

**Town Board Meeting
Town of Bergen
April 9, 2013**

I Audit of the bills 6:45pm, Call to Order 7:00pm.

Prayer Almighty God, grant us wisdom that we may remember as we work, that we are servants of our constituency and all our decisions should be in the best interests of the Town and its citizens, entirely unblemished by any thoughts of personal benefit. Bless us with tolerance and understanding for opinions differing from our own and help us keep an open mind in gathering information before voting on all issues. Help us overcome any ignorance of our duties and enable us to learn more of the intricacies of the roles we have assumed. May we rest assured to know You are with us and will guide us through all we do. Amen.

Pledge to the flag

II Privilege of the Floor - none scheduled.

III Approval of Meeting Minutes for – March 26th, 2013

IV Communications:

1. Supervisors Report for February & March 2013 (pending availability)
2. February & March 2013 Summary Spreadsheet (pending availability)
3. Town Clerks Report for March 2013
4. Letter of interest for Planning Board appointment from Anne Sapienza
5. Letter from Assemblyman Hawley
6. Letter & Payment Application #3 details for Peachey Road Water District
7. Sample Resolution for support of NYS Assembly Bills A.88 & A.824

V Board Members' items for addition to the agenda

VI Reports:

- Zoning / Code Enforcement
- March Log Sheet?
- Highway

-Committees

- Highway & Parks
 - Discuss proposal for fertilizer & weed control
- Buildings – Briefing on Roof Bids
 - Discuss revised Building Maintenance Duties
- Village Relations
 - Briefing from April 2nd meeting.

VII Old Business:

- Peachey Rd. Water District
 - Work progressed to Creamery Road along with boring under creek.
 - Project meeting scheduled for April 12th.

VIII New Business:

- Discussion / Approval of Payment Application #3 for Peachey Road Water District
- Discussion / Approval of Resolution for support of NYS Assembly Bills A.88 & A.824.

IX Reports & Bills:

- Action to file Town Clerks and Supervisors reports
 - Detailed budget reports provided separately due to size.
- Approve payment of the bills.

X Next Meeting Day: Next meeting Tuesday 04/23/13, 7:00 pm in the courtroom.

XI Request for Executive Session of the Town Board to discuss employment history of a particular person

XII Adjournment

**Supervisors Report for
February & March 2013
Delayed for 2012
Fiscal Year Closeout.**

February & March 2013
Summary Spreadsheet
Delayed for 2012
Fiscal Year Closeout.

(3)

| Account# | Account Description | Fee Description | Qty | Local Share | |
|---|---------------------|---------------------|-------------------------------------|----------------------------------|----------------|
| A1255 | Clerk Fees | Certified Copies | 1 | 10.00 | |
| | | Copier Copies | 1 | 3.00 | |
| | Conservation | Dog Redemption | 1 | 10.00 | |
| | | Conservation | 1 | 1.60 | |
| | | Sub-Total: | | \$24.60 | |
| A2544 | Dog Licensing | Exempt Dogs | 1 | 0.00 | |
| | | Female, Spayed | 18 | 90.00 | |
| | | Female, Unspayed | 5 | 90.00 | |
| | | Male, Neutered | 13 | 65.00 | |
| | | Male, Unneutered | 2 | 36.00 | |
| | | Sub-Total: | | \$281.00 | |
| B2110 | Building & Zoning | Building Permit | 1 | 40.00 | |
| | | Sub-Total: | | \$40.00 | |
| B2130 | Solid Waste | Garbage Bag | 536 | 1,032.00 | |
| | | Transfer Sta. 10.00 | 10 | 100.00 | |
| | | Transfer Sta. 5.00 | 1 | 5.00 | |
| | | Sub-Total: | | \$1,137.00 | |
| | | | Total Local Shares Remitted: | \$1,482.60 | |
| Amount paid to: NYS Ag. & Markets for spay/neuter program | | | | 52.00 | |
| Amount paid to: NYS Environmental Conservation | | | | 27.40 | |
| Total State, County & Local Revenues: | | | \$1,562.00 | Total Non-Local Revenues: | \$79.40 |

