

Town Board Meeting- Special Meeting
Town of Bergen
February 22,2022
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: Regular meeting – 2/8/2028

III. Communications included with this agenda:

1. Mercy EMS report for January, 2022
2. Resolution regarding proposed road- Roxbury Lane
3. Resolution regarding acceptance of funds from Genesee County for WIBA #1
4. 2/14/2022 communication from Charter Communication
5. 2/16/2022 email from Eric Wies regarding survey for Emergency management needs for Genesee County
6. Proposed Vacant Building Registry of Bergen New York law
7. Proposed Town of Bergen Audio/Video Recording Policy

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:

- Discussion on Proposed Vacant Building Registry law
- Discussion on Proposed Town of Bergen Audio/Video Recording of Town Board Meetings policy

VII. New Business:

- Resolution not accepting dedication of a parcel referred to as the proposed Roxbury Lane, within the Apple Tree Acres Corporate Park.
- Resolution to accept funding from Genesee County toward costs of WIBA #1
- Upon recommendation of the ZEO-CEO-Approval of Mobile Home Park Permits for;
 - *Hidden Meadows Cooperative- 7289 South Lake Road
 - *Affordable Great Locations, Inc. -7862 Clinton Street
 - *Martin Dilcher- 7762 Clinton Street Road.

VIII. Meeting and Other Upcoming Dates:

Regular meeting: 3/8, 2022- 6:45 audit of bills, 7 pm regular meeting

IX. Adjournment

DRAFT

February 8, 2022

BERGEN TOWN BOARD

REGULAR MEETING

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

PRESENT:

Supervisor Ernie Haywood
Councilwoman Belinda Grant
Councilman Mark Anderson
Councilwoman Teresa Whalin (arriv 7:50)
Councilman Jim Starowitz

ALSO PRESENT:

Michele M. Smith, Town Clerk
Joel Pocock, Deputy Highway Superintendent

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

MINUTES: *Councilman Anderson made a motion to reject the meeting minutes of January 11, 2022; seconded by Councilwoman Grant and carried by a vote 3-0. Councilman Starowitz abstained Councilman Starowitz made a motion to approve the meeting minutes of January 25, 2022; seconded by Councilwoman Grant and carried by a vote 4 -0.*

COMMUNICATIONS:

Supervisor Report for January 2022
Summary Spreadsheet for January 2022
Town Clerk Report for January 2021
ZEO/CEO Report for January 2022
Budget Transfer Resolution
NYS Agriculture and Markets Dog Control Officer and Municipal Shelter Inspection Reports
Intermunicipal Agreement with Genesee County for WIBA#1

REPORTS:

SUPERVISOR: Grant work for Robins Brook Park; meeting with historian about ADA compliant entrance and winterize barn; head stone repair.

TOWN CLERK: nothing to report

ZEO/CEO: Manufactured Housing Permits need to be approved

HIGHWAY: short staffed with last snow storm and received help from Village

TOWN CLERK'S REPORT: *Councilwoman Grant made a motion to file the Town Clerk's January 2022 Report; seconded by Councilman Starowitz and it carried by a vote 5 -0.*

SUPERVISOR REPORTS *Councilman Anderson made a motion to file the Supervisor's January 2022 Report; seconded by Councilwoman Grant and it carried by a vote 5-0.*

COMMITTEES:

Building and Grounds: Library front door issues and water fountain cooler estimates

Local History & Museum: plumbing work for backed up sewage in the basement of historian building and shed estimates needed

OLD BUSINESS:

Water improvement Benefit Area #1: BAN sale Wednesday, February 9, 2022 for \$5.8 Million; set up meetings for the public to meet with Monroe County Water Authority virtually.

NEW BUSINESS:

Appoint Clerk to Highway Superintendent: *Councilman Starowitz made motion to appoint Ruth Kruppner as Clerk to Highway Superintendent effective January 1, 2022; seconded by Councilwoman Whalin and carried by a vote 5-0.*

Budget Modification Resolution: *Councilwoman Grant offered Resolution #8-2022 for Budget Modification; seconded by Councilman Starowitz and carried by a vote 5-0.*

BUDGET MODIFICATION RESOLUTION #8-2022

NOW, THEREFORE, BE IT RESOLVED:

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

\$6,850 from A.1320.4 Auditors Contractual to
A.1310.4 Bookkeeper Contractual

Sec. 2 That this resolution shall take effect immediately.

VOTE BY ROLL CALL AND RECORD:

Councilman Anderson - Aye

Councilwoman Grant - Aye

Councilman Starowitz - Aye

Councilwoman Whalin - Aye

Supervisor Haywood - Aye

Library funds Transfer: Councilman Anderson made a motion to transfer the half of the funds budgeted for 2022 to the Byron-Bergen Public Library for \$34,031.00; seconded by Councilman Starowitz and carried by a vote 5-0.

Video Taping Board Meetings: Councilman Anderson shared a policy -tabled for more information

Approval for emergency repairs to plumbing at the Historian office: Councilman Anderson made a motion to approve emergency plumbing repairs to the historian office for \$560; seconded by Councilman Starowitz and carried by a vote 5-0.

