

**Town Board Meeting
Town of Bergen
August 24, 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: Special Meeting 8/17/2021 and Regular Meeting of 8/10/2021

IV. Communications included with this agenda:

- 1- Mercy Flight report for July 2021
- 2- Charter Communication dated 8/11/2021
- 3- Amendment to Owner-Engineer Agreement #3 for WIBA #1 with MRB

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
- Fire Department/town shared fuel tank

VIII. New Business:

- Amendment to Owner/Engineer Agreement with MRB for WIBA#1

IX. Executive Session

IX. Meeting and Other Upcoming Dates:

- Town Board Meeting: 9/14: 6:45 pm Audit of Bills, 7:00 pm -town hall
- Budget Workshop: 9/18 9 am - town hall

X. Adjournment

DRAFT

AUGUST 17, 2021

BERGEN TOWN BOARD

SPECIAL MEETING

The Bergen Town Board convened in a special meeting at 6:00 pm in the Town Hall with Supervisor Haywood presiding.

PRESENT:

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

ALSO PRESENT:

Michele Smith, Town Clerk

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

NEW BUSINESS

Resolution Authorizing Application to the NYS Comptroller for the Increase in Maximum Project Cost for Water Improvement Benefit Area #1. *Councilwoman Sapienza offered Resolution #23-2021 to file application to the NYS Comptroller for the increase in Maximum Project cost of Water Improvement Benefit Area #1; seconded by Councilman Starowitz and it carried by a vote 5-0.*

RESOLUTION #23-2021

APPLICATION TO THE NYS COMPTROLLER FOR THE INCREASE IN MAXIMUM PROJECT COST FOR WATER IMPROVEMENT BENEFIT AREA #1

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 and

WHEREAS, on or about May 11, 2021, the Board was advised that the total maximum cost to construct the water system (the "Project") described in the Order had increased and

WHEREAS, the Town Board did conduct a public hearing on July 13, 2021, regarding the increase in the maximum amount of the Project and after hearing all persons interested in the subject thereof concerning the same resolved to approve the increase, and,

WHEREAS, the increase in the total maximum amount to be expended for the Project is subject to the approval of the State Comptroller's Office, and

WHEREAS, the Town Board did direct the Town Attorney to prepare an application to the State Comptroller, a copy of which is attached hereto as **Exhibit "A"**, and

WHEREAS, the Town Board has duly reviewed such application and believes the content of the application to be true and accurate;

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:

1. It is in the public interest to approve the increase in the maximum amount to be expended for the Project;
2. The expenditures for which permission is sought will not constitute an undue burden on the properties which will bear the expense;
3. All of the property and property owners within the District are benefited thereby;
4. All of the property and property owners benefited are included within the District and no benefited property has been excluded; and

FURTHER, RESOLVED, that the Supervisor is authorized to execute the application seeking the approval of the State Comptroller to increase the maximum amount to be expended for the construction of the facilities of the District and any other documents necessary to effectuate the consideration of said application.

AYE	<u> X </u>	NAY	_____	Ernest Haywood, Supervisor
AYE	<u> X </u>	NAY	_____	Mark Anderson, Councilman
AYE	<u> X </u>	NAY	_____	Belinda Grant, Councilwoman
AYE	<u> X </u>	NAY	_____	James Starowitz, Councilman
AYE	<u> X </u>	NAY	_____	Anne Sapienza, Councilwoman

REGULAR MEETING – Tuesday, August 24, 2021 at 7:00 pm in the Courtroom.

ADJOURNMENT was at 6:02 pm on a motion by Councilman Starowitz; seconded by Councilwoman Grant and carried by a vote 5-0.

DRAFT

AUGUST 10, 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

ALSO PRESENT:

Mike Johnson, Highway Superintendent
Michele Smith, Town Clerk

ABSENT:

Councilman Jim Starowitz

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

MINUTES: Councilwoman Grant made a motion to approve the minutes of July 27, 2021; seconded by Councilman Anderson and carried by a vote 3-0. Councilwoman Sapienza abstained.

COMMUNICATIONS:

Supervisor Report for July 2021

Summary Spreadsheet for July 2021

Town Clerk Report for July 2021

Charter Communications

Letter of Understanding between the Bergen Fire Dept. and Town of Bergen for use of Town's fuel tanks

REPORTS:

SUPERVISOR: advertising for Town Prosecutor; first stimulus check received \$94,000.

TOWN CLERK: Public Hearing GCEDC- Liberty Pumps on Thursday, August 26th at 3:00 pm, Denny will be asked to open the building.