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Michele M. Smith, Town Clerk, Town of Bergen during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

Supervisor

Date

Town Clerk

Date

Michele M. Smith 4/1/13

March 27, 2013

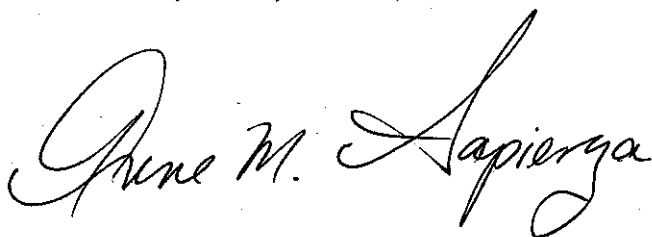
Donald Cunningham, Supervisor
Town of Bergen
PO Box 249
Bergen, NY 14416

Dear Don,

I would like to apply for a position on the Town of Bergen Planning Board. I have a keen interest in the planning process and the upcoming update to the comprehensive plan. I would look forward to attending schooling and make every attempt to become knowledgeable in the area of municipal planning.

Please let me know if you would like me to attend a Town Board meeting or meet with you to answer any questions.

Thank you for your time,



Anne M. Sapienza
7887 Townline Rd.
Bergen, NY 14416
asapienza@rochester.rr.com

03/28/13
DSC

COMMITTEES
Ways & Means
Agriculture
Insurance
Racing & Wagering



RANKING MINORITY MEMBER
Veterans' Affairs Committee (5)

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

STEVE HAWLEY
MINORITY WHIP
Assemblyman 139th District
Genesee, Orleans, and Monroe Counties

COPY

April 3, 2013

Hon. Michelle Smith, Town Clerk
Town of Bergen
P.O. Box 249
10 Hunter Street
Bergen, NY 14416

Dear Town Clerk Smith:

Thank you for forwarding the Town of Bergen's resolution in opposition of NYS Assembly Bill 689: An act to amend the election law, in relation to early voting. The purpose of this bill is to establish early voting in primary, general and special elections in the State of New York.

I want to thank you for the information you provided on this piece of legislation. As you may know, this bill has been referred to the Assembly's Way's and Means Committee for review and consideration. As a member of the Ways and Means Committee, I will voice my strong opposition of this bill as it is another unfunded mandate once again putting the burden of the cost on the backs of taxpayers! I appreciate all correspondence from local governments regarding legislation that is important to the community, I encourage you to continue to voice your opinion to me on any state issue.

Your voice has great value and makes it possible for me to represent you accurately. Please do not hesitate to contact me if you have any further concerns or questions.

Sincerely,

STEVE HAWLEY
Member of Assembly

SMH: esb

04/05/13
DSC



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CHATFIELD ENGINEERS, P.C. • 2800 Dewey Avenue • Rochester, New York 14616
(585) 227-6040 • Fax (585) 227-4233

April 8, 2013, 2013

CE #07-823

Supervisor Donald Cunningham
And Town Board Members
Town of Bergen
10 Hunter Street, PO Box 249
Bergen, NY 14416

RE: Town of Bergen Peachey Road Water District
Pay Application No. 3

Dear Don and Town Board Members:

We have enclosed for your review and approval (1) copy of Pay Application No. ³~~2~~ for the above referenced Project.

The Total Amount Payable for this Application is \$219,774.60. This Contract is 44% complete as of March 29, 2013.

Please note we will provide six (6) original copies of the Pay Application and five (5) copies of the latest Budget Report Form E for your signature at the Job Progress Meeting scheduled on Friday, April 12, 2013 at 9:00 am.

Upon your review, should you have any questions, please do not hesitate to call me.

Sincerely,

Scott D. Mattison

Enc.

cc. (by email only):

- Michele Smith, Town Clerk (w/ Enc.)
- Kathy Dear, Stuart I. Brown Assoc. (w/ Enc.)
- Steve Davis, USDA RD (w/ Enc.)
- Dawn Kuras, USDA RD (w/ Enc.)

