

**Town Board Meeting
Town of Bergen
March 23rd, 2021
Town Hall- 10 Hunter Street, Bergen New York
Agenda**

I. 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 3/9/2021

IV. Communications included with this agenda:

1. Mercy EMS report for February 2021
2. 3/9/2021 and 3/1/2021 Communication from Charter Communications
3. Resignation of Teresa Whalen as Deputy Town Clerk effective 3/17/2021
4. Resolution to remove EDU charges for two properties
5. Resolution to accept easements for WIBA#1

V. Board Members' items for addition to the agenda

VI. Reports:

Supervisor

Clerk

Board Members

Zoning / Code Enforcement:

Highway

Committees

-Building, Grounds, and Facilities (cemeteries)

-Parks

-Local History & Museum

-Policy and Personnel

-Transfer station

VII. Old Business:

- Town of Bergen Water Improvement Benefit Area #1 project- Update
- Update on the proposal submitted on behalf of Genesee County Legislature regarding the Monroe County Water Authority having one retail rate for Water for all of Genesee County.

VIII. New Business:

- Resolution to accept easements from Property Owners in WIBA#1
- Approval and authorization of the Granting of Manufactured Home Permits for Hidden Meadows, Affordable Great Locations and Mar-lu Estate
- Resolution to remove .5 EDU from property Tax ID # 12.-1.48 Sacket Road and .5 EDU for property Tax ID #12.-1-28 West Sweden Road
- Discussion of study, commissioned by the Genesee County Legislature regarding the Monroe County Water Authority having one retail rate for Water

IX. Meeting and Other Upcoming Dates:

-Town Board Meeting: 4/13/2021: 6:45 pm Audit of Bills, 7:00 pm Town Board Meeting

X. Adjournment

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

PRESENT:

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

ALSO PRESENT:

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

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

MINUTES: *Councilwoman Sapienza made a motion to approve the minutes of February 23, 2021; seconded by Councilwoman Grant and carried by a vote 5-0.*

COMMUNICATIONS:

- Supervisor Report for February 2021
- Summary Spreadsheet for February 2021
- Town Clerk Report for February 2021
- ZEO/CEO Report for February 2021
- Request for removal of EDU charge for WIBA#1 for W. Sweden Rd. Tax ID #12.-1-30
- Monthly Report from Town Engineer on WIBA#1
- Capitalization of Fixed Assets resolution
- Proposed resolutions regarding proposed MCWA Unified County Water Rate
- Resolution to remove EDU charge for WIBA#1 for W. Sweden Rd. property #12.-1-30

REPORTS:

- SUPERVISOR: Charlie Cook expansion of Liberty Pumps; AUD was completed on time; Federal Stimulus \$320,000 for Town includes the Village; solar battery storage law; county is looking into senior housing
- TOWN CLERK: 2700 transfer station bags remaining in inventory, 3164 were sold in 2020.
- ZEO REPORT: Clerk Smith reported that the applications for Manufactured Housing were filed in December need to be approved.
- HIGHWAY: taking down snow fence; LED half switched over; cleaning out old garage; CHIPS money restored.
- TOWN CLERK'S REPORTS: *Councilman Starowitz made a motion to file the Town Clerk's February 2021 Report seconded by Councilwoman Grant and it carried by a vote 5-0.*
- SUPERVISOR REPORT *Councilman Sapienza made a motion to file the Supervisor's February 2021 Report; seconded by Councilwoman Grant and it carried by a vote 5-0.*

COMMITTEES:

- Building and Grounds: getting letters of support for grant for painting the Historian building
- Parks: Nothing to report
- Local History & Museum: Nothing to report
- Policy and Personnel: preparing for Audit

OLD BUSINESS:

Water improvement Benefit Area #1: working on easements; received DEC Permit
Proposed Resolution in opposition of County Wide Unified County Water Rate for customers in the currently defined Eastern and Western Genesee Retail Rate area of Genesee County. *Councilwoman Sapienza offered Resolution #14-2021 to authorize Supervisor to modify to reflect only the towns that approve the resolution in opposition of the Genesee County Legislature and the Monroe County Water Authorities (MCWA) consideration of an equalized uniform retail water rate for customers in the currently defined eastern and western Genesee retail rate areas of Genesee County; seconded by Councilman Starowitz and it carried by a vote 5 -0.*

RESOLUTION #14-2021

OPPOSITION OF THE GENESEE COUNTY LEGISLATURE AND THE MONROE COUNTY WATER AUTHORITIES (MCWA) CONSIDERATION OF AN EQUALIZED UNIFORM RETAIL WATER RATE FOR CUSTOMERS IN THE CURRENTLY DEFINED EASTERN AND WESTERN GENESEE RETAIL RATE AREAS OF GENESEE COUNTY

