

**Town Board Meeting
Town of Bergen
Town Hall- 10 Hunter Street, Bergen New York**

October 22, 2019

Agenda

I. Call to Order: 7 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. Public Hearings;** 7 PM- Fire Department Budget
7:15- 2020 Town Budget
7:30 PM- Local Law No.4 of 2019- Local Law to Override the Tax Levy Limit

III. Privilege of the Floor-

IV. Approval of meeting Minutes for- October 8, 2019

V. Communications included with this agenda:

1. Mercy EMS summary report for September 2019
2. Notice of Town of Bergen acceptance of sealed bids for the Library Renovations
3. Information on Association of Towns 2020 Training and Annual Meeting in NYC 2/16-2/19/20
4. 10/18/19 correspondence from New York Municipal Insurance Reciprocal regarding outcome and recommendations from their inspection of town properties and Fire Department on 10/15/19
5. Notice from Genesee County regarding water surcharge rates, received on 10/15/19
6. Supervisors correspondence to Mr. and Mrs. Bowers in response to their request to be removed from the proposed Water Benefit Improvement Area I.

VI. Board Members' items for addition to the agenda

VII. Reports:

- Supervisor
- Clerk- E-mail Accounts-upgrade
- Board Members
- Zoning / Code Enforcement
- Highway

Committees

- Building, Grounds, Facilities and Cemeteries- Update on Library Renovation Project
- Parks-
- Local History & Museum
- Policy and Personnel- Update on Handbook
- Solar
- Transfer Station

VIII. Old Business:

- Water Benefit Improvement area #1 Update-

IX. New Business:

- Approval of Fire Department Budget for 2020
- Approval of Town of Bergen Budget for 2020
- Approval of Local Law No. 4 of 2019- Local Law to Override the Tax Levy Limit
- Appointment of Richard Howard to Board of Assessment Review
- Appointment of Cindy Anderson to Planning Board

X. Meeting and Other Upcoming Dates

- Next Town Board Meeting: Tuesday November 12th, 7 pm Audits of Bills at 6:45 pm
- Tour of Historian office- 11/9 -9am in historian's office

XI. Adjournment

DRAFT

October 8, 2019

BERGEN TOWN BOARD

REGULAR MEETING

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

PRESENT:

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

ALSO PRESENT:

Michele Smith, Town Clerk
Dave Mason, CEO/ZEO

OTHER ATTENDEES:

Nancy Bailey

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

MINUTES: Councilwoman Starowitz made a motion to approve the minutes of September 11, 2019; seconded by Councilman Anderson and carried by a vote 4-0. Councilwoman Sapienza abstained. Councilman Anderson made a motion to approve the minutes of September 24, 2019; seconded by Councilwoman Grant and carried by a vote 3-0. Councilman Starowitz and Councilwoman Sapienza abstained October 5th 2020 Budget workshop – no quorum

COMMUNICATIONS:

Supervisors Report for September 2019
Summary Spreadsheets for September 2019
Town Clerk's Report for September 2019
ZEO/CEO Report for September 2019
Correspondence from WNY PRISM regarding request to attend and full partnership meeting on 10/24
Notice from NYS Board of Electric Generation Siting and Environment –Notice of filing
Charter Communications Notice of 9/30/19
Notice of Excellus Health Insurance Renewal/rates for Town of Bergen
State Comptroller Notice – Financial Stress Scores and Designations
Proposed Local Law #4 of 2019 regarding tax cap for 2020

REPORTS:

SUPERVISOR'S REPORT: Ribbon cutting at Robins Brook on September 28th; sexual harassment training update; Meeting with NYMIR October 15th.

TOWN CLERK REPORT: Edmunds Financial Program Demo tomorrow with Cindy Burke, Bookkeeper on 10/9/19. Sexual Harassment training 5 employee not in compliance questions if planning and zoning board members are considered employees, also if employees get paid for training, Supervisor will look into this. Planning Board Training mandate 4 hrs a year

ZEO/CEO: Computer as surplus Councilman Grant made a motion to declare the ZEO/CEO's computer as surplus; seconded by Councilwoman Sapienza and it carried by a vote 5-0. Junkyard Permits Councilwoman Sapienza made a motion to approve the Junkyard Permits for Metalico, John Cole and Demo's; seconded by Councilman Starowitz and carried by a vote 5-0.

HIGHWAY: Clerk Smith reported that the insurance adjuster should have an estimate on the Highway Superintendent truck damage soon for the accident on September 26th.

