

**Town Board Meeting
Town of Bergen- Town Hall
January 22,2018**

Agenda

I. Call to Order 7:00 pm

Prayer Almighty God, as we meet today to conduct matters of Town business, grant us the wisdom to remember as we work that we are servants of our constituency. Assist us to be sure our decisions should be in the best interests of the Town and its citizens, entirely unblemished by any thoughts of personal benefit. Amen.

Pledge to the flag

II. Privilege of the Floor-

III. Approval of meeting Minutes for- 1/8/19 meeting

IV. Communications included with this agenda:

1. Mercy EMS summary report for December 2018
2. Correspondence from the County Youth Bureau -seeking nominations for Youth, Adult Worker, and Adult Volunteer.
3. Notification from the Bergen Fire Department of a Jaws of Life Fund raiser
4. 1/11/19 and 1/2/19 Correspondence from Charter Communications
5. Letter of Interest in Library Board membership from Shari Schuck
6. Genesee County Sales Tax/Water/Jail funding analysis provided by the county and discussed at the 1/17/19 GAM meeting

V. Board Members' items for addition to the agenda

VI. Reports:

- Supervisor
- Clerk
- Board Members
- Zoning / Code Enforcement: - Update on Haunted House property and property on Town line road-
 - Conversation with attorney
 - Update on 1203 Form
 - Follow up to request for changes in Town Law for compliance with 1203.15 Code and square footage.144 instead of 150
- Highway
 - Update on Town Barn
 - Request for Traffic Study- update on request

Committees

- Building, Grounds, and Facilities
- Parks- Park Renovations
- Local History & Museum
- Policy and Personnel
- Village/Town

VII. Old Business:

- Sales Tax Agreement- update and Discussion of GAM's two alternative proposals to County's proposal on sales tax- and Supervisors meeting with County Legislator and Assistant County Manager
- Solar exemption/compliance
- Transfer Station- Bags/tags-

VIII. New Business

- approval of new library board member- Shari Schuck.
- Zoning Board of Appeals

IX. Meeting and Other Upcoming Dates

- Next Meeting: Tuesday 2/8/19 7 pm- Town Hall Court Room- Audit of Bills at 6:45pm

XI. Adjournment

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

PRESENT:

Supervisor Ernie Haywood
Councilwoman Belinda Grant
Councilwoman Anne Sapienza
Councilman Jim Starowitz
Councilman Mark Anderson

ALSO PRESENT:

Michele M. Smith, Town Clerk
Mike Johnson, Highway Superintendent
Dave Mason, ZEO/CEO

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

MINUTES: *Councilwoman Sapienza made a motion to approve the minutes of the Year End Meeting on December 29, 2018; seconded by Councilwoman Grant and carried by a vote 5-0. Councilman Starowitz made a motion to approve the Organizational meeting minutes of January 3, 2019; seconded by Councilman Anderson and it carried by a vote 5-0.*

COMMUNICATIONS:

Supervisors Report for December 2018
Summary Spreadsheets for December 2018
Town Clerk's Report for December 2018
Town Clerk's Annual Report for 2018
CEO/ZEO Reports for December 2018
Payroll Schedule for 2019
Bergen Fire Department Officers for 2019
Architects budget estimate, drawings and proposed cost for renovations for the Historians office and museum

REPORTS:

SUPERVISOR'S REPORT: met with Pavilion and Leroy Sales Tax, meeting Mayor Barclay with Matt Landers and Bob Bausch January 16th; mitigation plan phone meeting with Highway Superintendent Johnson
HIGHWAY: yearend reports for DEC; working old highway garage asbestos removal
ZEO/CEO: ISO report ranking from 9 to 4; Haunted House was discussed at Planning Board due to being a private residence and giving private tours to leave it alone; zoning code change 150ft to 144ft possibly not needed to change code to follow state code.
TOWN CLERK'S REPORTS: *Councilwoman Sapienza made a motion to file the Town Clerk's December 2018 Report and the 2018 Annual Town Clerk's Report; seconded by Councilman Starowitz and it carried by a vote 5 -0.*
SUPERVISORS REPORT *Councilman Anderson made a motion to file the December 2018 Supervisors Report; seconded by Councilman Sapienza and it carried by a vote 5-0.*

