**May 14, 2024 BERGEN TOWN BOARD REGULAR MEETING**

DRAFT

The Bergen Town Board convened in a regular session at 6:45 pm audit of the bills; convened in a regular session ats well as Public Hearing in the Town Hall with Supervisor Haywood presiding.

**PRESENT:**  **ALSO PRESENT:**

Supervisor Ernie Haywood Teresa Robinson, Town Clerk

Councilperson Belinda Grant Joel Pocock, Highway Superintendent

Councilperson Karen Ely

Councilperson Mark Swanson

**ABSENT:** Councilperson James Starowitz

**OTHER ATTENDENCE:**  Lee Blair, Harris Busmire, John Frederick, Christine Volkmar, Kevin Bruton, Kim Donley

**PRAYER:**

**PLEDGE TO THE FLAG:**

**PRIVILEGE OF THE FLOOR:** Lee Blair – The gate on Evans Rd slows traffic down, they have to stop to open the gate and a trail camera takes a photo of who stopped and vehicle helps to detour negative activity. Large number of syringes (2 ½ gallon bucket – in a 4-month period) plastic bags and garbage. Bergen Swamp Society has concerns of poaching of wildlife and protecting the flowers (orchids) in the swamp. The Swamp Society has concerns of people entering the swamp from the location and becoming lost. Currently the road does not have a posted speed limit sign – requesting the speed limit on the road to be 35mph. The gate has been in place since Oct. 2023 and it has helped reduce the traffic, but with Spring comes more traffic now that the gate is open.

**APPROVAL OF MINUTES FOR:** Board Meeting 4/9/2024;

**COMMUNICATIONS:**

1. Supervisor Report for April 2024, if available

2. Summary Spreadsheets for April. 2024, if available

3. Town Clerks Report for April, 2024

4. ZEO/CEO Report- for April 2024

5. Mercy EMS report for March 2024

6. Charter Communication 4/19/2024 and 4/23/2024

7. SEQR Determination resolution for amending local law Chapter 118 of Personal Policy

8. Resolution amending local law Chapter 118 Personnel Policy

9. SEQR Determination resolution for amending local law Chapter 398 Records Public Access

10. Resolution amending local law Chapter 398 Records Public Access

11. SEQR Determination resolution for amending local law Chapter 132 Procurement Policy

12. Resolution amending local law Chapter 398 Records Public Access

13. Correspondence from NYS Agriculture and Markets Re: MCWA installation of water main between South Lake Road and Clinton Street. Dated 5/11/2024.

**BOARD MEMBERS’ ITEMS FOR THE AGENDA:** Nothing to report

**REPORTS:**

SUPERVISOR – The Town insurance renewal process has been completed – the premium will go down with some duplicate coverage that has been in place. Comptroller audit will be completed by May 31; the SAM grant application has been completed; cyber security insurance is being working on, out IT will be patching of software system not to exceed $2,000. May 10 the Clerk and I attended the Inter-County Association of Western New York hosted by Liberty Pumps.

TOWN CLERK: We will be receiving a refund from the Desmond hotel for the clerk’s conference in Albany – incident with my room. I have been checking with other towns regarding the new website, encourage board members to look at other municipalities websites (Village of Churchville, Pittsford) reached out to our current website provider to have him look at the design and let me know if we could mimic the design. Working with a member of the library board to have them purchase workers comp, disability, and AFLAC separate from the town. Joel and I went last Thursday to pick up supplies for the Day of Caring on May 23rd. Looking into working with the planning board secretary and CEO/ZEO for new building permit forms.

BOARD MEMBERS: Nothing to report

HIGHWAY: Road Construction standards- Working on updating - the road for OXBO coming onto Rt 19 needs to be specific to the Towns requirements.

Intern – Met with Jake he is a 3rd year civil engineer at RIT – he will be mapping out the roads, buildings, and signs throughout the town -checking conditions putting the information into a software program to determine longevity and upcoming repairs. It’s a 10-week program possibly longer.

Sealing of parking lot – Proposals came back from Suit-Kote Corp. for Micro Paving $15,405.00. Micro paving will last 7 to 8 years, does not include the parking stripes. Grippo Asphalt came in at $9,625.00; Speed Pro Sealers came in at $10,950. Both Grippo and Speed Pro would need to done in approx. 3 years. The paving of the parking lot has been included in the budget; the Board is recommending the Micro Paving.

CHIPS – we received our funding; the guidelines for using the CHIP money have become strict.