TOWN CLERK'S REPORTS: Councilman Anderson made a motion to file the Town Clerk's September 2019 Report; seconded by Councilman Grant and it carried by a vote 5-0.

SUPERVISORS REPORT Councilman Grant made a motion to file the September 2019 Supervisors Report; seconded by Councilman Anderson and it carried by a vote 5-0.

COMMITTEES:

Buildings & Grounds and Cemeteries: No news on SAM Grant; Library renovation update and timeline - bid notice has not been placed yet. Tree Down

Parks: Brittany Hernon dropped off posters for Kiosk for Drews Nature Center

Transfer Station: looking into RFP for Town wide Trash Collection; researching recyclable charge.

Policy and Procedure: Employee Handbook sections under review
Historian Nothing to report

OLD BUSINESS:

Water improvement Benefit Area #1: working on application to comptroller; response to request from Keith and Laurie Bowers removal from water district- the Town Board's position is not to remove any resident from the district.

Master plan for Town Buildings – discussed future use of buildings

Correct Attorney errors in resolution September 5th typo on Resolution #15-2019 of petitions changed to August 5, 2019 and dollar amount is inaccurate should be \$8,958.00.

NEW BUSINESS:

2020 Health Insurance renewal Councilwoman Sapienza made a motion to accept the 2020 Excellus insurance plan and rates: seconded by Councilwoman Grant and it carried by a vote 5-0.

Preliminary Budget Changes B8010.1 decreased by \$1,000 and B8020.4 increase by \$1,000 and EDU Rate for 2019 should be 309.95. Councilwoman Sapienza made a motion to accept revised changes to the Preliminary the 2020 Budget; seconded by Councilman Anderson and carried by a vote 5-0.

Budget/Local Law Public Hearings Councilman Grant made a motion to set Public Hearings for ,October 22, 2019 with the 2020 Fire Contract at 7:00 pm; 2020 Town Budget Hearing at 7:15 pm and Tax Cap Local Law 7:30 at the Town Hall; seconded by Councilwoman Sapienza and it carried by a vote 5-0.

Resolution Authorizing Application to State Comptroller Establishment of Water Improvement Benefit Area #1 Water District Councilwoman Sapienza offered Resolution #16-2019 to authorizing application to State Comptroller in the matter of Establishment of Water Improvement Benefit Area #1; seconded by Councilman Starowitz and it carried by a vote 5-0.

**RESOLUTION #16-2019
AUTHORIZING APPLICATION TO STATE COMPTROLLER**

In the matter of the Establishment of Water Improvement
Benefit Area #1, in the Town of Bergen, in the County of
Genesee, in the State of New York

WHEREAS, on or about August 5, 2019, the Town Board was presented with a petition(s) relating to the establishment of a proposed water district extension, to be known and designated as Water Improvement Benefit Area #1 in the Town of Bergen (the "District"), and

WHEREAS, the Town Board did conduct a public hearing on September 5, 2019 regarding the proposal to establish the District and after hearing all persons interested in the subject thereof concerning the same resolved to establish the District, and,

WHEREAS, based upon the projected average cost to the typical property the formation of the District is subject to the approval of the State Comptroller's Office, and

WHEREAS, the Town Board did direct the Town Attorney to prepare an application to the State Comptroller, a copy of which is attached hereto as **Exhibit "A"**, and

WHEREAS, the Town Board has duly reviewed such application and believes the content of the application to be true and accurate;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Bergen, in the County of Genesee, that it be and herby is determined as follows:

1. It is in the public interest to establish the proposed District;

2. The expenditures for which permission is sought will not constitute an undue burden on the properties which will bear the expense;
3. All of the property and property owners within the proposed District are benefited thereby;
4. All of the property and property owners benefited are included within the proposed District and no benefited property has been excluded; and

FURTHER, RESOLVED, that the Supervisor is authorized to execute the application seeking the approval of the State Comptroller to form the District and any other documents necessary to effectuate the consideration of said application.

