

**Town Board Meeting  
Town of Bergen  
October 13<sup>th</sup>, 2020  
Town Hall- 10 Hunter Street, Bergen New York  
Agenda**

**I. Audit of the Bills 6:45 pm, Call to Order 7:00 pm**

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

**Pledge to the flag**

**II. Privilege of the Floor:**

**III. Approval of meeting Minutes for:** Regular Meeting of 9/22/2020 and Workshop of 10/10/2020

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

1. Supervisor Report for September 2020- if available
2. Summary spreadsheets for September- if available
3. Town Clerk Report for September 2020
4. ZEO/CEO Report for September 2020
5. Preliminary 2021 Town Budget
6. Proposed increases to fees for the Town of Bergen Schedule of Fees for Zoning
7. Amendment to Owner-Engineer Agreement with MRB, for town of Bergen Water Improvement Benefit area #1
8. Proposed Local Law for overriding the tax cap for 2021 budget.

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

**VI. Reports:**

**Supervisor**

**Clerk**

**Board Members**

**Zoning / Code Enforcement:**

**Highway**

-Update on issuing noncompliance letters

-Evan's road- update on request for gate

-Signs for Park

**Committees**

-Building, Grounds, and Facilities (cemeteries) -inventory/estimate of work - Library Ribbon Cutting

-Parks - Concern raised by Stephanie Burk in regard to motor vehicle traffic on the town trails, shooting near public property and the condition of Drews Nature Center

-Local History & Museum

-Policy and Personnel:

**VII. Old Business:**

- Town of Bergen Water Improvement Benefit Area #1 project- Update: Newsletter

**VIII. New Business:**

- Adoption of Preliminary 2021 Town Budget
- Resolution to set date and time for Public Hearing for the 2020 Town Budget, - 10/27 – 7 pm
- Resolution to set date and time for Public Hearing for the 2020 Fire Department Budget- 10/27 at 7:15 pm
- Resolution to set date and time for Public Hearing for local law to override the tax cap—10/27 at 7:30 pm
- Resolution to authorize the supervisor to execute amendment to Owner-Engineer contract with MRB for engineering services for Water Benefit Improvement Area #1- in the amount of \$29,216.00.

**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: 10/27/2020 at 7 pm in the town hall.

**XI. Executive Session**

**XII. Adjournment**

**DRAFT**

**AUGUST 22, 2020 BERGEN TOWN BOARD REGULAR 2<sup>nd</sup> MEETING**

The Bergen Town Board convened in a regular session at 6:30 pm at the Fire Hall Supervisor Haywood presiding.

**PRESENT:**

Supervisor Ernest Haywood  
Councilman Mark Anderson  
Councilwoman Belinda Grant  
Councilman James Starowitz  
Councilwoman Anne Sapienza

**ALSO PRESENT:**

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

**ABSENT:**

**OTHER ATTENDEES:**

Anna Marie Barclay	Eric Wies	Kevin Donovan
Joe Chimino	Jim Pascarella	Courtney Gale
Paul Robinson	Kris Sardou	

**PRAYER**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**MOMENT OF SILENCE** SUPERVISOR HAYWOOD ASKED ALL TO OBSERVE IN REMEMBRANCE OF BERRY MILLER IN ON THE EVENING OF THE 5 YEAR ANNIVERSARY OF HIS PASSING

**Fire Department Presented 2021 Budget to Village and Town Boards with a \$8,932.40 total reduction**

**MINUTES:** *Councilwoman Sapienza made a motion to approve the September 8, 2020 and September 12, 2020 Budget Workshop minutes; seconded by Councilwoman Grant and it carried by a vote 5-0.*

**COMMUNICATIONS:**

Mercy EMS report for August 2020  
Encroachment Agreements with CSX for Dublin and Jerico Roads  
Tentative 2021 Budget for filing with Town Clerk

**REPORTS:**

**SUPERVISOR:** Budget work; Health Insurance meeting with eligible employees; Library Ribbon Cutting; 4 bids received for Financial services.

**TOWN CLERK:** Nothing to report

**HIGHWAY:** CHIPS funding reduced 20% (\$4,000)

**COMMITTEES:**

**BUILDINGS AND CEMETERIES:** virtual ribbon cutting for library Saturday September 26<sup>th</sup> at 3:00pm – Facebook Live Steam. Councilwoman Sapienza met with Attorney Dan Bryson about abandoned cemeteries once abandoned for 5 yrs the Town is eligible for grant funding.