Robbins Brook Park - The Village of Bergen has quoted $11,285.31 for materials to run electric to the pavilion at Robbins Brook Park; with the inter-municipality agreement the Village electric crew would complete the work. (Thank you). National Grid would need to “sign off” allowing the Village to complete the work. The panel box would still need to be installed. The water line to the pavilion, MRB Group is recommending a 3” water line and we don’t have to go under the creek. No price on the water line installation at this point. H & S Fence – to install 270’ of fence in the front of the park came in at $7600.00 will be getting another estimate. The trees we received from the DEC have been planted at the park.

Will be sealing the following roads: Dublin, Maple Ave, Bovee, and Lyman.

COMMITTEES:

Buildings, Grounds, and Facilities (Cemeteries): Update on Planning for utilization of buildings

Nothing new to report.

Parks: Bathroom Update – waiting for final prices on utilities.

Local History & Museum: Nothing new to report.

Policy & Personnel: Nothing new to report

**OLD BUSINESS:** Update on gate on Evans Rd – checking with attorney about speed limit signs and is it possible to turn the road over to the neighbors.

Councilperson Swanson made a motion to remove the gate on Evans Rd within 30 days; seconded by councilperson Ely

Ayes: Supervisor Haywood, Grant, Ely, Swanson

Nays: None

Abstained:

APPROVED by: vote (4-0)

Supervisor Haywood will be sending the letter out advising the residents they will have 30 days from the letter to remove the fence. Supervisor Haywood will report back to the Board with the attorneys’ recommendations.

**NEW BUSINESS:**

* SEQR Determination resolution for amending local law Chapter 118 of Personal Policy
* Resolution amending local law Chapter 118 Personnel Policy
* SEQR Determination resolution for amending local law Chapter 398 Records Public Access
* Resolution amending local law Chapter 398 Records Public Access
* SEQR Determination resolution for amending local law Chapter 132 Procurement Policy
* Resolution amending local law Chapter 132 Records Public Access
* Resolution to set wages for Highway Department Seasonal Worker – Jake Vazquez at a rate $19.00 per hour
* Approval of Mobile Home Park Permits for Hidden Meadows, Barbary Coast Affordable Homes, and Mar-Lu
* Participation in the Park Day’s Parade- June 8th 11:45 am for noon March.
* Approval to seal town hall parking lot
* Approval of Town of Bergen Road Specification
* Action to file the Town Clerks report for April, 2024
* Action to file Supervisors Report for April.,2024
* Approval to pay bills and authorizing the bookkeeper to transfer of funds necessary to the checking account to pay the bills

RESOLUTION 2024-17 Adopting Local Law \_\_ of 2024 Amending Chapter 118 Personnel Policies of the Bergen Town Code

WHEREAS, the Bergen Town Board has determined that it is in the best interests of the Town of Bergen to amend Chapter 118 Personnel Policies of the Bergen Town Code; and

WHEREAS, a duly advertised Public Hearing was held by the Town Board at the Town Hall, 10 Hunter Street, Bergen on May 14, 2024 at 7 pm to hear all persons interested in the adoption of Local Law No. \_\_\_ of 2024 Amending Chapter 118 Personnel Policies of the Bergen Town Code; and

WHEREAS, all persons desiring to be heard were heard and due deliberation having been had.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That Chapter 118 Personnel Policies of the Bergen Town Code be amended as follows:

118-2. Reimbursement for mileage.

Examples of mileage reimbursement request:

2-10-2008: GAM meeting in Batavia and return, 15 miles each way, 30 miles total.

~~Month of 3-20-2008: five trips to Brockport to HSBC Bank, 16 miles each, 80 miles total.~~

118-5. Reimbursement for meals.

The maximum reimbursement for meals is $50 a day/~~$70~~ **$100** a day NYC….A gratuity of up to ~~15%~~ **20%** may be added to the above.

~~118-8. Reimbursement for telephone calls.~~

~~Requests for reimbursement for telephone calls from home telephones must be itemized by place and totaled per month.~~

~~Example: January telephone calls~~

~~8 calls to Batavia $1.80~~

~~4 calls to Albany $4.56~~

~~Total $6.36~~

Sec. 2. That the Town Board of the Town of Bergen hereby adopts Local Law No. \_\_\_ of 2024 – Amending Chapter 118 Personnel Policies of the Bergen Town Code.

Sec. 3. That the Town Clerk is authorized and directed to file a complete copy of Local Law No. \_\_\_ of 2024 with the Secretary of State, as required by law.

Sec. 4. That this resolution shall take effect immediately.

