

**Town Board Meeting
Town of Bergen
July 27, 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: Public Hearing and Regular Meeting of 7/13/2021

IV. Communications included with this agenda:

- 1- Mercy Flight report for June 2021
- 2- Charter Communication dated 7/7/2021

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

VIII. New Business:

- Discussion and resolution to approve the hiring of LeBella Associates to prepare a NYS Department of Transportation Grant for improvements to west shore and to Drew's Nature Center

IX. Executive Session

IX. Meeting and Other Upcoming Dates:

- Town Board Meeting: 8/10/2021: 6:45 pm Audit of Bills, 7:00 pm -town hall

X. Adjournment

DRAFT

July 12, 2021

BERGEN TOWN BOARD

REGULAR MEETING

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

PRESENT:

Supervisor Ernest Haywood
Councilwoman Belinda Grant
Councilman Mark Anderson
Councilwoman Anne Sapienza
Councilman Jim Starowitz (arriv. 7:04)

ALSO PRESENT:

Mike Johnson, Highway Superintendent
Michele Smith, Town Clerk

OTHER ATTENDEES:

Paul Chatfield, MRB
Emilio Moran, MRB
Dan Bryson, Town Attorney
Deb Godlove

Dave McCombs
Dave Huntoon
Brian Zielinski

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

WIBA#1 Public Hearing opened at 7:00 pm

Paul Chatfield Town and Project Engineer gave an update on the project and explained additional grant money from USDA and loan received, no changes in project scope; the amount to be applied to tax bills approximately \$643.04; if all goes as scheduled the district construction phase could be December 2022. Dan Bryson, Town Attorney described the necessary steps to be taken to increase project costs.

Public Comments: Bidding to lowest bidder; water main size increase; loan set up; County water surcharge; 12months for project; contractors are bonded

Public Hearing closed at 7:25 pm

MINUTES: *Councilman Anderson made a motion to approve the minutes of June 8, 2021 to remove his name from Executive session; seconded by Councilwoman Sapienza and carried by a vote 5-0.*

Motion was

Councilwoman Sapienza made a motion to remove the statement with Mark Anderson's name from executive session and move to body of minutes; seconded by Councilman Starowitz and carried by a vote 4-1

COMMUNICATIONS:

Supervisor Report for June 2021

Summary Spreadsheet for June 2021

Town Clerk Report for June 2021

ZEO/CEO Report for June 2021

USDA award letter for additional Grant funds for WIBA#1

Correspondence from NYMIR regarding insurance claim review and recommendation

2022 Budget Development Timeline

Email from NYS DOB regarding American Rescue Plan Act Corona Virus Local fiscal recovery fund amount for the Town of Bergen

Revised Financing timeline for WIBA#1 as of 6/30/21

REPORTS:

SUPERVISOR: Sales tax proposal; looking into a Transportation Assistance Program grant for Drews Nature Center/Linear Park- met with Ryan Cummings about a plan; stick and mortar building is up

TOWN CLERK: Nothing to report

HIGHWAY: Oil and stoned Cook and Sackett roads; paving of Jerico to Rt. 262 is on hold due to shortage of work force and product; getting a quote for parking lot at Town Hall

TOWN CLERK'S REPORTS: *Councilman Starowitz made a motion to file the Town Clerk's June 2021 Report seconded by Councilwoman Sapienza and it carried by a vote 5-0.*

SUPERVISOR REPORT *Councilman Starowitz made a motion to file the Supervisor's June 2021 Report; seconded by Councilwoman Sapienza and it carried by a vote 5-0.*

COMMITTEES:

Building and Grounds: plumbing issue was resolved at the Historian Office; Councilwoman Sapienza requesting that someone meet with the contractor at East Bergen to repair 4 stones quote \$5,000 - Superintendent Johnson said he will handle it; air conditioner in Assessor Office looking into replacement and getting bids

Parks: nothing to report

Local History & Museum: working on inventory and restoring historian office removing wallpaper to original paint and stencil

Policy and Personnel: nothing to report

Transfer Station: gathering information

OLD BUSINESS:

Water improvement Benefit Area #1: info given during public hearing

Resolution to increase amount to be expended WIBA#1 *Councilman Starowitz offered Resolution #21-2021 increasing the maximum amount to be expended for the construction of WIBA#1; seconded by Councilwoman Sapienza and it carried by a vote 5 -0.*

