

**Town Board Meeting  
Town of Bergen  
October, 26, 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. Public Hearings:**

- 7:00pm- Local Law No.1 of 2022 to Override the Tax Levy Limit Established in General Municipal Law Section 3-c for fiscal year 2022
- 7:15 pm -Proposed Fire Protection Contract for 2022
- 7:30 pm- Preliminary 2022 Budget for the Town of Bergen

**III. Privilege of the Floor:**

**IV. Approval of meeting Minutes for:**

- Regular Board Meeting of 10/12/2021
- Regular Board Meeting of 9/28/2021
- Regular Meeting of 9/14/2021

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

1. Mercy EMS report for September 2021
2. Net Interest and Land and Rights -of-Way budget modification for WIBA#1- Resolution
3. Interest letter from Robert R. Zickl, Esq, dated 10/7/2021 regarding Town Prosecutor position
4. Updated Municipal Advisor Services agreement with BPD for WIBA#1

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

**VII. Reports:**

Supervisor  
Clerk  
Board Members  
Highway

**Committees**

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

**VIII. Old Business:**

- Town of Bergen Water Improvement Benefit Area #1 project- Update:

**IX. New Business:**

- Approval of Local Law No.1 of 2022 to Override the Tax Levy Limit Established in General Municipal Law Section 3-c for fiscal year 2022
- Approval of the 2022 Budget for the Town of Bergen

- Approval of Proposed Fire Protection Contract for 2022 with the Bergen Fire Department.
- Approval to appoint Robert R. Zickl, Esq. as Town Prosecutor
- Approval of amendment to the Municipal Advisor Services agreement with BPD for WIBA#1
- Approval of Resolution Net Interest and Land and Rights -of-Way budget modification for WIBA#1

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

-Town Board Meeting: 11/9/2021: 6:45 pm Audit of Bills, 7:00 pm Town Board Meeting

**XI. Executive Session**

**XII. Adjournment**

DRAFT

OCTOBER 12, 2021

BERGEN TOWN BOARD

REGULAR MEETING

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

PRESENT:

Supervisor Ernie Haywood  
Councilwoman Belinda Grant  
Councilman Jim Starowitz (arr. 7:33)

ALSO PRESENT:

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

ABSENT:

Councilman Mark Anderson  
Councilwoman Anne Sapienza

OTHER ATTENDEES:

Kelly Husted

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

Complaint about 6558 S. Lake Rd. Kelly Husted representing her father Tim Donovan complaint of owner of property at 6558 S. Lake Rd. has pushed down trees and blocked a ditch and flooding pasture and fence line knocked down on Donovan's property, 19 cars some with out of state plates, lift in barn, motors on lifts leaking oil on the ground. Supervisor will contact CEO Wood.

MINUTES: No Quorum to approve September 14 & 28, 2021 minutes tabled until next meeting. *Councilwoman Grant made a motion to approve the Budget Workshop minutes of October 9, 2021; seconded by Councilman Starowitz and carried by a vote 3-0.*

COMMUNICATIONS:

Supervisor Report for September 2021  
Summary Spread sheets for September 2021  
Town Clerk Report for September 2021  
ZEO/CEO Report for September 2021  
Preliminary 2022 Town Budget  
Proposed Local Law for overriding the tax cap for 2021 Budget  
Legal Services agreement with Lacy Katzen and the Town of Bergen for WIBA#1  
Budget Transfers

REPORTS:

SUPERVISOR: Chris Suozzi of GCEDC contacted supervisor about growing cannabis at Apple Tree business park on vacant parcel with no access-will get more information; executed Union Contract; cleaner contract to return to regular amount of \$500; county is reducing sales tax reduced by \$7,000 per total assessed value

HIGHWAY: Town crew finished drainage work at Town Hall parking lot waiting on County for paving; plows will be set up for snow soon.