Historian Office Sewer Line Proposal from Henry H. Cook for sewer line collapsed at historian office \$4,200- recommendation to get another estimate.

Vacant Properties/Zombie Laws: vacant building registry, adding fines to residents tax bill for abandoned dilapidated properties – tabled for more information

2021 Court Justice Records: Councilwoman Grant made a motion to accept the review of Court Justice records conducted by EFPR; seconded by Councilman Starowitz and it carried by a vote 5-0.

Intermunicipal Agreement Councilwoman Whalin authorized Supervisor Haywood to enter intermunicipal agreement with Genesee County for WIBA#1 to receive \$82,152.56; seconded by Councilwoman Grant and carried by a vote 5-0.

Consideration of appointed vs. elected Town Clerk Position discussion on the process and reasons for change.

BILLS: The bills were presented for audit and totaled General A Fund \$26,666.67; General B Fund \$2,322.70; Highway DA \$35,144.78; Highway DB \$45,023.85; Water District \$14,417.06. Councilwoman Grant made a motion to pay the February 2022 bills; seconded by Councilman Starowitz and it carried by a vote 5-0.

REGULAR MEETING – Tuesday, February 22, 2021 at 7:00 pm in the Courtroom

ADJOURNMENT was at 7:57 pm on a motion by Councilman Anderson; seconded by Councilwoman Grant 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: 1/1/2022 to 1/31/2022

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	9.09%	9.09%
15:00 - 15:59	2	3	18.18%	27.27%
16:00 - 16:59	1	4	9.09%	36.36%
17:00 - 17:59	1	5	9.09%	45.45%
18:00 - 18:59	4	9	36.36%	81.82%
21:00 - 21:59	1	10	9.09%	90.91%
22:00 - 22:59	1	11	9.09%	100.00%
Total Calls:	11	11	100%	

Response Zone: GEN BERG 22

16:00 - 16:59	1	1	10.00%	10.00%
17:00 - 17:59	1	2	10.00%	20.00%
19:00 - 19:59	2	4	20.00%	40.00%
20:00 - 20:59	2	6	20.00%	60.00%
21:00 - 21:59	2	8	20.00%	80.00%
22:00 - 22:59	1	9	10.00%	90.00%
24:00 - 24:59	1	10	10.00%	100.00%
Total Calls:	10	10	100%	

Call Source Total Calls: 21

RESOLUTION NO.

Whereas, the Town of Bergen has been approached to accept dedication of a parcel of land referred to as Roxbury Lane, within the Apple Tree Acres Corporate Park, as defined in the attached proposed description for the purposes of the parcel, and

Whereas, The Town Highway Superintendent and the Town Board has discussed the request for dedication, and

Whereas, The Town Highway Superintendent and the Town Board have concluded that the cost of constructing and maintaining a road as proposed would be a burden on the Town,

Be it Resolved, that the Town of Bergen hereby does not accept, now or in the future the dedication of the parcel referred to as the proposed Roxbury Lane, within the Apple Tree Corporate Park as defined in the attached proposed description of the parcel.

MOTION for adoption of this resolution by
Seconded by

DISCUSSION:

VOTE BY ROLL CALL AND RECORD:

Councilman Anderson
Deputy Supervisor Grant
Councilman Starowitz
Councilwoman Whalin
Supervisor Haywood

Submitted February 22, 2022

JOB NO. 21-095

Parcel to Acquire (Roxbury Lane)

All THAT TRACT OR PARCEL OF LAND situate in the Town of Bergen, County of Genesee, State of New York and being part of Lot 11, Section 6, Township 2 of the Triangle Tract and being part of Lot R-3C of the Resubdivision Plan of Lots R-3A & R-3B, of the Apple Tree Acres Corporate Park, filed July 2, 2018 in cabinet 4, Slide 71, Map no. 2531 in the Genesee County Clerk's Office, bounded and described as follows:

BEGINNING AT A POINT on the northerly line of Roxbury Lane (60 feet wide) at its intersection with the easterly line of Apple Tree Avenue (width varies), said point also being the southwest corner of Deed Instrument #DE2018-1423 and the southwest corner of original Lot R-3A as shown on the above mentioned Resubdivision Plan, thence;

- 1) South $89^{\circ} 15' 35''$ East along the northerly line of Roxbury Lane a distance of 1123.88 feet to a point on the westerly line of Route 490 Western Expressway (Interstate Route 580-1-1 with a varying width), thence;
- 2) South $18^{\circ} 52' 52''$ West along the westerly of said Route 490, as described above a distance of 63.14 feet to a point on the southerly line of Roxbury Lane, thence;
- 3) North $89^{\circ} 15' 35''$ West along the northerly line of Roxbury Lane a distance of 1104.22 feet to a point on the easterly line of said Apple Tree Avenue as described above, thence;
- 4) North $00^{\circ} 44' 25''$ East along the easterly line of said Apple Tree Avenue a distance of 60.00 feet to the **POINT OF BEGINNING**.

Containing 1.535+/- Acres of land more or less.

Subject to Easements and Rights of Way of Record.

All as shown on a map prepared by Apex Consulting Survey & Engineering Services, P.C. as Job No. 18-042 – 21-095 with a drawing number of 18-042 10-11-2021.dwg and dated 10/28/2021.