HIGHWAY: going to help the village with oil & stone and start Jerico Rd. week of August 16th; Town Hall Parking lot mill, drainage and striping not to exceed \$35,000

TOWN CLERK'S REPORTS: Councilman Sapienza made a motion to file the Town Clerk's July 2021 Report seconded by Councilwoman Grant and it carried by a vote 4-0.

SUPERVISOR REPORT: Councilman Anderson made a motion to file the Supervisor's July 2021 Report; seconded by Councilwoman Sapienza and it carried by a vote 4-0.

COMMITTEES:

Building and Grounds: list of local HVAC companies, sending letters for painting 15 S. Lake

Parks: working on sign for Robins Brook

Local History & Museum: nothing to report

Policy and Personnel: nothing to report

Transfer Station: nothing to report

OLD BUSINESS:

Water improvement Benefit Area #1: EDU update; working on application to comptroller; Councilwoman Sapienza made a motion to set August 17, 2021 for a special meeting for WIBA#1 at 6:00 pm; seconded by Councilwoman Grant and carried by a vote 4-0.

Sealing parking lot at 13 S. Lake Councilwoman Sapienza made a motion to have Grippo Asphalt Maintenance seal and stripe the parking lot at 13 S. Lake for \$2,525.00; seconded by Councilman Anderson and carried by a vote 4-0.

NEW BUSINESS:

Town Hall Parking Lot Councilwoman Sapienza made a motion to mill, drainage and striping of Town Hall parking lot not to exceed \$35,000; seconded by Councilman Anderson and carried by a vote 4-0.

Letter of Understanding between Bergen Fire Dept and Town of Bergen for Fire Dept. use of the Towns fuel dispensing facility at 18 Gates St. -tabled for more information

Budget Workshops schedule Councilwoman Sapienza made a motion to set budget workshops for September 18, 2021 and October 9, 2021 at 9:00 am; seconded by Councilman Anderson and carried by a vote 4-0.

2021 Budget Transfers Councilwoman Sapienza made a motion to accept the 2021 Budget transfers suggested by EFPR the Town Auditors; seconded by Councilman Anderson and it carried by a vote 4-0.

2021 Budget Modification Resolution Councilwoman Grant offered Resolution #22-2021 to authorize the Supervisor to make the 2021 Budget Modifications; seconded by Councilman Anderson and it carried by a vote 4-0.

**RESOLUTION #22-2021
2021 BUDGET MODIFICATIONS**

NOW, THEREFORE, BE IT RESOLVED:

Sec.1. That the Supervisor is hereby authorized to make the following modifications to the 2021 Town Budget:

\$21,854.06 from DB200 to DA200

Decrease DA5130.4 Machinery Contractual	\$21,854.06
Increase DA9785.6 Installment Purchase Principle	\$18,851.87
Increase DA9785.7 Installment Purchase Interest	\$ 3,002.19
Increase A4089 Federal Aid Other	\$35,000.00
Increase A1620.4 Building Purchase Contractual	\$35,000.00

Sec.2 That this Resolution shall take effect immediately.

BILLS: The bills were presented for audit and totaled General A Fund \$12,701.29; General B Fund \$1,717.13; Highway DA \$53,043.41; Highway DB \$80,639.85; HH (Water District) \$7,027.00; PA-A \$2,941.01; PA-DA \$2,321.82 and PA-DB \$2,515.30. Councilwoman Sapienza made a motion to pay the August bills; seconded by Councilwoman Grant and it carried by a vote 4-0.

REGULAR MEETING – Tuesday, August 24, 2021 at 7:00 pm in the Courtroom.
Special Meeting WIBA#1 – Tuesday, August 17, 2021 at 6:00 pm in the Courtroom.

EXECUTIVE SESSION: Councilwoman Grant made a motion to enter into executive session at 7:44 pm to discuss Union Negotiations; seconded by Councilwoman Sapienza and it carried by a vote 4-0. Councilwoman Sapienza made a motion to exit executive session at 7:55pm; seconded by Councilwoman Grant and carried by a vote 4-0.

ADJOURNMENT was at 7:56 pm on a motion by Councilman Anderson; seconded by Councilwoman Grant and carried by a vote 4-0.

Respectfully submitted
Michele M. Smith

Michele M. Smith, Town Clerk

Genesee County 911
Response Times Report

Mercy Flight EMS

Report includes Emergent First On Scene Responses.

