

**Town Board Meeting  
and Joint Session with the  
Village of Bergen's Board of Trustees  
Bergen Town Hall  
March 12<sup>th</sup>, 2019**

Agenda

**I. Audit of the Bills 6:15, Call to Order 6:30 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. Joint Session of the Village and Town Board**

- Update on Town Activities- Supervisor
- Update on Village Activities- Mayor
- Update from Robert Bausch, County Legislator representative
- Privilege of the Floor
  
- **Discussion topics**
  - Consideration of a Float for Elected Official
  - Sales Tax- GAM request - NY State special legislation to authorize 40 year sales tax agreement between the County and City of Batavia
  - AIM funding
  - Solar

**Regular meeting of the Town Board**

**III. Approval of meeting Minutes for- 2/12/19**

**IV. Communications included with this agenda:**

1. Supervisor Report for February, 2019- if available,
2. Summary spreadsheets for February 2019, if available,
3. Town Clerk Report for February 2019
4. ZEO/CEO Report for February 2019
5. EMS –Mercy Flight report for January, 2019
5. Copy of Legal Notice regarding filing and availability of 2018 AUD for examination
6. Draft Refuse and Garbage Bid Specification
7. Correspondence from Senator Ranzenhofer of 2/27/19 in response to Supervisors letter of concern over proposed cuts/reductions to the AIM funding and Extreme Weather funding.
8. 3/1/19 e-mail to Grant Crushing, President of Brownfield Group, LLC. Regarding interest in discussing and presenting their interest in solar development.
9. Copy of Notice to Property Owner at 6571 W. Sweden Road, from ZEO-CEO
10. Resolution to begin the process to take over the East Bergen Cemetery and the North Bergen Cemetery
11. 2/25 /19 Correspondence and resolution from GAM in regard to NYS legislation for the proposed 40 year sales tax agreement between the county and the city of Batavia

**V. Board Members' items for addition to the agenda**

**VI. Reports:**

- Supervisor
- Clerk
- Board Members
- Zoning / Code Enforcement: -Haunted House- update  
-Update on 1203 form- for 2019 and past three years
  
- Highway -Appliances/Tires at Transfer Station  
-Update on Town Barns- demolition plan

**Committees**

- Building, Grounds, and Facilities - Cemeteries-
- Parks - update on bid for Pavilion
- Local History & Museum-
- Policy and Personnel
- Solar

**VII. Old Business:**

- Proposed Town of Bergen Water Improvement Benefit Area #1 project- Update on activities for application to USDA for Grant and Loan funding.
- Bid for construction of Park Pavilion
- 

**VIII. New Business**

- Authorization to proceed with Request for Proposals for Refuge and Garbage.
- Resolution to begin the process to take over the East Bergen Cemetery and the North Bergen Cemetery
- Discussion of request of GAM on Town Board's position on the request of the County for special legislation from the NYS legislature for the proposed 40 year sales tax agreement between the county and city of Batavia

**IX- Reports & Bills:**

- Action to file Town Clerks Report
- Action to file Supervisors Report
- Approve payment of the Bills

**X. Meeting and Other Upcoming Dates:**

- Town Board Meeting 3/26/19 at 7 pm in the Town Hall

**XI. Adjournment**

**DRAFT**

**FEBRUARY 26, 2019**

**BERGEN TOWN BOARD**

**REGULAR 2nd MEETING**

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

**PRESENT:**

Supervisor Ernest Haywood  
Councilwoman Belinda Grant  
Councilwoman Anne Sapienza  
Councilman James Starowitz  
Councilman Mark Anderson (arrived 7:02 pm)

**ALSO PRESENT:**

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

**PRAYER**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**Public Hearing Local Law #1-2019** proposed 9 month moratorium on commercial solar energy systems. *Councilwoman Sapienza made a motion to open the public hearing on Local Law #1-2019 at 7:00 pm; seconded by Councilwoman Grant and it carried by a vote 4-0. Councilwoman Sapienza made a motion to close Public Hearing on Local Law #1-2019 at 7:16; seconded by Councilman Starowitz and it carried by a vote 5-0.*

**Public Hearing Local Law #2-2019** proposed amendment to Zoning Code reducing square footage requirements of a structure requiring a building permit. *Councilman Anderson made a motion to open the public hearing on Local Law #2-2019 at 7:16 pm; seconded by Councilwoman Grant and it carried by a vote 5-0. Councilman Starowitz made a motion to close Public Hearing on Local Law #2-2019 at 7:34 ; seconded by Councilwoman Grant and it carried by a vote 5-0.*

**MINUTES:** *Councilwoman Grant made a motion to approve the February 12, 2019 minutes; seconded by Councilman Anderson and it carried by a vote 5-0.*

**COMMUNICATIONS:**

Mercy EMS report January 2019

Legal Notice and copy of proposed Local Law #1-2019 – moratorium on commercial solar

Legal Notice and copy of proposed Local Law #2-2019 – amendment to Zoning Code

Correspondence from Robert Bausch, County Legislature Chairman regarding Sales Tax

Copy of resolution regarding operating permit for property at 6471 W. Sweden Rd.