TOWN CLERK'S REPORT: *Councilwoman Grant made a motion to file the Town Clerk's September 2021 Report; seconded by Councilman Starowitz and it carried by a vote 3-0.*

SUPERVISOR REPORT *Councilwoman Grant made a motion to file the Supervisors September Report 2021; seconded by Councilman Starowitz and carried by a vote 3-0.*

OMMITTEES:

Building, Grounds and Cemeteries: Nothing to report

Parks: Nothing to report

Local History & Museum: Nothing to report

Transfer Station: Nothing to report

**OLD BUSINESS:**

Water improvement Benefit Area #1 Update: waiting to hear from State Comptroller's Office for approval

**NEW BUSINESS:**

Adoption of 2022 Preliminary Budget Councilwoman Grant made a motion to adopt the 2022 Town of Bergen Preliminary Budget; seconded by Councilman Starowitz and carried by a vote 3-0

Budget/Local Law Public Hearings Councilwoman Grant made a motion to set Public Hearings for October 26, 2021 with the 2022 Tax Cap Local Law at 7:00 pm; Fire Contract at 7:15 pm and 2022 Town Budget Hearing 7:30 pm at the Town Hall; seconded by Councilman Starowitz and it carried by a vote 3-0.

Junkyard Permits: Councilwoman Grant made a motion to approve Junkyard permits for Metalico, Demo's and John Cole per CEO Gerry Wood; seconded by Councilman Starowitz and it carried by a vote 3-0

Approval of updated Legal Services for WIBA#1: Councilman Starowitz made a motion to approve updated Legal Services Agreement between the Town of Bergen and Lacy Katzen LLP for legal services associated with WIBA#1; seconded by Councilwoman Grant and it carried by a vote 3-0.

Budget Transfers: Councilwoman Grant made a motion to approve Budget Transfers as follows; seconded by Councilman Starowitz and it carried by a vote 0-3.

**GENERAL FUND - TOWNWIDE**

<i>Transfer</i>			
<i>From:</i>	AA.1620.400	Building Operation Contractual	\$ 4,994.00
			<u>\$ 4,994.00</u>
<i>Transfer To:</i>	AA.1680.400	Computers Contractual	\$ 4,994.00
			<u>\$ 4,994.00</u>

**HIGHWAY FUND - OUTSIDE VILLAGE**

<i>Transfer</i>			
<i>From:</i>	DB.9785.600	Installment Purchase Debt, Principal	\$ 1,474.00
	DB.5999.000	Unexpended Fund Balance	\$61,094.00
			<u>\$62,568.00</u>
<i>Transfer To:</i>	DB.5110.100	General Repairs Services	\$ 1,844.00
	DB.5110.400	General Repairs Contractual	\$30,288.00
	DB.5112.200	Permanent Highway Improvements	\$28,933.00
	DB.9785.700	Installment Purchase Debt, Interest	\$ 1,503.00
			<u>\$62,568.00</u>

**BILLS:** The bills were presented for audit and totaled General A Fund \$19,008.77; General B Fund \$2,315.44; Highway DA \$1,625.94; Highway DB \$9,950.38; Water District \$13,667.53; PA-A \$3,998.89; PA-DA \$2,321.82; PA-DB \$2,515.30. Councilwoman Grant made a motion to pay the October bills; seconded by Councilman Starowitz carried by a vote 3-0.

**REGULAR MEETING** – Tuesday, October 28, 2021 at 7:00 pm at the Town Hall

**ADJOURNMENT** was at 7:43 pm on a motion by Councilwoman Grant; seconded by Councilman Starowitz and carried by a vote 3-0.