WHEREAS the Genesee County Legislature, through resolution No. 95 Recommendation to Monroe County Water Authority to Study the Establishment of a County-Wide Retail Water Service Rate for Genesee County requested a Rate Equalization Study from the MCWA; and

WHEREAS the MCWA currently charges two different retail rates for Genesee County property owners within two differed Retail Rate Areas. The rate study only impacts those towns and village which are current customers of MCWA. One area is referred to as the Western Genesee Retail Rate, for the towns where MCWA water is purchased through a third party and includes the towns and associated village of Pembroke, Corfu and Darien and the Eastern Genesee Retail Rate. The second area is referred to as the Eastern Genesee Retail Rate area, where the MCWA provides water directly and does not have to purchase water from a third party and includes the towns of Bergen, Byron, Leroy, Stafford and Pavilion.

WHEREAS the Central part of the county includes, Towns of Alabama, Oakfield, Elba, Batavia, Alexander, the Villages in those Towns and the City of Batavia are not included in this study;

WHEREAS the Monroe County Water Authority (MCWA) retained the Amawlak Consulting Group to prepare a Rate Consolidation Study for Genesee County retail customers; and

WHEREAS the MCWA has presented the outcomes of the Rate Consolidation Study in a report dated December 14, 2020, to the Genesee County Legislature; and

WHEREAS the Water Rate Consolidation Study, requested by the Genesee County Legislature and commissioned by the MCWA, dated December 14th 2020 recommends the creation of one Genesee County- Wide retail rate as opposed to the existing two separate water retail rates; and

WHEREAS the proposed recommended Genesee County-Wide retail rate will result in the residents included in the currently defined Eastern Genesee Retail Rate area paying a disproportionately higher rate (\$.49 per 1000 gallons more than current rates) than the residents of the currently defined Western Genesee Retail Rate area and for which the residents of the Western Genesee Retail Rate area would pay a disproportionately lower rate (\$.81 per gallons less than current rates) than the residents of the currently defined Eastern Genesee Retail Rate area; and

WHEREAS the proposed unified, one county-wide retail water rate;

- does not appear to take into consideration future growth in water consumption for municipalities in the Eastern Retail Rate Area;
- is not based upon the cost of provision of the water to the retail customers in each of their respective service areas i.e. MCWA purchase of water from a third party to provide water to residents of the Western Genesee Retail Rate Area and uses their own water to provide water to residents of the Eastern Genesee Retail Rate Area;
- is based upon the interest of the County Legislator, on behalf of the municipalities in the Western Genesee Retail Rate Area, to have a lower rate and;
- does not include all municipalities in Genesee County; and

WHEREAS the proposed unified rate unfairly financially burdens, through a significant rate increase for Genesee County residents of five towns and associated villages and retail customers of the Eastern Genesee Retail Rate area for the financial benefit, through a significant reduction of current rates for Genesee County residents of three towns and associated villages and retail customers of the Western Retail Rate area;

NOW, BE IT THEREFORE RESOLVED that the Town Board of the Towns of Bergen, is in opposition of the proposed unified County –Wide one rate for Genesee County for the reasons as outlined in this resolution; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Bergen, requests the Genesee County Legislature not promote a unified rate and the Monroe County Water Authority not establish a unified County-Wide one retail water rate that results in a financial burden for residents of the Towns of Bergen in order to provide a financial gain for residents of the Western Genesee Retail Rate area.

NEW BUSINESS:

Request by Historian to purchase Past Perfect program Councilman Starowitz made a motion to approve Historian request to purchase Past Perfect inventory program for \$370; seconded by Councilwoman Grant and carried by a vote 5-0.

Request to be remove WIBA#1 Dave Roggow is requesting to remove .5 EDU off 12.-1-30 because of wet lands not farmable or buildable due to wetlands DEC report.

Resolution to remove EDU's from WIBA#1 Councilwoman Sapienza offered Resolution #-2021 to make EDU change to WIBA#1 retroactive to the formation of the Water District with 12.-1-30 removed; seconded by Councilwoman Grant and carried by vote 5-0.

**RESOLUTION #15-2021
ADOPTION OF WIBA #1 EDU CHANGE**

RESOLVED by the Town Board of the Town of Bergen that the following EDU change will be made to the WIBA #1 Water District retroactive to the Formation of the Water District:

Tax ID	Address	Initial EDU	Proposed EDU
12.-1-30	West Sweden Road	.5	0- non buildable lot

FURTHER RESOLVED,

1. That the Town Assessor is directed to record the EDU changes; and
2. That the Town Engineer and Town Attorney are directed to amend the District Documents as necessary; and
3. That the Town Supervisor is authorized to sign District documents as necessary.