**REPORTS:**

**SUPERVISOR:** Albany SAM's grant; meeting with Labella regarding MRB about parks; finalized water application; AUD under review

**CLERK:** server was installed; setting up Sexual Harassment online training through BOND, training will be emailed in the next week with a of deadline August 31<sup>st</sup>.

**HIGHWAY/SOLID WASTE:** no damage from weekend wind storm; working on transfer station reports; new truck 99% complete; working with Waste Management on contract expired August 2017

**COMMITEES:**

**BUILDINGS:** United Way Day of Caring – possible mulching and raking leaves at Town Hall & Library as in the past – the board decided to participate this year, ask the Fire Department if they need anything.

**PARKS:** met last Thursday with Chatfield, Labella, discovered in kind service doesn't have to be reported to DASNY; bid opening for Pavilion was Monday, February 25<sup>th</sup> with 9 bidders.

**LOCAL HISTORY AND MUSEUM:** Nothing to report

**VILLAGE RELATIONS:** Joint meeting March 12<sup>th</sup> at 6:30 pm

**POLICY AND PERSONNEL:** Nothing to report

**CEMETERIES:** working on getting cemeteries in the Town's name

**OLD BUSINESS:**

Sales Tax Agreement: GAM polling towns on position of agreement with a resolution – will be discussed at the Joint meeting with the Village to get their thoughts.

Water Benefit Improvement area #1 grant application under review with USDA

Solar Exemption/Compliance: discussion on local solar projects. *Councilwoman Sapienza made a motion to start a Solar committee with 7 members (2 Town Board, 1 planning board, 1 Zoning Board, ZEO/CEO, 2 community members) with James Starowitz as Chair; seconded by Councilwoman Grant and carried by a vote 5-0.*

Transfer Station: 1200 bags in stock, ordering more punch cards

Router replacement approval emergency request was made through email on February 15th to replace router quote of \$579 Supervisor Haywood, Councilwomen Sapienza and Grant replied with approval.

**NEW BUSINESS:**

Robin Brook Park Pavilion bid tabled for engineer review lowest bid qualifications

Cabinet purchase for records retention of personnel records tabled

Local Law #1-2019 *Councilman Anderson made a motion to approve Local Law #1-2019 for 9 month solar moratorium; seconded by Councilwoman Sapienza and it carried by a vote 5-0.*

Local Law #2-2019 *Councilman Starowitz made a motion to approve Local Law #2-2019 to amend Zoning Code reducing square footage requirements of a structure requiring a building permit; seconded by Councilwoman Grant and it carried by a vote 5-0.*

Resolution requiring operating permit for 6571 West Sweden Rd. for non-residential purpose *Councilman Anderson made a motion to approve Resolution # 6-2019 to issue an operating permit 6571 West Sweden Rd. for non residential purpose; seconded by Councilman Starowitz and it carried by a vote 5-0.*

**Resolution #6-2019**

**Non-Residential Use of property at 6571 West Sweden Road  
Operating Permit**

**WHEREAS**, the Town Board of the Town of Bergen (the “Board”) has been advised that the property located at 6571 West Sweden Road, Bergen, New York (“the Property”) is presently being utilized for non-residential purposes; and

**WHEREAS**, it is further alleged upon information and belief that the property is being marketed and advertised as a “Haunted House”, and that tours/showings of the Property are occurring on an on-going basis for pecuniary gain (the “Non-Residential Use”);

**WHEREAS**, the Town of Bergen by and through it Code Enforcement Officer has been unable to inspect the Property to ensure that the Non-Residential Use of the Property meets all applicable codes and regulations; and

**WHEREAS**, the alleged Non-Residential Use of the Property without a formal inspection by the Town of Bergen constitutes a substantial potential hazard to public safety;

**NOW THEREFORE**, the Board resolves as follows:

The Town of Bergen Zoning Enforcement Officer shall require the owner/proprietor or other responsible party engaging in the Non-Residential Use at 6571 West Sweden Road, Bergen, New York to file an application for an Operating Permit in accordance with §256-10 of the Town of Bergen Code.

**NEXT MEETING:**

Regular/Joint Meeting – Tuesday, March 12, 2019 at 6:30 pm in the Courtroom with the audit of the bills at 6:15 p.m.

**ADJOURNMENT** *was at 8:01 pm on a motion by Councilwoman Sapienza; seconded by Councilwoman Grant and it carried by a vote 5-0.*

