

Town Board Meeting Town of Bergen

July 28th, 2020

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. Privilege of the Floor:

III. Approval of meeting Minutes for- Regular Meeting 7/14/2020

III. Communications included with this agenda

1. Mercy EMS report for May, 2020
2. 7/10/20 correspondence from NYS DOT regarding Traffic study on County Highway- Town line road
3. 7/11/2020 and 7/13/2020 correspondences from Charter Communication
4. Undated correspondence – Distribution Payments- July 2020 update from the Genesee County Legislature
5. 2021 Town of Bergen- Updated Budget Development timeline- (change to 9/12 from 9/8)

IV. Board Members' items for addition to the agenda

V. Reports:

- Supervisor
- Clerk
- Board Members
- Zoning / Code Enforcement
- Highway
- Update on outstanding Permits/ Complaint at Appletree

Committees

- Building, Grounds, Facilities and Cemeteries-
- Parks-
- Local History & Museum
- Policy and Personnel

VI. Old Business:

- Water Benefit Improvement Area #1 Update
- Continued discussion of revised spending plan due to potential loss of state and county funding- Review of

VII. New Business:

VIII. Executive Session:

IX. Meeting and Other Upcoming Dates

- Next Town Board Meeting: August 11 7 pm Audits of Bills at 6:45 pm.

X. Adjournment

DRAFT

JULY 14, 2020

BERGEN TOWN BOARD

REGULAR MEETING

The Bergen Town Board convened in a regular session at 7:00 p.m. conducted via zoom due to COVID-19 Pandemic with Supervisor Haywood presiding.

PRESENT:

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

ALSO PRESENT:

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

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

MINUTES: *Councilwoman Sapienza made a motion to approve the minutes of June 22, 2020; seconded by Councilman Starowitz and carried by a vote 4-0. Councilwoman Grant abstained*

COMMUNICATIONS:

Supervisor Report for June 2020

Summary spreadsheets for June 2020

Town Clerk Report for June 2020

ZEO/CEO Report for June 2020

Resignation letter from Laura Smith, Planning and Zoning Board Secretary dated 7/2/2020 and effective 7/31/2020

Correspondence from NYS Ag. and Markets regarding outcome of Genesee County dog shelter.

Proposed Facility Encroachment Agreement with CSX Transportation for Water Benefit Area #1 work.

e-mail from Accountants for Water Benefit Area #1 in regard to terms of Bond Anticipation Notes (short-term financing) and attached WIBA #1 Financing timeline and draft amortization schedule

Correspondence from Charter One Communications

REPORTS:

SUPERVISOR: bookkeeper switch- everything is setup with Village; punch list for library were taken care of; traffic study on Rt. 262 will be conducted; funding for 2020; Court expense for covid supplies covered with a grant

TOWN CLERK: Gary Dewind has the cleaning contract said he is willing to cut cleaning contract 20% to be a team player to \$400 a month instead of \$500. I will be back in the office Saturday, July 18th after travel quarantine ends.

Received a Planning Board Secretary letter of interest but have until July 28th for more interest.

ZEO/CEO: email report from Dave Mason: "As I am unable to attend tonight's meeting, I would like to report I have spoken to Mark at AIA and they have had someone in to look at the dust problem and should have a solution for them. He also spoke to the drivers about speeds and they cleaned up debris."

HIGHWAY: Apple tree is marked for 30 mph; Rt. 33 & Rt. 19 Road work done; with County on W. Sweden Rd. road work; Bissell Rd and working with school on a project.

TOWN CLERK'S REPORT: *Councilman Anderson made a motion to file the Town Clerk's June 2020 Report; seconded by Councilman Starowitz and it carried by a vote 5-0.*

SUPERVISOR REPORT: *Councilwoman Grant made a motion to file the Supervisors June 2020 Report; seconded by Councilman Starowitz and it carried by a vote 5 -0.*

COMMITTEES:

Building and Grounds: Nothing to Report

Parks: Nothing to report

Local History & Museum: Nothing to Report

Transfer Station: Nothing to report

Policy and Procedure: Union negotiations – set up meeting dates

OLD BUSINESS:

Water improvement Benefit Area #1 Update: update from Paul Chatfield; finalize paperwork for Bond Anticipate Note; CSX agreement.