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Contractor's Application for Payment No. 3

| | |
|---|---|
| Application Period: February 27, 2013 to March 29, 2013 | Application Date: 4/3/2013 |
| From (Contractor): Mar-Wal Construction Co. Inc. 440 Gould Avenue Depew, NY 14043 | Via (Engineer): Chatfield Engineers, P.C. 2800 Dewey Avenue Rochester, NY 14616 |
| Contract: | Engineer's Project No.: 07-823 |
| Contractor's Project No.: | |

Application For Payment Change Order Summary

| Approved Change Orders Number | Additions | Deductions |
|-------------------------------|-----------|------------|
| TOTALS | \$0.00 | \$0.00 |
| NET CHANGE BY CHANGE ORDERS | \$0.00 | |

1. ORIGINAL CONTRACT PRICE..... \$ 906,565.20
2. Net change by Change Orders..... \$ -
3. Current Contract Price (Line 1 ± 2)..... \$ 906,565.20
4. TOTAL COMPLETED AND STORED TO DATE (Column F on Progress Estimate)..... \$ \$399,660.50
5. RETAINAGE:
 - a. 5% X \$399,660.50 Work Completed..... \$ 19,983.03
 - b. 5% X \$ - Stored Material..... \$ -
 - c. Total Retainage (Line 5a + Line 5b)..... \$ 19,983.03
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c)..... \$ 379,677.48
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)..... \$ \$159,902.88
8. AMOUNT DUE THIS APPLICATION..... \$ 219,774.60
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G on Progress Estimate + Line 5 above)..... \$ 526,887.73

Contractor's Certification

The undersigned Contractor certifies that to the best of its knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment, (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

By: Paul J. ... President Date: 4/18/13

Payment of: \$ 219,774.60
 is recommended by: Paul J. ... (Engineer) Date: 4/18/13
 Payment of: \$ 219,774.60
 is approved by: Arnold S. ... (Owner) Date: 04/08/13
 Approved by: _____ Funding Agency (if applicable) (Date)

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Contract for Construction
 Town of Bergen
 Peachey Road Water District
 Water Main Installation

Contractor:
 Min-Wal Construction Co., Inc.
 448 Gould Avenue
 Depew, NY 14043

Pay Application No. 3
 Period of Application
 February 27, 2013 to March 29, 2013

Base Bid Part 1 (Lake Road & Boring at Peachey Road)