This is intending to describe a strip of land formerly known as Roxbury Lane (60' wide) as shown on the above referenced map.

TOWN OF BERGEN

Resolution

WHEREAS, The Town of Bergen had passed Resolution #25-2021, at a regular board meeting on 10/26/21 authorizing the execution of an Intermunicipal Agreement Between the County of Genesee and the Town of Bergen for a contribution of \$47,121 from Genesee County for Water Improvements Benefit area #1 and:

WHEREAS, the cost of said improvements has increased and therefore the amount requested and approved to be provided by the County of Genesee has increased to a total of \$82,242.56 and:

WHEREAS, the cost increase requires a new Intermunicipal Agreement Between the County of Genesee and the Town of Bergen for the County of Genesee to provide the increased funding and:

WHEREAS, The Town of Bergen has prepared plans and specifications and received bids for the Construction of the Town of Bergen Water Improvement Benefit Area No. 1 and;

WHEREAS, at the request of the County certain water main improvements have been upsized as follows:

1. BUFFALO ROAD WATER MAIN SIZE INCREASE:

Approximately 416 linear feet of water main was increased from 8" to 12" diameter along Buffalo Road (NYS Route 33). **The additional cost of upsizing the water main in this area is \$ 7,118.56.**

1. NORTH LAKE ROAD WATER MAIN SIZE INCREASE:

Approximately 2,545 linear feet of water main was increased from 8" to 12" diameter along North Lake Road (NYS Route 19). **The additional cost of upsizing the water main in this area is \$78,124.** and;

WHEREAS, the increase in water main size in both locations is beneficial to Genesee County by increasing domestic water flow and fire flow and:

WHEREAS, as a result of this mutually beneficial arrangement Genesee County wishes to contribute to the cost of the project by paying for the water main pipe size increase and;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, it is agreed as follows:

1. *GENESEE COUNTY WILL PAY EIGHTY-FIVE THOUSAND TWO HUNDRED AND FORTY-TWO DOLLARS AND 56/100 (\$85,242.56) TOWARDS THE INCREASE IN PIPE SIZE AS IDENTIFIED ABOVE, WHICH SHALL BE PAID TO THE TOWN OF BERGEN WITHIN FORTY-FIVE (45) DAYS AFTER COMPLETION OF THE CERTIFICATION IN PARAGRAPH THREE (3) BELOW.*
2. *THE TOWN OF BERGEN'S ENGINEERING FIRM, MRB GROUP WILL PROVIDE RESIDENT PROJECT REPRESENTATIVE SERVICES DURING CONSTRUCTION OF THE IMPROVEMENTS AND WILL PROVIDE CERTIFICATION OF THE WATER MAIN IMPROVEMENTS.*
3. *THE GENESEE COUNTY HIGHWAY SUPERINTENDENT OR HIS DESIGNATED REPRESENTATIVE WILL CONFIRM THE INSTALLATION OF THE WATER MAIN IMPROVEMENTS.*

Be it THEREFOR Further Resolved, that existing Intermunicipal Agreement Between the County of Genesee and the Town of Bergen for Water Improvement Benefit Area #1, dated November 1, 2021 is null and void and the Town Board of the Town of Bergen hereby authorizes the Supervisor of the Town of Bergen to execute a new Intermunicipal Agreement between the County of Genesee and the Town of Bergen addressing the terms as outlined in this resolution.

Roll Call

- _____ Ernest Haywood Supervisor
- _____ Mark Anderson Councilman
- _____ Belinda Grant, Councilwomen
- _____ Theresa Whalin, Councilwomen
- _____ James Starowitz, Councilman

Certification

I Michele Smith, Town Clerk for the Town of Bergen, hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the Town Board of the Town of Bergen on the ____ day of _____, 2022

Signature Bergen Town Clerk

Date



Mark Meyerhofer
Senior Director
Government Affairs

February 14, 2022

Re: Charter Communications – Upcoming Changes

Dear Municipal Official:

This letter will serve as notice that on or around March 14, 2022, Spectrum Northeast, LLC, ("Spectrum"), locally known as Spectrum, will launch Start TV Satellite Feed on SPP Expanded Basic/ Standard TV HD Tiers on channel 155 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, flowing style.

Mark Meyerhofer
Senior Director, Government Affairs
Charter Communications

supervisor@bergenny.org

From: Eric Wies <EWies@CPLteam.com>
Sent: Wednesday, February 16, 2022 6:48 AM
To: rtabelski@batavianewyork.com; Ernie Haywood (supervisor@bergenny.org); supervisor@byronny.com; Donna Hynes (supervisor@elbanewyork.com); mmartin@townof oakfieldny.com; alabamasupervisor@gmail.com; Robert LaPoint; supervisor@townofpembroke.org; tob-supervisor@townofbethany.com; supervisor@townofalexander.com; Robert Clement (rclement@rochester.rr.com); supervisor@lerony.org; Anna Marie Barclay (ambarclay@villageofbergen.com); Greg "Porp" Rogers (porp@sanzobeverage.com); elbavillage@rochester.rr.com; oakfieldmayordave@gmail.com; mayor@corfuny.com; supervisor@townofbatavia.com; ferryjrstephen@yahoo.com
Cc: Tim Yaeger (tim.yaeger@co.genesee.ny.us)
Subject: Genesee County Emergency Services Planning - Public Survey
Attachments: Public message w links on letterhead.pdf

This should be the last e-mail related to the surveys and questionnaires. The attached is information related to the survey for the public, which is the last key component of the data gathering phase.