RESOLUTION#21-2021 INCREASING THE MAXIMUM AMOUNT TO BE EXPENDED FOR THE CONSTRUCTION

OF WATER IMPROVEMENT BENEFIT AREA NO. 1 PURSUANT TO SECTION 209-h OF TOWN LAW

In the Matter of the Increase in Maximum Amount to Be Expended for the Facilities of Water Improvement Benefit Area No. 1 in the Town of Bergen, in the County of Genesee, in the State of New York, Pursuant to 209-h of the Town Law

WHEREAS, the Town Board of the Town of Bergen (the "Town Board") previously adopted on February 11, 2020 an Order establishing Water Improvement Benefit Area No. 1 (the "District") in the Town of Bergen (the "Town") which was filed in the Genesee County Clerk's Office on February 12, 2020 as Instrument # MR2020-93 together with a Corrected Order recorded in the Genesee County Clerk's Office on March 5, 2021 as Instrument # MR2021-126 (collectively the "Order"), and

WHEREAS, the Order called for the construction of a water system pursuant to a map, plan and report prepared by the Town's Engineer, MRB Group ("MRB") last dated May 17, 2019 and on file in the Office of the Town Clerk of the Town of Bergen (the "Project"), and

WHEREAS, the Order established the sum of \$8,958,000.00, partially offset by an United States Department of Agriculture Grant, as the maximum amount to be expended for the Project. Said amount to be borne by the properties within the District on a benefit basis.

WHEREAS, the Town has determined the maximum cost of the Project as described in the Order has increased, and

WHEREAS, the scope of the Project including the Project Area, Project Design and boundaries of the District described in the Order have not changed, and

WHEREAS, the Town Board having previously declared itself Lead Agent pursuant to the State Environment Quality Review Act ("SEQR") and having previously reviewed and accepted a long form environmental assessment of the Project prepared by LaBella Associates, and declared that based upon a review of the assessment, the Project will not have a significant adverse impact on the environment and issued a Negative Declaration under SEQR for the Project, and

WHEREAS, the maximum amount to be expended for the Project has increased to \$10,485,000.00 to be partially, offset by additional grant monies from the United States Department of Agriculture, and

WHEREAS, after MRB duly filed a revised map, plan and report in the office of the Town Clerk of the Town describing the increase in the maximum amount proposed to be expended for the Project, the cost to a typical user, the Town Board did conduct a public hearing on July 13, 2021 regarding the proposed increase to hear all persons interested in the subject thereof concerning the same, and

WHEREAS, copies of the Notice of Public Hearing were duly published and posted according to law, and the Town Board did, at the time and place specified in said Notice, duly meet and consider said proposal and hear all persons interested in the subject thereof, who appeared at such time and place, concerning the same, and

WHEREAS, the evidence offered at such time and place requires that the Town Board make the determinations hereafter made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Bergen, in the County of Genesee, that it be and hereby is determined as follows:

It is in the public interest to approve an increase in the maximum amount to be expended for the Facilities of Water Improvement Benefit Area No. 1 in the Town of Bergen as hereinafter described; and be it

FURTHER RESOLVED, that the maximum amount to be expended for the proposed improvements, including costs of the physical improvements, construction costs, legal fees, and other expenses shall be the sum of \$10,485,000.00 to be partially offset by a United States Department of Agriculture grant of \$3,635,000.00, said amount to be borne by the properties within the District on a benefits basis; and be it

FURTHER RESOLVED, that the total annual cost for a typical user of the District is now estimated to be \$1,034.44 (including debt service and water usage cost); and be it

FURTHER RESOLVED, that the increase in the maximum amount to be expended for the Project will be subject to the approval of the Office of the State Comptroller; and be it

FURTHER RESOLVED, that the proposed method to be employed for financing such improvement based on the increased cost is projected as follows:

The cost of the water district construction would be paid through a benefit based assessment against the properties within the proposed water district. It is anticipated that the project cost will be financed by the issuance of one or more bonds of the Town, to be paid over 38 years at an estimated interest rate of 2.5% per annum for the original \$5,900,000.00 loan and an estimated interest rate of 1.375% per annum for an additional \$950,000.00 loan; and be it

FURTHER RESOLVED, that the total first year cost for the typical user, including one-time hookup fees for the proposed Water Improvement Benefit Area No. 1 is now estimated to be \$2,674.44 broken down as follows:

Installation of water Service \$1,200.00; Internal Plumbing Charges \$200.00; Repayment of Bonds \$643.04; Water Meter and Account Fee \$240.00; Repair Reserve \$20.00; and Purchase of Water (60,000 gallons/year) \$371.40

FURTHER RESOLVED, that the Resolution increasing the maximum cost of the Project is subject to a permissive referendum in accordance with Section 209-h and Article 7 of Town Law.