Respectfully submitted

*Michele M. Smith*  
Michele M. Smith,  
Town Clerk

**DRAFT**

**SEPTEMBER 28, 2021**

**BERGEN TOWN BOARD**

**REGULAR 2nd MEETING**

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

**PRESENT:**

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

**ALSO PRESENT:**

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

**ABSENT:**

Councilman James Starowitz

**OTHER ATTENDEES:**

Eric Wies  
Patrick McGee  
Kevin Donaghue  
Jason Benefante  
Roger Caldwell  
Kris Humsinger  
Lori Prinz

**PRAYER**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**Fire Department presented proposed 2022 Budget** President Eric Wies presented 2022 Budget proposal

**Byron-Bergen Central School** Superintendent Patrick McGee and CPL presented the capital project, vote is October 7<sup>th</sup>

**MINUTES:** No Quorum to approve September 14, 2021 minutes tabled until next meeting. *Councilwoman Sapienza made a motion to approve the minutes of September 18, 2021 Budget Workshop minutes; seconded by Councilwoman Grant and carried by a vote 4-0.*

**COMMUNICATIONS:**

Mercy EMS Report August 2021

Revised Fire Department 2022 Budget proposal

Tentative 2022 Town of Bergen Budget for filling with the Town Clerk

**REPORTS:**

**SUPERVISOR:** working on 2022 budget

**CLERK:** nothing to report

**HIGHWAY/SOLID WASTE:** Bissell Rd water project started; Town Hall parking lot drainage and resurfacing project started.

**COMMITEES:**

**BUILDINGS:** nothing to report

**PARKS:** nothing to report

**LOCAL HISTORY AND MUSEUM:** nothing to report

POLICY AND PERSONNEL: union negotiations

**OLD BUSINESS:**

Water improvement Benefit Area #1: application is in final review with State Comptroller

**NEW BUSINESS:**

NYS Marijuana Regulation and Tax Act taking no action allows retail sale in the town *Councilwoman Sapienza made a motion to take no action on the NYS Marijuana Regulation and Tax Act; seconded by Councilwoman Grant carried by a vote 3-1. Councilman Anderson voting no*

**NEXT MEETING:**

Regular Meeting – Tuesday, October 12, 2021 at 7:00 pm in the Courtroom with the audit of the bills at 6:45pm  
Budget Workshop – Saturday, October 9<sup>th</sup> at 9:00 am in the Courtroom

**EXECUTIVE SESSION:**

*Councilwoman Sapienza made a motion to enter into executive session at 7:52 pm for Union Negotiations with Superintendent Johnson and Town Clerk Smith in attendance; seconded by Councilwoman Grant and it carried by a vote 4 -0. Councilwoman Sapienza made a motion to exit executive session at 7:59 pm; seconded by Councilwoman Grant and carried by a vote 4-0.*

Union Contract *Councilwoman Sapienza made a motion for Supervisor Haywood to execute the agreement between the Town of Bergen and the Teamsters Local 264; seconded by Councilwoman Grant and it carried by a vote 4-0.*

**ADJOURNMENT** *was at 8:00 pm on a motion by Councilwoman Grant seconded by Councilwoman Sapienza and it carried by a vote 4 -0.*

Respectfully submitted,

*Michele M. Smith*

Michele M. Smith,  
Town Clerk

**DRAFT**

**SEPTEMBER 14, 2021**

**BERGEN TOWN BOARD**

**REGULAR MEETING**

The Bergen Town Board convened in a regular session at 7:03 pm in the Town Hall with Supervisor Haywood presiding.

**PRESENT:**

Supervisor Ernest Haywood  
Councilwoman Anne Sapienza  
Councilman Jim Starowitz

**ALSO PRESENT:**

Mike Johnson, Highway Superintendent  
Michele Smith, Town Clerk

**ABSENT:**

Councilman Mark Anderson  
Councilwoman Belinda Grant

**PRAYER**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**MINUTES:** *Councilwoman Sapienza made a motion to approve the minutes of August 24, 2021; seconded by Councilman Starowitz and carried by a vote 3-0.*

**COMMUNICATIONS:**

Supervisor Report for August 2021  
Summary Spreadsheet for August 2021  
Town Clerk Report for August 2021  
ZEO/CEO Report  
Charter Communications  
Bergen Fire Department Budget Report for 2022  
Supplemental Fee letter form Timothy R. McGill, bond Council for WIBA#1