You can also view information related to the survey at [Genesee County releases survey seeking public input regarding emergency management services | The Batavian](#)

We are asking for your assistance in pushing this information out to the public in your communities. Web pages, Facebook, posting in the municipal building, etc.

We appreciate your assistance with this matter. If you have any questions please let me know.

Thanks

Eric Wies, President
Bergen Fire Department



**COUNTY OF GENESEE
OFFICE OF EMERGENCY MANAGEMENT SERVICES**

*7690 State Street Road * Batavia, NY 14020*

*Phone: (585)344-0078 * Emergency 24-hr Pager: (585)343-3311 * Fax: (585)344-8535/585-345-3098*

Dear Citizen of Genesee County:

Fire/EMS services, not only in Genesee County but also across the state and the country, have been experiencing a steady decline of volunteer staffing for several decades to the point that it has now reached serious concern.

Approximately 85% of the fire departments in the United States are volunteer. This includes all the departments in Genesee County, except for the City of Batavia. The core issue is the decrease in the number of people able to volunteer at their local fire department. There are many reasons for this, but the primary reason is the limited amount of free time people have available. Daily lives are hectic with people working extra to provide for their families, juggling home life and kid's activities, leaving little time for other pursuits. As a result, our ability to recruit and retain members becomes more difficult every year.

In addition, the community composition has changed and the days when multiple family generations make up the ranks is almost gone. People used to grow up, find work, raise a family and retire in the same community. This is rare today as many people are leaving for opportunities in other parts of the country. The average age of the community members is also increasing, limiting the number of people available having the physical abilities to perform the stressful duties of a volunteer.

These issues are not limited to the volunteer fire departments, as you have likely read or watched news recently indicating that paid ambulance providers are struggling to maintain service due to staffing shortages. The primary reason is related to low pay as many agencies are paying just over minimum wage. People are leaving these high stress jobs for higher wages in other fields of work. The simple answer is higher wages, but this is not always possible with fees for ambulance providers limited by what insurance providers pay.

The Genesee County fire/EMS Task Force was established to develop a vision and implementation plan that will help ensure the residents and business owners of the community receive the highest level of emergency services. The goal is to enhance the services we provide by evolving to meet the needs of community with the changing levels of resources (staffing, equipment, funds, etc.) that are available to us.

The Task Force is working collaboratively with Municipal Resources, Inc. (MRI) to conduct a comprehensive assessment of Genesee County's fire and EMS delivery systems. MRI has been in business for more than 30 years and is recognized as a leader in providing innovative and creative solutions to the challenges and issues facing local governments and other organizations throughout the eastern United States.

So how can you help? The easy answer is to reach out to your local volunteer fire department and ask for an application. You can also help by completing a public survey. The survey may be completed by selecting the link or QR code provided below. Paper copies of the survey will be available at the following locations: the Richmond Memorial Library, Batavia, NY; Woodward Memorial Library, LeRoy, NY; Haxton Memorial Library, Oakfield, NY; Corfu Public Library, Corfu, NY; Hollwedel Memorial Library, Pavilion, NY; Byron-Bergen Public Library, Bergen, NY and the Office of the Aging, Batavia, NY.

<https://app.surveymethods.com/EndUser.aspx?FCD8B4ABFFB6AFA9FD>



Please take a few minutes to log on and complete the survey. We ask that all surveys be submitted by February 28, 2022. The answers you provide will help us determine what is important to you, which will lead to the future development of emergency services in the county.

Thank you.

"Vacant Building Registry of Bergen New York." PROPOSED

LEGISLATIVE FINDINGS AND PURPOSE - It is the finding of the Bergen Town Board that vacant buildings are unsightly, unsafe, and have a negative effect on the community. Unfortunately, many buildings, once vacant, remain that way for years. The purpose of this local law is to establish a program for identifying and registering vacant buildings, to set forth the various responsibilities of owners of vacant buildings, and to enhance the rehabilitation of vacant buildings.

DEFINITIONS- Unless otherwise expressly stated, the following terms will, for the purpose of this law, have the meanings indicated in this section:

Emergency Situation: Where the condition of a building, structure, or any part thereof is an imminent, immediate, and substantial danger to the health or safety of occupants, emergency responders, and/or the general public. Such conditions include, but are not limited to, fire hazards, falling or dilapidated buildings, structures, or any part thereof, loss of significant water, heat, ventilation, or a lack of sanitary conditions.

Enforcement Officer: The duly authorized Code Enforcement Officer, or designated persons from that office.

Owner: The person, persons, or entity shown to be the owner or owners on the records of the Genesee County Clerk's office and/or the Bergen Assessor's office, those identified as the owner or owners on a vacant building registration form, a mortgagee in possession, a mortgagor in possession, or an assignee of rents, receiver, executor, administrator, trustee, lessee, other person, firm or corporation in control of the premises. Any such person will have joint and several obligations for compliance with the provisions of this law.