**PARKS:** Nothing to report

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

**POLICY AND PERSONNEL:** Union negotiations – Insurance meeting held on September 16th

**OLD BUSINESS:**

Water Benefit Improvement area #1 – Summary received from MRB- bids will be delayed until February or March due to delay in review process due to COVID; possible ½ debt service charge in 2021; no public meeting a update letter will be mailed to residents in the district; 26 easements -possible added costs due to county requirements.

**NEW BUSINESS:**

Filing Tentative 2021 Town Budget with Town Clerk Councilman Starowitz made a motion to file the 2021 Tentative Budget with the Town Clerk; seconded by Councilwoman Sapienza and it carried by a vote 5-0.

Execution of the Two Facility Encroachment Agreements with CSX authorizing the Supervisor to execute the between the town of Bergen and CSX Transportation Inc., for work necessary for the Water Improvement Benefit Area #1 Project for Jerico and Dublin Roads. Councilman Anderson made a motion authorizing Supervisor Haywood to execute the Facility Encroachment Agreement with CSX for Water Improvement Benefit Area #1 for Jerico & Bergen Dublin Roads and approve payment of \$16,050.00; seconded by Councilwoman Sapienza and it carried by a vote 5-0.

**EXECUTIVE SESSION:** Councilwoman Grant made a motion to enter into executive session to discuss Union Negotiations at 7:32 pm; seconded by Councilman Starowitz and it carried by a vote 5-0. Councilwoman Grant made a motion to exit Executive Session at 7:59 pm; seconded by Councilman Starowitz and it carried by a vote 5-0.

**NEXT MEETING:**

Budget Workshop – Saturday, October 10<sup>th</sup> at 9:00 am at the Town Hall

Regular – Tuesday, October 13, 2020 at 7:00pm at the Town Hall with the audit of the bills at 6:45 pm.

**ADJOURNMENT** was at 8:00 pm on a motion by Councilwoman Sapienza; seconded by Councilman Anderson and carried by a vote 5-0.

Respectfully submitted,

*Michele M. Smith*

Michele M. Smith, Town Clerk



# Cash Receipts Report

10/05/2020  
5:52:07PM

From: 09/01/2020 To: 09/30/2020

For User: All

Payment Date: 09/03/2020

Module: Permit

Transaction: 32-20

Type: Permit App

Payor: Michael A McGrath

Payment Amount: \$175.00

Payment Type:

Payment #:

Payment Detail:

Check

00000319

\$175.00

Fee Type	Fee Amount
Zoning Permit	\$30.00
Remodel-Habitable Space	\$45.00
Public Hearing Fee	\$50.00
Application-Variance	\$50.00

Permit Group Totals: \$175.00

09/03/2020 Group Totals: \$175.00

Payment Date: 09/14/2020

Module: Permit

Transaction: 33-20

Type: Permit App

Payor: Gary Donofrio

Payment Amount: \$70.00

Payment Type:

Payment #:

Payment Detail:

Check #6155

00000320

\$70.00

Fee Type	Fee Amount
Zoning Permit	\$30.00
Acc Structure	\$40.00

Permit Group Totals: \$70.00

09/14/2020 Group Totals: \$70.00

Totals:

Check \$245.00

Grand Total: \$245.00

**TOWN OF BERGEN**  
**SCHEDULE OF FEES**  
**- BUILDING PERMITS -**

Latest revision: 9 January 2007

**PURPOSE:** It is the intent of the Town, in adopting the following fee schedule, that a portion of the cost of enforcing the Building Code of N.Y.S. Building Code is born by the user of this N.Y.S. mandated service.

[ All Fees are to be paid at the time the Permit is issued ]

**A. RESIDENTIAL BUILDING PERMIT FEES - [Includes the Certificate of Occupancy/Compliance]**

**1. ONE AND TWO FAMILY DWELLINGS: \***

- .065 ¢ per square foot - (includes Electric Inspection 3 visit maximum ♦) ..... minimum \$ 225.00
- Mobile homes / Manufactured Homes and/or Modular homes ..... \$ 145.00  
(includes Electric Inspection 2 visit maximum ♦)

**2. MULTI-FAMILY DWELLING \***

- .065 ¢ per square foot - ..... minimum \$ 265.00  
(includes Electric Inspection - 3 visit maximum, \$55.00/visit over 3 )

