

Town Board Meeting Town of Bergen

August 25th, 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 8/11/2020

III. Communications included with this agenda

1. Mercy EMS report for July 2020
2. 8/4/2020 communication from Charter Communications

IV. Board Members' items for addition to the agenda

V. Reports:

- Supervisor
- Clerk
- Board Members
- Zoning / Code Enforcement
- Highway
- Update on outstanding Permits/ Updating Permit Fees
- Complaint at Appletree
- Evans Road
-

Committees

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

VI. Old Business:

- Water Benefit Improvement Area #1 Update
- Continued discussion on Mowing ordinance
- Adoption of Record Retention Schedule- NYS LGS-1 Retention Schedule

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

AUGUST 11, 2020

BERGEN TOWN BOARD

REGULAR MEETING

The Bergen Town Board convened in a regular session at 7:00 pm with Supervisor Haywood presiding.

PRESENT:

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

ALSO PRESENT:

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

ABSENT:

Councilman Jim Starowitz

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

MINUTES: *Councilwoman Sapienza made a motion to approve the minutes of July 28, 2020; seconded by Councilwoman Grant and carried by a vote 4-0.*

COMMUNICATIONS:

Supervisor Report for July 2020
Summary spreadsheets for July 2020
Town Clerk Report for July 2020
ZEO/CEO Report for July 2020
Planning/Zoning Board Secretary letter of interest from Kim Donley
Lateral Restrictions Resolution
Local Government retention – LGS-1 Retention Schedule
Charter One Communications correspondence

REPORTS:

SUPERVISOR: increase WC insurance Gap insurance needed; assessment roll increase 14 million; Byron Solar project map and plans; laptop from Town of Batavia for Assessor; census town at 61%
TOWN CLERK: LGS-1 Retention Schedule – registered for webinar on August 26th and will present a resolution for adoption on September 8th; hunting licenses went on sale August 10th with glitches will hold off sales for a week.
HIGHWAY: Apple Tree -Insurance Auto Actions 30 mph limit in place and looks better; Evans Rd. – holding off on gate waiting for input; Peachey and Bissell Roads have been striped
TOWN CLERK'S REPORT: *Councilman Sapienza made a motion to file the Town Clerk's July 2020 Report; seconded by Councilman Grant and it carried by a vote 4-0.*
SUPERVISOR REPORT: *Councilman Anderson made a motion to file the Supervisors July 2020 Report; seconded by Councilman Sapienza and it carried by a vote 4 -0.*

COMMITTEES:

Building and Grounds: Nothing to Report
Parks: Nothing to report
Local History & Museum: opening museum with proper PPE
Transfer Station: Nothing to report
Policy and Procedure: Union negotiations

OLD BUSINESS:

Water improvement Benefit Area #1 Update: moving bids to November/December but won't affect completion date. 3 bids on the BAN low interest rates closing of BAN on August 19th. Possible ZOOM meeting for residents in October- Clerk Smith suggested sending postcards to for approximately \$161.00 to notify residents.

NEW BUSINESS:

Planning Board Secretary Appointment: Councilman Anderson made a motion to appoint Kimberly Donley as Planning/Zoning Board Secretary; seconded by Councilwoman Sapienza and it carried by a vote 4-0.

Mowing neglected properties Councilwoman Sapienza suggested to add a tax for properties not being mowed and neglected-more information needed.

Water District Bill for Health Department Councilwoman Sapienza made a motion to submit the Genesee County Health Department Environmental Health Fee payment for the WBA#1 for \$925.00 added to August bills; seconded by Councilman Anderson and carried by a vote 4-0.

Lateral Restriction Resolution for Water District Improvement Benefit Area #1 Councilwoman Sapienza offered Resolution #13 -2020 for Lateral Restrictions for Water Improvement Benefit Area #1; seconded by Councilman Anderson and it carried by a vote 4-0.