Respectfully submitted,

*Michele M. Smith*

Michele M. Smith,

| Account#          | Account Description | Fee Description     | Qty               | Local Share    |
|-------------------|---------------------|---------------------|-------------------|----------------|
| A1255             | Clerk Fees          | Certified Copies    | 4                 | 40.00          |
|                   |                     | Conservation        | 1                 | 1.38           |
|                   | <b>Sub-Total:</b>   |                     |                   | <b>\$41.38</b> |
| A2544             | Dog Licensing       | Female, Spayed      | 13                | 65.00          |
|                   |                     | Female, Unspayed    | 4                 | 72.00          |
|                   |                     | Male, Neutered      | 12                | 60.00          |
|                   |                     | Male, Unneutered    | 2                 | 36.00          |
|                   | Senior Discount     | Senior Discount     | 4                 | -12.00         |
| <b>Sub-Total:</b> |                     |                     | <b>\$221.00</b>   |                |
| B2110             | Building & Zoning   | Building Permit     | 3                 | 135.00         |
|                   |                     | Variance            | 1                 | 50.00          |
|                   |                     | Zoning              | 1                 | 30.00          |
| <b>Sub-Total:</b> |                     |                     | <b>\$215.00</b>   |                |
| B2115             | Building & Zoning   | Public Hearing      | 1                 | 50.00          |
| <b>Sub-Total:</b> |                     |                     | <b>\$50.00</b>    |                |
| B2130             | Solid Waste         | Garbage Bag         | 201               | 1,005.00       |
|                   |                     | Transfer Sta. 10.00 | 12                | 120.00         |
|                   |                     | Transfer Sta. 20.00 | 3                 | 60.00          |
|                   |                     | Transfer Sta. 5.00  | 3                 | 15.00          |
| <b>Sub-Total:</b> |                     |                     | <b>\$1,200.00</b> |                |

**Total Local Shares Remitted: \$1,727.38**

Amount paid to: NYS Ag. & Markets for spay/neuter program \_\_\_\_\_ 43.00

Amount paid to: NYS Environmental Conservation \_\_\_\_\_ 23.62

**Total State, County & Local Revenues: \$1,794.00**

**Total Non-Local Revenues: \$66.62**

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.

|            |       |                         |               |
|------------|-------|-------------------------|---------------|
| _____      | _____ | <i>Michele M. Smith</i> | <i>3/2/19</i> |
| Supervisor | Date  | Town Clerk              | Date          |

# Cash Receipts Report

03/04/2019  
3:05:04PM

From: 02/01/2019 To: 02/28/2019

For User: All

Payment Date: 02/01/2019

Module: Permit

Transaction: BP-0001-2019

Type: Permit App

Payor: Louis Romano, Trustee

Payment Amount: \$40.00

Payment Type:

Payment #:

Payment Detail:

Cash

00000248

\$40.00

| Fee Type      | Fee Amount |
|---------------|------------|
| Acc Structure | \$40.00    |

Transaction: BP-0041-2017

Type: Permit App

Payor: Andrew Fink

Payment Amount: \$40.00

Payment Type:

Payment #:

Payment Detail:

Check #0000

00000247

\$40.00

| Fee Type       | Fee Amount |
|----------------|------------|
| Permit Renewal | \$40.00    |

Permit Group Totals: \$80.00

02/01/2019 Group Totals: \$80.00

Payment Date: 02/23/2019

Module: Permit

Transaction: BP-0002-2019

Type: Permit App

Payor: Barbra Hogan

Payment Amount: \$85.00

Payment Type:

Payment #:

Payment Detail:

Check #171

00000249

\$85.00

| Fee Type      | Fee Amount |
|---------------|------------|
| Zoning Permit | \$30.00    |
| Multi-Family  | \$55.00    |

Permit Group Totals: \$85.00

02/23/2019 Group Totals: \$85.00

Payment Date: 02/28/2019

Module: Permit

Transaction: BP-0004-2019

Type: Permit App

Payor: Kraig Wall

Payment Amount: \$100.00

Payment Type:

Payment #:

Payment Detail:

Check #1751

00000250

\$100.00

| Fee Type           | Fee Amount |
|--------------------|------------|
| Site Plan Review   | \$50.00    |
| Public Hearing Fee | \$50.00    |

Permit Group Totals: \$100.00

02/28/2019 Group Totals: \$100.00

| Totals:             |                        |
|---------------------|------------------------|
| Check               | \$225.00               |
| Cash                | \$40.00                |
| <b>Grand Total:</b> | <u><u>\$265.00</u></u> |

**FD GEN BERGEN**

Trip Date IS BETWEEN 01/01/2019 AND 01/31/2019; 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<br>Minutes         | Call Count | Cumulative Call<br>Count | Percentage<br>of Total Calls | Cumulative<br>Percentage |
|----------------------------------|------------|--------------------------|------------------------------|--------------------------|
| <b>FD GEN BERGEN</b>             |            |                          |                              |                          |
| <b>Response Zone:GEN BERG 17</b> |            |                          |                              |                          |
| 06:00 - 06:59                    | 1          | 1                        | 25%                          | 25%                      |
| 11:00 - 11:59                    | 1          | 2                        | 25%                          | 50%                      |
| 15:00 - 15:59                    | 2          | 4                        | 50%                          | 100%                     |
| <b>Total Calls:</b>              | 4          | 4                        | 100%                         |                          |
| <b>Response Zone:GEN BERG 22</b> |            |                          |                              |                          |
| 11:00 - 11:59                    | 1          | 1                        | 25%                          | 25%                      |
| 16:00 - 16:59                    | 1          | 2                        | 25%                          | 50%                      |
| 20:00 - 20:59                    | 1          | 3                        | 25%                          | 75%                      |
| 21:00 - 21:59                    | 1          | 4                        | 25%                          | 100%                     |
| <b>Total Calls:</b>              | 4          | 4                        | 100%                         |                          |
| <b>Call Source Total Calls</b>   |            | <b>8</b>                 |                              |                          |