COVID-19 Update: Re-entry plans for Town Clerk/Town Hall - open to public Saturday, July 18th

NEW BUSINESS:

Cleaning Contract Reduction *Councilwoman Sapienza made a motion to except Gary Dewind's generous 20% monthly cleaning contract reduction from \$500 to \$400 a month; seconded by Councilman Anderson and carried by a vote 5-0.*

Library Board Appointment: The Library Board requests approval of Gary Dewind as Library Board Trustee. *Councilman Starowitz made a motion to appoint Gary Dewind as Library Board Trustee; seconded by Councilwoman Sapienza and it carried by a vote 5-0.*

Resolution Facility Encroachment Agreement with CSX authorizing the Supervisor to execute the between the town of Bergen and CXS Transportation Inc., for work necessary for the Water Improvement Benefit Area #1 Project. *Councilman Sapienza made a motion authorizing Supervisor Haywood to execute the Facility Encroachment Agreement with CSX for Water Improvement Benefit Area #1; seconded by Councilman Anderson and it carried by a vote 5 -0.*

Resolution Financing Terms for the Bond Anticipation to authorize the Supervisor to approve the Note in the amount of \$1,000,000. *Councilwoman Grant made a motion to authorize Supervisor Haywood to approve Financing terms of the Bond Anticipation Note for Water Improvement Benefit Area #1 in the amount of \$1,000,000.00; seconded by Councilman Anderson and carried by a vote 5-0.*

2020 Budget with all the budget cuts due to loss of County sales tax \$235,000 will be taken out of the contingency.

BILLS: The bills were presented for audit and totaled General A Fund \$5,031.24; General B Fund \$4,658.03; Highway DB \$21,056.15; Water District \$20,364.75; PA-A \$2818.06 and PA-DB \$4,617.64. *Councilman Starowitz made a motion to pay the July bills; seconded by Councilwoman Grant and it carried by a vote 5-0.*

REGULAR MEETING – Tuesday, July 28, 2020 at 7:00 pm at the Town Hall

ADJOURNMENT was at 7:43 pm on a motion by Councilwoman Sapienza; seconded by Councilman Starowitz and carried by a vote 5 -0.

Respectfully submitted

Michele M. Smith
Michele M. Smith,
Town Clerk



**Department of
Transportation**

ANDREW M. CUOMO
Governor

MARIE THERESE DOMINGUEZ
Commissioner

KEVIN BUSH, P.E.
Regional Director

File: 18.12-CR
Study: 04200067

July 10, 2020

Ms. Michelle M. Smith, Clerk
Town of Bergen
10 Hunter Street
PO Box 249
Bergen, NY 14416

Dear Ms. Smith,

Per the joint request, Form TE-9, of the Bergen Town Board and Genesee County Highway Superintendent, Timothy Hens, this office will investigate traffic conditions on County Road 13, between Buffalo Street Extension and Route 19, relative to the establishment of a lower speed limit.

Upon completion of this study, you will be notified of our determination.

Sincerely,

Paul J. Spitzer, P.E.
Regional Traffic Engineer

PJS/AOQ/CAR

cc: T.Sgt. G. Jankowiak, State Police Troop "A"
T. Hens, Highway Superintendent, Genesee County

Charter

COMMUNICATIONS

July 11, 2020

Re: Charter Communications – Upcoming Changes

Dear Municipal Official:

This letter will serve as notice that on or around August 11, 2020, Charter Communications (“Charter”), locally known as Spectrum, will launch TVG HD, channel 413, to SPP Tier 2 on the channel lineup serving your community.