**3. DECKS with or without roofs**

- Up to 150 square feet but not over 2 feet above grade ..... No Permit required
- 151 - 350 feet square feet ..... \$ 30.00
- 351 and up square feet ..... \$ 40.00

**4. ACCESSORY STRUCTURES, ADDITIONS AND/OR ALTERATIONS SINGLE STORY**

- 0 - 200 square feet over 5 ft. from habitable dwelling ..... No Permit required
- Attached or less than 5 ft. from habitable dwelling ..... \$ 30.00
- 201 - 650 square feet ..... \$ 40.00
- Attached or less than 5 ft. from habitable dwelling ..... \$ 45.00
- 651 square feet and up ..... \$ 55.00
- 2nd Story (1, 2 and multi-family dwellings) ..... Building Permit fee plus \$ 30.00

**B. INSPECTIONS AND OTHER MISCELLANEOUS FEES - [Includes the Certificate of Occupancy/Compliance - C.O./C.C.]**

- 1. Chimney and Solid Fuel Permits ..... \$35.00
- 2. Work commenced without a Building Permit ..... permit fee plus \$25.00
- 3. Permit renewal ( 6 months each occurrence (max. 2) [New Permit after 2 occurrences] ) ..... \$35.00
- 4. Temporary C.O. ( 6 months each occurrence (max. 2) [New Permit after 2 occurrences] ) ..... \$35.00
- 5. Demolition permit - if separate from Building Permit (permit required) ..... \$ 0
- 6. Swimming pools including decks ..... \$ 25.00
- 7. Fire and/or Safety Inspections (ie: to sell or buy a dwelling, etc.) ..... \$30.00@hour (Min. 1 Hour)
- 8. Remodeling to habitable space (ie: garages, porches) ..... .065 ¢ per square foot - Min. \$70.00  
(includes Electric Inspection - 2 visit Maximum ♦)
- 9. Miscellaneous Inspections (not included in above) ..... \$40.00 @ hour - Min. 1 Hour

**NOTE:** Agricultural buildings are not subject to the N.Y.S. Building Code. To be deemed an Agricultural building, the applicant **MUST BE** a bonafide farmer making their living from the farm.

**C. COMMERCIAL & INDUSTRIAL - [Includes the Certificate of Occupancy/Compliance - C.O./C.C.]**

*(non-habitable)* Electric Inspection additional

**New Structures:**

- 1. 1st 2,000 square feet ..... .065 ¢ per square foot - Min. \$ 150.00
- 2. 2,001 - 10,000 square feet ..... plus .055 ¢ per square foot
- 3. Each additional 1,000 square feet ..... \$5.00 per 1,000 square feet

**Renovations to existing structures:**

- 1. 1st 2,000 square feet ..... .055 ¢ per square foot - Min. - \$ 110.00
- 2. 2,001 - 10,000 square feet ..... plus .035 ¢ per square foot
- 3. Each additional 1,000 square feet ..... \$4.00 per 1,000 square feet

**NOTES:** \* - Measurements will be made on the outside of the structure. Totals WILL include the 1st floor and 2<sup>nd</sup> floor. Totals will NOT include a crawl space or attic, no part to exceed 5 feet in height. Renovations equaling 50 % of the value will be considered a new structure.

♦ - Each visit thereafter - \$ 40.00 per visit.

**TOWN OF BERGEN**  
**SCHEDULE OF FEES**  
**- ZONING -**

Zoning Permits shall be issued upon the payment of \$2.00 per 100 square feet of building construction, but the minimum in any event shall be \$30.00.

<u>Application for Variance</u> .....	\$50.00	100
<u>Application for Special Use Permit</u> .....	\$50.00	100
<u>Application for Amendments</u> .....	\$50.00	
<u>Public Hearing Fee</u> .....	\$50.00	100
<u>Site Plan Review</u> .....	\$50.00	
<u>Application for Certificate of Compliance</u> .....	\$20.00	
<u>Consulting Fees</u> .....	As incurred for a site plan approval	
<u>Mobile Home Park License</u> .....	\$150.00	
Plus \$5.00 per site ( <i>Occupied or non-occupied</i> )		
( If application and site is in compliance by December 31, the fee is reduced by \$50.00. Minimum fee is \$200.00 )		
<u>Junkyard License Application Fee - due by August 31</u> .....	\$100.00	300
Late fee - per month .....	\$50.00	
Additional Inspection fee .....	\$50.00	
( Required if license is not granted at the time of the application for each inspection )		
<u>Stormwater Management and Erosion Control Fees:</u>		
Application Fee .....	\$50.00	
Permit Fee .....	\$100.00	
Town Engineering and/or inspections incurred as a result of reviewing Subdivision Developments or Stormwater management plans are to be borne by the developer.		
<u>Minor Subdivision Fee</u> .....	\$50.00	
plus \$20.00 per lot		
<u>Major Subdivision Fee</u> .....	\$100.00	
plus \$20.00 per lot		
<u>Major Subdivision - Final Plat Fee</u> .....	\$100.00	
<u>Bulk Land Transfer</u> .....	\$50.00	
<u>Recreation Site Waiver Fee</u> .....	\$100.00	
( per each dwelling parcel or equivalent non-residential unit )		
<u>Returned Check Fee</u> .....	\$15.00	
<u>Work commenced without a permit ( + permit fee )</u> .....	\$25.00 *	100