Secured By Other Than Normal Means: A building secured by means other than those used in the design and approved plans for the building.

Unoccupied: A building or portion thereof which lacks the habitual presence of human beings who have a legal right to be on the premises, including buildings ordered vacated by a Code Enforcement Officer. In determining whether a building is unoccupied, the Code Enforcement Officer may consider these factors, among others:

- A. Whether lawful residential or business activity has ceased;
- B. The building is substantially devoid of contents or the minimal value of fixtures or personal property in the building;
- C. The building lacks utility services;
- D. The building is subject to a foreclosure action;
- E. Duration of vacancy; and/or
- F. The presence or reoccurrence of code violations.
- G. Nothing in this Vacant Building Registry is intended to require registration for an unoccupied property which meets codes and which is determined by the Code Enforcement Officer to be temporarily or seasonally vacant.
- H. A property MAY be considered "unoccupied" and therefore required to register as such by the Code Enforcement Officer, even if the property is for sale, if the unoccupied property contributes to a "negative effect on the community" as referred to in the purpose statement above.

Unsecured

A building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.

Vacant Building

A building, a portion of a building, or a structure which is any one or more of the below (First floor must be occupied - if so, upper floors may be unoccupied):

- A. Unoccupied and unsecured;
- B. Unoccupied and secured by other than normal means;
- C. Unoccupied and unsafe building as determined by a Code Enforcement Officer;
- D. Unoccupied and a Code Enforcement Officer has issued an order to correct code violations:
- E. Illegally occupied
- F. Unoccupied for a period of over 30 days.
- G. Nothing in this Vacant Building Registry is intended to require registration for an unoccupied residence which meets codes and which is determined by the Code Enforcement Officer to be temporarily or seasonally vacant.
- H. A property MAY be considered "vacant" and therefore required to register as such by the Code Enforcement Officer, even if the property is for sale, if the unoccupied property contributes to a "negative effect on the community" as referred to in the purpose statement above.

VACANT BUILDING REGISTRATION

- A. The owner of a vacant building shall register with the Code Enforcement Officer no later than 30 days after any building becomes a "vacant building," as defined above, or not later than 30 days after being notified by a Code Enforcement Officer of the requirement to register whichever is sooner. A Code Enforcement Officer may identify vacant buildings through his/her routine inspection process, as well as through notification by residents, neighborhood associations, and other community groups that a building may be eligible for inclusion on the registry. Notice shall be served upon, or sent by certified mail to, the owner, and any registered property manager, and to the property address. Notice shall be deemed received by the owner, property manager, or an occupant, upon personal delivery or three days in Genesee County or five days for other locations after service by certified mail. The Town may also post notices on the Town website to provide additional notice to the public. However, the Town's failure to post such violations on their website shall not constitute a defense to any enforcement proceeding or collection of fees.
- B. The registration shall be submitted on forms provided by the Code Enforcement Officer, or designated persons from that office, and shall include the following information:
 - (1) A description of the premises, i.e., square footage, number of stories, age of the building, and most recent use of the building.
 - (2) The names, addresses, and telephone numbers of the owner or owners; if the owner is a corporation, limited-liability company, or partnership, the address for each director, manager, or partner, as the case may be. The address must include a street address; a post office box is not acceptable.

- (3) If the owner does not reside in Genesee County or any adjoining New York county, the name and address of a responsible party who does not reside in Genesee County or any adjoining county. The address must include a street address; a post office box is not acceptable.
- (4) The names and addresses of all known lienholders and all other parties with an ownership interest in the building. Each address must include a street address; a post office box is not acceptable. A name, address, and telephone number of a responsible natural person (not a corporation, partnership, or limited-liability company) who can be reached at all times during business and nonbusiness hours. The address must include a street address; a post office box is not acceptable.
- (5) A vacant building as described in Subsection C below.

C. The owner shall submit a vacant building plan which must meet the approval of the Code Enforcement Officer, or designated person. The plan, at a minimum, must contain information and appropriate permits from one of the following three proposals for the property:

- (1) If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition;
- (2) If the building is to remain vacant, a plan for the securing of the building in accordance with standards provided below, along with the procedure that will be used to maintain the property, and a statement of the reason(s) why the building will be left vacant; or
- (3) If the building is to be returned to appropriate occupancy or use, rehabilitation plans for the building must be submitted to the Code Enforcement Officer. The rehabilitation plans shall not exceed 365 days from the date of submission and shall include progress benchmarks at least every four months, unless the Code Enforcement Officer grants an extension for good cause shown, upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation or building codes. The building must be secured in accordance with this law.

D. The owner shall comply with all applicable laws and codes. The owner shall notify the Code Enforcement Officer of any changes in information supplied as part of the vacant building registration within 30 days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must be in writing and must meet the approval of the Code Enforcement Officer.

E. The owner and any subsequent owner shall keep the building secured and safe and the building and grounds properly maintained as provided in the NYS Property Maintenance Code and this law.

