

**Organizational Meeting  
Town of Bergen  
January 4, 2021**

**I. Call to order –5:00 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. Communications:**

- Resolution Samples 1,2,3,4, - below
- Committee Objectives
- Medical Benefit Policy- below
- 2021 Wage Schedule
- Town of Bergen- 2021 Pay Periods
- 11/17/20 Letter of continued interest in Town Attorney and Deputy Town Attorney from Daniel Bryson of Lacy Katzen and retainer fees
- 12/1/20 Letter of intent from Thomas M. Tiefel in interest in reappointment as Town Historian
- 12/6/20 Letter from Kevin Finnell, confirming his interest in reappointment at Town Prosecutor for the Town of Bergen
- Town Historian 2020 Annual Report
- 11/17/20 Letter from MRB group- Paul Chatfield regarding interest in reappointment as Town Engineer
- Town of Bergen- Supervisor's Proposed Activities for 2021
- Agreement for the Expenditure of Highway Moneys

**IV. 2021 Town Board Appointments:**

- |  |                    |
|--|--------------------|
| -Zoning/Code Enforcement Officer       | Gerald Wood        |
| -Building Inspector                    | Gerald Wood        |
| -Constable                             | Vince Pulcini      |
| -Constable                             | Gary Donofrio      |
| -Historian                             | Thomas Tiefel      |
| - Historian Assistant                  | Jodi L. Fisher     |
| -Attorney for the Town                 | Daniel S. Bryson   |
| -Deputy Attorney for the Town          | John Refermat      |
| -Solid Waste Coordinator               | Mike Johnson       |
| -Engineer for the Town                 | MRB Group          |
| -Planning/Zoning Secretary             | Kim Donley         |
| -Planning Board Member                 | Kathy McLaughlin   |
| -Planning Board Member                 | Dominic Camelio    |
| -Town Prosecutor                       | Kevin Finnell      |
| -Mill Seat Landfill Advisory Committee | Timothy J. Donovan |

**V. Review of Appointments by Others:**

- |                         |               |
|-------------------------|---------------|
| -Deputy Town Supervisor | Belinda Grant |
| -Deputy Town Clerk      | Barb Fisher   |
| -Deputy Town Clerk      | Teresa Whalin |

-Deputy Town Clerk	Marsha List
-Sub Registrar of Vital Statistics	Barb Fisher
-Supervisor's Secretary	Leisa Strabel
-Justice Court Clerk	Patricia Bedford
-Senior Justice Court Clerk	Cindy Burke
-Deputy Highway Superintendent	Joel Pocock

#### **VI. Resolutions:**

- 1- Expenditure of Highway Moneys
- 2- Permission for Highway Superintendent to make purchases without prior approval
- 3- Permission for Highway Superintendent to make purchases under State &/or County bids
- 4- Official Undertaking of Municipal Officials
- 5- Acceptance of the Town Historian's Annual Report for 2020

#### **VII. Declarations**

Meeting days and times – Second & Fourth Tuesdays at 7:00 PM every month  
 Official Banks – Tompkins Bank of Castile (primary); Five Star; NYS CLASS  
 Official Newspaper – Batavia Daily News  
 Mileage reimbursement rate – IRS approved rates for 2021 when published  
 Approval of Medical Benefit Policy  
 Approval of the 2021 Wage Schedule

#### **VIII. Recognized Committees & Appointed Members:**

##### **Buildings, Grounds & Facilities Committee:**

Anne Sapienza (chair)  
 Ernie Haywood  
 Mike Johnson  
 Library representative (optional)  
 Others as requested

##### **Parks Committee:**

Belinda Grant (chair)  
 James Starowitz  
 Mike Johnson  
 Gillam Grant representative (optional)  
 Youth Soccer representative (optional)  
 Youth Baseball representative (optional)

##### **Local History & Museum Committee:**

Anne Sapienza (chair)  
 Mark Anderson  
 Thomas Tiefel  
 Others as requested

##### **Policies & Personnel Committee:**

Ernest Haywood (chair)  
 Mark Anderson

Others by requested

**Town & Village Relations Committee**

Belinda Grant (chair)

Anne Sapienza

Others as requested

**Transfer Station Ad-Hoc Committee**

James Starowitz (chair)