# TOWN OF BERGEN

\* ESTABLISHED APRIL 2, 1813 \*

P.O. Box 249  
10 HUNTER STREET  
BERGEN, NY 14416

PHONE: (585) 494-1121 \* FAX: (585) 494-1372 \* NYS TDD 1-800-662-1220



**SUPERVISOR**  
ERNEST HAYWOOD  
DONALD CUNNINGHAM, DEPUTY SUPERVISOR

**COUNCILMEN**  
JAMES STAROWITZ  
MARK ANDERSON

**COUNCILWOMEN**  
BELINDA GRANT  
ANNE SAPIENZA

**SUPERINTENDENT OF HIGHWAYS**  
MIKE JOHNSON

**TOWN CLERK/TAX COLLECTOR**  
MICHELE M. SMITH

**JUSTICES**  
JOSEPH NENNI  
ROBERT SWAPCEINSKI

**ZONING & CODE ENFORCEMENT OFFICER**  
DAVID MASON

**ASSESSOR**  
RHONDA SAULSBURY

*PLEASE TAKE NOTICE THAT THE ANNUAL UPDATE DOCUMENT (AUD) FOR THE TOWN OF BERGEN FOR THE FISCAL YEAR ENDED DECEMBER 31, 2018, HAS BEEN FILED WITH THE OFFICE OF THE NEW YORK STATE COMPTROLLER. THE REPORT HAS BEEN POSTED TO THE TOWN WEBSITE AT [WWW.BERGenny.ORG](http://WWW.BERGenny.ORG) AND MAY BE EXAMINED AT THE TOWN HALL, 10 HUNTER STREET, BERGEN, DURING REGULAR BUSINESS HOURS.*

*ERNEST HAYWOOD  
SUPERVISOR,  
TOWN OF BERGEN*



## **TOWN OF BERGEN - REFUSE AND GARBAGE BID SPECS**

### **BID SPECS TOWN OF BERGEN REFUSE AND GARBAGE**

The Town of Bergen, New York, herein after referred to as the "Town", requests bids for the transportation and subsequent disposal of recyclable and non-recyclable refuse and garbage collected at its transfer site on Route 262 in the Town of Bergen.

Bids are requested for a Twenty-Four Month Contract commencing XXXXXXXX and extending through XXXXXXXX.

#### **SPECIFIC REQUIREMENTS FOR TRANSFER STATION SERVICING**

- ITEM 1. The furnishing of totally enclosable containers with a minimum capacity totaling thirty-two (32) cubic yards to be stationed at the transfer site for the collection of town wide generated non-recyclable refuse and garbage. These containers must have a maximum loading height of fifty inches. the bid should reflect a price acknowledging the weekly use of at least twenty-four (24) cubic yards with occasional use of the additional containers capacity on a per use basis. The containers must be emptied and ready for use by the Town weekly prior to noon on Thursday to accommodate the Town's operating schedule. To better accommodate the Town's collection area, the containers shall be four (4) eight-cubic-yard models similar to the style currently in use.
- ITEM 2. Furnishing one thirty (30) cubic yard open top container for approximately ten (10) loads annually for the collection of construction and demolition materials and bulk items. The Town will provide the contractor with three days notice when requesting pickup and delivery of thee container. Bids should state price per load per open top container.
- ITEM 3. OPTION A - Servicing one Town owned seventeen (17) cubic yard closed top recycling roll-off on a per call basis. This will include the hauling and disposal of recyclable materials; paper (including newsprint, office paper, magazines and cardboard), glass bottles (clear and colored) and plastic bottles and jugs (type 1 and type 2). The contractor will transport the collected materials to an approved facility and return the Town owned roll-off on an as needed per call basis. The container shall be emptied and returned to the site prior to noon on the Thursday of the week service is required.
- OPTION B - Furnishing and servicing on a per call basis, one contractor owned closed top recycling container. Container shall have a 30-40 cubic yard capacity and be compartmented to accept various recyclable materials. Maximum loading height shall be fifty inches. Materials collected, hauling and disposal, and return time shall be as specified in OPTION A.

#### **SPECIFIC REQUIREMENTS (continued)**

The contractor assumes the sole responsibility for the refuse and garbage as soon as it is removed from the collection site.

The contractor may not use the site for depositing or storage of any materials and will use the site only for access and egress to pick up the Town's collected refuse and garbage.

The collection containers specified in ITEMS 1,2 and ITEM 3 OPTION B shall remain the full responsibility of the contractor with any and all necessary repairs and/or improvements for normal usage being the contractor's obligation. The containers shall remain in a completely operational condition or be replaced at the contractor's expense. If, in the Town's opinion, the containers are unusable for any reason, no fees will be remitted for the period of disrepair.

The contract shall have a provision for an increase or decrease in container capacity and disposal if the Town shall deem it necessary during the term of effect.