**TOWN OF BERGEN RESOLUTION #13- 2020
WATER IMPROVEMENT BENEFIT AREA NO. 1
LATERAL RESTRICTIONS RESOLUTION**

WHEREAS, the Town Board of the Town of Bergen has created the Town of Bergen Water Improvement Benefit Area No. 1 pursuant to Town Law for the express purpose of serving the remainder of the Town of Bergen where residents do not have access to public water, and

WHEREAS, part of the land area within Water Improvement Benefit Area No. 1 is also within Genesee County Agricultural District Nos. 3 and 4; and

WHEREAS, the Town Board has filed a Notice of Intent to Undertake an Action Within an Agricultural District to evaluate the impact of providing a source of public water supply within this area on lands within Agricultural District Nos. 3 and 4; and

WHEREAS, the New York State Department of Agriculture and Markets ("Department") has expressed concern about the potential adverse impact that said public water supply is likely to have on agriculture within the Agricultural District,

NOW THEREFORE BE IT RESOLVED, that the Town Board, in recognition of the concerns that have been raised, hereby resolves to adopt the "Lateral Restriction - Conditions on Future Service" specified by the New York State Department of Agriculture and Markets as follows:

Lateral Restriction - Conditions on Future Service

The Town of Bergen imposes the following conditions, as warranted or recommended on the management of water/sewer lines located within the service area of the Town of Bergen – Water Improvement Benefit Area No. 1 within an agricultural district, as shown on the map attached hereto as Exhibit "A":

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within an agricultural district will be existing structures at the time of construction, further agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the filing of the Final Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a "subdivision," in part, as "any tract of land which is divided into five or more parcels." Water and/or sewer service will not be extended to the fifth and subsequent parcels where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident's property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and

clearly demonstrate the need for public water or sewer service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.

- (3) If it can be demonstrated to the Department's satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.
- (4) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.

BILLS: The bills were presented for audit and totaled General A Fund \$9,500.78; General B Fund \$1,417.11; Highway DB \$27,799.66; Water District \$19,924.25; PA-A \$3,856.98; PA-DB \$4,617.64 and PA-Water District \$8,850.00. *Councilwoman Grant made a motion to pay the August bills; seconded by Councilwoman Sapienza and it carried by a vote 4-0.*

EXECUTIVE SESSION: *Councilwoman Grant made a motion to enter into executive session to discuss Union Negotiations at 7:34 pm; seconded by Councilwoman Sapienza and it carried by a vote 4-0. Councilman Anderson made a motion to exit Executive Session at 8:01 pm; seconded by Councilwoman Grant and it carried by a vote 4-0.*

REGULAR MEETING – Tuesday, August 25, 2020 at 7:00 pm at the Town Hall

ADJOURNMENT *was at 8:02 pm on a motion by Councilwoman Sapienza; seconded by Councilwoman Grant and carried by a vote 4 -0.*

Respectfully submitted

Michele M. Smith
Michele M. Smith,
Town Clerk

GEN BERGEN FIRE

Report Date Range from: 7/1/2020 to 7/31/2020

Response Time Minutes	Call Count	Cumulative Call Count	Percentage of Total Calls	Cumulative Percentage
Response Zone: GEN BERG 17				
15:00 - 15:59	1	1	20.00%	20.00%
17:00 - 17:59	2	3	40.00%	60.00%
18:00 - 18:59	1	4	20.00%	80.00%
19:00 - 19:59	1	5	20.00%	100.00%
Total Calls:	5	5	100%	

Response Zone: GEN BERG 22				
08:00 - 08:59	1	1	9.09%	9.09%
11:00 - 11:59	1	2	9.09%	18.18%
16:00 - 16:59	1	3	9.09%	27.27%
18:00 - 18:59	1	4	9.09%	36.36%
19:00 - 19:59	1	5	9.09%	45.45%
20:00 - 20:59	2	7	18.18%	63.64%
21:00 - 21:59	3	10	27.27%	90.91%
23:00 - 23:59	1	11	9.09%	100.00%
Total Calls:	11	11	100%	

Call Source Total Calls: 16

Charter

COMMUNICATIONS

August 4, 2020

Re: Charter Communications – Upcoming Changes

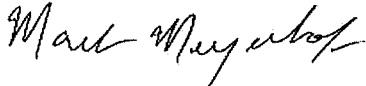
Dear Municipal Official:

The Yankee Entertainment and Sports Network (“YES Network”) has requested that Spectrum Northeast, LLC (“Spectrum”), locally known as Spectrum, launch a temporary channel to televise overflow in-market games for the remainder of the season. We expect the channel to be removed at the conclusion of the baseball season. Spectrum currently carries YES Network on Expanded Basic/Standard Tier in HD on channel 321 and intends to make an overflow channel available on or around August 5, 2020, on Expanded Basic/Standard Tier in HD on channel 371, 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