Belinda Grant

Mike Johnson

Others as requested

**Agriculture Leason-** to the Agricultural community including Genesee County Soil and Water, Genesee County Cooperative Extension and the Farm Bureau  
James Starowitz

**IX. New Business**

**X Next Meeting Day:**

Regular Meeting: Tuesday, January 12, 2021 at 7:00 p.m. in the Courtroom with audit of bills at 6:45 pm

**X Adjournment**

**RESOLUTION #1 –2021 AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS:**

Resolution #1-2021 for the sum of \$215,634 to be set aside to be expended for primary work and general repairs upon 19.9 miles of Town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

**RESOLUTION #2 –2021 EXPENDITURES BY HIGHWAY SUPERINTENDENT:**

**WHEREAS**, section 142 , subdivision 1 (a) of the Highway law authorizes the Town Board to adopt a resolution permitting the Town Superintendent of Highways to purchase equipment, tools and implements without prior approval of the Town Board in an amount to be fixed by it from time to time, and

**WHEREAS**, it is determined by this Board to be reasonable and proper and that the Highway Superintendent of the Town be granted permission to purchase such items without its prior approval in the amount not to exceed \$10,000

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Superintendent of Highways be and he hereby is authorized to spend an amount not to excess of \$10,000.00 for the purchase of equipment, tools and implements without prior approval of this Board, and

**BE IT FURTHER RESOLVED**, that the authorization hereinabove granted shall be construed as meaning that the total amount of all such items purchased by the Superintendent of Highways shall not exceed the amount of budgeted appropriations in the fiscal year 2019.

**RESOLUTION #3 –2021 STATE AND/OR COUNTY BIDS**

**WHEREAS**, it is determined by the Bergen Town Board to be reasonable and proper and in the best interests of the efficient functioning of the Bergen Highway Department that the Highway Superintendent of the Town be granted permission to purchase any such items, materials, tools and implements and services under any and all valid New York State bids, United States Federal bids other valid Municipal bids including County and Genesee County bids and award contracts according to the applicable bid sheets.

**RESOLUTION #4-2021 OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS**

**WHEREAS**, various sections of New York State Town Law and Public Officers Law require that certain officials execute and Official Undertaking; and

**WHEREAS**, we, the Town Board of the Town of Bergen hereby require the Supervisor, Town Clerk, Tax Collector, Town Justice, Highway Superintendent, Deputy Supervisor, Deputy Clerks, and Deputy Highway Superintendent to execute said Official Undertaking as required by said law; **NOW, THEREFORE BE IT**

**RESOLVED** that we, the Town Board of the Town of Bergen approve the document entitled “Town of Bergen Official Undertaking of Municipal Officers” as to its form and manner of execution and the sufficiency of the insurance, and **BE IT FURTHER**

**RESOLVED** that said Official Undertaking containing the notarized signatures of those named municipal officials be filed in the Office of the Town Clerk, as well as the original copies of the insurance policies indicating the sufficiency of the sureties to indemnify the Town against losses which may arise from failure of such officials to properly discharge their duties.

**TOWN OF BERGEN**  
**OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS**

**WHEREAS**, Ernest Haywood, of the Town of Bergen, County of Genesee, New York, has been elected to the Office of Supervisor of the Town of Bergen, and

**WHEREAS**, Belinda Grant of the Town of Bergen, County of Genesee, New York, has been appointed to the Office of Deputy Supervisor of the Town of Bergen, and

**WHEREAS**, Michele M. Smith, of the Town of Bergen, County of Genesee, New York, has been elected to the Office of Town Clerk of the Town of Bergen, and

**WHEREAS**, Michele M. Smith, of the Town of Bergen, County of Genesee, New York, has been elected to the Office of Town Tax Collector of the Town of Bergen, and

**WHEREAS**, Barb Fisher, of the Town of Bergen, County of Genesee, New York, has been appointed to the Office of Deputy Town Clerk of the Town of Bergen, and

WHEREAS, Teresa Whalin, of the Town of Bergen, County of Genesee, New York, has been appointed to the Office of Deputy Town Clerk of the Town of Bergen, and

