

**Town Board Meeting  
Town of Bergen  
January 12<sup>th</sup>, 2021  
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:** Year-end meeting of 12/30/2020 and Organizational Meeting of 1/4/2021

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

1. Supervisor Report for December, 2020 if available
2. Summary spreadsheets for December 2020 if available
3. Town Clerk Report for December 2020
4. ZEO/CEO Report for December 2020
5. 12/18/2020 communication from Charter Communication
6. Public Employer Health Emergency Plan for the Town of Bergen- Final Draft

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

**V. Reports:**

Supervisor  
Clerk  
Board Members  
Zoning / Code Enforcement:  
Highway

**Committees**

-Building, Grounds, and Facilities (cemeteries)  
-Parks  
-Local History & Museum  
-Policy and Personnel

**VI. Old Business:**

- Town of Bergen Water Improvement Benefit Area #1 project- Update:
- Proposed increases to fees for the Town of Bergen Schedule of Fees for Building and Zoning
- Approval of the Town of Bergen Historical Property Collections Policy

**VII. New Business:**

- Discussion and Approval of the Town's Public Employer Health Emergency Plan
- Request of Roger R -16.65-acre vacant parcel of land, tax ID# 16.65 to not be charged .5 EDU
- Request of Wayne Keller for property tax ID # 16.-1-39 a .4 acres parcel on Clinton Street to not be charged .5 EDU due to the lot not being an approval building lot
- Request of Jeff Keller for property tax ID # 16.-1.24 acres a .80 parcel to not be charged .5 EDU due to the lot not being an approved building lot.

**VIII- Reports & Bills:**

-Action to file Town Clerks Report  
-Action to file Supervisors Report  
-Approve payment of the bills

**IX. Meeting and Other Upcoming Dates:**

- Town Board Meeting- 1/26/2021 7 pm in the Town Hall

**X. Adjournment**

**DRAFT**

**DECEMBER 30, 2020 BERGEN TOWN BOARD REGULAR 2<sup>nd</sup>/YEAREND MEETING**

The Bergen Town Board convened in a regular session at 5:00 p.m. in the Courtroom with Supervisor Haywood presiding.

**PRESENT:**

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

**ALSO PRESENT:**

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

**PRAYER**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**MINUTES:** *Councilman Anderson made a motion to approve the minutes of December 8, 2020; seconded by Councilwoman Sapienza and carried by a vote 5-0. Councilwoman Grant Abstained Councilman Starowitz made a motion to approve the minutes of December 12, 2020; seconded by Councilman Anderson and carried by a vote 5-0.*

**COMMUNICATIONS:**

Mercy EMS summary report for November 2020  
Town of Byron Local Law amending zoning law to regulate solar energy and SEQR for Town of Bergen consideration  
Correspondence from Charter Communication  
EFPR Solutions – letter of engagement for account services for the Town of Bergen  
Proposed Town of Bergen Budget Transfers  
Town of Bergen Historical Property Collection Policy  
Executive Order from the Governor to grant property tax exemption to all who received in 2020 for 2021

**REPORTS:**

SUPERVISOR: interview for ZEO position  
TOWN CLERK: Tax collection starts Saturday  
HIGHWAY/SOLID WASTE: Nothing to report

**COMMITTEES:**

BUILDINGS/CEMETERY: Triple-O bill for historian building for maintenance  
PARKS: Nothing to report  
LOCAL HISTORY AND MUSEUM: Nothing to report  
POLICY AND PERSONNEL: Nothing to report  
TRANSFER STATION: Nothing to report

**OLD BUSINESS:**

Water Benefit Improvement Area #1 update – 35 Easements mailed out; finalized Bond paperwork  
Planning/Zoning Board Fees - tabled

**NEW BUSINESS:**

Library Board Trustee Appointment: *Councilwoman Sapienza made a motion to appoint Shirley Wade as Library Board Trustee to fill the term of Carrie Gale; seconded by Councilman Starowitz and it carried by a vote 5-0.*  
Annual Appointments: discussion on 2021 appointments and committee assignments  
Town of Byron Amending Zoning Law for Solar energy: no objection to their changes  
Budget Transfers: *Councilwoman Grant made a motion to approve line item 2020 budget transfers; seconded by Councilwoman Sapienza and it carried by a vote 5-0. Councilman Anderson made a motion to approve interfund 2020 budget transfers; seconded by Councilman Starowitz and it carried by a vote 5-0.*

Historical Property Collections Policy: tabled for next meeting

EFPR Solution Letter of Engagement *Councilwoman Grant made a motion to approve accounting services of EFPR Solutions for \$18,200 for 2021; seconded by Councilman Starowitz and it carried by a vote 5-0.*