BILLS: The bills were presented for audit and totaled General A Fund \$23,445.33; General B Fund \$4,867.49; Highway DB \$31,672.19; HC-\$15,656.05; HD-\$20,081.25; PA-A \$2,754.44; PA-DB \$4,366.91. *Councilwoman Grant made a motion to pay the October bills; seconded by Councilman Starowitz and it carried by a vote 5-0.*

REGULAR MEETING – Tuesday, October 22, 2019 at 7:00 pm at the Town Hall

ADJOURNMENT *was at 8:23 pm on a motion by Councilman Anderson : seconded by Councilwoman Gran and carried by a vote 5-0.*

Respectfully submitted

Michele M. Smith

Michele M. Smith,
Town Clerk

FD GEN BERGEN

Trip Date IS BETWEEN 09/01/2019 AND 09/30/2019; 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 Minutes	Call Count	Cumulative Call Count	Percentage of Total Calls	Cumulative Percentage
FD GEN BERGEN				
Response Zone:GEN BERG 17				
14:00 - 14:59	1	1	20%	20%
17:00 - 17:59	3	4	60%	80%
18:00 - 18:59	1	5	20%	100%
Total Calls:	5	5	100%	
Response Zone:GEN BERG 22				
15:00 - 15:59	1	1	50%	50%
16:00 - 16:59	1	2	50%	100%
Total Calls:	2	2	100%	
Call Source Total Calls:		7		

From: Strabel, David (dstrabel) [dstrabel@brockport.edu]
Sent: Tuesday, October 15, 2019 10:55 AM
To: Luca Torchia; Antonio Torchia; rtesta@testaconstructionco.com; 'Jeff Marasco'; Vasciannie, Dave; 'greg.didas@bbtconstruction.com'; 'dennis.crowe@bbtconstruction.com'; 'kircherconstruction@frontiernet.net'; 'javen@javen.com'; 'alex@cummings-construction.com'; 'michael@mshco.com'; 'paul@thompsonbuilds.com'; 'projects@robex.com'; 'matt@blmconstruction.com'; 'charlie@cummings-construction.com'; 'sflor@massaconstruction.com'; 'ntesta@udninc.com'; 'krice@massaconstruction.com'; 'jgushue@massaconstruction.com'; 'Mike Bartels'; 'Tim Prouty'; 'william'; 'Steve Kuitems'; 'kircherconstruction@frontiernet.net'; 'wyco101@yahoo.com'; 'eplumbing@rochester.rr.com'; 'kbishop@northeastelectrical.com'; 'craig.ramsdell@oconnellelectric.com'; 'bob@hewittyoung.com'; 'nschuler@schuler-haas.com'; 'commercial@goforthelectric.com'; 'rswanton@concordelectriccorp.com'; 'Chris@landmarkelectric.net'; 'jennifer.dicesare@hewittyoung.com'; 'rchapman@cogenicmech.com'; 'cannonnoto@gmail.com'; 'steve@willettbuilders.com'; 'tracy@stevegc.com'; 'randy@thebsgteam.com'; 'jwest@procarpetinc.com'; kyle.fjm2@frontier.com
Cc: Bergen Supervisor; Michele Smith; Ernie Haywood
Subject: Byron-Bergen Public Library Renovations - Bid Notice
Attachments: 13 South Lake Road - Bergen - Library Renovation.pdf; Byron Bergen Library Renovation - Bid & Contract Manual.pdf

The Town of Bergen will receive sealed proposals for the above project. The Drawings and Bid & Contract Manual are attached hereto.

Walk-Thru: Wednesday October 23rd at the site (13 South lake Road - Bergen) at noon.

Bid Date: Friday November 8th at the town hall (10 Hunter Street - Bergen) at 4:00 PM.

This project will be a single prime (GC) contract. If you decide to bid, please either pick up hard copy of Drawings and Bid & Contract Manual (free) at the Town Hall and register, or call or e-mail Michele Smith the town clerk at 585-494-1121-21 and bergenclerk@bergenny.org, and register to receive any addenda during the bid phase. Also copy me if you are going to bid this project.

DAVID STRABEL RA

Cell: 585-509-1811
Home: 585-637-5346
E-Mail: dstrabel@brockport.edu

THE
ASSOCIATION OF TOWNS
OF THE
STATE OF NEW YORK

GERALD K. GEIST
Executive Director

KIMBERLY A. SPLAIN
Deputy Director

150 State Street
Albany, NY 12207

Telephone
Area Code 518 - 465-7933
Fax # 518 - 465-0724

LORI A. MITHEN-DeMASI
Counsel

SARAH B. BRANCATELLA
Associate Counsel

KATHLEEN N. HODGDON
Associate Counsel

October 7, 2019

Dear Supervisor:

We wrote you this past August as to the amount of the town's dues for your use in budget formulation. There was also an explanation of how these dues were computed. Please contact our office if you did not receive this information. If your town has not yet paid their dues, your town clerk will be receiving a voucher along with an explanation of the dues within the next couple of weeks.

