend Sections 409 and 409A of its Zoning Law (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 prepared by Chatfield Engineers, P.C. and related documents with respect to the above-referenced capital project 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 I Action pursuant to SEQRA; and

WHEREAS, the Board has determined that the Project involves one or more involved agencies, mandating a coordinated review; and

WHEREAS, the Board has duly notified the other involved agencies pursuant to 6 NYCRR 617.6(3)(i) indicating its willingness to be designated Lead Agency status; and

WHEREAS, all of the involved agencies have consented to the Board's request to be designated Lead Agency status;

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 an "Type I" 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. Reasons supporting this determination are attached hereto and hereby made a part of this resolution for the purposes of SEQRA. This determination constitutes a negative declaration for purposes of SEQRA and it has been prepared in accordance with Article 8 of the Environmental Conservation Law.
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.

Duly put to a vote as follows: Councilman McCartney - aye, Councilwoman Millspaugh - aye, Deputy Supervisor Cunningham - aye, Councilman Miller - no.

Public Hearing for Local Law No. 3 opened at 7:45 PM - to amend Zoning Schedule A of the Town of Bergen Zoning Law with a motion by Councilman McCartney; seconded by Councilwoman Millspaugh and it carried by a vote 4-0. Councilman McCartney made a motion to close both public hearings at 8:03 PM; seconded by Councilman Miller and it carried by a vote 4-0. Councilwoman Millspaugh made a motion to adopt Local Law No. 2 to Amend Section 409 and 409A of the Town of Bergen Code; seconded by Councilman McCartney and it carried by a vote 4-0. Councilman McCartney made a motion to adopt Local Law No. 3 to include revising section III A and B to also include the prior reduction of 50ft and include the Schedule A Chart in the Local Law; seconded by Councilwoman Millspaugh and it carried by a vote 4-0.

MINUTES: Councilwoman Millspaugh made a motion to approve the minutes of August 28, 2009; seconded by Councilman McCartney and it carried by a vote 4-0.

COMMUNICATIONS:

Supervisors Report through August 2009

Budget Summary through August 2009

Zoning/Code Enforcement Summary Report through August 2009

Copy of Public Hearing Notice for Local Law No. 2 of 2009

Draft Copy of Local Law No. 2 2009

Copy of Public Hearing Notice for Local Law No. 3 of 2009

Draft Copy of Local Law No. 3 of 2009

County Planning Board approval for Zoning Law Revisions

Email Communication from Dan Bryson regarding SEQRA Resolution

Draft SEQRA Resolution for Local Law No. 2 of 2009

Copy of Public Hearing notification letter to water district residents

Memo from Genesee Co. Legislature regarding Outreach Sessions

REPORTS:

HIGHWAY: Merriman Road residence is asking for a Child at Play sign, the board decided not to take action on the request, the residence is in Monroe County and traffic has been reduced.

CEO/ZEO: Bob Patterson reported that the following properties have been cleaned up: vacant land (tax map #14.-1-8.111) and behind south of 7038 Jerico Road and 7665 Swamp Road. The property at 5995 N. Lake Road was red tagged and Bob has not heard from Mr. Santillo for a building permit application. Change in use of Ruth Chapell-Drews house into a museum should have an engineer do a walk through and come up with a 4 year plan for the building. Bob Patterson reported that Crystal Cole and Linda Camelio's junk yards are in compliance. *Councilman McCartney made a motion to grant junkyard permits to Crystal Cole and Linda Camelio, seconded by Councilman Millspaugh carried by a vote of 4-0.* David Ras application should be denied. *Councilman McCartney made a motion to deny David Ras's Junkyard application; seconded by Councilman Miller 4-0.*

SUPERVISOR'S AND TOWN CLERK'S AUGUST 2009 REPORTS: *Councilman McCartney made a motion to file the Supervisor's and Town Clerk's August 2009 reports; seconded by Councilman Miller and it carried by a vote 4-0.*

UNION CONTRACT: Councilman McCartney updated the board on the meeting of September 3rd.

TOWN HALL RENOVATIONS: Councilman McCartney reported that the Air conditioner units are 6 weeks out, floor on the Fire Dept. side is being torn up by the tow motor.

ROOF: Should be done September 9th.

MERCY FLIGHT 3-YEAR AGREEMENT: Councilman Miller reported that an amended agreement is being sent. *Councilman Miller made a motion for Deputy Supervisor Cunningham to sign the Mercy Flight Agreement when it is received; seconded by Councilman McCartney and it carried by vote 4-0.*

REPLACEMENT COPIER PROPOSALS: Tabled until next meeting

OLD BUSINESS:

Maintenance Job Description Councilman McCartney will have at next meeting.

NEW BUSINESS:

FURNISHING FOR NEEDS FOR NEW COURT OFFICES Judge Kunego addressed the Board about office furniture; they only have 2 file cabinets, 3 chairs that will be moving to new offices. Councilman Miller suggested going to Fulkerson's Services to look at furniture.

TALLY ALMQUIST presented a picture of laying the cornerstone of the current Town Hall in 1952.

TRAVEL REQUEST *Councilman Miller made a motion to approve Judge Kunego's Travel request to the NYS Magistrates Annual meeting in Lake Placid in October not to exceed \$800; seconded by Councilwoman Millspaugh and it carried by a vote 4-0.*

BILLS: The bills were presented for audit and totaled General A Fund \$59,525.30 vouchers #232-254, General B Fund \$101,880.62 vouchers #78-87, Highway DB \$72,163.46 vouchers #116-126, Town Hall Relocation \$2,815.11 voucher #4 & 5, PA-A9 \$57.26 vouchers #19 & 20. *Councilwoman Millspaugh made a motion to pay the August bills; seconded by Councilman Miller and it carried by a vote 4-0.*

NEXT MEETING: Tuesday, September 22, 2009 at 7:00 PM for the Peachey Road Water District Public Hearing at the Bergen Presbyterian Church with the 2nd regular meeting immediately following.

ADJOURNMENT *was at 9:29 p.m. on a motion by Councilman McCartney; seconded by Councilman Miller and carried by a vote 4-0.*

Respectfully submitted,

Michele M. Smith

Michele M. Smith,
Town Clerk