WHEREAS, Marsha List, of the Town of Bergen, County of Genesee, New York, has been appointed to the Office of Deputy Town Clerk of the Town of Bergen, and

WHEREAS, Joseph Nenni, of the Town of Bergen, County of Genesee, New York, has been elected to the Office of Town Justice of the Town of Bergen, and

WHEREAS, Robert Swapceinski, of the Town of Bergen, County of Genesee, New York, has been elected to the Office of Town Justice of the Town of Bergen, and

WHEREAS, Michael Johnson, of the Town of Bergen, County of Genesee, New York, has been elected to the Office of Superintendent of Highways of the Town of Bergen, and

WHEREAS, Joel Pocock, of the Town of Bergen, County of Genesee, New York, has been appointed to the Office of Deputy Superintendent of Highways of the Town of Bergen, and

NOW, THEREFORE, we as respective officers above, do hereby undertake with the Town of Bergen that we will faithfully perform and discharge the duties of our office, and will promptly account for and pay over all moneys or property received as a Town Officer, in accordance with the law; and

This undertaking of the Town Supervisor is further conditioned upon that he will well and truly keep, pay over and account for all moneys and property, including any special district funds, belonging to the Town and coming into his hands as such Supervisor; and

This undertaking of the Town Clerk is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Town Clerk; and

This undertaking of the Tax Collector is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Tax Collector; and

This undertaking of the Town Justice is further conditioned that he will well and truly keep, pay over and account for all moneys and property coming into her hands as such Town Justice; and

The Town does and shall maintain insurance coverage, presently with ENB Insurance, in the sum of \$1,000,000.00 for the Tax Collector, Supervisor and Town Clerk to indemnify against losses through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered thereunder.

**TOWN OF BERGEN  
MEDICAL BENEFIT POLICY**

A Medical Insurance benefit will be provided to qualified employees who are not included in a collective bargaining agreement and elected officials of the town of Bergen as described in this policy. The Medical Insurance Plan provided will be selected by the Bergen Town Board and reviewed, renewed, or replaced on an annual basis at the discretion of the Town Board.

**Qualified Employees and Elected Officials**

The following positions are qualified for Medical Insurance Benefits provided by the Town:

- Town Clerk
- Highway Superintendent
- Full Time Employees of the Town of Bergen (not included in a collective bargaining agreement)

**Employee and Elected Official Contributions**

Qualified employees and elected officials will be required to contribute 10% of the medical insurance premium and further obligated to any co-pays and deductibles as described by the medical insurance plan.

**Collective Bargaining Unit**

Town employees that are under a Collective Bargaining Agreement will be provided Medical Insurance Benefits in accordance with the agreement.

# Committee Objectives

## Buildings, Grounds, and Facilities Committee

- Identify maintenance, repair, or renovation needs related to buildings, grounds, & facilities.
- Facilitate proposals for maintenance, repairs, or renovations related to buildings, grounds, & facilities.
- Develop plans for improved handicap accessibility at 13 South Lake Ave.
- Develop building use policies & procedures.
- Make recommendations related to buildings, grounds, & facilities.
- Research funding opportunities related to buildings, grounds, & facilities.
- Further develop projects & topics related to buildings, grounds, & facilities.

## Parks Committee

- Develop a Comprehensive Plan for Parks. *done*
- Make recommendations for improvements related to Robins Brook Park, Drews Nature Center, Westshore Linear Park, and Transfer Station location.
- Review / Maintain / Revise policies related to parks use as needed.
- Facilitate proposals for improvements related to parks & recreation.
- Research funding opportunities related to parks & recreation.
- Support recreation & leisure activities at Robins Brook Park, Drews Nature Center, and Westshore Linear Park.
- Further develop projects & topics related to parks.
- Work cooperatively with Highway Department to coordinate work related to parks development & maintenance.

## Local History & Museum Committee

- Act as liaison between Town Historian and Town Board.
- Discuss & research methods to improve services of the Town Historian.
- Provide input and recommendations for topics and projects related to the museum and the Historians office.
- Work cooperatively with the Historical Society and the Town Historian to advance projects related to the Museum and the Historians office. .

## Policies & Personnel Committee

- Review current town policies.
- Make recommendations for new policies and policy revisions.
- Address employee topics and/or issues related to personnel.