### **GENERAL REQUIREMENTS**

1. The Town Board reserves the right to terminate the contract unilaterally upon thirty days notice to the contract. The contractor may not terminate the contract unilaterally.
2. The bidder include with their bid a completely executed waiver of immunity and certificate of non-collusion in order for their bid to be considered.
3. The bidder must certify, by signature upon his/her bid submission, that he/she is a duly authorized representative of the company or corporation and that their organization possesses and keeps in effect during the contract period any and all necessary local, state and federal permits and/or licenses to perform the complete pickup and disposal operations.
4. A bid bond, certified check or cashier's check payable to the Town of Bergen in the amount of five percent of the total base service agreement be submitted with each bid before the bid may be considered. All checks and/or bonds shall be returned to the unsuccessful bidders within ten days of the award of the contract. The check or bond of the successful bidder will be held until the completion of the contract, at which time it shall be returned. Upon failure to perform the contract, such check or bond shall become the property of the Town of Bergen.
5. All bids must be presented on the forms provided by the Town with all blank spaces filled in with ink.
6. Bids will be accepted until XXXX XX by the Bergen Town Clerk, 10 Hunter St., P.O. Box 249, Bergen, NY 14416-0249 at which time they will be opened and read aloud.
7. Bids be contained in a sealed envelope clearly marked "Bids for Refuse and Garbage Disposal" with the bidder's name and address on the envelope. Any bids submitted after the designated time and place will be returned to the bidder unopened.
8. The successful bidder be able to enter into the contract with the Town immediately upon award by the Town Board with service to commence on approximately XXXXXX; however, the bidder will not be bound to his/her bid if the Town does not act on the bid and enter into contract within sixty days following the opening of the bid.
9. The successful bidder must provide a certificate of liability insurance of at least \$1,000,000.00 naming the Town as an additional insured.

10. The successful bidder must maintain all records and supply the GLOW Recycling Administrator (420 East Main Street, Batavia, NY 14020-2521) with a quarterly report of its activities. Such quarterly report shall indicate: the tonnage of Solid Waste collected in the Town; the location of disposal of Solid Waste collected in the Town; the tonnage of Recyclables collected in the Town and the market(s) for the Recyclables collected in the Town. Quarterly reports shall be provided no later than thirty (30) days after the end of the quarter with the first quarter being January, February and March; the second quarter being April, May and June; the third quarter being July, August and September and the fourth quarter being October, November and December. In the event of multiple successful bidders for individual Items, each bidder will only be responsible for reporting on the Items(s) associated with their bid.
11. Bid award will be to the lowest responsible bidder meeting the specifications and being deemed in the best interest of the Town.
12. Failure to comply with conditions herein will constitute reason to declare the bid informal.
13. The Bergen Town Board reserves the right to reject any or all bids and waive any informalities.
14. The successful bidder shall bill the Town monthly after completion of the first month's service with the submission of an approved Town voucher. Payment will be made after approval at the next normally scheduled Town Board meeting.
15. The successful bidder must pay the prevailing wage pursuant to the appropriate sections of the New York State Labor Law.
16. Contractors may bid on ITEMS 1,2 and 3 (either or both OPTIONS) individually or in any combination of ITEMS. The Town will evaluate each ITEM separately and may award separate contracts for each ITEM.

# TOWN OF BERGEN - BID FORM

## REFUSE AND GARBAGE SERVICE

ITEM 1. Total bid for base service as requested:

1st 12 months  
?/1/19-?/31/20

2nd 12 months  
?/1/20 - ?/31/21

Monthly rate for a minimum of twenty-four cubic yards of enclosed containers with weekly service (Specify number, type and capacity of containers)  
Current: 3 eight cubic yard containers serviced weekly

\_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

Monthly RENTAL for providing the additional containers to bring capacity up to a total of at least thirty-two cubic yards (with no weekly dumping fees) and any additional containers requested by the Town (Specify number, type and capacity of containers)  
Current: 3 eight cubic yard containers

\_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

Per trip SERVICE of each of the additional containers. \$ \_\_\_\_\_ \$ \_\_\_\_\_

ITEM 2. Cost per each thirty cubic yard open top container including disposal \$ \_\_\_\_\_ \$ \_\_\_\_\_

### ITEM 3.

OPTION A - Cost per call for hauling and disposal of materials of Town owned recycling container. \$ \_\_\_\_\_ \$ \_\_\_\_\_

OPTION B - Monthly RENTAL of contractor owned recycling container. Capacity \_\_\_\_\_ cu. yards. \$ \_\_\_\_\_ \$ \_\_\_\_\_

Per trip SERVICE of contractor owned recycling container \$ \_\_\_\_\_ \$ \_\_\_\_\_

Note any exceptions to specifications: \_\_\_\_\_

All above charges to include any and all fees for the complete collection, hauling and disposal operations. There shall be not other charges if not explained fully with the bid.

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date



MICHAEL H. RANZENHOFER  
SENATOR, 61ST DISTRICT

VICE CHAIR  
SENATE MINORITY

RANKING MINORITY MEMBER  
SENATE INSURANCE COMMITTEE

THE SENATE  
STATE OF NEW YORK  
ALBANY

8203 MAIN STREET  
SUITE 4  
WILLIAMSVILLE, NEW YORK 14221  
(716) 631-8695  
(585) 454-0322  
(716) 634-4321 FAX  
LEGISLATIVE OFFICE BUILDING  
ROOM 513  
ALBANY, NEW YORK 12247  
(518) 455-3161  
(518) 426-6963 FAX  
778 GENESEE STREET  
ROCHESTER, NEW YORK 14611  
E-MAIL: RANZ@NYSenate.GOV

February 27, 2019

Hon. Ernest Haywood  
Supervisor, Town of Bergen  
PO Box 249  
10 Hunter Street Bergen  
Bergen, NY 14416

Dear Supervisor Haywood:

Thank you for contacting me regarding AIM and Extreme Weather funding in Governor Cuomo's 2019-2020 proposed budget. As you know, the New York State budget funds many important initiatives and there is no greater responsibility for legislators than reviewing and approving a budget.