There is no doubt that town government continues to be the most responsive, efficient and "closest to the people" provider of services to residents in New York State today. It is, however, continually challenged by critical issues that arise. Such issues are both programmatic and fiscal, and they impact a town's ability to provide services to their residents at a reasonable cost. To deal with such challenges, the Association has expanded services for its members. Your support of these efforts through membership in the Association is a direct, invaluable benefit to the residents of your town.

One of the ways in which the Association provides assistance is by training town officials, and the most comprehensive effort in this area is our Training School and Annual Meeting. The **2020 Training School and Annual Meeting** will be held at the **New York Marriott Marquis, New York City, February 16-19, 2020**. Under General Municipal Law, §77-b, the actual and necessary expenses of officers and employees of your town attending the Annual Meeting are proper town charges. A registration form has been enclosed along with information on booking your own hotel room and can also be found in your "*Talk of the Towns & Topics*" magazine.

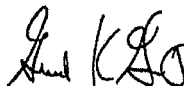
*We encourage you to register for the meeting and make room reservations online through our Web site:
www.nytowns.org by following the links.*

You must register with us before booking your room reservation.

On behalf of the entire staff, I promise that we will continue in our efforts to provide updated education training for you and your staff and to represent strongly the views of town government both in Albany and Washington.

Your cooperation in processing your dues voucher will be very much appreciated. Many thanks in advance.

Kindest regards,



Gerald K. Geist
Executive Director



NEW YORK MUNICIPAL INSURANCE RECIPROCAL

12 Metro Park Suite 104
Colonie, NY 12205-1139
Phone: (518) 437-1171 • (800) NYMIR05
Fax: (518) 437-1182 • NYMIR.org

October 18, 2019

Supervisor Ernie Haywood
Town of Bergen & Bergen Fire District
10 Hunter Street PO Box 249
Bergen, New York 14416

Re: Recommendations for Town of Bergen & Bergen Fire District

Dear Supervisor Haywood,

I would like to thank you for affording me the opportunity to visit your facilities. As a member of NYMIR, we are all conscious of the exposures that face local governments and the importance of safe guarding employees, members of the public and municipal assets. We hope that the recommendations we have provided will help you achieve that goal.

These recommendations are by no means an all-inclusive list; rather highlighting certain areas based on your exposures and your prior claims experience. In addition, claim trends that have impacted NYMIR clients have been used in developing recommendations for your municipality. Some of the recommendations, if you agree to implement, can be done with limited resources. We realize that in some cases more resources and time will be needed.

The recommendations provided are no substitute for the safety and daily observations of your employees; and the report does not imply that other hazardous conditions do not exist. In addition, this is not to be considered a professional engineering analysis or findings. We assume no responsibility for the implementation of these recommendations; however, we are available for consultation on these issues.

After you have had a chance to review this report, we would appreciate a response in writing within 60 days. Please indicate recommendations you will be able to complete or others that will take some additional time. If you disagree with any recommendations, please bring those to our attention. Also, please let us know if we can assist in the implementation of any.

We do share this information with our Underwriting Department. Your pro-active approach to these recommendations is taken into consideration at your annual renewal. Should you have any questions, please feel free to contact me at 315-382-0573 or mleroux@wrightinsurance.com.

Yours truly,

Michelle Leroux

Michelle Leroux
Risk Control Specialist

cc: Tompkins Insurance Agencies, Inc.
90 Main Street
Batavia, New York 14020



NEW YORK MUNICIPAL INSURANCE RECIPROCAL

Location	Category	Rec#	Rec Severity
NYMIR Survey	SIGNAGE	2019-10-01	Medium
<p>These signs should not be used and/or removed from use on roadways as they provide a false sense of security to parents and children and may serve to increase the municipality's liability in the event a child is struck by a vehicle.</p>			
<p><input type="checkbox"/> Completed <input type="checkbox"/> Pending <input type="checkbox"/> Not Completed</p>			
NYMIR Survey			
TECH/MAINTENANCE			
2019-10-02			
Medium			
<p>Drivers of commercial vehicles and heavy trucks should complete a daily pre-trip inspection of their vehicle for the purpose of ensuring the proper functioning of various features on the trucks; i.e. lights, directional, tires, brakes, horns mirrors, wipers, safety gear, etc. for the purpose of minimizing the potential for an accident or mishap.</p>			
<p>Any defects discovered should be remedied as soon as possible before the truck should operate. The mechanic/driver should document and sign off on these daily. NYMIR has sample forms available for use in documentation.</p>			
<p><input type="checkbox"/> Completed <input type="checkbox"/> Pending <input type="checkbox"/> Not Completed</p>			

The recommendations provided are no substitute for the safety and daily observations of your employees; and the report does not imply that other hazardous conditions do not exist. In addition, this is not to be considered a professional engineering analysis or findings. We assume no responsibility for the implementation of these recommendations; however, we are available for consultation on these issues.