## Town & Village Relations Committee

- Work with Village representatives to identify and outline plans in accordance with the Comprehensive Plan.
- Maintain dialog between Village and Town entities.
- Discuss & research methods to improve efficiencies, consolidate efforts, and share services where practical.
- Make recommendations related to improved efficiencies, consolidated efforts, and shared services.
- Further develop projects & topics related to Village relations.

TOWN OF BERGEN - WAGES

POSITION	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Supervisor	\$ 10,550.00	\$ 11,150.00	\$ 11,373.00	\$ 11,373.00
Deputy Supervisor	1,450.00	1,450.00	1,450.00	1,450.00
Bookkeeper	16.40 /hr.	5,200.00	5,304.00	-
Confidential Secretary		18.00 /hr.	20.40 /hr.	20.40 /hr.
Town Clerk / Tax Collector	41,180.00	42,004.00	42,844.00	42,844.00
Deputy Clerks (3)	12.87 /hr.	13.13	13.39	13.39
Justices (2)	13,100.00	13,362.00	14,000.00	14,000.00
Senior Justice Clerk (1)			21.73 /hr.	21.73 /hr.
Justice Clerks (2)	16.40 /hr.	16.73 /hr.	17.25 /hr.	17.25 /hr.
Court Prosecutor	9,800.00	9,800.00	9,800.00	9,800.00
Councilmember (4)	2,957.50	3,558.00	3,658.00	3,658.00
Assessor	-	-	-	-
Clerk for Assessor	-	-	-	-
Highway Superintendent	61,000.00	62,200.00	63,444.00	63,444.00
Deputy Hwy. Superintendent	1,500.00	1,500.00	1,500.00	1,500.00
Hwy Clerk		16.73 /hr.	17.06 /hr.	- /hr.
Solid Waste Coordinator	2,000.00	2,040.00	2,081.00	2,081.00
Zoning/Code Enforcement Officer	17,600.00	17,952.00	18,311.00	18,311.00
Landfill Attendants (2)	12.20 /hr.	12.44 /hr.	12.69 /hr.	12.69 /hr.
Cleaner/Property Maintenance	12.20 /hr.	12.44 /hr.	13.19 /hr.	13.19 /hr.
Constables (2)	15.45 /hr.	15.76 /hr.	16.07 /hr.	16.07 /hr.
Historian	1,836.00	1,836.00	1,836.00	1,836.00
Asst Historian		918.00	918.00	918.00
Planning - Chair	3,275.00	3,275.00	3,275.00	3,275.00
Zoning - Chair	\$670 +\$41/mtg	\$670 +\$41/mtg	\$670 +\$41/mtg	\$670 +\$41/mtg
Planning & Zoning Members (15)	\$41/mtg	\$41/mtg	\$41/mtg	\$41/mtg
Comprehensive Planning Board Appointee			131.00	131.00
Assessment Board of Review (3)	131.00	131.00	12.85 /hr.	12.85 /hr.
Planning & Zoning Secretary	12.35 /hr.	12.60 /hr.	12.85 /hr.	12.85 /hr.
Election Inspectors (8)	155.00	155.00	155.00	155.00



**Town of Bergen**  
**Pay period is Sunday to Saturday**

2021				
Pay Period End Date				
Bi-weekly	Monthly	Pay	Check Date	Type
01/02/21		1	01/07/21	B
01/16/21	01/16/21	2	01/21/21	B,M
01/30/21		3	02/04/21	B
02/13/21	02/13/21	4	02/18/21	B,M
02/27/21		5	03/04/21	B
03/13/21	03/13/21	6	03/18/21	B,M,Q
03/27/21		7	04/01/21	B
04/10/21		8	04/15/21	B
04/24/21	04/24/21	9	04/29/21	B,M
05/08/21		10	05/13/21	B
05/22/21	05/22/21	11	05/27/21	B,M
06/05/21		12	06/10/21	B
06/19/21	06/19/21	13	06/24/21	B,M,Q
07/03/21		14	07/08/21	B
07/17/21	07/17/21	15	07/22/21	B,M
07/31/21		16	08/05/21	B
08/14/21	08/14/21	17	08/19/21	B,M
08/28/21		18	09/02/21	B
09/11/21		19	09/16/21	B
09/25/21	09/25/21	20	09/30/21	B,M, Q
10/09/21		21	10/14/21	B
10/23/21	10/23/21	22	10/28/21	B,M
11/06/21		23	11/10/21	B
11/20/21	11/20/21	24	11/25/21	B, M
12/04/21		25	12/09/21	B
12/18/21	12/18/21	26	12/23/21	B,M,Q

