

**DECEMBER 30, 2011   Bergen Town Board   Yearend Meeting**

The Bergen Town Board convened in a special session at 6:00 p.m. in the Courtroom with Supervisor Donald Cunningham presiding.

**PRESENT:**

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

**ALSO:**

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

**OTHER ATTENDEES:**

Belinda Grant  
Mike Johnson  
Wayne Sherman  
Anne Sherman

**PRAYER**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**YEAR END MEETING:** The purpose of the special session is to pay bills, make transfers and take care of any unfinished business for 2011. The notice for special meeting was published in the *Daily News* and posted on the Clerk's bulletin board.

**MINUTES:** *Councilman Nenni made a motion to approve the minutes of December 13, 2011; seconded by Councilman McCartney and it carried by a vote 5 -0. Councilman Nenni made a motion to approve the minutes of December 20, 2011 interview session for Solid Waste Coordinator; seconded by Councilman McCartney and it carried by a vote 4-0 with Councilman Miller abstaining.*

**COMMUNICATIONS:**

Mercy EMS Report for November 2011  
Notification from Sunoco Logistics Re: Petroleum Pipelines  
Copy of letter from Lacy Katzen LLC to Monroe County Law Dept. Re: HCA  
Resolution for Memorialization-Mandate Reform  
Request from Five Star Bank to be named as an Official Depository Bank  
Zoning & Code Enforcement Log Sheet for December 2011  
Copy of Pollutant Discharge System letter from NYSDEC to BBCS  
Invoice for Website hosting & maintenance  
Agreement to provide a sum of \$350 for easement consideration  
Resolution for Exemption of Seasonal Use Dwelling Parcel ID # 6.1-11.21

**REPORTS:**

**HIGHWAY:** Nothing to report

**ZEO/CEO:** Supervisor Cunningham made updated with a conversation ZEO/CEO Mason with no zoning violations at this time.

**PARKS:** Nothing to report

**BUILDINGS:** Councilman Nenni updated the board on the Armor Tech meeting about the Town Clerk's Fire Shutter.  
Councilman Miller Windows are in for the 13 S. Lake Ave. weather permitting installation.

**NEW BUSINESS:**

**Memorialization-Mandate Reform** *Councilman Miller made a motion to adopt Resolution #21-2011 for Memorialization-Mandate Reform; seconded by Councilman Nenni and it carried by a vote 5 -0.*

**TOWN OF BERGEN  
RESOLUTION NO. 22-2011  
MEMORIALIZATION-MANDATE REFORM**

**WHEREAS**, The task force that Governor Andrew Cuomo has established to evaluate and recommend mandate relief in New York State provided no relief through the recently passed budget; and

**WHEREAS**, The Town of Bergen Town Board embraces the Governors call to reduce State mandates that impact many aspects of Town government; and

**WHEREAS**, as a result of being lobbied by our constituents to act on their behalf and urge continued efforts to implement meaningful mandate reform.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Bergen Town Board requests Governor Andrew Cuomo, the NYS Senate, and the NYS Assembly to take immediate action on suggested Mandate Relief items and work with NYSAC to reform them to bring the relief necessary; and be it further

**RESOLVED**, That the Bergen Town Board requests that the New York State Government implement mandate relief to local governments now; and be it further

**RESOLVED**, That copies of this resolution be sent to Governor Andrew Cuomo, Senator Michael Ranzenhofer, Assemblyman Steve Hawley, Assemblyman Dan Burling, Senate Majority Leader Dean Skelos, Senate Minority Leader Malcolm Smith, NYS Assembly Speaker Sheldon Silver and Assembly Minority Leader Brian M. Kolb, New York State Association of Counties, InterCounty Association of Western New York, and Genesee Association of Municipalities.

**OLD BUSINESS**

**Peachey Road Water District**

*Action on Easement consideration Councilman Miller made a motion to authorize Supervisor Cunningham to sign the Easement Consideration Agreement with Gary & Kathleen Fink; seconded by Councilman Stone and carried by a vote 5-0.*

*Resolution for Exemption of Seasonal Dwelling Councilman Cunningham offered Resolution #22-2011 Exemption of Seasonal Use Dwelling for parcel ID #6.-1-11.21 as long as the property owner agrees to provide the easement; seconded by Councilman Miller and it carried by a vote 5-0.*

**TOWN OF BERGEN  
RESOLUTION NO. 21-2011  
EXEMPTION OF SEASONAL USE DWELLING  
PARCEL ID # 6.1-11.21**

**WHEREAS**, the Bergen Town Board (the “Board”) previously approved the formation of a Special Improvement District known as the Peachey Road Water District (the “District”); and

**WHEREAS**, the District will construct certain facilities to be used by the Monroe County Water Authority (“MCWA”) to provide water service to approximately 97 equivalent dwelling units (“EDU”) consisting of primarily single and multi-family properties; and

**WHEREAS**, the Board has been asked to consider exempting tax parcel 6.-1-11.21 as an EDU on the basis that it is used as a seasonal property has been unoccupied for the past three years and is located approximately 2500 feet from the connection to the proposed water source; and

**WHEREAS**, the property owner indicated that it has no intention of connecting to the public water source.

**NOW THEREFORE BE IT**

**RESOLVED**, that the Board hereby agrees to exempt Tax Parcel Id # 6.-1-11.21 from identification as an EDU and; be it further

**RESOLVED**, that upon receipt of said exemption Tax Parcel Id # 6.-1-11.21 will be charged a special assessment fee which may be adjusted annually and; be it further

**RESOLVED**, that exemption will remain in effect so long as the property's use remains seasonal, and the existing structures remain disconnected from the public water supply.

**BUDGET TRANSFERS** *Councilman Nenni made a motion to approve the following transfers, seconded by Councilman McCartney and it carried by a vote 4 -0.*

**2011 BUDGET TRANSFERS**

<b>A FUND</b>	<b><u>FROM</u></b>	<b><u>AMOUNT</u></b>	<b><u>TO</u></b>
	<b>A1990.4</b>	<b>\$4,000.00</b>	<b>A1620.4</b>
	<b>A1990.4</b>	<b>\$1,200.00</b>	<b>A7550.4</b>

**NO TRANSFERS REQUIRED FOR B AND DB FUNDS**

**BILLS:** The bills were presented for audit and totaled General A Fund \$9887.60 vouchers #354-376; General B Fund \$1,160.80 vouchers #102-105; Highway DB \$1,741.74 vouchers # 105-107. *Councilman Miller made a motion to pay the remaining 2011 bills, Councilman Nenni seconded it and it carried by a vote 5 -0.*

**Proclamation for Barry Miller** *Councilman Nenni made offered proclamation for Councilman Barry Miller, seconded by Councilman McCartney and carried by a vote 4-0. Councilman Miller abstained*

**SWEARING IN CEREMONY:** Judge Swapceinski swore in Town Clerk Smith, Highway Superintendent Johnson, Councilwoman Grant, Councilman McCartney and Councilman Stone for 2012.

**ORGANIZATIONAL MEETING:** Monday, January 2, 2012 at 6:30 PM in the Courtroom

**NEXT REGULAR MEETING:** Tuesday, January 10, 2012 with audit of the bills at 7:15 PM in the Courtroom

**ADJOURNMENT** *was at 6:55 PM on a motion by Councilman Nenni; Councilman McCartney seconded it and it carried by a vote of 5 -0.*

Respectfully submitted,

*Michele M. Smith*

Michele M. Smith,  
Town Clerk