Motion for adoption: Councilperson Ely

Second: Councilperson Swanson

Discussion:

VOTE BY ROLL CALL AND RECORD:

Ayes: Councilperson Ely; Deputy Supervisor Grant; Councilperson Swanson; Supervisor Haywood;

Nays: None Abstained: None Approved by: Vote (4-0)

RESOLUTION NO. 2024-18 SEQRA Determination – Local Law Amending Chapter 118 Personnel Policies

WHEREAS, the Town Board of the Town of Bergen intends to amend Chapter 118 Personnel Policies; and

WHEREAS, such a Local Law is defined by 6 NYCRR §617.5 as a Type II action for which no environmental review is necessary.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Bergen Town Board does hereby designate the proposed Local Law as a Type II action.

Sec. 2. That this resolution shall take effect immediately.

MOTION for adoption of this resolution

Seconded by

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Ely

Councilperson Grant

Councilman Swanson

Supervisor Haywood

Submitted – February 13, 2024

RESOLUTION NO. 2024-19 SEQRA Determination – Local Law Amending Chapter 398 Records, Public Access

WHEREAS, the Town Board of the Town of Bergen intends to amend Chapter 398 Records, Public Access; and

WHEREAS, such a Local Law is defined by 6 NYCRR §617.5 as a Type II action for which no environmental review is necessary.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Bergen Town Board does hereby designate the proposed Local Law as a Type II action.

Sec. 2. That this resolution shall take effect immediately.

MOTION for adoption of this resolution: Councilperson Swanson

Seconded by Councilperson Grant

Discussion:

VOTE BY ROLL CALL AND RECORD:

Ayes: Councilperson Ely

Councilperson Grant

Councilman Swanson

Supervisor Haywood

Nays: None

Abstained: None

Approved by: vote (4-0)

Submitted – February 13, 2024

RESOLUTION 2024-20 Adopting Local Law \_\_ of 2024 Amending Chapter 398 Records, Public Access of the Bergen Town Code

WHEREAS, the Bergen Town Board has determined that it is in the best interests of the Town of Bergen to Amend Chapter 398 Records, Public Access of the Bergen Town Code; and

WHEREAS, a duly advertised Public Hearing was held by the Town Board at the Town Hall, 10 Hunter Street, Bergen on May 14, 2024 at 7 pm to hear all persons interested in the adoption of Local Law No. \_\_\_ of 2024 Amending Chapter 398 Records, Public Access of the Bergen Town Code; and

WHEREAS, all persons desiring to be heard were heard and due deliberation having been had.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. That Chapter 398 Records, Public Access to of the Bergen Town Code be amended as follows:

398-2. Designation of Records Access Officer.

A.

Town Clerk

~~13 S. Lake Avenue~~ **10 Hunter Street**

Bergen, NY 14416

[~~tn-bergen-Clerk@rochester.rr.com~~](mailto:tn-bergen-Clerk@rochester.rr.com)

398-3. Location.

Bergen Town hall

~~13 S. Lake Avenue~~ **10 Hunter Street**

Bergen, NY 14416

398-4. Hours for public inspection.

Requests for public access to records shall be accepted and records produced during all hours regularly open for business, **as posted in the Town Clerk’s office, 10 Hunter Street.** ~~These hours are: Monday, Tuesday, Wednesday and Friday, 8:00 a.m. to 4:00 p.m.; Saturday, 9:00 a.m. to 12:00 noon.~~

Sec. 2. That the Town Board of the Town of Bergen hereby adopts Local Law No. \_\_\_ of 2024 Amending Chapter 398 Records, Public Access to of the Bergen Town Code.

Sec. 3. That the Town Clerk is authorized and directed to file a complete copy of Local Law No. \_\_\_\_ of 2024 with the Secretary of State, as required by law.

Sec. 4. That this resolution shall take effect immediately.

Motion for adoption: Councilperson Swanson

Second: Grant

Discussion:

VOTE BY ROLL CALL AND RECORD:

Ayes: Councilperson Ely; Deputy Supervisor Grant; Councilperson Swanson; Supervisor Haywood

Nays: None

Abstained:

APPROVED by: vote (4-0)

RESOLUTION NO. 2024-21 SEQRA Determination – Local Law Amending Chapter 132 Procurement Policy

WHEREAS, the Town Board of the Town of Bergen intends to amend Chapter 132 Procurement Policy; and

WHEREAS, such a Local Law is defined by 6 NYCRR §617.5 as a Type II action for which no environmental review is necessary.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Bergen Town Board does hereby designate the proposed Local Law as a Type II action.

Sec. 2. That this resolution shall take effect immediately.

