

**Town Board Meeting- Special Meeting**  
**Town of Bergen**  
**March 22, 2022**  
**Town Hall- 10 Hunter Street, Bergen New York**  
**Agenda**

**I. Call to Order 730 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 – 3/8/2022**

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

1. Mercy EMS report for Feb., 2022
2. Seventh Amended Towns of Batavia and Bergen Assessment Services Agreement
3. Press release from Ground Breaking for WIBA #1 on 3/11/2022
4. Communication from Charter Communication dated 3/7/2022
5. Budget Transfer Resolution

**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/ Property Maintenance law
- Discussion on Proposed Town of Bergen Audio/Video Recording of Town Board Meetings policy
- Town Board meeting minute policy

**VII. New Business:**

- Request to purchase stamped/envelopes for assessor to send out assessment notices
- Resolution to approve Assessment Services Agreement
- Budget Transfer Resolution
- Request from citizen for brush pick up.

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

Regular meeting: 4/12/2022- 6:45 audit of bills, 7 pm regular meeting

**IX. Adjournment**

**DRAFT**

**MARCH 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

**ALSO PRESENT:**

Michele M. Smith, Town Clerk  
Gerry Wood, ZEO

**ABSENT:**

Councilman Jim Starowitz

**OTHER ATTENDEES:**

Gary Dewind  
Nancy Bailey (arriv.7:08)

**PRAYER**

**MOMENT OF SILENCE** former Town Employee Ron Sackett passed on March 1<sup>st</sup>.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**MINUTES:** *Councilwoman Grant made a motion to approve the meeting minutes of February 22, 2022; seconded by Councilman Anderson and carried by a vote 3-0. Councilwoman Whalin abstained*

**COMMUNICATIONS:**

Supervisor Report for February 2022

Summary Spreadsheet for February 2022

Town Clerk Report for February 2022

ZEO/CEO Report for February 2022

Estimated Monthly Schedules for Contract A and B for WIBA#1

Correspondence from Charter Communications

Correspondence from NYS Agriculture and Marketing regarding Inspection Report of County Animal Shelter

Letter of Interest from Heather Kent for the Byron-Bergen Public Library Board of Trustees

Resolution for WIBA#1 EDU change for property at 8485 Peachey Road

**REPORTS:**

**SUPERVISOR:** met with Charlie Cook of Liberty Pumps discussed engineering fees from MRB; finalized 2021AUD; insurance renewal with NYMIR/Tompkins

**TOWN CLERK:** nothing to report

**BOARD MEMBERS:** Councilwoman Whalin inquired about tax credit for First Responders - County needs to initiate

**ZEO/CEO:** discussed property issues in old and new business

**TOWN CLERK'S REPORT:** *Councilman Anderson made a motion to file the Town Clerk's February 2022 Report; seconded by Councilwoman Whalin and it carried by a vote 4-0.*

**SUPERVISOR REPORTS** *Councilwoman Grant made a motion to file the Supervisor's February 2022 Report; seconded by Councilwoman Whalin and it carried by a vote 4-0.*

**COMMITTEES:**

**Building and Grounds:** Town Hall toilet - plumber Justin Russell stopped to look at toilet and faucet in the Ladies room

**Parks:** nothing to report

**Local History & Museum:** nothing to report

**Policy and Personnel:** nothing to report

**OLD BUSINESS:**

Water improvement Benefit Area #1: Construction to begin March 10<sup>th</sup> at Pocock Rd.; Ground Breaking March 11<sup>th</sup> at 3:00pm at Robins Brook Park; 3 easements needed; first bills for contractors included in tonight's bills.

Proposed Town of Bergen Meeting Minutes Policy - tabled

Proposed Town off Bergen Audio/Video Recording Policy – tonight's meeting was recorded for trial run

Vacant Building Registry and Property Maintenance: Councilman Anderson will compare NYS Code with proposed law and Town of Stafford

**NEW BUSINESS:**

Vacant Properties/Zombie Laws: ZEO Wood answered questions about the law already in place in Stafford

Appointment Library Board Trustee: Councilman Anderson made a motion to appoint Heather Kent as Library Board Trustee; seconded by Councilwoman Grant and it carried by a vote 4-0.