F. Failure of the owner or any subsequent owner to maintain the building and premises as required herein shall be grounds for the Town:

- (1) To remediate the building and bill the costs of same to the owner;
- (2) To revoke the rehabilitation plans; and
- (3) The owner shall be subject to fees and penalties as provided herein.

G. The owner shall notify the Code Enforcement Officer of any transfer of ownership within 15 days of transfer. The new owner shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and approved by the Code Enforcement Officer, or designated person.

H. Vacant building registration fees.

- (1) The owner of a vacant building shall pay a registration fee as determined by the fee schedule adopted by the Town. The registration fee is due and payable upon registration; to wit: no later than 30 days after any building becomes a "vacant building," as defined above, or no later than 30 days after being notified by a Code Enforcement Officer of the requirement to register.
- (2) If the building or structure is to remain vacant, then the owner shall also pay an annual vacant building fee. The amount of said fee shall be determined pursuant to the fee schedule adopted

by the Bergen Town Board. Said fee schedule shall provide for differing amounts dependent upon the number of years that the building is vacant.

- (3) If the building is to be returned to a permitted use, the rehabilitation plan shall not exceed 365 days from date of issue and shall include progress benchmarks at least every four months, unless the Code Enforcement Officer grants an extension for good cause shown upon receipt of a written statement from the owner detailing the reasons for the extension. If the rehabilitation has not been completed or extended, then the owner shall pay an annual vacant building fee, as determined by the Town Board under the Vacant Building Registry Fee Schedule, until the building is properly demolished or rehabilitated.
- (4) If the owner of a vacant building fails to register and pay the fees within thirty (30) days, then the owner shall be subject to the penalty set forth in the fee schedule adopted by the Town Board.
- (5) All delinquent fees shall be paid by the owner prior to any transfer of an ownership interest in any vacant building. The owner shall give a purchaser written notice that the building in question is a vacant building under this section.
- (6) Fees are to be delivered, by mail or in person, to the Bergen Town Clerk's Office, 10 Hunter Street, Bergen, New York 14416. A late charge of 2% per month, or any part thereof, will be assessed on any invoice which is unpaid after 30 days from the date of either payment demand or invoice. A processing fee will be charged for each check returned by the bank. A replacement payment must be made in cash, money order, bank check or certified check and must include the processing fee and any applicable late charges. All invoices and/or any additional fees remaining unpaid will be added to the property owner's tax bill, including all necessary additional fees.

I. Code Enforcement Officer shall include in the file any property-specific written statements from community organizations, other interested parties or citizens regarding the history, problems, status or blighting influence of a vacant building.

MAINTENANCE

- A. The owner of a vacant building shall take such steps and perform such acts as may be required of him or her from time to time to ensure that the building and its grounds remain safe and secure and do not present a hazard to any adjoining property or the public. Owners shall be responsible for maintaining their buildings and structures so that they do not become an unoccupied hazard. In any building or floor area that is vacant or about to become vacant, there shall be at least one access which meets the approval of the Code Enforcement Officer.
- B. The owner shall protect and maintain the exterior of the building according to NYS Building Codes and including (but not limited to) the following:
 - (1) Exterior walls, including foundations, shall be maintained so that water does not penetrate into basements, cellars, or other interior areas other than that which is adequately discharged by a sump pump (crock) or other suitable evacuation method. All exterior walls and foundations must be free of holes and crevices.
 - (2) Exterior doors, windows, skylights and similar openings shall be maintained weathertight.
 - (3) Exterior stairs, porches, entrance platforms, fire escapes and the railings thereon shall be maintained in good repair and a safe and sound condition.
 - (4) Roofs shall be maintained in a weathertight condition.
 - (5) Exterior surfaces shall be maintained in good condition. Surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative.
 - (6) The coverings for windows and doors with glass may not consist of any substance sprayed onto the glass doors or windows. All enclosures shall be properly fitted and be of such material and surface that they are neither unsightly nor will materially detract from the general appearance of the building or the neighborhood and, when possible, secured by normal means.
 - (7) The covering for broken doors and cracked or broken windows may consist of replacement glass, Plexiglas, boards, plywood or similar materials finished and maintained in a manner

recommended and approved by the Code Enforcement Officer. The materials shall be designed and of such color to blend in with the finish of the building.

(8) The premises shall be kept free of insects and vermin and will be treated if necessary.

(9) Any excavations, swimming pools, or other attractive nuisances must be filled in or properly closed, such as through secured fencing.

C. In addition to the standards prescribed above, vacant commercial and retail buildings shall comply with the following standards:

(1) Any and all damaged first-floor windows shall be replaced by glass, Plexiglas, or an approved material.

(2) All exterior signs, awnings and lighting systems, if not removed, shall be maintained in a non-deteriorated and safe condition.

D. The owner shall protect and maintain the interior of the building as follows:

(1) Structural members shall be maintained to resist and prevent deterioration.

(2) Unheated attics, spaces below flat roofs, and crawl spaces shall be ventilated to minimize deterioration.

(3) Ceilings, walls, floors and stairways shall be maintained in a safe and sound condition.

E. The owner shall maintain the premises as follows:

(1) The owner shall not permit garbage and refuse to accumulate.

(2) Buildings and structures shall be maintained free of insects, vermin and rodent harborage and infestation.

