

*Resolution 6 of 2013*  
*Village of Bergen, New York*

**MEUA DELEGATE RESOLUTION**

At a regular meeting of the Board of Trustees of the Village of Bergen, New York, held on June 26<sup>th</sup>, 2013, the following resolution was adopted:

Moved by Trustee Barclay, seconded by Trustee Adams

WHEREAS, the Board of Trustees of the Village of Bergen, New York, is a municipal member of the Municipal Electric Utilities Association of New York State, and

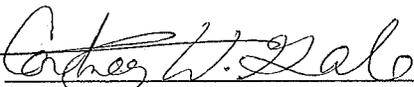
WHEREAS, the Annual Conference of the Municipal Electric Utilities Association of New York State has been called on August 20, 21, 22 and 23, 2013, to be held at the Holiday Valley, Ellicottville, New York, and,

WHEREAS, in accordance with the bylaws of the Municipal Electric Utilities Association of New York State, each municipal member may cast one vote on each transaction properly brought before this meeting,

NOW THEREFORE BE IT RESOLVED, that Joseph Chimino be and is hereby designated as the accredited delegate of the Village of Bergen, New York.

On roll call: Affirmative: 3      Negative: 0

I certify that this resolution was adopted by the Board of Trustees of the Village of Bergen, New York on the 26<sup>th</sup> day of June, 2013.

  
\_\_\_\_\_  
Signature

Cortney W. Gale  
Administrator

**Resolution No.7 of 2013  
Village of Bergen, NY**

**Resolution to Designate Administrator as agent  
for service of notices of claim by the  
New York Secretary of State**

**WHEREAS**, On December 17, 2012, Governor Cuomo signed the Uniform Notice of Claim Act into law, and,

**WHEREAS**, The Act, which became effective on June 15, 2013, amended New York's General Municipal Law to allow notices of claim against cities and villages to be served on the New York Secretary of State as agent for New York's public corporations, and,

**WHEREAS**, Pursuant to the Act, the New York Department of State will forward any notice of claim served on it to the individual the village designates to receive the notices of claim, and,

**WHEREAS**, To effectuate this new method of serving notices of claim on public corporations, General Municipal Law § 53 was added and requires each city and village to file with the New York Department of State a certificate that (a) designates the New York Secretary of State as the local government's agent for service of notices of claim, (b) provides the name and address of an officer, person, or designee, nominee or other agent-in-fact to which the Secretary of State will forward any notices of claim, and (c) provides the applicable time limit for filing a notice of claim on the city or village, and,

**WHEREAS**, The Village of Bergen, New York, Genesee County, will appoint an agent to be its designee to receive notices of claim from the New York Secretary of State, pursuant to General Municipal Law § 53, and,

**WHEREAS**, The Board of Trustees of the Village of Bergen will compel the Village Administrator to file the Certificates of Designation of Notice of Claim with the Secretary of State no later than July 15<sup>th</sup>, 2013, and,

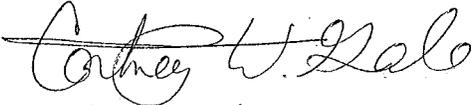
**NOW THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Bergen, New York, Genesee County, appoint the Village Administrator as its designee to receive notices of claim from the New York Secretary of State, pursuant to General Municipal Law § 53.

On a motion by Trustee Adams, seconded by Trustee Barclay, the resolution was adopted on a roll call vote, the results which follow:

3 Ayes

0 Nays

Dated: June 26<sup>th</sup>, 2013

  
administrator

RESOLUTION  
INTRODUCING LOCAL LAW  
AND  
PROVIDING FOR PUBLIC  
NOTICE AND HEARING

BE IT RESOLVED that an introductory Local Law entitled "*Brush, Grass and Weeds*" and more particularly set forth on Exhibit "A" attached hereto, be and it hereby is introduced before the Board of Trustees of the Village of Bergen in the County of Genesee and State of New York, and,

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED that the Board hold a public hearing on said proposed local law at the Village Meeting Room, 11 North Lake Avenue, in the Village of Bergen, New York at 7:00pm, on June 26<sup>th</sup>, 2013, and

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the Village of Bergen of said public hearing at least ten (10) days prior thereto.

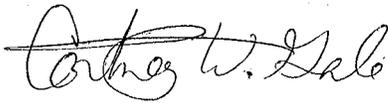
On a motion by Trustee Barclay, seconded by Trustee Adams, the resolution was adopted on a roll call vote, the results which follow:

3 Ayes

0 Nays

The Mayor declared this resolution adopted.

Dated: June 26<sup>th</sup>, 2013

  
adminstrator

**EXHIBIT "A"**

Local Law No.4 of the Year 2013

Village of Bergen

A Local Law Entitled  
"Brush, Grass and Weeds"  
Of the Code of the  
Village of Bergen

**BRUSH, GRASS, AND WEEDS**

Be it enacted by the Village Board of the Village of Bergen as follows:

**Declaration of Policy**

It is hereby declared to be the policy of the Village Board to provide for the proper use of land to prevent unhealthful, hazardous or dangerous conditions due to the accumulation of brush, grass, rubbish or weeds or growth of poisonous shrubs or weeds to protect the public health, safety and general welfare of the residents of this Village. By this chapter the Village Board seeks to remove such dangers to health, life and property by requiring the owner, lessee or occupant of land to cut, trim or remove brush, grass, rubbish or weeds, or to spray with herbicides, cut, trim, remove or destroy poisonous shrubs or weeds, and upon default cause the same to be done and assess the costs against the real property on which the brush, grass, rubbish, shrubs or weeds are found.