GEN BERGEN FIRE

Report Date Range from: 7/1/2021 to 7/31/2021

Response Time Minutes	Call Count	Cumulative Call Count	Percentage of Total Calls	Cumulative Percentage
--------------------------	------------	--------------------------	------------------------------	--------------------------

Response Zone: GEN BERG 17

15:00 - 15:59	1	1	14.29%	14.29%
18:00 - 18:59	5	6	71.43%	85.71%
19:00 - 19:59	1	7	14.29%	100.00%
Total Calls:	7	7	100%	

Response Zone: GEN BERG 22

16:00 - 16:59	1	1	20.00%	20.00%
18:00 - 18:59	1	2	20.00%	40.00%
20:00 - 20:59	1	3	20.00%	60.00%
21:00 - 21:59	2	5	40.00%	100.00%
Total Calls:	5	5	100%	

Call Source Total Calls: 12



Mark Meyerhofer
Senior Director
Government Affairs

August 11, 2021

Re: Charter Communications – Upcoming Changes

Dear Municipal Official:

Spectrum Northeast, LLC, ("Spectrum"), locally known as Spectrum, has become aware that on or around September 1, 2021, WKBW 2 LAFF, located on Basic service channel 1240, will be rebranded to WKBW 2 Bounce in 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, flowing style.

Mark Meyerhofer
Senior Director, Government Affairs
Charter Communications

A handwritten signature in black ink, appearing to be a stylized "M" or similar mark, located below the typed name of Mark Meyerhofer.

August 19, 2021

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

**RE: TOWN OF BERGEN WIBA NO. 1 - ENGINEERING AMENDMENT NO. 3
MRB GROUP PROJECT NO. 0202.18003.000**

Dear Ernie and Town Board Members:

We have enclosed for your review and approval, three (3) copies of Engineering Amendment No. 3 for the above referenced Project. The amendment consists of the following items:

- 1. Additional Services:** *This amendment includes Additional Services as a result of the delay in awarding the construction contracts, resulting in additional coordination necessary. Additional coordination is required with the Contractors, material suppliers, USDA RD, Town of Bergen, Town Attorney and other members of the Project Team. Attendance at additional meetings with the Town, contractors, and others was necessary to facilitate awarding the contract. Also required was revisions to the Preliminary Engineering Report (PER) to facilitate the request for additional project funds. **The cost of the additional services is estimated to be \$20,000. Further adjustment of this fee (upwards or downwards) may be necessary based upon the effort necessary for these tasks.***

Please sign and return two (2) copies to our office for further processing with USDA RD.

Upon your review, should you have any questions, please do not hesitate to call.

Sincerely,



Paul R. Chatfield, P.E.
Senior Project Manager

Copies by Email Only to:

Michele Smith, Town Clerk (w/Enc.)
Mike Johnson, Highway Superintendent (w/Enc.)
Barbara Johnston, Labella (w/Enc.)

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

**AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 3**

The Effective Date of this Amendment is: August 24, 2021.

Background Data

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

Owner: Town of Bergen

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

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

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

- Additional Services to be performed by Engineer
- Modifications to services of Engineer
- Modifications to responsibilities of Owner
- Modifications of payment to Engineer
- Modifications to time(s) for rendering services
- Modifications to other terms and conditions of the Agreement

Description of Modifications:

- 1. Additional Services:** *This amendment includes Additional Services as a result of the delay in awarding the construction contracts, resulting in additional coordination necessary. Additional coordination is required with the Contractors, material suppliers, USDA RD, Town of Bergen, Town Attorney and other members of the Project Team. Attendance at additional meetings with the Town, contractors, and others was necessary to facilitate awarding the contract. Also required was revisions to the Preliminary Engineering Report (PER) to facilitate the request for additional project funds. The estimated cost of the additional services is estimated to be \$20,000. Further adjustment of this fee (upwards or downwards) may be necessary based upon the effort necessary for these tasks.*

Agreement Summary:

Original agreement amount:	\$ 836,315.00
Net change for prior amendments:	\$ 46,216.00
This amendment amount:	<u>\$ 20,000.00</u>
Adjusted Agreement amount:	\$902,531.00

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

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

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

OWNER:

Town of Bergen

By:

Print Ernest Haywood
name:

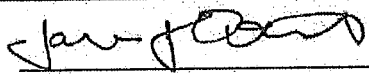
Title: Town Supervisor

Date Signed:

ENGINEER:

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

By:


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

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

Date Signed:

8/19/2021