| Item # | Description | Qty | Unit | Unit Price | Amount | This Period | | Total To Date | |
|--------|---|--------|------|-------------|--------------|-------------|--------------|---------------|-------------|
| | | | | | | Quantity | Amount | Quantity | Amount |
| 01105 | Maintenance & Protection of Traffic | 1 | LS | \$20,000.00 | \$20,000.00 | 1 | \$20,000.00 | 1 | \$20,000.00 |
| 02219 | Rock Removal | 115 | CY | \$1.15 | \$132.25 | 0 | \$0.00 | 0 | \$0.00 |
| 02230 | Select Fill | 150 | CY | \$25.00 | \$3,750.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02518 | Test Assembly | 2 | EA | \$1,500.00 | \$3,000.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02612A | 8" DR-14 PVC Water Main | 200 | LF | \$24.00 | \$4,800.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02612B | 10" DR-14 PVC Water Main | 12,400 | LF | \$25.50 | \$311,100.00 | 4,441 | \$113,245.50 | 6,959 | \$33,600.00 |
| 02612C | Pipe Bedding for PVC Pipe | 12,400 | LF | \$5.00 | \$62,000.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02631B | 1" Corrosion Stop, Tap & Saddle | 54 | EA | \$418.00 | \$22,572.00 | 3 | \$1,254.00 | 57 | \$16,500.00 |
| 02632A | 1" Short Side Service | 280 | LF | \$5.00 | \$1,400.00 | 10 | \$50.00 | 290 | \$2,090.00 |
| 02632B | 1" Long Side Service | 1,930 | LF | \$5.50 | \$10,665.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02633 | 1" Comb Stop and Box | 54 | EA | \$380.00 | \$20,520.00 | 3 | \$1,140.00 | 57 | \$11,400.00 |
| 02645A | Hydrant Assembly | 22 | EA | \$4,100.00 | \$90,200.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02645B | 6" Long Hydrant Extension | 1 | EA | \$342.00 | \$342.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02645C | 12" Long Hydrant Extension | 1 | EA | \$437.00 | \$437.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02645D | 18" Long Hydrant Extension | 1 | EA | \$4,000.00 | \$4,000.00 | 1 | \$4,000.00 | 1 | \$4,000.00 |
| 02650 | Direct Water Main Connection | 1 | EA | \$950.00 | \$950.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02654 | 2" Tapped Tee Blow-Off | 1 | EA | \$1,100.00 | \$1,100.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02660A | 8" Gate Valve, Box and Marker | 13 | EA | \$1,100.00 | \$14,300.00 | 4 | \$8,000.00 | 8 | \$9,500.00 |
| 02660B | 10" Gate Valve, Box and Marker | 1 | EA | \$2,000.00 | \$2,000.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02670 | Horizontal Highway Boring at Peachey Road | 1 | LS | \$32,000.00 | \$32,000.00 | 0 | \$0.00 | 0 | \$0.00 |
| 2671A | 10" HDPE Water Main Directional Drilled | 900 | LF | \$150.00 | \$135,000.00 | 875 | \$83,125.00 | 125 | \$14,400.00 |
| 2671B | 10" RJ DI Water Main Directional Drilled | 175 | LF | \$26.250.00 | \$4,593.75 | 175 | \$26,250.00 | 175 | \$46,343.75 |
| 02720 | 12" SICPP Culvert w/ End Sections | 60 | LF | \$40.00 | \$2,400.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02920A | Asphalt Road Restoration | 130 | LF | \$30.00 | \$3,900.00 | 61 | \$3,050.00 | 191 | \$11,987.50 |
| 02920B | Asphalt Driveway Restoration | 350 | LF | \$35.00 | \$12,250.00 | 308 | \$3,290.00 | 658 | \$11,925.00 |
| 02920C | Crushed Stone Driveway Restoration | 625 | LF | \$7.00 | \$4,375.00 | 371 | \$742.00 | 1,000 | \$3,590.00 |
| 02934 | Removal and Disposal of Existing Iness | 5 | EA | \$800.00 | \$4,000.00 | 1 | \$800.00 | 2 | \$1,600.00 |
| 02936 | Seeding Restoration | 0 | LS | \$50,000.00 | \$0.00 | 0 | \$0.00 | 0 | \$0.00 |

Total Contract Amount (Base Bid Part 1) = \$786,760.15

Total Work Completed to date (Base Bid Part 1) = \$324,141.88

Base Bid Part 2 (Peachey Road)