Cleaning Service Contract *Councilwoman Sapienza made a motion to extend the cleaning services for the Town for 2021 to Gary Dewind for \$500 a month; seconded by Councilman Starowitz and it carried by a vote 5-0.*

Appointment clerk for the Historian *Councilman Starowitz made a motion for a probational appointment of Jodi Fisher as clerk to the Historian; seconded by Councilwoman Sapienza and it carried by a vote 5-0.*

Provisional Appointment of ZEO/CEO *Councilwoman Sapienza made a motion for a provisional appointment of Gerald Wood as ZEO/CEO; seconded by Councilman Anderson and it carried by a vote 5-0.*

Governors Executive Order for property Tax Exemption 2021 The Town will follow the executive order

**Year End Bills** The bills were presented for audit and totaled General A Fund \$8,237.47; B Fund \$806.35; Highway DB \$24,695.92 and Water District \$1,557.00. *Councilwoman Sapienza made a motion to pay the remaining 2020 bills, seconded by Councilman Starowitz and it carried by a vote 5-0.*

**NEXT MEETING:**

Reorganizational Meeting – Monday, January 4, 2020 at 5:00 pm

Regular Meeting – Tuesday, January 12, 2020 at 7:00 pm at Town Hall with audit of the bills at 6:45 pm

**ADJOURNMENT** was at 5:26 pm on a motion by Councilman Anderson; seconded by Councilman Starowitz and it carried by a vote 5-0.

Respectfully submitted,

*Michele M. Smith*

Michele M. Smith,  
Town Clerk

**DRAFT**

**JANUARY 4, 2021**

**BERGEN TOWN BOARD**

**ORGANIZATIONAL MEETING**

The Bergen Town Board convened in a special session at 5:00 pm in the Courtroom with Supervisor Haywood presiding.

**PRESENT:**

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

**ALSO:**

Michele M. Smith, Town Clerk

The purpose of the special session is to establish policies, set salaries and make appointments for 2021. The notice for special meeting was published in the *Daily News* and posted on the Clerk's bulletin board.

**PRAYER**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**COMMUNICATIONS:**

Published Federal Mileage Rate Effective January 1, 2021

Resolution Samples 1,2,3,4,5

Committee Objectives

Medical Benefit Policy

Town of Bergen- 2021 Pay Periods

Email form Daniel Bryson from Lacy Katzen in reappointment as Town Attorney and John Refermat at Deputy Town Attorney

Letter of continued interest in Town Attorney and Deputy Town Attorney from Daniel Bryson of Lacy Katzen and retainer fees

Letter of intent from Thomas M. Tiefel in interest in reappointment as Town Historian

Letter from Kevin Finnell, confirming his interest in reappointment at Town Prosecutor for the Town of Bergen Town Historian 2020 Annual Report

Letter of engagement, including term from EFPR Solutions accounting services for 2020

Letter from MRB Group – Paul Chatfield regarding interest in reappointment at Town Engineer

Supervisor Proposed activities for 2021

Agreement for the Expenditure of Highway Moneys

**2021 TOWN BOARD APPOINTMENTS:**

Zoning/Code Enforcement Officer	Gerald Wood
Building Inspector	Gerald Wood
Constable	Gary Donofrio
Constable	Vince Pulcini
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	Dominic Camelio
Planning Board Member	Kathleen McLaughlin
Town Prosecutor	Kevin Finnell
Mill Seat Landfill Advisory Committee	Timothy J. Donovan

Councilwoman Sapienza made the motion to approve the 2021 Town Board appointments; seconded by Councilwoman Grant and it carried by a vote 5-0.

**REVIEW OF APPOINTMENTS BY OTHERS:**

Deputy Town Supervisor	Belinda Grant
Secretary to Supervisor	Leisa Strabel
Deputy Town Clerk	Barb Fisher
Deputy Town Clerk	Marsha List
Deputy Town Clerk	Teresa Whalin
Sub Registrar of Vital Statistics	Barb Fisher
Bookkeeper	Village of Bergen
Justice Court Clerk	Patricia Bedford
Senior Justice Court Clerk	Cindy Burke
Deputy Highway Superintendent	Joel Pocock

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

Councilman Starowitz made a motion to approve 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; seconded by Councilwoman Grant and it carried by a vote of 5-0.

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

Councilman Starowitz made a motion to approve Resolution #2-2021 for Expenditures by Highway Superintendent, seconded by Councilwoman Sapienza and it carried by a vote 5-0.

**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 2021.

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

Councilwoman Sapienza made a motion to approve Resolution#3-2021 for State and/or County Bids; seconded by Councilwoman Grant and it carried by a vote 5-0.