This is EXHIBIT K, consisting of [2] pages, referred to in and part of the Agreement between Owner and Engineer for Professional Services dated [April 23, 2019].

**AMENDMENT TO OWNER-ENGINEER AGREEMENT  
Amendment No. 1**

The Effective Date of this Amendment is: **October 13, 2020.**

**Background Data**

**Effective Date of Owner-Engineer Agreement: April 23, 2019**

**Owner: Town of Bergen**

**Engineer: MRB Group, Engineering, Architecture & Surveying, D.P.C.**

**Project: Town of Bergen Water Improvement Benefit Area No. 1**

**Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]**

Additional Services to be performed by Engineer

Modifications to services of Engineer

Modifications to responsibilities of Owner

Modifications of payment to Engineer

Modifications to time(s) for rendering services

**Modifications to other terms and conditions of the Agreement**

**Description of Modifications:**

- 1. Previous Work completed but not part of the Original Agreement:** *As requested by the Owner, additional services were previously completed, invoiced to the Owner, and paid by the Owner to the Engineer. This invoice is incorporated into this Engineering Amendment at the request of the Owner so they may be incorporated into the Project and be reimbursed as a Project cost. The total cost of the additional previous work completed was \$1,116.00 in the Study and Report Phase of the project, as outlined in the attached supporting invoices and Summary of Preliminary Fees dated October 5, 2020.*
- 2. Easements:** *As requested by the Owner, additional Services will be required for preparation of temporary and permanent easements associated with the Project. The cost associated with this item is estimated to be \$23,960.00 and will be invoiced on an hourly basis as*

*incurred. Further adjustment of this fee (upwards or downwards) may be necessary based upon the effort necessary and the changing scope of this work. Initially we anticipate requiring approximately 41 easements and anticipate approximately 40 hours of time to meet with property owners in an effort to secure the necessary easements.*

3. **Additional Services:** *As requested by the Owner, we have completed additional tasks beyond our agreed upon scope of work. We have spent additional time working with the Town Assessor to develop the Equivalent Dwelling Units (EDU's) as corrections are identified and sub-division of property is completed. From time to time on a project of this nature there will be miscellaneous additional services necessary beyond our scope of work. This Engineering Amendment includes an additional estimated amount \$4,140.00 of Miscellaneous Additional Services.*

*At this point, there are three (3) invoices totaling \$1,640.00 for work completed PLUS an estimated amount of \$2,500.00 for future additional services. The future Additional Services will be documented in detail on future MRB Group invoices as they are incurred. Further adjustment of this fee (upwards or downwards) may be necessary based upon the effort necessary for Additional Services and the changing scope of this work.*

**Agreement Summary:**

Original agreement amount:	\$ 836,315.00
Net change for prior amendments:	\$ 0.00
This amendment amount:	<u>\$ 29,216.00</u>
Adjusted Agreement amount:	<u>\$865,531.00</u>

**Change in time for services (days or date, as applicable):** *No Changes in Time Necessary.*

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

**OWNER:**

Town of Bergen

By:

Print Ernest Haywood  
name:

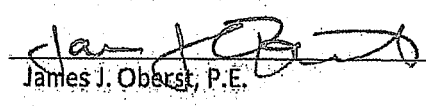
Title: Town Supervisor

Date Signed:

**ENGINEER:**

MRB Group, Engineering, Architecture & Surveying,  
D.P.C.

By:

Print   
James J. Oberst, P.E.  
name:

Title: Executive Vice-President/C.O.O.