COMMITTEES:

Parks: nothing to report
Local History & Museum: Historian office – windows, handicap accessibility, toilets, furnace and insulate basement-SAM Grant; focus on house/office for now. *Councilman Anderson made a motion for Supervisor Haywood to apply for SAM Grant for the Historian building renovation; seconded by Councilwoman Sapienza and it carried by a vote 5-0.*
Transfer Station: 1800 bags remaining need to work on a plan when bags run out switch to punch cards or stickers

OLD BUSINESS:

Water improvement Benefit Area #1: income survey short by 62
Sales Tax: Supervisor met with Pavilion and Leroy Sales Tax, meeting with Mayor Barclay with Matt Landers and Bob Bausch January 16th
Solar update: nothing to report

NEW BUSINESS:

Cleaning Contract for Town Facilities renewal *Councilwoman Sapienza made a motion to renew the cleaning Contract with Gary Dewind for 2019; seconded by Councilwoman Grant and it carried by a vote 5-0.*
Transfer of Funds to the Library *Councilman Anderson made a motion to transfer the Library funds \$81,000 to A7410.4 per the 2019 Budget; seconded by Councilman Starowitz and it carried by a vote 5-0.*

Budget Transfers: Councilwoman Grant made a motion to approve auditor recommended 2018 budget transfers of \$53,747.17; seconded by Councilman Anderson and it carried by a vote 5-0.

BILLS: The bills were presented for audit and totaled General A Fund \$69,446.57; General B Fund \$6,869.21; Highway DB \$51,699.22; Fire District \$103,548.52. Councilwoman Grant made a motion to pay the January bills; seconded by Councilman Starowitz and it carried by a vote 5-0.

REGULAR MEETING – Tuesday, January 22, 2019 at 7:00 pm in the Courtroom

ADJOURNMENT was at 7:40 pm on a motion by Councilwoman Grant; seconded by Councilwoman Sapienza and carried by a vote 5-0.

Respectfully submitted

Michele M. Smith

Michele M. Smith,
Town Clerk

supervisor@bergenny.org

From: Rob Woodford [rwoodford@mercyflight.org]
Sent: Tuesday, January 15, 2019 3:51 AM
To: supervisor@bergenny.org; bergen307@yahoo.com
Cc: Margaret A. Ferrentino; William Schutt; Lawrence Baumgart; Pamela McCarthy
Subject: Mercy Flight EMS December 2018 Bergen Response Time Reports
Attachments: RESP BERGEN.pdf; SUMMARY BERGEN.pdf; WX OTHR DELAY-RESP BERGEN.pdf

Attached is the Mercy Flight EMS December 2018 Response Time Report.

** Please note that the Response Times Report reflects the new Response Time Zones – where the "Driving Times in Minutes Zones" overlay the Fire Districts. In most cases, a Fire District will now have more than one "Response Zone" i.e. Town of Batavia FD 7 Minute Zone; Town of Batavia FD 12 Minute Zone etc. The report will only display a "Response Zone" when there is a call in that zone – example, if your District has a "12-Minute Response Zone", but it is not listed on the report – there were no calls that occurred inside that 12-Minute Zone.

Also attached is a listing of the specific responses with the total of ALS versus BLS resources that responded, as well as the total Emergency and Non-Emergency responses, and the total number of calls that were cancelled enroute. (Note that 911-Emergency NLS means a "No Lights or Siren" response.)

This listing includes additional Mercy Flight EMS units that responded to an incident, as well as additional patients that may have been evaluated at the same incident – by the same Mercy Flight EMS crew.

Rob Woodford
Communications Center Manager
Mercy Flight, Inc.
(716) 626-5808 x1304
TDD: 1-800-662-1220

Mercy Flight
Flying Tigers - Buffalo Airport
100 Amherst Villa Road
Buffalo, NY 14225



visit us at www.mercyflight.org

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FD GEN BERGEN

Trip Date IS BETWEEN 12/01/2018 AND 12/31/2018; AND Call Types IS A-MEMS 911 Response 1st Unit OR A-MEMS Squad Resp 1st Unit; AND Initial Priorities IS 911 EMERGENCY

