

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

PRESENT:

Supervisor Donald Cunningham
Councilman Hugh McCartney
Councilman Joe Nenni
Councilman Brian Stone

ALSO PRESENT:

Michele M. Smith, Town Clerk
David Roggow, Highway Superintendent
David Mason, ZEO/CEO
Anne Sapienza, Assessor

ABSENT:

Councilman Barry Miller

OTHER ATTENDEES:

Belinda Grant
Mike Johnson

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

MINUTES: *Councilman Nenni made a motion to approve the minutes of August 23 2011; seconded by Councilman McCartney and it carried by a vote 4 -0.*

Anne Sapienza The Town's 200th anniversary is in 2013 and she is asking the Town to support the event with \$5,000 this year and \$5,000 next year for a year-long celebration and the theme of BBKA's Park Festival.

COMMUNICATIONS:

Supervisors Reports for August 2011
Town Clerk's Report for August 2011
Zoning & Code Enforcement Log Sheet for August 2011
Travel Request from Justice Swapceinski
Weed & Feed Proposals submitted by Parks Committee
Summary of Data Re: Justice Court Records
Sample Resolution from Town of Riga for Non-Resident User Agreement
Notice for Genesee Transportation Council Workshop
Letter from Robert Skomski, Re: Electrical Inspections
Letter to support grant application for the Library
Letter of interest for Solid Waste Coordinator from John Murray
Draft Local Law for proposed changes to permitted uses in R-30 & RA-40 districts

REPORTS:

HIGHWAY: Town Hall Parking lot The County paver will be available in the next week or two. Merriman Road Town of Riga did not get proper work permits for water line being installed. Sackett Rd. Drainage Councilman Nenni made a motion for Supervisor Cunningham to sign the letter drafted to Mr. Giannone; Councilman Stone and it carried by a vote 4-0.

ZEO/CEO: Electric Fees were reviewed. There were 12 permits were issued this year; there are approximately 6 that are expired and 6 that are active. Councilman Nenni made a motion to reimburse the \$40 fee to active Electrical Inspection permits; seconded by Councilman Stone and it carried by a vote 4-0. Councilman Nenni made a motion to reimburse the Electrical Inspection fees for expired permits on a case by case basis and would be handled on completion of the work; seconded by Councilman Stone and it carried by a vote 4-0. Swamp Road Fire the property will be cleaned up and articles on the property will be put in storage.

PARKS COMMITTEE: Dugan's Lawn care was the lowest proposal for Weed & Feed. *Councilman McCartney made a motion to accept the Weed & Feed proposal from Dugan Lawn Care of \$1960.00; seconded by Councilman Stone and it carried by a vote 4-0.* **Soccer Goals** The Byron-Bergen Sting will share the cost of purchase of new soccer goals at Robins Brook Park with the Town's share of \$2622.50. *Councilman McCartney made a motion to approve the purchase of the soccer goals with the Town's share of \$2622.50; seconded by Councilman Stone and it carried by a vote 4-0.* The committee is requesting to encumber the money left in the parks 2011 budget for the Baseball field next year. Grants are being looked into. Their next meeting is on September 28th.

BUILDINGS COMMITTEE: Councilman Nenni asked about getting the asbestos survey done at 17 S. Lake Ave., Supervisor Cunningham is not sure if there is money in the budget to support it. The front door at 13 S. Lake Ave. is needs to be repaired before winter. **Historian Tiefel** has the prisoners set to paint 15 S. Lake Ave. at the end of September, ladders will be needed. **Library Grant** *Councilman Nenni made a motion to have Supervisor Cunningham to sign the letter in support of the Library grant; seconded by Councilman Stone and it carried by a vote 4-0.*

TOWN CLERK'S AND SUPERVISORS AUGUST 2011 REPORTS *Councilman McCartney made a motion to file the Town Clerk's and Supervisor's August 2011 reports; seconded by Councilman Nenni and it carried by a vote 4 -0.*

OLD BUSINESS:

Peachey Rd. Water District: working on acquiring remaining easements

NEW BUSINESS:

Justice Court Records were reviewed and the summary was verified. *Councilman McCartney made a motion to accept the Court reports and review summary; seconded by Councilman Nenni and it carried by a vote 4-0.*

Planning Board recommendations Local Law changes in permitted uses in R-30 & RA-40 districts were discussed. *Councilman Nenni made a motion to set a Public Hearing for Local Law #2-2011 for changes in permitted uses in R-30 & RA-40 districts for Tuesday, September 27th at 7:35pm ; seconded by Councilman Stone and it carried by a vote 4-0.*

Travel Request: *Councilman Stone made a motion to approve Judge Swapceinski's travel request for NYS Magistrates Association meeting & Training not to exceed \$965; seconded by Councilman Nenni and it carried by a vote 4-0.*