On or around August 15, 2020, BYU TV HD, channel 465 will launch on SPP Tier 1 on the channel lineup serving your community.

To view a current Spectrum channel lineup visit www.spectrum.com/channels.

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

Sincerely,



Mark Meyerhofer
Director, Government Affairs
Charter Communications

Charter

COMMUNICATIONS

July 13, 2020

Re: Charter Communications – Upcoming Changes

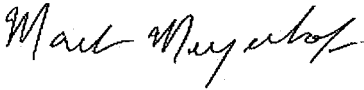
Dear Municipal Official:

This letter will serve as notice that on or around August 11, 2020, Charter Communications (“Charter”), locally known as Spectrum will be launching Black News Channel on SPP Tier 1 and the Spectrum Lifestyle package in HD on channel 232 in the lineup serving your community.

To view a current Spectrum channel lineup visit www.spectrum.com/channels.

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

Sincerely,



Mark Meyerhofer
Director, Government Affairs
Charter Communications



Genesee County Legislature

Old Courthouse
7 Main Street
Batavia, New York 14020-3199
(585) 344-2550 Ext. 2202
Fax: (585) 345-3078

Rochelle M. Stein, Chair
Marianne Clattenburg, Vice Chair
Andrew Young, 2nd Vice Chair

Pamela LaGrou, Clerk
pam.lagrou@co.genesee.ny.us

LEGISLATORS

Chad A. Klotzbach	Dist. 1
Christian Yunker	Dist. 2
Gordon L. Dibble	Dist. 3
Andrew Young	Dist. 4
Rochelle Stein	Dist. 5
Gregg Torrey	Dist. 6
John Deleo	Dist. 7
Marianne Clattenburg	Dist. 8
Gary T. Maha	Dist. 9

Distribution Payments – July 2020 update

Due to Novel Coronavirus (Covid-19), Genesee County Leadership has hosted a Saturday morning conference call where the Chief Elected of each municipality is invited. The Saturday morning conference calls first began on March 14, 2020, due to the State of Emergency Orders with County, City, Towns and Villages. The Public Health Director and Emergency Management Director of Genesee County have reported and responded on the weekly call with our partners.

Chair Stein stated on March 28, 2020 that distribution payments to Towns and Villages are paused for now until further notice due to the drop in county revenue and cuts in reimbursement of state mandates. Notice was provided to alert municipal leaders to make adjustments in spending plans, pause projects and wait with the County to seek clarity on financial impact to each level of government due to NY on Pause.

Due to a decrease in both County revenue and State reimbursements, Genesee County Legislators voted in May 2020 to revoke the authority of the County Treasurer to automatically distribute payments according to the schedule created in 2018. The Intent to distribute payments again is clearly stated.

Distribution payments have been made to towns and villages on April 24, 2020, prior to Covid-19 – NY on Pause.

To insure all possible financial impact facts are known by County Administration and Legislature prior to any further distribution payments to towns and villages four points of knowledge must be gained.

1. Federal Stimulus Covid 4 payment
2. NYS Governor Unilateral Budget Adjustment – April 30
3. NYS Governor Unilateral Budget Adjustment – June 30
4. Second Quarter Revenue Receipts

Second quarter sales tax loss is affirmed. State Aid reductions are starting to trickle down, but the State has largely remained silent on their plans for State Aid cuts. So far reductions of 20% to CHIPS funding, VLT revenue and Mental Health programming have been announced. These losses must be made up by County in the current budget.

State mandated services are the sole responsibility of Genesee County. Further mandated service reimbursement reduction by the State is anticipated. The full extent is not yet known. The County is awaiting information on COVID 4 Stimulus Federal payments directed to the County, Towns and Villages. Additional clarity on Stimulus payments anticipated in August 2020.

NYS has communicated that budget adjustments will be made once COVID 4 Stimulus Federal Payments are known.