Like every year, the Governor has submitted his Executive Budget proposal and it contains several funding increases and decreases, across many different areas of the budget. The Assembly and the Senate are currently reviewing and debating Governor Cuomo's proposal and will be submitting their own amended plans in the coming weeks. **I strongly oppose the Governor's AIM and Extreme Weather proposal and I have shared my concerns with my colleagues.**

As you may know, for the first time in many years, Democrats control every level of state government and this year will give them an opportunity to pass a budget that establishes their priorities. While I am no longer a member of the Senate Majority, I assure you I remain committed to fighting hard to represent the values of my district and Western New York. As such, I assure you that I will share your input with my colleagues and will certainly keep it in consideration when evaluating the final budget.

No budget is perfect and all budgets include good and bad proposals that must be weighed against each other when determining whether I support or oppose certain parts of the budget.

Thank you again for contacting me regarding Governor Cuomo's 2019-2020 proposed budget. As always, please do not hesitate to contact me in the future regarding this or any other state matter.

Sincerely,

MICHAEL H. RANZENHOFER  
State Senator

MHR:jm

**supervisor@bergenny.org**

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**From:** Grant Cushing [gcushing@BROWNFIELDGROUP.COM]  
**Sent:** Friday, March 01, 2019 11:54 AM  
**To:** supervisor@bergenny.org  
**Subject:** Large-Scale solar Development  
**Attachments:** 20190117\_MORidge\_Newsletter Winter 2019\_FINAL.pdf; 2019\_0129 Morris Ridge Press Release\_FINAL.pdf

Hi Ernie – My name is Grant Cushing and at the direction of Michelle I left a voice message on your phone introducing myself and our company. I had spoken to Dave Mason a few times and had correspondence with him (below) regarding our company and interests. He suggested I reach out to you for an introduction. We are the leading utility-scale solar development company in Western New York and were just awarded a large-scale project in Mt. Morris. We are the local company that originates projects for EDF Renewables – see attached newsletter.

We have had significant success by working with towns in the early stages of these developments to assure interests are aligned. Although these projects are permitted under Article 10 we do not pursue projects unless we have community support and are aligned with local code/law. As you know, these projects are coming fast and hard and getting code in place is critical to protect your interests. In Mt. Morris for example, we have been working with the town for more than three years and have garnered widespread support – we worked with them during the early stages to help develop their solar code and assure we utilized appropriate lands.

I am happy to meet with you for an introductory discussion and present to you and your board an overview of our Mt. Morris project and how we might proceed in Bergen. I understand that a project of this scale may not be of interest but in our experience its much better to have informed discussions early in the process.

Let me know if this is of interest and we can schedule a time to meet.

Grant Cushing  
President  
Brownfield Group, LLC  
104 Gibson Street  
Canandaigua, NY 14424  
585-704-0152  
[gcushing@brownfieldgroup.com](mailto:gcushing@brownfieldgroup.com)

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**From:** Grant Cushing  
**Sent:** Thursday, January 31, 2019 9:35 AM  
**To:** 'zeo-ceo@bergenny.org'  
**Subject:** Large-Scale solar Development (1 of 2)

Hi Dave – It was nice speaking with you yesterday.

Brownfield Group is a 23 year old company based in Canandaigua and has been focused on brownfield redevelopment and renewable energy. With the big push in NY for renewable energy we got an early start on large-scale projects and were recently awarded one of the three largest projects in the state. Our partner is EDF Renewables and we are actively prospecting for our next large project. The Town of Bergen has significant potential for us because of the high voltage lines that transect the town. We build a substation to connect to the lines and build the solar arrays in near proximity to the substation.

I will send you a few e-mails but please reach-out with any questions or let me know when we can get together for an overview.

In general, we will begin prospecting for land to lease as soon as we have an indication that the town is potentially interested. We are looking to lease approximately 1,000 – 1,500 acres of cleared land near the power lines and then starting the Article 10 approvals process. We have not yet evaluated our land resources in detail so this is very preliminary.

The entire process takes several years to complete and the landowners will continue to use their property until we start construction. We will work with the IDA to assure that the appropriate payments are made under the PILOT agreement.

I look forward to meeting you and am always happy to meet with the Town Board/Planning Board to provide an overview. We also develop small projects (3-5 MW – 15 to 25 acres) and am happy to discuss although our immediate interest in Bergen is the potential for a large-scale project.