Town of Riga for Non-Resident User Agreement *Councilman Nenni offered Resolution #18-2011 to accept the Town of Riga for Non-Resident User Agreement; seconded by Councilman Stone and it carried by vote 0-4.*

Town of Bergen

Town of Riga for Non-Resident User Agreement

Resolution #18-2011

WHEREAS, the Town of Riga has approved the creation of the Riga Water Improvement Benefit Area #1 (Benefit Area") and the construction of water mains and other related equipment herein; and

WHEREAS, the residents of Bergen who own residential property located on Merriman Rd. have requested that they be permitted to hook up to the water main to be constructed in that area as part of the Riga Water Improvement Benefit Area #1 water project;

WHEREAS, representatives of the Riga Town Board have met with officials of the Town of Bergen to explore various methods of providing water service to the Bergen residents whose residential properties border the Riga Water Improvement Benefit Area #1; and

WHEREAS, the Riga Town Board is desirous of allowing said Bergen residents to hookup to the water mains to be constructed within Riga Water Improvement Benefit Area #1 provided that said Bergen residents contribute to the annual debt service payments for the project in the same manner as Riga property owners within the Benefit Area, and well as in accordance with other terms set forth below;

NOW, THEREFORE BE IT RESOLVED that the Supervisor of the Town of Bergen is hereby authorized to execute, on behalf of the Bergen Town Board, Non-resident Water User Agreements with the Riga Town Board and the owners of Bergen residential properties located on Merriman Road (hereinafter referred to individually as "Non-Resident Water users" or Collectively as "Non-Resident Water users) which border the Riga Water Improvement Benefit Area #1 on the following terms and conditions:

1. The Bergen non-resident water user and the Bergen Town Supervisor, under direction and authority of the Bergen Town Board, shall execute a Non-Resident Water User Agreement which has been reviewed and approved by an attorney for the Town of Riga;

2. Said Non Resident Water User Agreement shall contain the following basic terms:

- A. The Town Board of Riga agrees that the non-resident water user may tie into the water mains to be constructed by the Town of Riga in the Riga Water Improvement Benefit Area #1; and
- B. The Bergen Town Board agrees that its resident may tie into water mains to be constructed by the Town of Riga within the Riga Water Improvement Benefit Area #1; and
- C. The non-resident water user shall pay a onetime Five Hundred (\$500.00) connection fee to the Town of Riga upon the execution of the Non-Resident Water User Agreement; and
- D. The non-resident water user shall pay annually to the Town of Riga a debt service fee which is calculated in the same manner as the formula used to calculate the annual special assessments on residential property owners within the Riga Water Improvement Benefit Area #1, as follows: 40% of the annual debt service shall be based on a unit charge with each residential dwelling considered one (1) unit, and 60% of the annual debt service charge shall be based on the assessed valuation of the property. If there is a difference between the equalization rates of the Town of Riga and the Town of Bergen, the annual debt service fee will be adjusted accordingly. The annual debt service fee will be billed to the non-resident user at their residential property address and payment will be due within 30 days of the date of the bill. A Two Percent (2%) late fee will be added for each month the annual fee is late, and all unpaid fees shall be liens against the property. The Town of Riga shall reserve the right to request that the Monroe County Water Authority (MCWA) turn off water service to any non-resident water user that is more than three (3) months delinquent in paying the annual debt service fee; and
- E. Unless otherwise agreed by the Riga Town Board, the Non-Resident Water User Agreement shall be recorded, at the non-resident water user's expense, in the County Clerk's Office for the county in which the non-resident water user's property is located; and
- F. The non-resident water user shall be responsible for paying any fees or charges associated with making the connection to the water main with the Monroe County Water Authority, including the initial account fee, meter fee, MCWA connection fee, and other costs associated with the installation of the water service.
- G. The Non-resident Water User Agreement shall be binding on the non-resident property owner's heirs, successors and assigns, and any transferee of the non-resident water user's property shall be obligated to inform the Riga Town Clerk of the change of ownership within thirty (30) days of the date the deed of conveyance is recorded in the County Clerk's Office.

BILLS: The bills were presented for audit and totaled General A Fund \$9,983.48 vouchers #246-268, General B Fund \$1,801.22 vouchers #72-78, Highway DB \$83,578.90 vouchers #63-70, H5 Peachy Rd. Water District \$3,950.00 voucher # 6 & 7, PA-A9 \$586.09 vouchers #13. *Councilman McCartney made a motion to pay the September bills; seconded by Councilman Nenni and it carried by a vote 4 -0.*

REGULAR MEETING – Tuesday, September 27, 2011 at 7:30 PM in the Courtroom

ADJOURNMENT was at 8:37 p.m. on a motion by Councilman Stone; seconded by Councilman McCartney and it carried by a vote 4 -0.

Respectfully submitted

Michele M. Smith

Michele M. Smith,
Town Clerk