Roll Call Vote:

Supervisor Haywood Aye
Councilwoman Grant Aye
Councilman Anderson Aye
Councilwoman Sapienza Aye
Councilman Starowitz Aye

NEW BUSINESS:

Genesee County proposed Sales Tax Agreement Supervisor gave an update of the proposal
Draft distribution policy committee to be formed

Claim filed with the Town Supervisor Haywood requested to hire an attorney to investigate a claim;
Councilman Anderson requested to enter executive session to discuss the matter.

Executive Session *Councilman Anderson made a motion to enter executive session at 7:44 pm to discuss claim filed with the Town; seconded by Councilwoman Grant and carried by a vote 5-0. Councilman Anderson made a motion to exit executive at 7:50 pm; seconded by Councilwoman Grant and carried by a vote 5-0.*

Hire investigator to investigate claim *Councilman Anderson made a motion to hire Richard Rosenbloom, ESQ to investigate the claim filed for \$2,600; seconded by Councilwoman Sapienza and carried by a vote 5-0.*

Library funds Transfer *Councilman Anderson made a motion to transfer the remaining funds budgeted for 2021 to the Library of \$33,040.00; seconded by Councilwoman Grant and carried by a vote 5-0.*

BILLS: The bills were presented for audit and totaled General A Fund \$13,804.12; General B Fund \$2,240.21; Highway DA \$6,229.52; Highway DB \$4,867.02; HH (Water District) \$11,646.30; PA-A \$3,555.67; PA-DA \$2,321.82 and PA-DB \$2,515.30. *Councilman Grant made a motion to pay the July bills; seconded by Councilman Starowitz and it carried by a vote -0.*

REGULAR MEETING – Tuesday, July 27, 2021 at 7:00 pm in the Courtroom

EXECUTIVE SESSION: *Councilwoman Grant made a motion to enter into executive session at 8:25 pm to discuss Union Negotiations with Superintendent Johnson in attendance; seconded by Councilwoman Sapienza and it carried by a vote 5-0. Councilwoman Grant made a motion to exit executive session at 8:40 pm; seconded by Councilman Starowitz and carried by a vote 5-0.*

ADJOURNMENT *was at 8:41 pm on a motion by Councilman Starowitz; seconded by Councilwoman Grant and carried by a vote 5-0.*

Respectfully submitted
Michele M. Smith

Michele M. Smith, Town Clerk



Mark Meyerhofer
Senior Director
Government Affairs

July 7, 2021

Re: Charter Communications – Upcoming Changes

Dear Municipal Official:

Spectrum Northeast, LLC, ("Spectrum"), is making its customers aware that on or around August 2, 2021, Spectrum will discontinue its Pay-Per-View Events Barker Channel (iN DEMAND Previews) channel 650 on the channel lineup serving your community, however, customers will continue to see PPV Events promoted between programs on HDPPV, SDPPV, iN 1, iN2, iN3, Hot Choice and PPV en Español as well as on cross channel spots.

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 style with a large initial "M".

Mark Meyerhofer
Senior Director, Government Affairs
Charter Communications

Genesee County 911
Response Times Report

Mercy Flight EMS

Report includes Emergent First On Scene Responses.

GEN BERGEN FIRE

Report Date Range from: 6/1/2021 to 6/30/2021

Response Time Minutes	Call Count	Cumulative Call Count	Percentage of Total Calls	Cumulative Percentage
Response Zone: GEN BERG 17				
10:00 - 10:59	1	1	8.33%	8.33%
13:00 - 13:59	1	2	8.33%	16.67%
15:00 - 15:59	2	4	16.67%	33.33%
16:00 - 16:59	2	6	16.67%	50.00%
17:00 - 17:59	3	9	25.00%	75.00%
18:00 - 18:59	3	12	25.00%	100.00%
Total Calls:	12	12	100%	

Response Zone: GEN BERG 22				
12:00 - 12:59	1	1	14.29%	14.29%
18:00 - 18:59	1	2	14.29%	28.57%
19:00 - 19:59	1	3	14.29%	42.86%
20:00 - 20:59	1	4	14.29%	57.14%
21:00 - 21:59	2	6	28.57%	85.71%
22:00 - 22:59	1	7	14.29%	100.00%
Total Calls:	7	7	100%	

Call Source Total Calls: 19