

May 13, 2014

BERGEN TOWN BOARD

REGULAR MEETING

The Bergen Town Board convened in a regular session at 7:00 p.m. in the Town Hall with Supervisor Cunningham presiding.

PRESENT:

Supervisor Donald Cunningham
Councilman Joe Nenni
Councilman Brian Stone
Councilwoman Belinda Grant

ALSO PRESENT:

Michele M. Smith, Town Clerk
Mike Johnson, Highway Superintendent

ABSENT

Councilman Hugh McCartney

OTHER ATTENDEES:

Ray MacConnell
Tom Tiefel
Bill Snyder
Deb List
Tim Donovan
Eileen Sherman-Dries

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

Ray MacConnell - Historical Society President – updated signage plans for Harford Barn – Historical Society will man the exhibit when the Historian is not available. *Councilman Nenni made a motion to move forward with the signage for Harford Barn Museum; seconded by Councilwoman Grant and it carried by a vote 4-0.*

Bill Snyder – Byron-Bergen Central School Business Manager – presented 2014-15 school Budget

Tim Donovan – Complaint about motorized vehicles on his property off West Shore Trail, requesting no motorized vehicles on the trail. He admitted to blocking the trail and stated that if the town doesn't shut down the trail that he would take matters into his own hands because he wasn't afraid to go to jail.

MINUTES: *Councilwoman Grant made a motion to approve the minutes of April 22, 2014; seconded by Councilman Nenni and it carried by a vote 4-0.*

COMMUNICATIONS:

Supervisors Report for February and March 2014

Summary Spreadsheets for February and March 2014

Town Clerk's Report for April 2014

ZEO/CEO Report for April 2014

Mercy EMS Report for March 2014

Bergen Park Festival Flyer

Notification from NYS Town Clerk's Association, Re: Clerk Smith Certification

Copy of Notification from NYS D.O.T., Re: CHIPS & Extreme Winter funds for Bergen

Copy of Petition from RJ Properties LLC & Joseph Marrinan for portion of Liberty Way abandonment

Copy of Material Event Filing for delinquent interest payment on serial bonds

Draft RFP for Weed-N-Feed of recreational fields

Letter from the Bergen Historical Society requesting open times for the Harford Livery

Notification from the Genesee County Treasurers Office, Re: Removed Property Exemptions

Notice from Standard & Poor's on affirming the town's rating as A⁺/Stable

Notice of Public Health Workshop from Strong West

Email from Anne Sapienza defining value of Liberty Way property as per petition

Conflict of Interest Letter from Lacy Katzen with regards to transaction between the Town of Bergen and R J Properties

Purchase and Sale Contract for Liberty Way Property as per petition

Resolution Authorizing Transfer of Real Property subject to Permissive Referendum

REPORTS:

HIGHWAY: Mowing Tractor bid opening with 3 bids from: Lakeland \$58,026.62, Bentley Bros. \$69,500, Joe Johnson Equipment \$86,532. *Councilman Stone made a motion to accept the bid from Lakeland Equipment for \$58,026.62; seconded by Councilman Nenni and it carried by a vote 4-0.* Nothing new on new truck; snow equipment removed from trucks and ready for road work.

TOWN CLERK'S APRIL 2014 & SUPERVISORS FEBRUARY AND MARCH 2014 REPORTS: *Councilman Stone made a motion to file the Town Clerk's April 2014 report and Supervisors February and March 2014 reports; seconded by Councilman Nenni and it carried by a vote 4-0.*

COMMITTEES:

BUILDINGS: Three Proposals to install replacement Bullet Proof Glass Ray Sands Glass \$360, Loewke Construction \$500, Chark's Glass \$700. *Councilman Stone made a motion to accept proposal from Loewke Construction for \$500 using reserve for Town Hall Relocation fund; seconded by Councilman Nenni and it carried by a vote 4-0.* Imperial Floors inspected the Town Hall floor waiting to hear back. Next meeting scheduled for May 19th