**§1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

SUPERINTENDENT OF PUBLIC WORKS — The Superintendent of Public Works or his duly authorized representative or the Code Enforcement Officer.

**§2. Height restriction; poisonous weeds. [Amended 3-8-1999 by L.L. No. 1-1999]**

It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant, having control of any occupied or unoccupied building lot or plot of land or any part thereof in any developed section of the Village of Bergen to permit or maintain on any such lot or plot of land or on or along the sidewalk, street or alley adjacent to the same, between the property line and the curb or middle of the alley or for 10 feet outside of the property line if there is no curb, any growth of weeds, grass or other rank vegetation to a height greater than 8 inches, on the average, on a vacant lot or to a height greater than six inches, on the average, on an improved lot or any accumulation of dead weeds, grass or brush. It shall also be unlawful for any such person or persons to cause, suffer or allow poison ivy, ragweed or other poisonous plants or plants detrimental to health to grow on any such lot or

plot of land in such manner that any part of such ivy, ragweed or other poisonous weed shall extent upon, overhang or border any public place.

### **§3. Cutting and removal required.**

It shall be the duty of any owner, lessee or occupant of any such lot or plot of land in the Village of Bergen to cut and remove or cause to be cut and removed all such weeds, grass or other rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of §2 of this chapter, provided that cutting and removing such weeds, grass and vegetation at least once in every three weeks between May 15 and September 15 shall be deemed to be a compliance with this chapter.

### **§4. Notice; failure to comply; collection of costs.**

- A. If the provisions of the foregoing sections are not complied with, the Superintendent and/or the Code Enforcement Officer shall serve written notice, either personally or by certified mail or by any other method of service as provided for in the Civil Practice Law and Rules, upon the owner, lessee or occupant or any person having the care or control of any such lot or land, to comply with the provisions of this chapter.
- B. If the person upon whom the notice is served fails, neglects or refuses to cut and remove or to cause to be cut and removed such weed, grass or other vegetation within five (5) days after receipt of such notice, or if no person can be found in the Village of Bergen who either is or claims to be the owner of such lot or land or who either represents or claims to represent such owner, the Superintendent shall cause such weeds, grass or other vegetation on such lot or land to be cut and removed, and the actual cost of such cutting and removal and other additional costs in connection therewith shall be certified by the Superintendent to the Village Clerk-Treasurer and shall thereupon become and be a lien upon the property on which such weeds, grass and other vegetation were located and shall be added to and become and form part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes.

### **§5. Penalties for offenses.**

Any person who shall neglect to cut and remove weeds, grass or other vegetation as directed in this chapter or who shall fail, neglect or refuse to comply with the provisions of any notice herein provided or who shall violate any of the provisions of this chapter or shall resist or obstruct the Superintendent of Public Works or his employees in the cutting and removal of weeds, grass and other vegetation shall, upon conviction thereof, be subject to a fine of not more than \$250 or to imprisonment for a term of not more than 15 days, or both, and each day on which such violation continues shall constitute a separate offense.

### **§6. Effective Date.**

This local law shall take effect twenty days after it is filed as provided in Section Twenty-Seven of the Municipal Home Rule Law.

**LOCAL LAW NO. 3 OF THE YEAR 2013  
VILLAGE OF BERGEN, COUNTY OF GENESEE**

**A LOCAL LAW OF THE VILLAGE OF BERGEN FOR AUTHORIZING THE USE OF THE  
BEST VALUE PROCUREMENT STANDARD**

Be it enacted by the Board of Trustees of the Village of Bergen, New York as follows:

**Section 1. Purpose**

The Board of Trustees of the Village of Bergen hereby enacts the following Local Law pursuant to State of New York General Municipal Law § 103(1) and of all other applicable laws.

**Section 2. Definition of Best Value**

Accordingly, the Village of Bergen hereby authorizes the use of the best value standard as part of village procurement policies.

Best value is defined in New York State Finance Law § 163. When awarding contracts under the best value standard, the village must consider the overall combination of quality, price, and other elements of the required commodity or service that in total are optimal relative to the needs of the village. Use of the best value standard must rely, wherever possible, on objective and quantifiable analysis. The best value standard may identify as a quantitative factor whether offerers are small businesses or certified minority- or women-owned business enterprises as defined in New York Executive Law § 310. The best value standard may only be used for purchase contracts, which includes contracts for service work, but excludes any purchase contracts necessary for the completion of a public works contract pursuant to Article Eight of the Labor Law.

**Section 3. Procurement Policy**

The Village of Bergen shall update its procurement policy in accordance with the provisions of this Local Law.

**Section 4. Effective Date**

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.