Capitalization of Fixed Assets Resolution Councilwoman Sapienza offered Resolution #16-2021 for Capitalization of Fixed Assets; seconded by Councilman Starowitz and it carried by a vote 5-0

**RESOLUTION #-16-2021
CAPITALIZATION OF FIXED ASSETS**

WHEREAS the Town of Bergen maintains an inventory of fixed assets in accordance with guidelines established by the New York State Comptroller; and

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Bergen hereby approves a minimum threshold of \$2,500 for the capitalization of fixed assets.

BILLS: The bills were presented for audit and totaled General A Fund \$11,183.81; General B Fund \$2,156.26; Highway DA \$6,254.25; Highway DB \$16,017.81; HH (Water District) \$32,332.22; PA-A \$4,330.58; PA-DA \$2,321.82 and PA-DB \$2,515.30. Councilwoman Sapienza made a motion to pay the February bills; seconded by Councilman Starowitz and it carried by a vote 5-0.

REGULAR MEETING – Tuesday, February 23, 2021 at 7:00 pm in the Courtroom

ADJOURNMENT was at 7:55 pm on a motion by Councilwoman Sapienza; seconded by Councilman Starowitz and carried by a vote 5-0.

Respectfully submitted
Michele M. Smith

Michele M. Smith, Town Clerk

Genesee County 911
Response Times Report

GEN BERGEN FIRE

Report Date Range from: 2/1/2021 to 2/28/2021

Mercy Flight EMS

Report includes Emergent First On Scene Responses.

Response Time Minutes	Call Count	Cumulative Call Count	Percentage of Total Calls	Cumulative Percentage
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Response Zone: GEN BERG 17

09:00 - 09:59	1	1	12.50%	12.50%
12:00 - 12:59	1	2	12.50%	25.00%
16:00 - 16:59	1	3	12.50%	37.50%
18:00 - 18:59	1	4	12.50%	50.00%
19:00 - 19:59	2	6	25.00%	75.00%
20:00 - 20:59	1	7	12.50%	87.50%
23:00 - 23:59	1	8	12.50%	100.00%
Total Calls:	8	8	100%	

Response Zone: GEN BERG 22

17:00 - 17:59	1	1	11.11%	11.11%
19:00 - 19:59	1	2	11.11%	22.22%
20:00 - 20:59	1	3	11.11%	33.33%
21:00 - 21:59	1	4	11.11%	44.44%
22:00 - 22:59	2	6	22.22%	66.67%
24:00 - 24:59	2	8	22.22%	88.89%
25:00 - 25:59	1	9	11.11%	100.00%
Total Calls:	9	9	100%	

Call Source Total Calls: 17

Teresa Whalin
7212 Jerico Road
Bergen, NY 14416

March 17, 2021

Bergen Town Board
10 Hunter Street
Bergen, NY 14416

RECEIVED
MAR 17 2021
TOWN OF BERGEN

Bergen Town Board and Bergen Town Clerk,

I would like to notify you that I am resigning from my position as Deputy Town Clerk effective March 17, 2021.

Thank you very much for opportunity you have given me to learn about the duties of a Town Clerk and the pleasure of working with the community.

Sincerely,

Teresa Whalin



Mark Meyerhofer
Senior Director
Government Affairs

March 1, 2021

Re: Charter Communications – Upcoming Changes

Dear Municipal Official:

This letter will serve as notice that on or around April 1, 2021, Spectrum Northeast, LLC, ("Spectrum"), will eliminate standard definition and launch high definition of Zee TV on PSF Zee TV, Hindi Pass/Passport and Hindi View/Premium on channels 1533 and 2508 on the channel lineup serving your community.

On or around April 1, 2021, Spectrum Northeast, LLC, ("Spectrum"), will eliminate standard definition and launch high definition of The Filipino Channel on PSF Filipino Channel, SPP Filipino View and packages on channels 1450 and 2559.

On or around April 1, 2021, Spectrum Northeast, LLC, ("Spectrum"), will launch The Africa Channel HD on SPP Tier 2 and Spectrum Lifestyle TV on channel 183.

To view a current Spectrum channel lineup visit 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.

Sincerely,

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

Mark Meyerhofer
Senior Director, Government Affairs
Charter Communications



Mark Meyerhofer
Senior Director
Government Affairs

March 9, 2021

Re: Charter Communications – Upcoming Changes

Dear Municipal Official:

This letter will serve as notice that on or around April 9, 2021, Spectrum Northeast, LLC, ("Spectrum"), will launch Entertainment Studios channels Pets.TV, Recipe.TV, Cars.TV and Justice Central to SPP Tier 1 and Spectrum TV Essentials on the channel lineup serving your community.

To view a current Spectrum channel lineup visit 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.