(3) Refrigerators and similar equipment with locking mechanisms shall not be discarded, abandoned or stored without first removing the locking devices or the hinges of the doors.

(4) Junked vehicles shall not be stored at the premises.

(5) Chimneys, smokestacks, flues, gas vents, smoke pipes and connectors shall be maintained structurally safe and smoke tight.

(6) If the building is to be demolished or remain vacant, then, within 10 days of registering the building as a vacant building, all fuel gas, water, and utilities must be disconnected at the mains and water pipes drained. If the building is going to be rehabilitated, then the building must be heated to avoid freezing pipes, fuel gas pipe systems must be maintained gastight, in a safe and operative condition, and water pipes must be maintained to avoid leaks and/or breakage.

(7) Fuel tanks shall be maintained so as not to be a hazard or shall be discontinued in a manner consistent with Chapter C of the State Uniform Fire Prevention and Building Code (9 NYCRR).

(8) The domestic water supply system of the building shall be connected to an approved source, shall not be subject to contamination and shall not be connected to unsafe water supplies, or the system shall be disconnected at the main and completely drained.

(9) Storm water drainage systems shall be maintained so as to function properly and be kept free from obstructions, leaks and defects. Sewage systems shall be similarly maintained or shall be sealed so as to prevent accumulation of sewage gases in buildings.

(10) Electrical fixtures, devices, wiring and systems shall be maintained in safe working condition in a manner which shall avoid a potential source of ignition or shock, or service shall be discontinued at the supply.

(11) The owner shall provide for snow removal.

(12) The owner shall maintain yards and vacant lots trimmed and mowed, with the height of grass and weeds being no more than 10 inches, and clean and free of physical hazards, rodent harborage and infestation.

(13) Elevators, dumbwaiters and escalators will be maintained or taken out of service.

F. Whenever the owner of a vacant building fails to comply with a notice from a Code Enforcement Officer to take steps and perform acts as are required of him or her to ensure that a building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property in

violation of Subsection B above, the Town may enter onto the building and the property and take steps and perform acts to render the building and its adjoining yards safe, secure and free from hazards to adjoining property and the public. These acts shall include, but not be limited to, removal of dangerous conditions, properly replacing or boarding up windows and doors, shutting off utilities, capping plumbing to prevent leakage of water or sewer gas, or removing flammable or otherwise hazardous material and debris. A bill for the expenses incurred above shall be presented to the owners of the building. If said bill for expenses remains unpaid for more than sixty (60) days, the Town Clerk shall include those unpaid expenses on the next town/county tax bill to be levied.

EXEMPTIONS

A building which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of sixty (60) days after the date of the fire or extreme weather event if the property owner submits a request for exemption in writing to the Code Enforcement Officer. This request shall include the following information supplied by the owner:

- A. A description of the premises.
- B. The reason for an exemption.
- C. The names and addresses of the owner or owners. A post office box is not acceptable.
- D. A statement of intent to repair and reoccupy the building in an expedient manner or the intent to demolish the building.

INSPECTIONS

By registering a vacant building, an owner consents to a Code Enforcement Officer inspecting the premises for the purpose of enforcing and assuring compliance with the provisions of this law. Upon the request of the Code Enforcement Officer, an owner shall provide access to all interior portions of a vacant building in order to permit a complete inspection. Nothing contained herein, however, will diminish the owner's right to insist upon the procurement of a search warrant from a court of competent jurisdiction by the Code Enforcement Officer, or his or her designee, in order to enable such inspection, and the Code Enforcement Officer shall be required to obtain a search warrant whenever an owner refuses to permit a warrantless inspection of the premises after having been advised of his or her constitutional right to refuse entry without same. In the case of an emergency, this section shall not apply.

PENALTIES FOR OFFENSES

Any owner violating any provision of this law, or providing false information to the Bergen Town Code Enforcement Officer, will be subject to the following fines:

- A. \$1,000 or imprisonment not exceeding six months, or both such fine and imprisonment.
- B. Each day of violation will be deemed to constitute a separate offense without the necessity of the issuance of a new ticket or accusatory instrument.
- C. Fines levied will constitute civil forfeitures to Bergen.

ASSESSMENT OF FEES

Attached to this code shall be a "Vacant Building Registry - Fee Schedule", with rates adopted by the Bergen Town Board. Owners of vacant buildings, as defined by this code and identified by the Code Enforcement Officer, shall be subject to said fees.

The Code Enforcement Officer shall notify an affected owner of a fee assessment and a sixty (60) day period to remit such payment to the Town of Bergen. If said required payment is not received within that sixty (60) day time period, the Bergen Town Board authorizes the Town Clerk to levy such fees on the owner's next town tax bill.