County Legislators have determined \$1.1 million is to be distributed to Towns and Villages on July 23, 2020. Intent to distribute as stated in May 2020, continues our commitment with local governments.

Further distributions will be made as financial facts are known. County Legislators fully acknowledge our hope to recover from this unprecedented pandemic with the least fiscal harm to all of local governments and ask for continued patience and flexibility with each other – together we are stronger.

CALL TO ACTION:

To help federal representatives understand the need for Federal COVID Stimulus payment to local governments, please sign on letter provided in May to GAM and mail, email or call Senator Schumer, Senator Gillibrand and “adopted” Congressman Tom Reed.

Senator Charles Schumer
313 Hart Senate Bldg
Washington, DC 20510
Tel 202-224-6542
Fax 202-228-3027

Email: www.schumer.senate.gov

Senator Kirsten Gillibrand
478 Russell Senate Office Bldg
Washington, DC 20510
Tel 202-224-4451
Fax 202-228-0282

Email: www.gillibrand.senate.gov

Congressman Thomas Reed
2263 Rayburn House Office Bldg
Washington, DC 20515
Tel 202-225-3161
Fax 202-226-6599

Email: <https://reed.house.gov>

**RESOLUTION NO. 25 AUTHORIZE DISTRIBUTION PAYMENTS TO
ENUMERATED TOWNS AND VILLAGES WITHIN THE
COUNTY OF GENESEE**

Legislator Clattenburg offered the following resolution:

WHEREAS, on April 24, 2020, the County of Genesee (hereinafter “County”) made voluntary distribution payments to certain Towns and Villages located within the County, and

WHEREAS, due to the unprecedented financial constraints that Genesee County faces in determining a voluntary distribution, this payment to our local municipalities is made in good faith, and

WHEREAS, the County Legislature desires and intends to make these additional voluntary distribution payments as set forth herein, Now therefore, Be it

RESOLVED, that the County of Genesee Treasurer is hereby authorized and directed to make the following voluntary distribution payments to the Towns and Villages listed below in the amount to each set forth below opposite its respective name:

Town of Alabama	\$43,508.30
Town of Alexander	44,939.40
Town of Batavia	188,098.90
Town of Bergen	54,447.80
Town of Bethany	45,145.10
Town of Byron	52,228.00
Town of Darien	108,829.60
Town of Elba	40,630.70
Town of LeRoy	90,932.60
Town of Oakfield	33,621.50
Town of Pavilion	60,039.10
Town of Pembroke	110,027.50
Town of Stafford	69,514.50
Village of Alexander	8,102.60
Village of Bergen	20,825.20
Village of Corfu	14,765.30
Village of Elba	11,825.00
Village of LeRoy	79,856.70
Village of Oakfield	<u>22,662.20</u>
Total Distribution	<u>\$1,100,000.00</u>

Legislator Yunker seconded the resolution

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

TOWN OF BERGEN 2021 BUDGET DEVELOPMENT TIMELINE

<u>DATE</u>	<u>ACTIVITY</u>
JUNE 9	ADOPTION OF BUDGET TIMELINE
JULY 14	BUDGET REQUEST FORMS TO DEPARTMENT HEADS AND BOARD MEMBERS
AUGUST 14	BUDGET REQUESTS DUE TO SUPERVISOR
SEPTEMBER 12	BOARD BUDGET WORKSHOP – SATURDAY @ 9 AM
SEPTEMBER 22	SUPERVISOR FILES TENTATIVE BUDGET WITH TOWN CLERK TO PRESENT TO BOARD
OCTOBER 10	BOARD BUDGET WORKSHOP – SATURDAY @ 9 AM
OCTOBER 13	ADOPT PRELIMINARY BUDGET AND SET PUBLIC HEARING
OCTOBER 27	PUBLIC HEARING AND FINAL REVISION TO PRELIMINARY BUDGET
NOVEMBER 10	ADOPT 2020 BUDGET (MUST ADOPT BY 11/20)