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

RESOLUTION []-2021

ADOPTION OF WIBA #1 EDU CHANGE

RESOLVED by the Town Board of the Town of Bergen that the following EDU changes will be made to the WIBA #1 Water District retroactive to the Formation of the Water District:

Tax ID EDU	Address	Initial EDU /Rate	Proposed
12.-1-48 locked (owner Marc Skirvin)	Sacket Road	.5	0- land is land
12.-1-28 locked (owner Susan Olander)	West Sweden	.5	0- land is land

FURTHER RESOLVED,

1. That the Town Assessor is directed to record the EDU changes; and
2. That the Town Engineer and Town Attorney are directed to amend the District Documents as necessary; and
3. That the Town Supervisor is authorized to sign District documents as necessary.

Town of Bergen- Resolution in acceptance of Easements- 3/23/2021

WHEREAS the Town of Bergen has formed Water Benefit Improvement Area #1 for the purpose of provision of public water; and

WHEREAS The Town of Bergen and the Monroe County Water Authority in order to construct and maintain the water main, requires both temporary and permanent easements over properties in the town of Bergen; and

WHEREAS the following easements have been requested and or secured

Owner Name	Address of Easement	Tax ID No.	Easement Type
Steven Goodman	7589 Swamp Road	12.-1-114	Permanent
David Huntoon	7573 Swamp Road	12.-1-115	Permanent
Martha Hargarther	6570 West Sweden Road	12.-1-24.2	Permanent
Richard Sands	6490 West Sweden Road	12.-1-24.1	Permanent
Robert Patterson	West Sweden Road	11.-1-23	Permanent
Benjamin Sandow	7460 Evans Road	11.-1-25.1	Permanent
Benjamin Sandow	7463 Evans Road (105)	11.-1-28.1	Permanent
Richard Sands	7450 Warboys Road	11.-1-2	Permanent
Richard Sands	7450 Warboys Road	11.-1-2	Permanent
Jennifer VanValkenburg	7471 Warboys Road	9.-1-46.11	Permanent
Jennifer VanValkenburg	7471 Warboys Road	9.-1-46.11	Permanent
David Miller	7497 Creamery Road	9.-1-40	Permanent
Mary Beth O'Connell	7545 Creamery Road	9.-1-87.1	Permanent
Shari Loewke	5860 West Sweden Road	9.-1-20.1	Permanent
Benjamin Strong	7460 North Bergen Road	9.-1-84.11	Permanent
Benjamin Strong	7460 North Bergen Road	9.-1-84.11	Permanent

CSX Railroad	West Bergen Road	15.-1-26	Permanent
CSX Railroad	West Bergen Road	15.-1-23	Permanent
Holly Gambino	7076 West Bergen Road	15.-1-22.2	Permanent
Bethel Baptist Church	7484 West Bergen Road	16.-1-29.12	Temporary
Jeffrey Keller	7404 West Bergen Road	16.-1-32	Permanent

Jacob Pocock	7231 Lyman Road	16.-1-2	Temporary
David Baker	7308 Maple Street	14.-1-17.21	Permanent
Jay Whalin	7212 Jerico Road	17.-1-56.11	Permanent
Jay Whalin	7212 Jerico Road	17.-1-56.11	Temporary
Dennis Ladd	7743 Clinton Street Road	17.-1-4	Permanent
Martin Dilcher	7762 Clinton Street Road	17.-1-6	Temporary
Deanna M. Page	Connelly Road	16.-1-14	Permanent
D.C. Wright, Inc.	7530 Maple Avenue	16.-1-12	Permanent
D.C. Wright, Inc.	7530 Maple Avenue	16.-1-12	Permanent
Stacy Properties, LLC	7857 Maple Avenue	17.-1-45	Temporary
Jacob Peters	7178 West Bergen Road	15.-1-19	Permanent
Jacob Peters	7178 West Bergen Road	15.-1-19	Permanent
Gary Donofrio	7181 West Bergen Road	15.-1-8.111	Permanent
Wayne Keller	7404 West Bergen Road	16.-1-1.113	Permanent
Jacob Pocock	7231 Lyman Road	16.-1-2	Permanent
Metalico Rochester, Inc.	7652 Clinton Street Road	17.-1-2	Permanent
Zuber Brothers, LLC	Townline Road	14.-1-7	Permanent
Zuber Brothers, LLC	Townline Road	14.-1-7	Permanent
Gary Donofrio	71881 West Bergen Road	15.1.8.11	Permanent and Temporary
James Oehler	West Sweden Road	12-1-84.11	Permanent
Lee Capomaccio	7652 Dublin Road	17.1-1.112	Permanent
Zuber Brothers, LLC	Townline Road	14.1-10.1	Permanent
Wayne Keller	7404 West Bergen Road	16.-1-1.113	

NOW, BE IT THEREFORE RESOLVED that the Town Board of the Town of Bergen accepts these easements.

Motion by: _____

Second by: _____

Vote: _____ Ayes

_____ Nays

Date: _____ Resolution Number: _____