Resolution to approve reduction in EDU from 2 to 1 for WIBA#1 for 8485 Peachey Road Councilwoman Grant offered Resolution #11-2022 to reduce EDU from 2 to 1 for WIBA#1 for 8485 Peachey Rd as a single family and not a 2 unit property; seconded by Councilwoman Whalin and it carried by a vote 4-0.

**RESOLUTION #11-2022  
ADOPTION OF WIBA #1 EDU CHANGE**

**RESOLVED** by the Town Board of the Town of Bergen that as the property that the following EDU change will be made to the WIBA #1 Water District retroactive to the formation of the district:

| Tax ID | Address          | Initial EDU /Rate | Proposed EDU |
|--------|------------------|-------------------|--------------|
| 7.-1-6 | 8485 Peachy Road | 2.0               | 1 EDU        |

**FURTHER RESOLVED,**

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

**VOTE BY ROLL CALL AND RECORD:**

- Supervisor Haywood - Aye
- Councilman Anderson - Aye
- Councilwoman Grant- Aye
- Councilwoman Whalin - Aye
- Councilman Starowitz - Absent

Budget Transfer Resolution Councilwoman Whalin offered Resolution #12-2022 authorizing Supervisor Haywood to make a budget transfer; seconded by Councilwoman Grant and it carried by a vote 4-0.

**RESOLUTION #12-2022  
BUDGET TRANSFER**

**NOW, THEREFORE, BE IT RESOLVED:**

Sec. 1. That the Supervisor is hereby authorized to make the following Budget Transfers:

\$140.00 from A.1990.4 Contingency to A.6420.4 Promotion of Industry

Sec. 2 That this resolution shall take effect immediately.

**VOTE BY ROLL CALL AND RECORD:**

- Supervisor Haywood - Aye
- Councilman Anderson - Aye

Councilwoman Grant - Aye  
Councilwoman Whalin - Aye  
Councilman Starowitz - Absent

**BILLS:** The bills were presented for audit and totaled General A Fund \$31,353.26; General B Fund \$1,985.18; Highway DA \$12,090.33; Water District \$3,385,519.82; PA-A \$4,974.55; PA-DA \$2,527.87; PA-DB \$2,738.53. *Councilman Anderson made a motion to pay the March 2022 bills; seconded by Councilwoman Whalin and it carried by a vote 4-0.*

**REGULAR MEETING** – Tuesday, March 22, 2022 at 7:30 pm in the Courtroom

**ADJOURNMENT** *was at 7:43pm on a motion by Councilwoman Grant; seconded by Councilman Anderson and carried by a vote 4-0.*

Respectfully submitted

*Michele M. Smith*

Michele M. Smith,  
Town Clerk

Genesee County 911  
Response Times Report

**GEN BERGEN FIRE**

Report Date Range from: 2/1/2022 to 2/28/2022

# Mercy Flight EMS

Report includes Emergent First On Scene Responses.

| Response Time<br>Minutes | Call Count | Cumulative Call<br>Count | Percentage<br>of Total Calls | Cumulative<br>Percentage |
|--------------------------|------------|--------------------------|------------------------------|--------------------------|
|--------------------------|------------|--------------------------|------------------------------|--------------------------|

**Response Zone: GEN BERG 17**

|                     |          |          |             |         |
|---------------------|----------|----------|-------------|---------|
| 05:00 - 05:59       | 1        | 1        | 12.50%      | 12.50%  |
| 09:00 - 09:59       | 1        | 2        | 12.50%      | 25.00%  |
| 11:00 - 11:59       | 1        | 3        | 12.50%      | 37.50%  |
| 16:00 - 16:59       | 1        | 4        | 12.50%      | 50.00%  |
| 18:00 - 18:59       | 2        | 6        | 25.00%      | 75.00%  |
| 20:00 - 20:59       | 2        | 8        | 25.00%      | 100.00% |
| <b>Total Calls:</b> | <b>8</b> | <b>8</b> | <b>100%</b> |         |

**Response Zone: GEN BERG 22**

|                     |          |          |             |         |
|---------------------|----------|----------|-------------|---------|
| 18:00 - 18:59       | 1        | 1        | 20.00%      | 20.00%  |
| 21:00 - 21:59       | 2        | 3        | 40.00%      | 60.00%  |
| 22:00 - 22:59       | 2        | 5        | 40.00%      | 100.00% |
| <b>Total Calls:</b> | <b>5</b> | <b>5</b> | <b>100%</b> |         |