**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** Councilman Starowitz offered Resolution #4-2021 for the Official Undertaking of Municipal Officers; seconded by Councilwoman Grant and it carried by a vote 5-0.

**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.

**MEETING DATES & TIMES, OFFICIAL BANKS, OFFICIAL NEWSPAPER, MILEAGE & SALARIES:**

*Councilman Starowitz made a motion to keep the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday each month at 7:00 p.m. for the Town of Bergen Board meetings, Tompkins Bank of Castile Bank as the primary bank with Five Star as the secondary banks, The Batavia Daily News as the official newspaper, mileage reimbursement rate per the Federal and State reimbursement mileage schedule \$.56; to adopt the 2021 salary schedule and adopt the Medical Benefit Policy ; seconded by Councilwoman Grant and it carried by a vote 5-0.*

**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.

**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 as requested

**Transfer Station Ad Hoc – Committee:**

- James Starowitz (Chair)
- Belinda Grant
- Mike Johnson
- Others as requested

**Agriculture Liaison:** to the Agricultural community including Genesee County Soil and Water, Genesee County Cooperative Extension and the Farm Bureau

- James Starowitz

*Councilman Starowitz made a motion to recognize the committees; seconded by Councilman Anderson and carried by a vote 5-0.*

**Historian 2020 Annual Report:** *Councilman Anderson made a motion to accept and file the Historian's 2020 Annual Report; seconded by Councilman Starowitz and carried by a vote 5 -0.*

**NEXT MEETING:** Tuesday, January 12, 2020 at 7:00 p.m. in the Courtroom with audit of bills at 6:45.

**ADJOURNMENT** *was at 5:12 pm on a motion by Councilman Starowitz; seconded by Councilman Anderson and carried by a vote of 5 -0.*

Respectfully submitted,

*Michele M Smith*

Michele M Smith,  
Town Clerk



# Cash Receipts Report

From: 12/01/2020 To: 12/30/2020

For User: All

**Payment Date:** 12/08/2020

**Module:** Permit

**Transaction:** BP37-20

**Type:** Permit App

**Payor:** Brian J Carson

**Payment Amount:** \$75.00

**Payment Type:**

**Payment #:**

**Payment Detail:**

Check #1500

00000325

\$75.00

Fee Type	Fee Amount
Acc Structure	\$45.00
Zoning Permit	\$30.00

**Transaction:** BP38-20

**Type:** Permit App

**Payor:** Steve Vernaccini

**Payment Amount:** \$40.00

**Payment Type:**

**Payment #:**

**Payment Detail:**

Cash

00000326

\$40.00

Fee Type	Fee Amount
res generator	\$40.00

**Permit Group Totals:** \$115.00

**12/08/2020 Group Totals:** \$115.00

**Payment Date:** 12/10/2020

**Module:** Permit

**Transaction:** BP39-20

**Type:** Permit App

**Payor:** Lee Vanocker

**Payment Amount:** \$40.00

**Payment Type:**

**Payment #:**

**Payment Detail:**

Cash

00000327

\$40.00

Fee Type	Fee Amount
res generator	\$40.00

**Permit Group Totals:** \$40.00

**12/10/2020 Group Totals:** \$40.00

**Payment Date:** 12/15/2020

**Module:** Permit

**Transaction:** BP40-20

**Type:** Permit App

**Payor:** Norman J Montgomery

**Payment Amount:** \$40.00

**Payment Type:**

**Payment #:**

**Payment Detail:**

Cash

00000328

\$40.00

Fee Type	Fee Amount
res generator	\$40.00

**Permit Group Totals:** \$40.00

**12/15/2020 Group Totals:** \$40.00

**Payment Date:** 12/17/2020

**Module:** Permit

**Transaction:** BP41-20

**Type:** Permit App

**Payor:** Cody Mason

**Payment Amount:** \$255.00

**Payment Type:**

**Payment #:**

**Payment Detail:**

Check #812

00000329

\$255.00

Fee Type	Fee Amount
1-2 Family Dwelling	\$225.00
Zoning Permit	\$30.00

**Permit Group Totals:** \$255.00

**12/17/2020 Group Totals:** \$255.00

**Payment Date:** 12/21/2020

Payment Date: 12/21/2020

Module: Permit

Transaction: 42-20

Type: Permit App

Payor: Gary Donofrio

Payment Amount: \$85.00

Payment Type:

Payment #:

Payment Detail:

Check #519

00000331

\$85.00

Fee Type	Fee Amount
Zoning Permit	\$30.00
Acc Structure	\$55.00

Permit Group Totals: \$85.00

12/21/2020 Group Totals: \$85.00

Payment Date: 12/22/2020

Module: Permit

Transaction: BP43-20

Type: Permit App

Payor: Richard W Muscarella

Payment Amount: \$40.00

Payment Type:

Payment #:

Payment Detail:

Cash

00000330

\$40.00

Fee Type	Fee Amount
res generator	\$40.00

Permit Group Totals: \$40.00

12/22/2020 Group Totals: \$40.00

Totals:	
Check	\$415.00
Cash	\$160.00
<b>Grand Total:</b>	<b>\$575.00</b>



**Mark Meyerhofer**  
Senior Director  
Government Affairs

December 18, 2020

Re: Charter Communications – Upcoming Changes

Dear Municipal Official:

Spectrum Northeast, LLC, ("Spectrum"), is noticing its customers that on or around January 19, 2021, DIY Network, located on Spectrum channel 161, will move from SPP Digital Tier & Preferred TV to SPP Expanded Basic & Standard HD Tier and remain on Spectrum TV Essentials.

To view a current Spectrum channel lineup visit [www.spectrum.com/channels](http://www.spectrum.com/channels).

If you have any questions, please feel free to contact me at 716-686-4446 or via email at [Mark.Meyerhofer@charter.com](mailto:Mark.Meyerhofer@charter.com).

Sincerely,

A handwritten signature in black ink that reads "Mark Meyerhofer". The signature is written in a cursive, slightly slanted style.

Mark Meyerhofer  
Senior Director, Government Affairs  
Charter Communications

# Public Employer Health Emergency Plan for Town of Bergen

date of approved plan

This plan has been developed in accordance with NYS legislation S8617B/A10832.

## Promulgation

This plan has been developed in accordance with the amended New York State Labor Law section 27-c and New York State Education Law paragraphs k and l of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable.

This plan has been developed as required by the amended New York State Labor Law.

No content of this plan is intended to impede, infringe, diminish, or impair the rights of us or our valued employees under any law, rule, regulation, or collectively negotiated agreement, or the rights and benefits which accrue to employees through collective bargaining agreements, or otherwise diminish the integrity of the existing collective bargaining relationship.

This plan has been approved in accordance with requirements applicable to the agency, jurisdiction, authority, or district, as represented by the signature of the authorized individual below.

--

As the authorized official of Town of Bergen, I hereby attest that this plan has been developed, approved, and placed in full effect in accordance with S8617B/A10832 which amends New York State Labor Law section 27-c and New York State Education Law paragraphs k and l of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable, to address public health emergency planning requirements.

Signed on this day: date

By: Ernest Haywood

Title: Supervisor

Signature: \_\_\_\_\_

# Record of Changes

Date of Change	Description of Change	Implemented by



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# Purpose, Scope, Situation Overview, and Assumptions

## Purpose

This plan has been developed in accordance with the amended New York State Labor Law section 27-c and New York State Education Law paragraphs k and l of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable. These laws were amended by the passing of legislation S8617B/A10832 signed by the Governor of New York State on September 7, 2020, requires public employers to adopt a plan for operations in the event of a declared public health emergency involving a communicable disease. The plan includes the identification of essential positions, facilitation of remote work for non-essential positions, provision of personal protective equipment, and protocols for supporting contact tracing.

## Scope

This plan was developed exclusively for and is applicable to Town of Bergen. This plan is pertinent to a declared public health emergency in the State of New York which may impact our operations; and it is in the interest of the safety of our employees and contractors, and the continuity of our operations that we have promulgated this plan.

## Situation Overview

On March 11, 2020 the World Health Organization declared a pandemic for the novel coronavirus which causes the COVID-19 severe acute respiratory syndrome. This plan has been developed in accordance with amended laws to support continued resilience for a continuation of the spread of this disease or for other infectious diseases which may emerge and cause a declaration of a public health emergency.

The health and safety of our employees and contractors is crucial to maintaining our mission essential operations. We encourage all employees and contractors to use [CDC Guidance for Keeping Workplaces, Schools, Homes, and Commercial Establishments Safe](#). The fundamentals of reducing the spread of infection include:

- Using hand sanitizer and washing hands with soap and water frequently, including:
  - After using the restroom
  - After returning from a public outing
  - After touching/disposing of garbage
  - After using public computers, touching public tables, and countertops, etc.
- Practice social distancing when possible
- If you are feeling ill or have a fever, notify your supervisor immediately and go home
- If you start to experience coughing or sneezing, step away from people and food, cough or sneeze into the crook of your arm or a tissue, the latter of which should be disposed of immediately
- Clean and disinfect workstations at the beginning, middle, and end of each shift
- Other guidance which may be published by the CDC, the State Department of Health, or County health officials.