Response Time Minutes	Call Count	Cumulative Call Count	Percentage of Total Calls	Cumulative Percentage
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FD GEN BERGEN

Response Zone:GEN BERG 17

13:00 - 13:59	2	2	25%	25%
15:00 - 15:59	1	3	13%	38%
16:00 - 16:59	1	4	13%	50%
17:00 - 17:59	3	7	38%	88%
21:00 - 21:59	1	8	13%	100%
Total Calls:	8	8	100%	

Response Zone:GEN BERG 22

17:00 - 17:59	1	1	17%	17%
19:00 - 19:59	1	2	17%	33%
20:00 - 20:59	1	3	17%	50%
22:00 - 22:59	1	4	17%	67%
23:00 - 23:59	2	6	33%	100%
Total Calls:	6	6	100%	

Call Source Total Calls: 14



Your Local Youth Bureaus Working Together



Genesee County Youth Bureau
2 Bank Street
Batavia, NY 14020
(585) 344-3960

City of Batavia Youth Bureau
12 MacArthur Dr.
Batavia, NY 14020
(585) 345-6420

To: Community Personnel
From: Chelsea Green & Lydia Schauf
Re: Call for Nominations
Date: January 11, 2019

The Genesee County & Batavia Youth Boards hold the annual Youth Recognition Banquet to honor youth and adults who have shown outstanding dedication and service to our community. This year, the recognition banquet will be held on Thursday, March 28, 2019.

Enclosed are nomination forms for the Youth, Adult Youth Worker, and Adult Volunteer awards. You and some of your personnel should have received fillable versions of these nominations by email. Please forward that email or copies of the enclosed forms to anyone you believe may know someone to nominate. The fillable forms are also available at www.co.genesee.ny.us/dpt/youthbureau/forms.html

There are three awards presented at the Youth Recognition Banquet:

- ✦ **Youth Recognition Award**—This award recognizes young people who have performed *outstanding* service to the community and/or have assumed *extraordinary* roles in their families. Several youth will be recognized; however the Youth Boards reserve the right to limit the number of recipients.
- ✦ **Adult Volunteer**—This award recognizes an adult who provides service as a volunteer to youth in Genesee County.
- ✦ **Adult Youth Worker**—This award recognizes a youth-serving professional whose work surpasses normal expectations.

All nominations must be submitted no later than **Friday, February 15, 2019** by mail, email or fax to the contact information on the forms. Notifications will be sent in March of 2019, and the recipients will be honored at the Youth Recognition Banquet on Thursday, March 28, 2019.

For information regarding the nomination process, the banquet, or to make reservations, contact the Genesee County Youth Bureau at 344-3960 or the Batavia Youth Bureau at 345-6420. Thank you for your time and consideration!

Youth Make a Difference

From: Brian Stone [brian.stone@bergenfd.org]
Sent: Tuesday, January 15, 2019 8:31 AM
To: Anna Marie Barclay; supervisor@bergenny.org
Cc: Eric Wies; Charles Dodson III
Subject: Jaws of life fundraiser
Attachments: JawsOfLife.pdf

Anna Marie and Ernie,

The Bergen Fire Department is embarking on a capital campaign to complete upgrades to our Jaws of Life system. Our current system is very old and has significant shortcomings as compared to current technology and vehicle changes. We will be visiting with the BBCA on 1/21/19 to provide an overview of the campaign and urge you to attend.

This initiative is significant due to the approximately \$50,000 cost and other major purchases we are required to make in the near future. As you are aware, we continue to be very good stewards of our tax base and will continue to do so.

We have solicited corporate partners and plan to complete a community wide plea. Should you feel comfortable, could you please inquire with any vendors of the Village or Town who may be willing to assist us with this endeavour? Any assistance, large or small, would be greatly appreciated.

As always, we greatly appreciate your partnership in making our community safer.

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Best regards,

Brian Stone
Assistant Fire Chief
Bergen Fire Department
10 Hunter Street
Bergen, NY 14416
585.781.4196



BERGEN FIRE DEPARTMENT, INC.

P.O. BOX 428
BERGEN, NY 14416



A tool we never want to use: the Jaws of Life.

Still, if you or a loved one's life is on the line, we are fortunate to have tools like the Jaws of Life available. With over 7 million automobile accidents reported annually in the United States, the chances are high that some in our community will be saved by the Jaws of Life during their lifetimes.