**REPORTS:**

**SUPERVISOR:** County sales tax update; federal stimulus webinar update on use of funds; 2021 budget; shared services agreement the fire department filed with the county for fuel tank.  
**TOWN CLERK:** Gary Fink needs to be reappointed to BAR for new term  
**HIGHWAY:** Jerico Rd. paving is complete waiting for striping; start work on Town Hall parking lot  
**TOWN CLERK'S REPORTS:** *Councilwoman Sapienza made a motion to file the Town Clerk's August 2021 Report seconded by Councilman Starowitz and it carried by a vote 3-0.*  
**SUPERVISOR REPORT:** *Councilman Starowitz made a motion to file the Supervisor's August 2021 Report; seconded by Councilwoman Sapienza and it carried by a vote 3-0.*

**COMMITTEES:**

**Building and Grounds:** tree removal at historian building  
**Parks:** Rugby team starts on 9/18/21  
**Local History & Museum:** nothing to report  
**Policy and Personnel:** nothing to report  
**Transfer Station:** nothing to report

**OLD BUSINESS:**

**Water improvement Benefit Area #1:** revised schedule, nothing from State Comptroller

**NEW BUSINESS:**

**BAR Appointment:** Gary Fink reappointment to BAR. *Councilwoman Sapienza made a motion to appoint Gary Fink to the Board of Assessment Review for a new term; seconded by Councilman Starowitz and it carried by a vote 3-0.*  
**Tree Removal Approval** for tree at Historian Office *Councilwoman Sapienza made a motion to have a tree removed at 5 S. Lake Ave. (Historian Office) for \$575; seconded by Councilman Starowitz and it carried by a vote 3-0.*

Supplemental Fee for Timothy McGill Bond Council for WIBA#1 *Councilman Starowitz made a motion to accept the Supplement fee of for Timothy McGill Bond Council for WIBA#1 \$10,485; seconded by Councilwoman Sapienza and it is carried by a vote 3-0.*

**BILLS:** The bills were presented for audit and totaled General A Fund \$7,438.67; General B Fund \$4,756.04; Highway DA \$5,852.03; Highway DB \$91,212.33; HH (Water District) \$8,631.53; PA-A \$4,485.33; PA-DA \$2,321.82 and PA-DB \$2,515.30. *Councilman Starowitz made a motion to pay the September bills; seconded by Councilwoman Sapienza and it carried by a vote 3 -0.*

**REGULAR MEETING** – Tuesday, September 28, 2021 at 7:00 pm in the Courtroom.  
Budget Workshop – Saturday, September 18, 2021 at 9:00 am in the Courtroom

**EXECUTIVE SESSION:** *Councilwoman Sapienza made a motion to enter into executive session at 7:35 pm to discuss Union Negotiations; seconded by Councilman Starowitz and it carried by a vote 3-0. Councilwoman Sapienza made a motion to exit executive session at 7:40 pm; seconded by Councilman Starowitz and carried by a vote 3-0.*

**ADJOURNMENT** *was at 7:41 pm on a motion by Councilman Starowitz; seconded by Councilwoman Sapienza and carried by a vote 3-0.*

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: 9/1/2021 to 9/30/2021

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

08:00 - 08:59	1	1	7.14%	7.14%
14:00 - 14:59	1	2	7.14%	14.29%
16:00 - 16:59	2	4	14.29%	28.57%
17:00 - 17:59	1	5	7.14%	35.71%
18:00 - 18:59	3	8	21.43%	57.14%
19:00 - 19:59	4	12	28.57%	85.71%
20:00 - 20:59	2	14	14.29%	100.00%
<b>Total Calls:</b>	<b>14</b>	<b>14</b>	<b>100%</b>	

**Response Zone: GEN BERG 22**

19:00 - 19:59	1	1	20.00%	20.00%
20:00 - 20:59	2	3	40.00%	60.00%
21:00 - 21:59	1	4	20.00%	80.00%
25:00 - 25:59	1	5	20.00%	100.00%
<b>Total Calls:</b>	<b>5</b>	<b>5</b>	<b>100%</b>	

**Call Source Total Calls: 19**

Town of Bergen– Water Improvement Benefit Area (WIBA) No. 1  
Budget Modification

**RESOLUTION**

**Whereas**, the Town of Bergen developed the budget for the WIBA No. 1 project based on estimates for the costs for the Net Interest Expense and Land & Rights-of-Way, and

**Whereas**, the actual costs for the Net Interest Expense and Land & Rights-of-Way will be more than the budgeted amount.