| Item # | Description | Qty | Unit | Unit Price | Amount | This Period | | Total To Date | |
|--------|--|-------|------|-------------|-------------|-------------|------------|---------------|------------|
| | | | | | | Quantity | Amount | Quantity | Amount |
| 01105 | Maintenance & Protection of Traffic | 1 | LS | \$5,550.00 | \$5,550.00 | 1 | \$5,550.00 | 1 | \$5,550.00 |
| 02229 | Rock Removal | 35 | CY | \$0.35 | \$12.25 | 0 | \$0.00 | 0 | \$0.00 |
| 02230 | Select Fill | 50 | CY | \$25.00 | \$1,250.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02612A | 8" DR-14 PVC Water Main | 3,400 | LF | \$18.50 | \$62,900.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02612C | Pipe Bedding for PVC Pipe | 3,400 | LF | \$5.00 | \$17,000.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02631B | 1" Corrosion Stop, Tap & Saddle | 27 | EA | \$395.10 | \$10,667.70 | 0 | \$0.00 | 0 | \$0.00 |
| 02632A | 1" Short Side Service | 70 | LF | \$5.00 | \$350.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02632B | 1" Long Side Service | 870 | LF | \$4.785.00 | \$4,163.85 | 0 | \$0.00 | 0 | \$0.00 |
| 02633 | 1" Comb Stop and Box | 27 | EA | \$380.00 | \$10,260.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02645A | Hydrant Assembly | 6 | EA | \$3,800.00 | \$22,800.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02645B | 6" Long Hydrant Extension | 1 | EA | \$342.00 | \$342.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02645C | 12" Long Hydrant Extension | 1 | EA | \$393.00 | \$393.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02645D | 18" Long Hydrant Extension | 1 | EA | \$437.00 | \$437.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02654 | 2" Tapped Tee Blow-Off | 1 | EA | \$950.00 | \$950.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02660A | 8" Gate Valve, Box and Marker | 3 | EA | \$3,000.00 | \$9,000.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02720 | 12" SICPP Culvert w/ End Sections | 20 | LF | \$40.00 | \$800.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02920B | Asphalt Driveway Restoration | 150 | LF | \$35.00 | \$5,250.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02920C | Crushed Stone Driveway Restoration | 25 | LF | \$2.00 | \$50.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02934 | Removal and Disposal of Existing Iness | 3 | EA | \$1,000.00 | \$3,000.00 | 0 | \$0.00 | 0 | \$0.00 |
| 02936 | Seeding Restoration | 0 | LS | \$14,000.00 | \$0.00 | 0 | \$0.00 | 0 | \$0.00 |

Total Contract Amount (Base Bid Part 2) = \$149,745.05

Total Work Completed to date (Base Bid Part 2) = \$75,516.63

Change Orders
 C.O. #1 \$0.00
 C.O. #2 \$0.00
 C.O. #3 \$0.00
 Total C.O.'s \$0.00

Total Work Completed to date (Base Bid Part 1 + Part 2) = \$399,666.50
 Original Contract = \$906,565.20
 Change Orders = \$0.00
 Revised Contract = \$906,565.20

Less Previous Estimates
 Est. # 1 \$58,813.22
 Est. # 2 \$61,089.56
 Est. # 3 \$0.00
 Est. # 4 \$0.00
 Est. # 5 \$0.00
 Total \$159,902.88

Total Materials Stored on Site = \$0.00
 Less Retainage Amount (5%) = \$19,983.03
 Sub-Total To Date = \$399,666.50
 Sub Total = \$379,677.48
 Less Previous Estimates = \$159,902.88

Balance to Finish = \$506,504.70

The following RESOLUTION was adopted by the Town Board of the Town of _____
At a regular meeting held on _____:

Resolution XXX-XX

SUPPORT FOR NYS-CONTACT INFORMATION FOR VACANT STRUCTURES

On a motion made by Councilman _____, seconded by Councilman _____,
the following was

ADOPTED AYES # Councilman _____, Councilman _____
 NAYES # Councilman _____, Councilman _____

Resolved to support New York State regarding the proposed laws concerning contact information for vacant structures.

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure; and

WHEREAS, the Town of _____ Town Board supports the passage of said Bills.

NOW THEREFORE, BE IT RESOLVED that the town of _____ hereby supports the passage of said Bills and respectfully requests that the State Representatives who represents constituents in the Town of _____ support the passage of said Bills.

Copies of this resolution to be forwarded to Senator _____, Assemblyman _____, Co-Sponsors of this bill: Senator _____, Assemblyman _____.

I, _____ DO HEREBY CERTIFY, that the foregoing is a true copy of a Resolution passed by the Town Board of the Town of _____ at its regular meeting held on _____, and members of the Town Board had due notice of said meeting, and further that such resolution has been fully recorded in the Town Clerks books.

In Witness thereof, I have hereunto set my hand the XX day of XXXX, 2012

XXXXX XXXXXXXXXXX

Town Clerk

Town of XXXXXXXX