Grant Cushing  
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Note: - The NYSERDA award (Mt. Morris) is for the Renewable Energy Credits (RECs) that are generated by the project – NYSERDA purchases them from us and sells them to power producers that use fossil fuels to generate power within the state (like a carbon tax). There are no direct state subsidies (we don't consider the RECs a subsidy). By allowing these projects to scale there are no state subsidies required to make the economics work. There is a Federal Investment Tax Credit and has been one for years on renewable energy. We do sell the power independently – we are actively pursuing large corporations, universities (including SUNY) to purchase the power through a Power Purchase Agreement – you will see that EDF Renewables is a leader in this market.



press release

## **EDF Renewables North America Awarded Contract for Solar Project in New York**

**SAN DIEGO (Jan. 29, 2019):** EDF Renewables North America today announced the 212 megawatt (MWdc) / 170 MWac Morris Ridge Solar Project was awarded a long-term contract by the New York State Energy Research and Development Authority (NYSERDA) as part of the 2018 Renewable Energy Standard Solicitation. The Project, sited on approximately 1,000 acres in the Town of Mount Morris, south of the Village of Mount Morris, expects to deliver clean electricity by the end of 2022.

Stephane Desdunes, Director of Development, Northeast Region for EDF Renewables North America said, "Our team is thrilled to be awarded the 170 MWac Morris Ridge Solar Project to help fulfill New York State's goal to achieve 70% of the state's electricity from renewable energy by 2030. The region, including the Town of Mount Morris and Livingston County, will benefit from procurement and employment opportunities throughout the development, construction and operational phases. Morris Ridge will bring more than 200 jobs during peak construction and contribute millions of dollars to the County, Town and School District during the operational life of the project."

EDF Renewables looks forward to a continued collaboration with the Town of Mount Morris towards the realization of the Project. Supervisor Charles DiPasquale commented, "The Town Board is excited by the contract with NYSERDA that will make the project and its benefits a reality for the town and surrounding community."

"Congratulations to EDF Renewables for its successful participation in this solicitation, which is a concrete step towards meeting New York's nation-leading clean energy goals under Governor Cuomo's Green New Deal," said Doreen Harris, Director of Large-Scale Renewables, NYSERDA. "NYSERDA worked closely with EDF Renewables and the Town of Mount Morris to make community engagement and responsible siting a priority, ensuring the project will not only help steward our precious natural resources, but benefit the state and local economy, and its workers."

The expected electricity generated at full capacity is enough to meet the consumption of over 39,000 average New York homes<sup>1</sup>. This is equivalent to avoiding nearly 140,000 metric tons of carbon (CO<sub>2</sub>)



# TOWN OF BERGEN

\* ESTABLISHED APRIL 2, 1813 \*

P.O. BOX 249  
10 HUNTER STREET  
BERGEN, NY 14416

PHONE: (585) 494-1121 \* FAX: (585) 494-1372 \* NYS TDD 1-800-662-1220



## SUPERVISOR

ERNEST HAYWOOD

## COUNCILMEN

DONALD CUNNINGHAM, DEPUTY SUPERVISOR

JAMES STAROWITZ

MARK ANDERSON

## COUNCILWOMAN

BELINDA GRANT

ANNE SAPIENZA

## SUPERINTENDENT OF HIGHWAYS

MIKE JOHNSON

## TOWN CLERK/TAX COLLECTOR

MICHELE M. SMITH

## JUSTICES

JOSEPH NENNI

ROBERT SWAPCEINSKI

## ZONING & CODE ENFORCEMENT OFFICER

DAVID MASON

## ASSESSOR

RHONDA SAULSBURY

*Mrs Cowham*

*2/6/2019*

*Please be advised the Town Board of Bergen is requiring an operating permit for you to continue using your house for haunted tours please contact me so we can setup a time to meet and go over fees and requirements for the property*

*David Mason*

*ZEO-CEO*

*585-861-0728*

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DAVID MASON

**ASSESSOR**  
RHONDA SAULSBURY



## *Resolution #6-2019*

### *Non-Residential Use of property at 6571 West Sweden Road Operating Permit*

*WHEREAS, the Town Board of the Town of Bergen (the "Board") has been advised that the property located at 6571 West Sweden Road, Bergen, New York ("the Property") is presently being utilized for non-residential purposes; and*

*WHEREAS, it is further alleged upon information and belief that the property is being marketed and advertised as a "Haunted House", and that tours/showings of the Property are occurring on an on-going basis for pecuniary gain (the "Non-Residential Use");*

*WHEREAS, the Town of Bergen by and through its Code Enforcement Officer has been unable to inspect the Property to*

*ensure that the Non-Residential Use of the Property meets all applicable codes and regulations; and*

*WHEREAS, the alleged Non-Residential Use of the Property without a formal inspection by the Town of Bergen constitutes a substantial potential hazard to public safety;*

*NOW THEREFORE, the Board resolves as follows:*

*The Town of Bergen Zoning Enforcement Officer shall require the owner/proprietor or other responsible party engaging in the Non-Residential Use at 6571 West Sweden Road, Bergen, New York to file an application for an Operating Permit in accordance with §256-10 of the Town of Bergen Code*

RESOLUTION NO. \_\_\_\_\_

Resolution to begin process to takeover the East Bergen Cemetery and North Bergen Cemetery to the Town of Bergen, NY.