## Planning Assumptions

This plan was developed based on information, best practices, and guidance available as of the date of publication. The plan was developed to largely reflect the circumstances of the current Coronavirus pandemic but may also be applicable to other infectious disease outbreaks.

The following assumptions have been made in the development of this plan:

- The health and safety of our employees and contractors, and their families, is of utmost importance
- The circumstances of a public health emergency may directly impact our own operations.
- Impacts of a public health emergency will take time for us to respond to, with appropriate safety measures put into place and adjustments made to operations to maximize safety
- The public and our constituency expects us to maintain a level of mission essential operations
- Resource support from other jurisdictions may be limited based upon the level of impact the public health emergency has upon them
- Supply chains, particularly those for personal protective equipment (PPE) and cleaning supplies, may be heavily impacted, resulting in considerable delays in procurement
- The operations of other entities, including the private sector (vendors, contractors, etc.), non-profit organizations, and other governmental agencies and services may also be impacted due to the public health emergency, causing delays or other disruptions in their services
- Emergency measures and operational changes may need to be adjusted based upon the specific circumstances and impacts of the public health emergency, as well as guidance and direction from public health officials and the governor
- Per S8617B/A10832, 'essential employee' is defined as a public employee or contractor that is required to be physically present at a work site to perform their job
- Per S8617B/A10832, 'non-essential employee' is defined as a public employee or contractor that is not required to be physically present at a work site to perform their job

## Concept of Operations

The Supervisor of the Town of Bergen, their designee, or their successor holds the authority to execute and direct the implementation of this plan. Implementation, monitoring of operations, and adjustments to plan implementation may be supported by additional personnel, at the discretion of the Supervisor.

Upon the determination of implementing this plan, all employees and contractors of Town of Bergen shall be notified by memo and/or email, with details provided as possible and necessary, with additional information and updates provided on a regular basis. The Public will be notified of pertinent operational changes by way of legal notice and/or website posting and/or Facebook posting. Other interested parties, such as vendors, will be notified by phone and/or email as necessary. The Supervisor will maintain communications with the public and constituents as needed throughout the implementation of this plan.

The Supervisor of the Town of Bergen, their designee, or their successor will maintain awareness of information, direction, and guidance from public health officials and the Governor's office, directing the implementation of changes as necessary.

Upon resolution of the public health emergency, the Supervisor of the Town of Bergen, their designee, or their successor will direct the resumption of normal operations or operations with modifications as necessary.

## Mission Essential Functions

When confronting events that disrupt normal operations, the Town of Bergen is committed to ensuring that essential functions will be continued even under the most challenging circumstances.

Essential functions are those functions that enable an organization to:

1. Maintain the safety of employees, contractors, and our constituency

2. Provide vital services
3. Provide services required by law
4. Sustain quality operations
5. Uphold the core values of the Town of Bergen

The Town of Bergen has identified as critical only those priority functions that are required or are necessary to provide vital services. During activation of this plan, all other activities may be suspended to enable the organization to concentrate on providing the critical functions and building the internal capabilities necessary to increase and eventually restore operations. Appropriate communications with employees, contractors, our constituents, and other stakeholders will be an ongoing priority.

Essential functions are prioritized according to:

- The time criticality of each essential function
- Interdependency of a one function to others
- The recovery sequence of essential functions and their vital processes

Priority 1 identifies the most essential of functions, with priority 4 identifying functions that are essential, but least among them.

The mission essential functions for the Town of Bergen have been identified as:

Essential Function	Description	Priority
Snow & Ice Control	Keeps roads clear and passable.	1
Refuse Center	Enables disposal of garbage.	1
Building Inspection	Addresses life safety issues.	1
Finance	Ensure Town's financial obligations are met.	1
Court	As ordered by NYS Justice Court Administration.	1
Tax collection	Essential during tax collection season.	2
Cleaning/disinfecting	Essential if building is used.	1
Death Certificates	Required by NYS to be filed upon death of Bergen resident	1

### Essential Positions

Each essential function identified above requires certain positions on-site to effectively operate. The table below identifies the positions or titles that are essential to be staffed on-site for the continued operation of each essential function. Note that while some functions and associated personnel may be essential, some of these can be conducted remotely and do not need to be identified in this section.

Essential Function	Essential Positions/Titles	Justification for Each
Snow & Ice Control	<ul style="list-style-type: none"> <li>• Highway Superintendent</li> <li>• Crew</li> </ul>	The Superintendent prioritizes the tasks, schedules the crew and participates in plowing/salting. Crew members perform plowing/salting and other snow and ice control tasks.
Refuse Center	<ul style="list-style-type: none"> <li>• Highway Superintendent</li> <li>• Crew</li> </ul>	The Superintendent prioritizes the tasks, schedules the crew. Crew members receive refuse from the public.