B            Bi-Weekly  
M            Monthly  
Q            Quarterly



DANIEL S. BRYSON

*Partner*

▪ *Direct Line* (585) 324-5714

▪ *Direct Fax* (585) 269-3010

▪ *Email* dbryson@lacykatzen.com

November 17, 2020

Ernie Haywood, Supervisor  
Town of Bergen  
10 Hunter Street  
Bergen, New York 14416

Dear Supervisor:

This letter will set forth the terms of our annual retainer as attorneys for the Town of Bergen for the year 2021. The present amount of that annual retainer is \$3,000.00 which is paid by the Town quarterly and includes work for the Town of Bergen, the Town Planning Board and the Town Zoning Board of Appeals.

The services covered by the retainer include any and all matters pertaining to general municipal law and/or town law with respect to the operation of the Town. This includes the preparation of local laws and ordinances, responding to requests from Planning Board and Zoning Board of Appeals, occasional attendance as needed and requested at Town Board Meetings, Zoning Board Meetings and Planning Board Meetings, telephonic communications and written communications between Town officers, Board members or employees and our law firm with respect to advice on questions of municipal law or town law, and research in connection with any of all aforementioned matters.

Services not covered by the retainer: any matters of civil or criminal litigation either commenced on behalf of the Town or defended on behalf of the Town, the negotiation of contracts (other than routine contracts provided for by the town law), financing matters such as bond anticipation notes or bonds and other specific matters, special projects which occur on a nonrecurring basis.

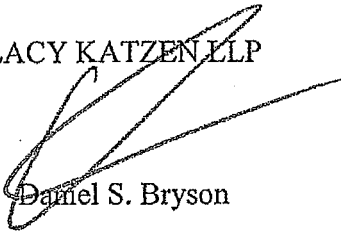
Additionally, the Town is responsible for any disbursements for any matters, whether covered by this retainer or not. Examples of disbursements are long distance telephone calls, court filing fees, copying charges, transcript charges, travel costs (other than between our offices and the Town of Bergen) and monies paid to other individuals for professional services outside of our law firm such as accountants and appraisers.

Town of Bergen  
November 17, 2020  
Page 2

I trust that this agreement is consistent with your understanding of our retainer over the years. In the event that you are in agreement with it, kindly sign the enclosed copy and return it to me. In the event that you have any questions or believe that modifications should be made, please do not hesitate to contact me.

Very Truly Yours,

LACY KATZEN LLP



Daniel S. Bryson

DSB/cj  
Enclosure

I, Ernie Haywood, Town Supervisor on behalf of the Town of Bergen, do hereby agree with the terms as set forth above.

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

# LETTER OF INTENT

12/1/20

To:

Bergen Town Board

Ernest Haywood-Town Supervisor

10 Hunter St

Bergen, NY. 14416

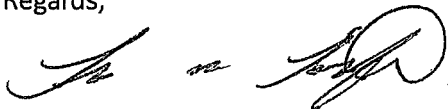
Dear Mr. Haywood and Board members,

My name is Thomas Tiefel, and I am submitting this letter to represent my interest to continue as the Bergen Town Historian. As a proven asset to this position, I come with more than 8 years of experience in the position and have enjoyed working with the diverse group of citizens in the community. I take great pride in serving as Bergen's Historian and my passion for local history bridges the ages 8-80 demographic.

I have been a resident within the town of Bergen since 1995, when I purchased the historic 1834 Dean Farmstead on North Bergen Rd. Since that time, I have been a member of the Bergen Historical Society, and have served on the board as both vice president and president from 2000-2008. During my term as BHS president, I had personally overseen such projects as the approval of various grant funding from New York State for the Harford Livery Museum, and the revision of the Historical Society's Constitution and By-Laws. Over the last 25 years, I have gained a great appreciation for the extensive history our town has acquired over the last two centuries. With my previous vast knowledge of American History, and antiquities, I incorporate these all together to make Bergen's history both exciting and informative. I am always eager to assist in many new exciting projects that lie ahead to preserve the past for future generations.