**Be it resolved**, that the Town Board hereby authorizes the follow increases in the budgets for the Net Interest Expense and Land & Rights-of-Way, with a corresponding decrease in the Contingency:

Budget Item	Current Budget	Increase(Decrease)	Revised Budget
Net Interest	\$145,000.00	\$40,000.00	\$185,000.00
Land & Rights-of-Way	\$10,000.00	\$15,000.00	\$25,000.00

*Re 10/5/2021*

**ROBERT R. ZICKL, ESQ.**  
**17 Naramore Drive**  
**Batavia, New York**  
**14020-2723**

October 7, 2021

TOWN OF BERGEN  
Attn: Town Supervisor Haywood

Re: Traffic Prosecutor

Dear Mr. Haywood:

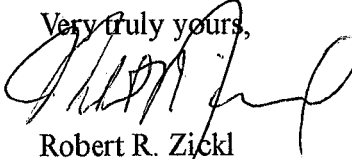
It is my understanding that you are advertising for your Traffic Prosecutor position, with a vacancy as of January 1, 2022. I am writing to express my interest in that position. I have prosecuted traffic cases for almost thirty years, beginning in the City of Batavia through the District Attorney's Office from 1992 to 2018, and been a criminal prosecutor in the Genesee County DAs Office from 1985 to 2018, a Special Prosecutor in 2018 and 2019, and with the Orleans County DAs Office from 2020 to the present.

I currently work with the Village of Corfu and the Towns of Bethany, Elba, Oakfield, Pembroke, Darien and Stafford as their traffic prosecutor. I have worked with your current traffic prosecutor, Kevin Finnell, in a partnership regarding traffic prosecution and we have an experienced administrator in place and procedures set out for handling pleas by mail and the new requirements for discovery in traffic matters.

At Mr. Finnell's invitation I attended a traffic prosecution night in Bergen Town Court and was able to speak with the Judges and the Court Clerk. The Court is well-run and I would look forward to working there.

I would like the opportunity to speak with you and the Board about the position and my ability to perform the duties involved. I can be reached at 585-409-6301.

Thank you for your attention to this matter.

Very truly yours,  
  
Robert R. Zickl



**MUNICIPAL FINANCE**

October 18, 2021

Mr. Ernest Haywood  
Supervisor  
Town of Bergen  
PO Box 249  
Bergen, NY 14416-0249

Re: Town of Bergen  
\$8,958,000 Water Improvement Benefit Area #1 Project  
Municipal Advisor Services - Amendment  
Our File # 2803

Dear Ernie:

As requested and as a follow up to our Financial Services Agreement dated January 17, 2020, we now anticipate our total invoices for financial services to be less than \$115,000 for the above project. Given the updated current Financial Plan, this estimate includes the Bond Anticipation Notes (quantity = 2) issued as well as those to be issued (quantity = 3?) and two possible Rural Development Bonds as well as Financial Management Services for the updated capital project. If the project changes further, we may need to revisit this estimate.

Please feel free to call us with any questions. Thank you in advance for your consideration.

Yours truly,

Handwritten signature of Charles A. Bastian in cursive.

Charles A. Bastian  
President

\_\_\_\_\_  
Ernest Haywood, Supervisor, Town of Bergen

\_\_\_\_\_  
Date

CAB/jam

cc: Ms. Barbara Johnston, LaBella Associates, P.C.

**BERNARD P. DONEGAN, INC.**

345 WOODCLIFF DRIVE, 2ND FLOOR

FAIRPORT, NY 14450

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