**Call Source Total Calls: 13**

**SEVENTH AMENDED  
TOWNS OF BATAVIA AND BERGEN  
ASSESSMENT SERVICES AGREEMENT**

**THIS AGREEMENT** made the \_\_\_\_\_ day of \_\_\_\_\_, 2021, by and between the **TOWN OF BERGEN**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 10 Hunter Street, Bergen, New York 14416, (hereinafter referred to as "Bergen"), and the **TOWN OF BATAVIA**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 3833 West Main Street Road, Batavia, New York 14020, (hereinafter referred to as "Batavia").

**WHEREAS**, pursuant to Article 5-G of the General Municipal Law, Bergen and Batavia are authorized to enter into an inter-municipal cooperative agreement for the provision of tax assessment services, and

**WHEREAS**, Batavia currently is employing an Assessor fully qualified to provide all assessment services as required by law, and

**WHEREAS**, Batavia intends to continue to maintain the position of Assessor and to provide any support staff necessary to assist her/him to perform assessment duties in both the Towns of Batavia and Bergen.

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

1. Batavia agrees to provide assessment services to Bergen and shall provide a qualified individual to perform said duties outlined herein. The person appointed as Assessor must satisfy the minimum qualification standards for real property assessors established by the State Board of Real Property Services.
2. The Assessor provided by Batavia shall be responsible for assessing all parcels of real property located in Bergen and in Batavia for the purposes of taxation and special ad valorem levies for town, county, special district and school district. The Assessor shall also oversee all other duties as required for assessors by the Real Property Tax Law and the rules of the State Board of Real Property Services. All real property shall be assessed at the same uniform percentage of market value in all of the assessing units participating in the Agreement throughout the term of the Agreement. Such percentage of market value shall be annually printed on the tentative assessment rolls for the participating assessing units.
3. The dates applicable to the assessment process in each municipality, including taxable status date, and the dates for the filing of the tentative and final assessment rolls, shall be the same.

4. The Assessor personally and/or by employees under his/her direction shall be present for office hours in the Bergen Town Assessors Office for a total of four (4) hours per week. The days and times of these office hours shall be mutually agreed. Additionally the Assessor can be available by appointment or during regular office hours at the City or Town of Batavia offices.

5. The Assessor and any support staff shall for all purposes be deemed employees of Batavia. The Assessor and any support staff shall not in any way be construed as employees of Bergen. Batavia shall pay the salary and make employer's contributions for retirement, social security, health insurance, worker's compensation, unemployment and other similar benefits for the Assessor, as well as for any other individuals employed by Batavia to fulfill the terms and conditions of this Agreement as support staff.

6. Batavia shall indemnify and hold Bergen harmless from any claims made against Bergen by the Assessor, or any third party, arising out of any acts of misfeasance, malfeasance, or non-feasance by the Assessor in the performance of his/her duties while working for Batavia, including costs of settling any action and reasonable attorney's fees for defense. Bergen shall indemnify and hold Batavia harmless from any claims made against Batavia by the Assessor, or any third party, arising out of any acts of misfeasance, malfeasance, or non-feasance by the Assessor in the performance of his/her duties while working for Bergen, including costs of settling any action and reasonable attorney's fees for defense. Each party will provide the other with timely notice of any claims and shall fully cooperate with each other to defend the same.

7. Batavia shall pay all costs and expenses relating to defending any assessment challenge brought in its jurisdiction and Bergen shall pay all costs and expenses related to defending any assessment challenge brought in its jurisdiction.

8. The terms and conditions of this Agreement shall begin on July 1, 2022 and shall end on June 30, 2023. In order to allow both municipalities to make alternative arrangements for assessment duties, if necessary, the rights and duties of both parties shall not extend beyond the termination date, unless on or before April 30, 2022 Bergen and Batavia enter into an additional Agreement to renew or extend this contractual arrangement upon mutually agreed upon terms and conditions.

9. In consideration and for compensation for the services set forth herein, Bergen shall pay to Batavia the total sum of twenty-one thousand, seven-hundred, fifty dollars (\$21,750.00) for this Agreement. This sum shall be paid in two equal installments of ten thousand, eight hundred, seventy-five dollars. The first payment due on or before October 1, 2022 and the second payment due on or before March 1, 2023.