HIGHWAY & PARKS: Robins Brook: Sting soccer club placing shed for storage, culvert replacement using reserve funds, fencing prices. Increasing parking at Drew's Nature Center, RFP Weed-n-Feed was discussed. *Councilman Nenni made a motion to place the RFP for Weed-n-feed for soccer field out to bid; seconded by Councilman Stone and it carried by a vote 4-0.*

VILLAGE RELATIONS: Next meeting to be determined

NEW BUSINESS:

Town Clerk Computer Clerk Smith requesting to replace the counter computer. *Councilman Nenni made a motion to approve purchase of a computer to replace the Town Clerk's counter computer not to exceed \$530; seconded by Councilwoman Grant and it carried by a vote 4-0.*

United Way Day of Caring *Councilman Nenni made a motion to spend no than \$500 on supplies for United Way Day of Caring for landscaping; seconded by Councilman Stone and it carried by a vote 4-0.*

West Shore Trail Western NY Trail Riders have expressed interest in posting & monitoring the trail for ATV riding, possibly at next meeting.

Bergen Park Festival *Councilman Nenni made a motion to sponsor the Bergen Park Festival for \$500; seconded by Councilwoman Grant and it carried by a vote 4-0.*

Conflict of Interest Letter *Councilman Nenni made a motion for Supervisor Cunningham to sign the Conflict of Interest letter from Lacy Katzen; seconded by Councilman Stone and it carried by a vote 3-0.* Supervisor Cunningham abstained

Transfer of Real Property Resolution *Councilman Nenni offered Resolution #11-2014 Authorizing transfer of Real Property on Liberty Way Subject to permissive Referendum; seconded by Councilwoman Grant and it carried by a vote 3-0.* Supervisor Cunningham abstained

**RESOLUTION #11-2014
AUTHORIZING TRANSFER OF REAL PROPERTY
SUBJECT TO PERMISSIVE REFERENDUM**

WHEREAS, the Town of Bergen (the "Town"), a municipal corporation organized and existing under the laws of the State of New York, is the owner of a vacant parcel of land consisting of approximately .425 acres situate in the Town of Bergen, located adjacent to Liberty Way, more particularly described and shown on Exhibit "A" attached hereto (the "Property") ; and

WHEREAS, the Property was formally abandoned by Petition in accordance with Section 207 of the New York State Highway Law; and

WHEREAS, the Town has received an offer to purchase the Property from RJ Properties, LLC (the "Buyer") for fair and adequate consideration; and

WHEREAS, the Town Board of the Town of Bergen having determined the Property to be surplus and no longer needed for municipal purposes;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Bergen, in a regular session duly convened pursuant to Town Law Section 64(2), hereby authorizes and directs the Supervisor of the Town to accept the offer to purchase from the Buyer, and further authorizes, directs and empowers the Supervisor of the Town to execute and deliver to the Buyer the Deed and any other documents necessary and reasonable to convey a portion of the Property recited herein, and

FURTHER RESOLVED, that this Resolution is subject to permissive referendum as provided in Article VII of the Town Law.

Supervisor, Donald S. Cunningham	Aye _____	Nay <u>abstain</u>
Councilman, Hugh McCartney	Aye _____	Nay <u>absent</u>
Councilman, Belinda Grant	Aye <u>x</u>	Nay _____
Councilman, Joseph Nenni	Aye <u>x</u>	Nay _____
Councilman, Brian Stone	Aye <u>x</u>	Nay _____

BILLS: The bills were presented for audit and totaled General A Fund \$33,131.16 vouchers #108-141, General B Fund \$1,541.33 vouchers #38-42; Highway DB \$3,137.17 vouchers #50-58; PA-A4 \$305.39 vouchers #7 & 8; PA-DB4 \$5,208.18 voucher # 2 & 3; PA-A5 \$1,403.94 voucher #9. *Councilman Nenni made a motion to pay the May bills; seconded by Councilwoman Grant and it carried by a vote 4 -0.*

REGULAR MEETING – Tuesday, May 27, 2014 – at 7:00 pm in the Courtroom

ADJOURNMENT *was at 9:25 pm on a motion by Councilwoman Grant; seconded by Councilman Nenni and carried by a vote 4-0.*

Respectfully submitted

Michele M. Smith

Michele M. Smith,
Town Clerk