WHEREAS: The Town of Bergen has maintained East Bergen Cemetery on Route 19 in the Town of Bergen and North Bergen Cemetery of Creamery Road for numerous years, and

WHEREAS: The State of New York, Division of Cemeteries claims no interest in the aforementioned cemeteries, and

WHEREAS: The Town of Bergen can find no transfer of ownership from the East Bergen Cemetery Association or the North Bergen Cemetery Association and believes the foregoing cemeteries have been abandoned, and

WHEREAS: The Town Board desires to properly care for the cemeteries and the grounds, and \_\_\_\_\_

NOW, THEREFORE BE IT RESOLVED:

The Town of Bergen will move forward to formally takeover the East Bergen Cemetery, Tax Map # 6.-1-10, and the North Bergen Cemetery, Tax Map # 9.-1-39.2, Town of Bergen, Genesee County, New York State.

# Genesee Association of Municipalities

C/O Hiedi Librock, Secretary  
3833 West Main Street Road  
Batavia, NY 14020

February 25, 2019

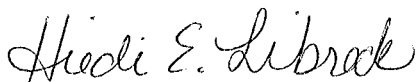
Supervisor Ernest Haywood  
Town of Bergen  
10 Hunter Street  
PO Box 249  
Bergen, NY 14416

Dear Supervisor:

At the February GAM meeting it was requested that GAM poll its member municipalities as to if they support or oppose the special legislation necessary to authorize Genesee County to enter into a forty-year sales tax agreement.

Please discuss with your respective boards and report your results at the next GAM meeting on March 21, 2019. If you or a representative from your municipality do not plan to attend, please submit your results by March 20<sup>th</sup> to [geneseam@gmail.com](mailto:geneseam@gmail.com).

Respectfully,



Hiedi E. Librock  
Gam Secretary

Attachment

CC email: Tom Dix, GAM President  
Michele Smith, Town Clerk

President – Thomas Dix, Town of Pembroke, 1145 Main Road, Corfu, NY 14036 (585)599-4892  
Vice President – Joe Higley, Town of Alexander, 3350 Church St, Alexander, NY 14005 (585)591-2455  
Secretary – Hiedi Librock, Town of Batavia, 3833 W. Main Street Road, Batavia, NY 14020 (585)343-1729  
Treasurer - Teresa Morasco, Town of Batavia, 3833 W. Main St. Road, Batavia, NY 14020 (585)343-1729

**RESOLUTION NO. 1**

**GENESEE ASSOCIATION OF MUNICIPALITIES (GAM)  
POSITION ON GENESEE COUNTY'S REQUEST FOR SPECIAL  
NEW YORK STATE LEGISLATION TO SUPPORT A FOURTY  
(40) YEAR SALES TAX AGREEMENT AUTHORIZATION**

**WHEREAS**, Genesee County and the City of Batavia have passed resolutions to enter into a new Sales Tax Agreement with a term of forty (40) years, and

**WHEREAS**, Genesee County requires special New York State Legislation to authorize the County to enter into a Sales Tax Agreement with a term of forty (40) years, and

**WHEREAS**, our State Representatives would have to introduce bills to authorize the needed legislation, and

**WHEREAS**, the County held a meeting of the Sales Tax Committee with Senator Michael Ranzenhofer and Assemblyman Stephen Hawley in attendance so as to introduce its desire for a forty (40) year Sales Tax Agreement authorization, and

**WHEREAS**, in that meeting Assemblyman Hawley asked for GAM's position to the proposed forty (40) year Sales Tax Agreement request, and

**WHEREAS**, GAM has discussed the new Sales Tax Agreement, and

**WHEREAS**, GAM has not responded to Assemblyman Hawley's request. Now, therefore, Be it

**NOW, THEREFORE, BE IT RESOLVED**, that GAM poll its member municipalities as to if they support or oppose the special legislation necessary to authorize Genesee County to enter into a forty (40) years Sales Tax Agreement, and Be it further

**RESOLVED**, and direct that the GAM Secretary send a copy of this resolution to each member municipality requesting their response on or before the conclusion on the March 21, 2019 GAM meeting, and Be it further

**RESOLVED**, and direct the GAM Secretary send a letter to Senator Ranzehofer and Assembly Hawley listing the actual tally of each municipality's support or opposition to this special legislation along with a copy of this resolution by March 28, 2019.

**Offered by:** Town of Darien Supervisor David Hagelberger

**Second by:** Town of Pembroke Supervisor John Worth

**Ayes:** Towns of: Alexander, Batavia, Bergen, Bethany, Byron, Darien, Elba, LeRoy, Oakfield, Pavilion, Pembroke; Villages of: Bergen, Corfu, LeRoy; City of Batavia

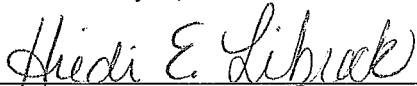
**Absent:** Towns of Alabama and Stafford, Villages of Alexander, Elba and Oakfield

**APPROVED (15-0)**

**CERTIFICATION**

I, Hiedi E. Librook, GAM Secretary, County of Genesee and State of New York, DO HEREBY CERTIFY that the foregoing is a true and correct transcript of a resolution duly adopted by the Genesee Association of Municipalities on the 21<sup>st</sup> day of February, 2019.

Dated: February 25, 2019

  
\_\_\_\_\_  
Genesee Association of Municipalities Secretary