I look forward to talking with you about my future as Town Historian. Thank you for your time and consideration!

Regards,



Thomas M. Tiefel, Bergen Town Historian

**KEVIN T. FINNELL**  
**ATTORNEY AT LAW**  
14 Burke Drive  
Batavia, New York 14020  
585-343-0157

December 6, 2020

Town of Bergen  
Ernie Haywood, Supervisor  
10 Hunter Street  
Bergen, New York 14416

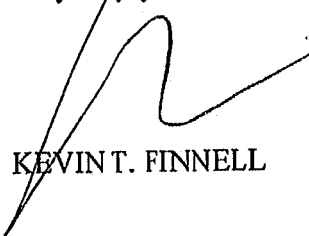
Re: Town Prosecutor - 2020

Dear Supervisor Heywood:

Please consider this my request that the Bergen Town Board reappoint me as Town Prosecutor for Vehicle and Traffic cases for 2021.

Thank you for your consideration in this matter. If you have any questions or wish to discuss the matter further, I would be happy to meet with you at your convenience. Or, if you prefer, please feel free to contact me at the above number.

Very truly yours,



KEVIN T. FINNELL

KTF/bhs

November 17, 2020

**Sent Electronically Only**

Supervisor Ernie Haywood  
and Town Board Members  
Town of Bergen  
10 Hunter Street, PO Box 249  
Bergen, NY 14416

RE: Town Engineering Services

Dear Ernie and Town Board Members:

We respectfully request to be reappointed as **"Town Engineer"** for the upcoming calendar year.

The Chatfield Team has faithfully served the needs of the community since **2005** and have completed numerous projects on your behalf, including providing valuable assistance to the Town Planning Board and Town support staff.

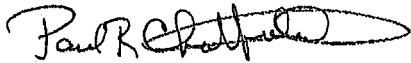
Our transition in joining MRB Group has gone exceptionally smooth. The expanded services offered by MRB Group are numerous, including:

- Architectural Services
- GIS Mapping
- Grant Writing and Grant Administration
- Planning, Development Review and Asset Management

We invite you to visit our website at [mrbgroup.com](http://mrbgroup.com) to view our full range of services offered.

We look forward to our continuing relationship and serving the community.

Sincerely,



Paul R. Chatfield, P.E.

Enc. (Updated Contact List)

Copies by Email Only to:

- Michele Smith, Town Clerk
- Michael Johnson, Town Highway Superintendent

**TOWN OF BERGEN**  
**SUPERVISOR'S PROPOSED ACTIVITIES FOR 2021**

- 1) Water- WIBA #1
  - a) Finalize all easements necessary
  - b) Bid/award project
  - c) Provide all necessary documentation to Rural Development
  - d) Supervise construction
  - e) Determine need for water district clerk and include in 2021 Budget
  
- 2) Parks
  - a) Pursue signage for Robin's Brook Park
  - b) Evaluate the needs and plan for Drew's Nature Center
  
- 3) Historian's Office & Museum
  - a) Continue to explore grant opportunities for renovations to historian's office and museum
  
- 4) Revenue Sharing from the County
  - a) Monitor state legislation to ensure return to "B Fund" status
  - b) Look for opportunities for efficiencies that result in less dependency on Revenue Sharing from the County
  
- 5) Organize Personnel Records
  
- 6) Transfer Station Operations
  - a) Continue to monitor to assure for fiscal viability
  
- 7) Cemeteries
  - a) Support Anne's efforts in support of her pursuit of grant opportunities for restoration efforts
  
- 8) Website Redesign
  - a) Re-evaluate web site and consider awarding RFP for website
  
- 9) Continue to Enhance Communication with Residents
  - a) Updates on Facebook and Town Website
  
- 10) Coordinate with Highway Superintendent on the following;
  - a) Removal of old town barn
  - b) Plan for parking lot at town hall