10. In the event that the current Town of Batavia Assessor shall resign or otherwise is no longer able to provide assessment services to Batavia, then Bergen, at its sole option and discretion, may terminate this Agreement with at least thirty (30) days prior written notice to Batavia and thereafter, this Agreement shall be null and void.

11. There are no other agreements or understandings, either oral or written, between the parties affecting this Agreement. No changes, additions or deletions of any portions of this Agreement shall be valid or binding upon the parties hereto unless the same is approved in writing by the parties.

**IN WITNESS WHEREOF**, the parties have hereunto set their hands and seals the day and year first above written.

TOWN OF BATAVIA

\_\_\_\_\_  
By: Gregory H. Post, Town Supervisor

TOWN OF BERGEN

\_\_\_\_\_  
By: Ernest Haywood, Town Supervisor

State of New York}  
County of Genesee}ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned, personally appeared Gregory H. Post, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

State of New York}  
County of Genesee}ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned, personally appeared Ernest Haywood, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public



## **Bergen breaks ground on \$10.5 million water project**

Construction on the Town of Bergen's long-awaited public water line project kicked off at a groundbreaking ceremony March 11, 2022 at Robbins Brook Park. Three million dollars' worth of pipe has been delivered to various sites along the project's path. Nearly five years in the development, the new water line will provide access to public water to more than 500 properties in the Town.

The two contractors, Finline Pipe and Morsch Piping, have begun laying pipe and are scheduled to be finished by the end of 2022. Sign-up sessions, conducted by the Monroe County Water Authority, are underway. The project is made possible by a \$3.6 million grant and \$6.9 million low-interest loan from USDA Rural Development.

"It has taken five years of hard work and patience to get to this point," said Supervisor Ernie Haywood. "We are grateful to all who have helped us overcome several obstacles including a federal government shutdown, a pandemic and material cost increases. By the end of the year we will have achieved our ultimate goal of supplying public water to every Bergen property owner who wants it."



From left to right are Deputy Highway Superintendent Joel Pocock, Councilman Jimmy Starowitz, Engineer Scott Mattison, Supervisor Ernie Haywood, Engineer Paul Chatfield and the owners and crew members from Finline Pipe and Morsch Piping.



Mark Meyerhofer  
Senior Director  
Government Affairs

March 7, 2022

Re: Charter Communications – Upcoming Changes

Dear Municipal Official:

Spectrum Northeast, LLC (“Spectrum”), was notified on March 2, 2022, by NBC Universal Media, LLC on behalf of International Media Distribution, LLC (“IMD”) that it would cease distribution of **CR1 Russia**. Accordingly, effective March 3, 2022 at 12:00am ET, the aforementioned network is no longer available on the channel lineup serving your community. Since this change is out of Spectrum’s control, we are making customers aware of the cessation of programming via a channel slate message, **“Programming is no longer being provided by supplier.”**

Further, in light of the extraordinary circumstances in Ukraine, effective March 4, 2022 at 12:00am ET, Spectrum made the decision to drop Russian-controlled and –programmed networks **NTV America, RTR Planeta, Rossiya-24** and **CTC** on the channel lineup serving your community. Spectrum is making its customers aware of these drops via a channel slate message, **“Programming is no longer available on this network.”**

To view a current Spectrum channel lineup visit [www.spectrum.com/channels](http://www.spectrum.com/channels).

If you have any questions about this change, please feel free to contact me at 716-686-4446 or via email at [Mark.Meyerhofer@charter.com](mailto:Mark.Meyerhofer@charter.com).

Sincerely,

Mark Meyerhofer  
Senior Director, Government Affairs  
Charter Communications

**BUDGET TRANSFER RESOLUTION \_\_\_\_\_**

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Supervisor is hereby authorized to make the following Budget Transfer modifications to the 2022 budget:

Transfer \$121,813.92 from NYS Class WIBA#1 Acct to Joint Savings – Capital expenses

Transfer \$6,247.59 from Trust & Agency to Joint Checking – Health Ins. deductions

Sec. 2 That this resolution shall take effect immediately.

VOTE BY ROLL CALL AND RECORD:

Supervisor Haywood -  
Councilman Anderson -  
Councilwoman Grant -  
Councilwoman Whalin -  
Councilman Starowitz -