Date Signed:

10/6/2020

**USDA - Rural Development  
Engineering Amendment Attachment  
(EJCDC E-500, Exhibit K - 2014 Edition)**

Amendment No.

One (1)

Applicant/Borrower:

Town of Bergen WIBA No. 1

Engineer/Architect:

MRB Group Engineering, Architecture & Surveying, D.P.C.

	Original Agreement Amount	Previous Increase/ Decrease	Increase/ Decrease this Amendment	Revised Amount
Study and Report Phase	\$4,975.00	\$0.00	\$1,116.00	\$6,091.00
Preliminary Design Phase	\$318,750.00	\$0.00	\$0.00	\$318,750.00
Final Design Phase	\$196,000.00	\$0.00	\$0.00	\$196,000.00
Bidding and Negotiation Phase	\$14,040.00	\$0.00	\$0.00	\$14,040.00
Construction Phase Services	\$69,290.00	\$0.00	\$0.00	\$69,290.00
Post Construction Phase	\$5,760.00	\$0.00	\$0.00	\$5,760.00
Resident Inspection	\$227,500.00	\$0.00	\$0.00	\$227,500.00
Additional/Other Services (Specify):				
Printing	\$0.00	\$0.00	\$0.00	\$0.00
Additional Services	\$0.00	\$0.00	\$4,140.00	\$4,140.00
Easements	\$0.00	\$0.00	\$23,960.00	\$23,960.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
<b>Totals</b>	<b>\$836,315.00</b>	<b>\$0.00</b>	<b>\$29,216.00</b>	<b>\$865,531.00</b>

USDA - Rural Development Concurrence

By: \_\_\_\_\_

Typed Name: Marcy A. Newman, P.E.

Title: State Engineer for USDA - RD

Date: \_\_\_\_\_

**Town of Bergen**  
**Summary of Preliminary Fees and Additional Fees for WIBA No. 1**  
**October 5, 2020**

<b>Date</b>	<b>CE Invoice #</b>	<b>Amount</b>
<b>Additional Study and Report Phase Services:</b>		
9/3/14	05-678-39	\$ 162.00
8/2/16	05-678-45	\$ 230.00
8/30/16	05-678-46	\$ 252.00
8/29/17	05-678-51	\$ 236.00
10/31/17	05-678-52	\$ 236.00
<b>Additional Study &amp; Report Phase =</b>		<b>\$ 1,116.00</b>

<b>Date</b>	<b>MRB Group Invoice #</b>	<b>Amount</b>
<b>Additional Services:</b>		
7/9/19	31267	\$ 35.00
12/25/19	33357	\$ 660.00
7/8/20	35758	\$ 945.00
	Future To Be Determined	\$ 2,500.00
<b>Additional Services =</b>		<b>\$ 4,140.00</b>

**LOCAL LAW NO. 1 OF THE YEAR 2020**  
**TOWN OF BERGEN, COUNTY OF GENESEE**

**A Local Law to Override the Tax Levy Limit Established  
In General Municipal Law Section 3-c for the Fiscal Year 2021**

**Section 1. Legislative Intent.**

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Bergen, County of Genesee pursuant to General Municipal Law Section 3-c and to allow the Town of Bergen, County of Genesee to adopt a town budget for the fiscal year 2021 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Section 3-c.

**Section 2. Authority.**

This Local Law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

**Section 3. Tax Levy Limit Override.**

The Town Board of the Town of Bergen, County of Genesee is hereby authorized to adopt a budget for the fiscal year 2021 that requires a real property tax levy in excess of the limit specified in General Municipal Law Section 3-c.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision or part of the Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined to its operation to the clause, sentence, paragraph or part of this Local Law or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective Date.**

This Local Law shall take effect immediately upon filing with the Secretary of State.

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY

PHYSICAL CHEMISTRY  
PROFESSOR [Name]

CHICAGO, ILLINOIS

Dear [Name]:

I have received your letter of the [Date] regarding [Topic]. The information you provided is being reviewed by the appropriate committees. I will contact you again once a decision has been reached.

Sincerely,  
[Name]

[Name]  
[Title]  
[Address]  
[City, State, Zip]

Very truly yours,  
[Name]

[Name]  
[Title]  
[Address]  
[City, State, Zip]

Respectfully,  
[Name]

[Name]  
[Title]  
[Address]  
[City, State, Zip]

Very truly yours,  
[Name]

[Name]  
[Title]  
[Address]  
[City, State, Zip]