Building Inspection	<ul style="list-style-type: none"> <li>• CEO/ZEO</li> </ul>	Performs inspections to determine the safety of a structure.
Finance	<ul style="list-style-type: none"> <li>• Supervisor</li> <li>• Bookkeeper</li> <li>• Town Accounting Firm</li> </ul>	Supervisor is the Chief Financial Officer and oversees all financial functions; most can be done remotely. Bookkeeper prepares payroll, cuts accounts payable checks and makes bank deposits; some can be done remotely. Town Accounting Firm assists with financial functions; all done remotely.
Court	<ul style="list-style-type: none"> <li>• Justices</li> <li>• Clerks</li> </ul>	Arraigns arrestees; could be done remotely depending on State requirements. Assists judges; could be done remotely depending on State requirements.
Tax Collection	<ul style="list-style-type: none"> <li>• Town Clerk/Receiver</li> </ul>	Collects property taxes and deposits; some can be done remotely.
Cleaning/disinfecting	<ul style="list-style-type: none"> <li>• Maintenance man; cleaning contractor</li> </ul>	Cleans/disinfects spaces that are used.
Death Certificate	<ul style="list-style-type: none"> <li>• Town Clerk</li> </ul>	Produces required document upon death of resident.

## Reducing Risk Through Remote Work and Staggered Shifts

Through assigning certain staff to work remotely and by staggering work shifts, we can decrease crowding and density at work sites and on public transportation

### Remote Work Protocols

Non-essential employees and contractors able to accomplish their functions remotely will be enabled to do so at the greatest extent possible. Working remotely requires:

1. Identification of staff who will work remotely
  - a. Assessor
  - b. Town Historian
  - c. Planning and Zoning Boards and secretary
  - d. Judges and Court Clerks to the extent possible
  - e. Town Clerk to the extent possible
2. Approval and assignment of remote work
  - a. Supervisor for Assessor, Town Historian and Planning and Zoning Boards
  - b. NYS Justice Court Administration
  - c. Town Clerk for Town Clerk's office
3. Equipping staff for remote work, which may include:
  - a. Internet capable laptop
  - b. Necessary peripherals
  - c. Access to VPN and/or secure network drives
  - d. Access to software and databases necessary to perform their duties
  - e. A solution for telephone communications
    - i. Note that phone lines may need to be forwarded to off-site staff

## Staggered Shifts

Implementing staggered shifts may be possible for personnel performing duties which are necessary to be performed on-site but perhaps less sensitive to being accomplished only within core business hours. As possible, management will identify opportunities for staff to work outside core business hours as a strategy of limiting exposure. Regardless of changes in start and end times of shifts, Town of Bergen will ensure that employees are provided with their typical or contracted minimum work hours per week. Staggering shifts requires:

1. Identification of positions for which work hours could be staggered
  - a. Highway Crew
2. Approval and assignment of changed work hours
  - b. Highway Superintendent

## Personal Protective Equipment

The use of personal protective equipment (PPE) to reduce the spread of infectious disease is important to supporting the health and safety of our employees and contractors. PPE which may be needed can include:

- Masks
- Gloves (for refuse operations and maintenance/cleaning operations)

Note that while cleaning supplies are not PPE, there is a related need for cleaning supplies used to sanitize surfaces, as well as hand soap and hand sanitizer. The Coronavirus pandemic demonstrated that supply chains were not able to keep up with increased demand for these products early in the pandemic. As such, we are including these supplies in this section as they are pertinent to protecting the health and safety of our employees and contractors.

Protocols for providing PPE include the following:

1. Identification of need for PPE based upon job duties and work location

a. Town Hall (as required)		
Supervisor masks	156 masks	
Town Clerk masks	156 masks	
Justice (2) 104 each masks	208 masks	
Court Clerk (2) 104 each masks	208 masks	
Maintenance/cleaning masks & gloves	<u>260 masks</u>	<u>260 gloves</u>
TOTAL	988 masks	260 gloves
b. Town Building (assessor, building inspector)		
Assessor (one day per week)	52 masks	
CEO/ZEO	<u>104 masks</u>	
TOTAL	156 masks	
c. Highway Garage		
Five employees possibly seven days per week (snow & Ice)	1,820 masks	
Refuse Center	52 masks	52 gloves
d. Museum Building closed during Public Health Emergency		