MOTION for adoption of this resolution Councilperson Grant; Seconded by Councilperson Ely

Discussion:

VOTE BY ROLL CALL AND RECORD:

Ayes: Councilperson Ely; Councilperson Grant; Councilman Swanson; Supervisor Haywood

Nays: None

Abstained:

APPROVED by: vote (4-0)

Submitted – February 13, 2024

RESOLUTION 2024-22 Adopting Local Law \_\_ of 2024 Amending Chapter 132 Procurement Policy of the Bergen Town Code

WHEREAS, the Bergen Town Board has determined that it is in the best interests of the Town of Bergen to amend Chapter 132 Procurement Policy of the Bergen Town Code; and

WHEREAS, a duly advertised Public Hearing was held by the Town Board at the Town Hall, 10 Hunter Street, Bergen on May 14, 2024 at 7 pm to hear all persons interested in the adoption of Local Law No. \_\_\_\_ of 2024 Amending Chapter 132 Procurement Policy of the Bergen Town Code; and

WHEREAS, all persons desiring to be heard were heard and due deliberation having been had.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. That Chapter 132 Procurement Policy of the Bergen Town Code be amended as follows:

132-1. Guidelines

B. Guideline 2. All purchases of:

(1) Public works contracts over ~~$20,000~~ **$35,000**.

(2) Supplies or equipment which will exceed ~~$10,000~~ **$20,000** shall be formally bid…

C. Guideline 3.

(1) All estimated public works contracts of less ~~that~~ **than** ~~$20,000~~ **$35,000** but greater than ~~$30,000~~ **$20,000** require a written request for proposals (RFP) and a written~~/fax~~ proposal from ~~three~~ **two** or more contractors.

(2) All estimated purchases of less than $10,000 but greater than ~~$3,000~~ **$5,000** require a written RFP and a written~~/fax~~ proposal from ~~three~~ **two** or more vendors unless purchased from valid state or county **or municipal bids.**

(3) All public works contracts or purchase of less than ~~$3,000~~ **$5,000** but greater ~~that~~ **than** $500 require…. and;

Sec. 2. That the Town Board of the Town of Bergen hereby adopts Local Law No. \_\_\_ of 2024 Amending Chapter 132 Procurement Policy of the Bergen Town Code.

Sec. 3 That the Town Clerk is authorized and directed to file a complete copy of Local Law No. \_\_\_\_ of 2024 with the Secretary of State, as required by law.

Sec. 4. That this resolution shall take effect immediately.

Motion for adoption: Councilperson Grant

Second: Councilperson Swanson

Discussion:

VOTE BY ROLL CALL AND RECORD:

AYES: Councilperson Ely, Deputy Supervisor Grant, Councilperson Swanson, Supervisor Haywood

NAYS: None

Abstained:

APPROVED by: vote (4-0)

Councilperson Grant made a motion to set wages for Highway Department Seasonal Worker – Jake Vazquez at a rate $19.00 per hour; seconded by councilperson Ely

Ayes: Haywood, Grant, Swanson, Ely

Nays: None

Abstained:

APPROVED by: vote (4-0)

Councilperson Grant made a motion to approve the Mobile Home Park Permits for Hidden Meadows, Barbary Coast Affordable Homes, and Mar-Lu; seconded by councilperson Ely

Ayes: Haywood, Grant, Swanson, Ely

Nays: None

Abstained:

APPROVED by: vote (4-0)

Participation in the Park Day’s Parade June 8th; 11:45 am for noon parade

Councilperson Grant made a motion to approve the Town Clerks report for April; seconded by Councilperson Swanson

Ayes: Haywood, Grant, Swanson, Ely

Nays: None

Abstained:

APPROVED by: vote (4-0)

-Action to file Supervisors Report for April 2024

Councilperson Grant made a motion to file the Supervisor’s report for April 2024; seconded by Councilperson Swanson

Ayes: Haywood, Grant, Swanson, Ely

Nays: None

Abstained:

APPROVED by: vote (4-0)

-Approval to pay bills and authorizing the bookkeeper to transfer of funds necessary to the checking account to pay the bills

Councilperson Grant made a motion to approve and pay the bills; seconded by Councilperson Ely

Ayes: Haywood, Grant, Swanson, Ely

Nays: None

Abstained:

APPROVED by: vote (4-0)

**MEETING AND OTHER UPCOMING DATES** – Town Board Meeting: Regular meeting of the board 06/11/2024 6:45 audit of the bills, regular meeting at 7pm

**ADJOURNMENT** Was at 8:40 pm on a motion made by councilperson Grant*;* seconded by councilperson Ely

Ayes: Haywood, Grant, Ely, Swanson

Nays: None

APPROVED by: Unanimous vote (4-0)

Respectfully submitted,

**Teresa Robinson**

Teresa Robinson, Town Clerk