For many years, the Bergen Fire Department has used a traditional Jaws of Life system, which relies on an onboard generator with long hydraulic hoses that connect to the tools used to extricate a trapped victim from their vehicle. While this system works, it requires precious minutes to make the system operational. The dated system also requires additional steps be taken during the extrication process that increase the overall rescue time. The unit's advanced age means it is very heavy to hold up for long periods of time, resulting in rescuer fatigue.

In 2015, the Hurst Corporation launched a new, battery-operated Jaws of Life system. The new system no longer requires an onboard generator and long hydraulic hoses, meaning it is lighter and quicker to use. When someone's life is in peril, every second counts. The minutes saved during setup might one day save you or a loved one's life.

While the benefits of this system are significant, so is the cost. Please consider contributing to our Jaws of Life capital campaign. Any donation amount will help.

As always, we'd love to have you on our team. To join your neighbors as a Firefighter, EMT or Fire Police Officer, please visit the fire hall on any Monday night. We would love to have more brothers and sisters in our family.

Your contribution is greatly appreciated,

Your Bergen Fire Department

Send your tax-deductible check to:

Bergen Fire Department

P.O. Box 428, Bergen, NY 14416

Add "Jaws of Life" to the memo line.

"People Protecting People...We're Doing What It Takes"

<https://www.facebook.com/Bergenfiredepartment>

(585) 494-2100



Handwritten initials: "m" followed by "1/11/19" and "W".

January 11, 2019

Dear Municipal Official:

Charter Communications, locally known as Spectrum, is happy to report that we have reached an agreement with Tribune Broadcasting to provide WGN America and multiple local ABC, CBS, FOX and CW, and digital multicast channel affiliate stations to our customers. We are pleased to have reached a fair agreement and appreciate your support and patience.

If you have any questions about the above matter, please feel free to contact me at 716-686-4446 or via email at mark.meyerhofer@charter.com.

Sincerely,

A handwritten signature in cursive script that reads "Mark Meyerhofer".

Mark Meyerhofer
Director, Government Affairs
Charter Communications



re 1/20/19
cel

January 2, 2019

Re: Charter Communications – Important Programming Notification

Dear Municipal Official:

Charter Communications ("Charter"), locally known as Spectrum, has been in discussions with Tribune Broadcasting ("Tribune"), the owner of WGN America to renew our carriage agreement. At 5:00 P.M. ET on Wednesday, January 2, 2019, Spectrum's agreement to carry Tribune's channels expired. As a result, WGN America and all associated Video On Demand content are no longer available to Spectrum customers.

Tribune asked for a dramatic increase in fees (200%) which we believe is completely unjustified. We regret the impact of Tribune's decision, and we remain optimistic that this matter will be resolved quickly so our customers can again receive Tribune programming. For more information please visit www.tribunefairdeal.com.

If you have any questions about the above matter, please feel free to contact me at 716-686-4446 or via email at mark.meyerhofer@charter.com.

Sincerely,

A handwritten signature in black ink that reads "Mark Meyerhofer".

Mark Meyerhofer
Director, Government Affairs
Charter Communications

Shari K. Schuck

27 Munger St. Bergen, NY 14416 | 585.356.2324 | shari.schuck78@gmail.com

January 10, 2019

Byron-Bergen Public Library
Board of Trustees
PO Box 430
Bergen, NY 14416

Dear Board Members,

I am writing to express my interest in serving as a member of the Byron-Bergen Public Library Board of Trustees. I am an active member of the Byron-Bergen community and would love to use my background in community service and English education to support the library.

I am a middle school Language Arts and Reading teacher who greatly desires to share the love of reading with young people in particular. I have served as a youth leader within the Byron-Bergen community for 11 years and have seen the positive impact that the library can have on this demographic of our area. The library is more than just a place to come and find books to read, it is a hub of the community. I have witnessed firsthand the many ways the library has supported the young people of our community, from participating in a Pokemon Go event, to providing books for at-risk youth, to hosting both the Byron and Bergen Summer rec programs each year, to giving students access to computers for school research. There are many young people who need the emotional connection that can be found through the reading of other's words. I would love to share my heart for connecting children and youth to the people of our community and to the guiding words contained within the books the library provides.