2. Procurement of PPE

- a. As specified in the amended law, public employers must be able to provide at least two pieces of each required type of PPE to each essential employee and contractor during any given work shift for at least six months. Two pieces per shift for one day per week for six months equals 52 pieces. Two pieces per shift for two days per week for six months equals 104 pieces. Two pieces per shift for three days per week for six months equals 156 pieces. Two pieces per shift for five days per week for six months equals 260 pieces. Two pieces per shift for seven days per week for six months equals 364 pieces.
  - b. Public employers must be able to mitigate supply chain disruptions to meet this requirement
3. Storage of, access to, and monitoring of PPE stock
- a. PPE must be stored in a manner which will prevent degradation.
  - b. Employees and contractors must have immediate access to PPE in the event of an emergency
  - c. The supply of PPE must be monitored to ensure integrity and to track usage rates

The Town of Bergen will store the appropriate amounts of PPE indoors in unopened packages at each workplace: Town Hall, Town Building, Refuse Center Highway Garage. The person responsible for monitoring and maintain the stock of PPE is:

- Town Hall:                      Town Clerk                      8 week supply =              330 masks    87 gloves
- Town Building:                Town Clerk                      8 week supply =              52 masks
- Highway Garage:               Highway Superintendent        8 week supply =              607 masks
- Refuse Center                    Highway Superintendent        8 week supply =              18 masks    18 gloves

Suppliers for PPE:

Genesee County Office of Emergency Preparedness  
Regional Distributors

Cleaning supplies/disinfectants will be kept at each building. Suppliers for cleaning supplies:

- Regional Distributors
- Staples
- Walmart

## Staff Exposures, Cleaning, and Disinfection

### Staff Exposures

Staff exposures are organized under several categories based upon the type of exposure and presence of symptoms. Following CDC guidelines, we have established the following protocols:

- A. If employees or contractors are exposed to a known case of communicable disease that is the subject of the public health emergency (defined as a 'close contact' with someone who is confirmed infected, which is a prolonged presence within six feet with that person):
1. Potentially exposed employees or contractors who do not have symptoms should remain at home or in a comparable setting and practice social distancing for the lesser of 14 days or other current CDC/public health guidance for the communicable disease in question.
    - a. As possible, these employees will be permitted to work remotely during this period of time if they are not ill.
    - b. The Supervisor of the Town of Bergen and the Highway Superintendent (if the employee is in the highway department) must be notified and who is responsible for ensuring these protocols are followed.
    - c. See the section titled Documentation of Work Hours and Locations for additional information on contact tracing
  2. CDC guidelines for COVID-19 provide that critical essential employees may be permitted to continue work following potential exposure, provided they remain symptom-free and additional precautions are taken to protect them, other employees and contractors, and our constituency/public.
    - a. Additional precautions will include the requirement of the subject employee or contractor, as well as others working in their proximity, to wear appropriate PPE at all times to limit the potential of transmission.
    - b. In-person interactions with the subject employee or contractor will be limited as much as possible.
    - c. Work areas in which the subject employee or contractor are present will be disinfected according to current CDC/public health protocol at least every hour, as practical. See the section on Cleaning and Disinfection for additional information on that subject.
    - d. If at any time they exhibit symptoms, refer to item B below.
    - e. The Supervisor of the Town of Bergen or the Highway Superintendent (if the employee is in the highway department) is the decision-maker in these circumstances and who is responsible for ensuring these protocols are followed.
- B. If an employee or contractor exhibits symptoms of the communicable disease that is the subject of the public health emergency:
1. Employees and contractors who exhibit symptoms in the workplace should be immediately separated from other employees, customers, and visitors. They should immediately be sent home with a recommendation to contact their physician.
  2. Employees and contractors who exhibit symptoms outside of work should notify their supervisor and stay home, with a recommendation to contact their physician.
  3. Employees should not return to work until they have met the criteria to discontinue home isolation per CDC/public health guidance and have consulted with a healthcare provider.
  4. Town of Bergen will not require sick employees to provide a negative test result for the disease in question or healthcare provider's note to validate their illness, qualify for sick leave, or return to work; unless there is a recommendation from the CDC/public health officials to do so.
  5. CDC criteria for COVID-19 provides that persons exhibiting symptoms may return to work if at least 24 hours have passed since the last instance of fever without the use of fever-reducing medications. If the disease in question is other than COVID-19, CDC and other public guidance shall be referenced.