**VACANT BUILDING REGISTRY -FEE SCHEDULE -
TOWN OF BERGEN**

Initial registration fee: \$50.
Annual vacant building fee:

Property Type	Year 1	Year2	Year3	Each Subsequent Year
Demolition plan or rehabilitation plan submitted	\$100	If no extension is granted, then the maximum fee for the relevant property type will be charged for each subsequent year.		
1 - 3 unit residential	\$1000	\$1500	\$2000	\$2500
4 - 6 unit residential	\$1000	\$2000	\$3000	\$4000
7+ unit residential	\$250/unit	\$500/unit	\$750/unit	\$1,000/unit
Commercial (whichever is greater)	\$1,000 or \$0.05/sq. ft.	\$2,000 or \$0.10/sq. ft.	\$3,000 or \$0.15/sq. ft.	\$4,000 or \$0.20/sq. ft.*

* = gross square footage

Late fee: initial registration and/or annual vacant building fee: \$50 plus 2% per month or part thereof assessed on any invoice which is unpaid after thirty (30) days from the date of the demand for payment.

Returned check processing fee: \$50.

Fee for unpaid charges added to the tax bill: \$250.

**The Town of Bergen
PROPOSED**

Audio/Video Recording Policy

1. Policy Statement

The Town of Bergen is committed to operating in an open and transparent environment, making as much information available to the public as possible. This Policy addresses audio and/or video recordings of Regular Town Board Meetings.

The Town may make or provide for recordings of Regular Town Board Meetings except those meetings or parts of meetings identified as Executive Sessions, whether such sessions are in the Town Courtroom or another location as authorized, at whatever level and type of recording is available and as the Town Board determines to be appropriate.

2. Purpose

This Policy reflects the Town of Bergen's ongoing effort to ensure the ease-of-access and transparency of the legislative process.

These recordings promote broader access however, the approved minutes remain the official record of the Town of Bergen meetings. Minutes of meetings are to be recorded without note or comment by the Clerk or designate. A live record of legislative meetings in no way detracts or undermines the position of approved minutes as the official record of decision.

3. Scope

This Policy will apply to the recording of open session Regular Town Board Meetings by the Town.

The use of electronic devices and/or the taping, televising, recording and photographing of Town Board meetings by members of the public are outside the scope of this Policy.

4. Definitions

For the purposes of this Policy:

4.1 Council/Committee of the Whole Meetings – means a Regular or Special Meeting of Council or Regular or Special Committee of the Whole or Regular or Special Committee of the Whole Public, Committee of the Whole Working Session or Council Committee as provided for in the Procedure By-law.

4.2 Audio/Video Recording – means any recording made by any electronic device capable of recording sound and/or video. This includes, but is not limited to, recordings made by video camera, cassette recorder, phone or digital audio device and stored on/or in any format and/or any platform/server.

4.3 Official Record of a Meeting – means the written minutes of the proceedings of the meeting as prepared by the Town Clerk or designate as the Town Board should decide.

4.4 Transitory Record – for the purpose of this Policy, means a record that has only a temporary value and is not required to meet statutory obligations, set policy, establish guidelines or procedures, certify a transaction, become a receipt or provide evidence of legal, financial, operational or other official decisions.

5. Policy

5.1 Town Clerk and/or Designate will

be responsible for:

- Audio and/or video recordings of all open sessions of Town Board and will turn off recording equipment for all Executive Sessions.
-
- Placing the audio and/or video recordings on the website or other social media as the Board shall designate without alterations to the original recording.

5.2 Supervisor

- Shall clearly announce all business before the Town Board.
- Maintain order as outlined within the Procedure By-laws and acknowledge each member by name prior to them speaking.

5.3 Process

- a. Audio and/or video recordings will only apply to open sessions of the Town Board for the primary purpose of making the recordings available to the public on the Town's website and/or other public mediastreaming services.

Audio and/or video recording will be turned off for all Executive Sessions of the Town Board.

- b. The inability to record any meeting due to technical difficulties will not prohibit the meeting from commencing or continuing.

5.4 Notice

- a. Notice shall be provided to presenters and members of the public to ensure they are aware that the meeting proceedings are being audio and/or video recorded and made available through the Town's website and/or other public media streaming services.

b. The Notice shall be displayed/expressed in the following manner:

- Posted at the entry doors to the meeting room
- On the Town's website

5.5 The recording of Town Board Meetings shall begin at the commencement of the meeting and conclude at the adjournment of the meeting. The Supervisor has the authority to request termination or postponement of the recording of a meeting if continuing the recording would prejudice the proceedings of the meeting.

This would include:

- Public disturbance or other suspension of the meeting
- Exclusion of the public and media
- Any other reason as agreed to by Board.

5.6 Access to Recordings

- a. Access to audio and/or video recordings of the Town Board may be available through public media streaming services via the Town's website or via the public media streaming services.
- b. Unless otherwise indicated, copyright to the records Town Board Meetings made available on the Town website is owned by the Town.

Permission is granted to produce or reproduce the recordings posted on the Town's website, or any substantial part of such recordings, for personal, non-commercial, educational, and news reporting purposes only, provided that the copied material is not modified or altered and ownership of the material is attributed to the Town. For certainty, no person may use the recordings for political party advertising, election campaigns, or any other politically partisan activity. No part of the recorded materials posted on the Town's website may be reproduced except in accordance with the provisions of the Copyright Act, as such Act may be amended or replaced from time to time, or with the express written permission from the Town.

- c. Due to the nature of technical equipment, it is not guaranteed that audio and/or video recordings will be continuous or fault-free.

6. **Implementation**

This policy will come into effect upon the approval of the Town Board.