I have extensive experience in serving on leadership teams through my tenure as a youth pastor, as the Bergen Summer Rec Program Head Counselor, and as a past director of the Underground Youth Center. In those roles I have gained experience in formal leadership and the decision-making process. I also have experience in grant writing, successfully earning several grants for the Underground program. I believe my heart for young people, my desire to connect people within our community, my leadership experience, and my passion for teaching the love of reading make me an excellent candidate for the library board trustee position.

Thank you for your time and consideration.

Sincerely,

Shari K. Schuck

Genesee County Sales Tax/Water/Jail Funding Analysis

For Discussion with Genesee County Towns/Villages

1/17/2019

County Objectives:

1. Fund new County jail that the NYS Commission of Correction is mandating
2. Provide enough water to Genesee County for the foreseeable future and have water users pay for the system
3. NOT decimate municipal budgets

County Plan:

1. Pass local resolutions with City of Batavia for 40 years water and 40 years sales tax sharing between the County and City, which will then require NYS legislation to enact
2. Provide revenue distribution payments to local municipalities at the same amount as what was distributed in sales tax in 2018
3. Growth in sales tax will be separately tracked by County and used to make Jail debt service payments and repay reserves that will be depleted in the interim period before sales tax growth can completely cover debt pymts
4. County will provide advance budget notification of what the revenue distribution payment will be, with the plan of keeping it flat until such time it can examine increasing it in the future. County resolution identifying 2020 payment was passed in 2018, the 2021 payment resolution will be passed later in 2019.
5. Revenue distribution payments will allow for County to equalize water surcharge revenue throughout the County
6. With 40 years sales tax/water agreements in place, City will be able close the water plant and purchase water from MCWA on a retail basis, which will allow for a potential County wide uniform retail water rate from MCWA

***Note: The County plan is contingent on getting a 40 years sales tax agreement, without the 40 year agreement the following is likely:**

1. The City and County will enter into 10 year water supply and sales tax sharing arrangements identical to the terms of the proposed 40 year agreements
2. Provide revenue distribution payments to local municipalities at the same amount as what was distributed in sales tax in 2018
3. City will NOT become a retail customer of MCWA and keep its water plant open
4. County will now be responsible for significant capital improvements at an unnecessary water plant, where repairs are estimated at over \$5 million and replacement over \$30 million.
5. Likelihood of a uniform County wide retail water rate from MCWA is unlikely
6. County will be forced to use revenue distribution payments planned for Towns and Villages to repair the City water plant

Important Notes:

1. City of Batavia has the ability to "pre-empt" sales tax monies generated within the City boundaries, a unique right only afforded to Cities in NYS
2. While the Towns, Villages and County all have a tax cap, only the County has essentially a "hard cap" because some of the County's State reimbursement is tied to staying under the tax cap. Therefore, if property taxes must be raised, there is an added penalty to the taxpayers of Genesee County if the County overrides the tax cap.
3. The NYS comptroller DOES NOT have an issue with the terms of the 40 year sales tax sharing agreement, merely it is their internal policy to not approve agreements longer than 10 years.
4. The City's annual increase in sales tax revenues are capped at 2% growth, until their relative share of sales tax drops from 16% to 14%.
5. While the intention of the County is to keep revenue distribution payments flat until such time they can be raised, the County needs the flexibility to respond to significant event like the State removing the Medicaid cap to Counties.

- Proposal A:**
1. Town/Village share of sales tax reduced from 34% to 30%
 2. Agreement for forty (40) years - mirrors City agreement
 3. County realizes additional 6% revenue from what currently shared with C/T/V
- County Analysis:
- a. Reducing sales tax to municipalities by approximately 12% (4% reduction from 34% is 11.8% reduction) will likely cause an immediate property tax increase for T/V taxpayers, versus a flat payment that might require an occasional small tax increase
 - b. Reducing Town/Village share to 30% is not enough to cover jail debt service payment
 - c. NYS Comptroller said surcharge equalization cannot occur in sales tax sharing agreement
 - d. County needs the flexibility in a revenue distribution model to be positioned in the event a significant event like the removal of the Medicaid cap occurs