6. The Supervisor of the Town of Bergen or the Highway Superintendent must be informed in these circumstances and who is responsible for ensuring these protocols are followed
- C. If an employee or contractor has tested positive for the communicable disease that is the subject of the public health emergency:
1. Apply the steps identified in item B, above, as applicable.
  2. Areas occupied for prolonged periods of time by the subject employee or contractor will be closed off.
    - a. CDC guidance for COVID-19 indicates that a period of 24 hours is ideally given before cleaning, disinfecting, and reoccupation of those spaces will take place. If this time period is not possible, a period of as long as possible will be given. CDC/public health guidance for the disease in question will be followed.
    - b. Any common areas entered, surfaces touched, or equipment used shall be cleaned and disinfected immediately.
    - c. See the section on Cleaning and Disinfection for additional information on that subject.
  3. Identification of potential employee and contractor exposures will be conducted
    - a. If an employee or contractor is confirmed to have the disease in question, the Supervisor of the Town of Bergen, the Highway Superintendent (if the employee is in the highway department) or their designee should inform all contacts of their possible exposure. Confidentiality shall be maintained as required by the Americans with Disabilities Act (ADA).
    - b. Apply the steps identified in item A, above, as applicable, for all potentially exposed personnel.
  4. The Supervisor of the Town of Bergen and the Highway Superintendent (if the employee is in the highway department) must be notified in these circumstances and who is responsible for ensuring these protocols are followed

We recognize there may be nuances or complexities associated with potential exposures, close contacts, symptomatic persons, and those testing positive. We will follow CDC/public health recommendations and requirements and coordinate with our local public health office for additional guidance and support as needed.

### Cleaning and Disinfecting

CDC/public health guidelines will be followed for cleaning and disinfection of surfaces/areas. Present guidance for routine cleaning during a public health emergency includes:

1. As possible, employees and contractors will clean their own workspaces in the beginning, middle, and end of their shifts, at a minimum.
  - a. High traffic/high touch areas and areas which are accessible to the public/constituents will be disinfected daily by the maintenance staff or by an assigned highway crew member at the highway garage and refuse center.
  - b. Cleaning contractor cleans weekly at the town hall and town building. Assigned highway crew member cleans weekly at the highway garage and refuse center.
2. Staff tasked with cleaning and disinfecting areas will be issued and required to wear PPE appropriate to the task.
3. Soiled surfaces will be cleaned with cleaning agent before being disinfected.
4. Surfaces will be disinfected with products that meet EPA criteria for use against the virus in question and which are appropriate for that surface.

5. Staff will follow instructions of cleaning products to ensure safe and effective use of the products.

## Employee and Contractor Leave

Public health emergencies are extenuating and unanticipated circumstances in which Town of Bergen is committed to reducing the burden on our employees and contractors. The *Families First Coronavirus Response Act* provided requirements related to the COVID-19 pandemic, which form the policies outlined below. This policy may be altered based upon changes in law or regulation, as applicable.

It is our policy that employees of Town of Bergen will not be charged with leave time for testing. Employees will be provided with up to two weeks (up to 80 hours) of paid sick leave at the employee's regular rate of pay for a period which the employee is unable to work due to quarantine (in accordance with federal, state, or local orders or advice of a healthcare provider), and/or experiencing symptoms and seeking medical diagnosis.

Additional provisions may be enacted based upon need and the guidance and requirements in place by federal and state employment laws, FMLA, executive orders, and other potential sources.

Contractors, either independent or affiliated with a contracted firm, are not classified as employees of Town of Bergen, and as such are not provided with paid leave time by Town of Bergen, unless required by law.

## Documentation of Work Hours and Locations

In a public health emergency, it may be necessary to document work hours and locations of each employee and contractor to support contact tracing efforts. Identification of locations shall include on-site work, off-site visits. This information may be used by Town of Bergen to support contact tracing within the organization and may be shared with local public health officials.

1. During a Public Health emergency, and for the purpose of contact tracing, Town of Bergen employees will be required to keep a log of hours worked:
  - a. On-site at their normally assigned job site
  - b. On-site at alternate locations
2. For the purposes of contact tracing, a Town of Bergen employee is defined as one appointed or elected who receives remuneration from the Town of Bergen.
3. The log will record the date, time in, time out, and location. A log document will be supplied by the Supervisor of the Town of Bergen. The log does not need to include time spent working from home.
4. The logs will be turned in weekly to the Supervisor of the Town of Bergen and kept on file in the Supervisor's office.
5. The logs will be used for contact tracing and shared only with appropriate health agencies or governmental authorities.

## Housing for Essential Employees

There are circumstances within a public health emergency when it may be prudent to have essential employees lodged in such a manner which will help prevent the spread of the subject communicable disease to protect these employees from potential exposures, thus helping to ensure their health and safety and the continuity of Town of Bergen's essential operations.

If such a need arises, hotel rooms are expected to be the most viable option. If hotel rooms are for some reason deemed not practical or ideal, or if there are no hotel rooms available, Town of Bergen will coordinate with Genesee County Offices of Emergency Management and Social Services to help identify and arrange for these housing needs.