NYMIR Survey

FIRE SAFETY

2019-10-03

Medium

It is suggested the municipality install barricades at each end of the fuel station. This will reduce potential vehicle damage.

Completed Pending Not Completed

NYMIR Survey

POLICES AND PROCEDURES

2019-10-04

Medium

It is suggested that the town enact a local law to supersede New York Town Law 65-A to provide maximum protection against lawsuits from defects to streets, culverts, etc. not previously notified in writing.

In addition, the town clerk should keep a log of the written prior notifications the town receives regarding defects to streets, sidewalks, etc.

Please note that it is important for the log to be maintained even if it is blank with no recorded notices. This will serve as proof that a written notice was never received of the alleged defect.

Completed Pending Not Completed

It is suggested that your municipality require all contractors and service providers conducting business on behalf of the municipality to provide Certificates of Insurance with appropriate limits of coverage for General Liability, Auto, and Workers Compensation; and sign a Hold Harmless Agreement in a contract in favor of your municipality. These should be reviewed by your designated legal counsel.

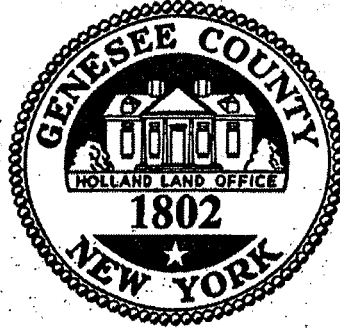
Completed Pending Not Completed

Rec 10/15/19

Genesee County Treasurer's Office

Scott D. German
County Treasurer
sgerman@co.genesee.ny.us

Kevin J. Andrews
Deputy Treasurer
Director, Real Property
kandrews@co.genesee.ny.us



COUNTY BUILDING 1

15 Main Street

Batavia, New York 14020-3199

Treasurer's Office Phone: [585] 815-7803

Real Property Phone: [585] 815-7808

Fax: [585] 344-2442

Dear Ernie Haywood:

A new County water surcharge rate went into effect on February 1, 2019 raising the consumption rate from \$0.60 per thousand gallons to \$1.20 per thousand gallons. The water consumption figures that are provided to the County by the MCWA to be used on the 2020 tax bills however runs from October 16, 2018 to October 15, 2019. Due to this consumption timeframe a prorated rate will need to be used on the 2020 County/Town tax bills. By our calculation there would be 108 days (10/16/18-1/31/19) at the prior rate of \$0.60 and 257 days (2/1/19-10/15/19) at the \$1.20 rate. Prorating that rate out would give a rate of 1.022466 that will be used for the 2020 County/Town tax bills. If you have any questions or concerns on this prorated County water surcharge rate of 1.022466 please feel free to contact our office at any time.

Sincerely,

Kevin J. Andrews

Visit us at

co.genesee.ny.us

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 * NYSTDD 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

10/12/19

Keith and Laurie Bowers
5903 North Lake Road
Bergen, New York 14416

Dear Mr. and Mrs. Bowers

I received your correspondence, in regard to the Town of Bergen-Water Improvement Benefit Area #1 dated 9/10/19 on 9/23/19.

I presented your correspondence and request to have your "entire Agricultural District parcel 182689 7.-1-1.1 be excluded from the Water Improvement Benefit District #1 and be designated: "for Transmission Only, Not subject to Any Payment for the Water District.", to the Bergen Town Board at their October 8th, 2019 meeting.

Your property is identified as a Property Classification 241 on the tax records and consists of a 166.4-acre parcel with a single-family home on the property. Your property is in the Bergen Water Improvement Benefit Area No. 1 and will have the ability to have public water from the supply that will be in front of your home and property.

At their meeting on October 8th, 2019, the Town Board considered your request and the Town Board concluded that your property will not be excluded from the Water Improvement Benefit District #1. Your property will be assessed one (1) EDU and as such your property will be assigned a debt service amount, regardless if you connect to water or not.

Sincerely,


Ernest Haywood, Supervisor
Town of Bergen

XC: Mr. Donald S. Cunningham, Town of Bergen Deputy Supervisor
Mr. Paul Chatfield, Project Engineers
Town of Bergen- Board Members
Michele Smith, Town Clerk, Town of Bergen