

**Regular Meeting
Of the Board of Trustees
Of the Village of Bergen at
7:00pm on July 23rd 2014**

The regular meeting of the Board of Trustees was called to order by Mayor Barclay at 7:00pm with the following present:

Trustee Cooper
Trustee Donovan
Trustee Morgante
Trustee VanEenwyk

Also present were: Village Administrator Cortney Gale, DPW Supervisor Ken Steinmetz, and Sherriff Deputy Minuto.

Approval of Bills

A motion to approve the bills was made by Trustee Cooper and seconded by Trustee VanEenwyk. The motion was carried by a unanimous following vote

Approval of Minutes

A motion to approve the meeting minutes for July 9th 2014 was made by Trustee Morgante and seconded by Trustee Donovan. The motion was carried by a unanimous vote.

Mayor's Report

Grants

- A letter was received from DANSY(Dormitory Authority State of New York) who will be administering the \$50,000 grant awarded the village through the State and Municipal Facilities Program ("SAM"); the grant is for the establishment of the Senior Fitness Trail proposed in our Parks Master Plan and previous trails grant. Ken and I met with representative from R. E. Woodson, Inc. Monday to finalize the equipment order, the equipment should arrive within the month and our staff will do the installation.
- The DEC has sent paperwork for the \$5355 Urban and Community Forestry Grant to be used for the Tree Inventory and Tree Management Project in the village. Urban Forestry LLC out of Palmyra will be doing the work.

Tulley Mural

- Donations from several businesses and organizations have been received in support of the mural project. Letters of appreciation have been sent to each.
- The overall affect of the piece has already taken shape; Cortney is documenting the progress, Barb has been updating information on Facebook.
- Chip Miller is staying locally so that he can spend longer hours on the project.

NYMIR

- Cortney and I met with Rosalie Maguire and Karen Buckley at our office to update us on the NYMIR website; workshops, webinars, resources, etc.

Electric Service

- We are still waiting for the NYMPA attorney to respond to our questions concerning customer costs for the electric service at the 8073 Clinton St Rd.

Local Laws and Resolutions

- I have been working on indexing our local laws and resolutions for easy access and for completeness. (1974 – 2014)

Bonduelle Property

- I spoke with Jim Markam concerning the possible purchase of property now owned by Bonduelle. He said that there was no opposition to the purchase; we are waiting for official word from the regional representative.

Legion

- I had the opportunity to share an hour with Dave Henry (District Vice-Commander) and Tom Williamson (Legion Post Commander) to talk about the contributions and activities of the Sackett Merrill White American Legion Post No 575 of Bergen. The “article” is in the village newsletter.

Mill Seat Landfill Open House

- Ray MacConnell did a wonderful job with his presentation of Maretta’s Doll and Toy Museum; many listened to his stories.
- I had the opportunity to speak with Assemblyman Hawley, and Churchville Mayor Nancy Steedman.

Satellite Office Hours

- Justin DelBello, Field Rep for Congressman Collins, answered questions on the VA, CSX transport of Bakken crude oil through the village, 2nd amendment, SAFE act, Clean Water Act Amendment, grant opportunities, and more from Tom Williamson, Joe Nenni, Grace Gallivan, Kevin Donovan, and myself (7/22)

Appreciation

- Thank you to the office staff for the great job they have done with the end of the year accounting work as well as the reports that are being put together, to the DPW for the work on Munger St, bridge work in Hartland Park, lawns, trimming, septic tank pumping completion, Tulley wall prep work, etc., and the electricians for the work at Liberty Pumps, light change-over in Hartland development.... to mention some of the many things being done for the village. We are fortunate to have such a great group of people working for our village.

Administrator’s

Electric/Sewer

- Electric bills were mailed on Tuesday (July 22nd) and are due August 11th.
- This month electric rate is 10.7¢ per Kwh which is about average for June usage due to Bonduelle.
- Rene and I met with Owen McIntee and Karen Kimbler from the Village of Spencerport on Monday (July 21st) regarding our Bergen Energy Efficiency Program. They are interested in leaving the IEEP and creating their own program as we did.
- Nick and Joe have installed new LED streetlights to roughly half of the subdivision; they’re the Colonial style fixtures.
- There are 24 customers having electric or sewer bills automatically removed from their accounts by us every month, 30 have bills emailed to them and we are averaging 35 customers using the online payment system.
- Sewer bills will be mailed on August 1st and are due September 2nd.

Property Tax

- Since the last meeting (July 9th) we have received only 2 late payments. They will slowly trickle in until we send them to the county in November at which time they will be placed on residents County Taxes.
- Genesee County assumes the liability for collecting past due taxes and sends the village a check for the amount owed in advance of collections.

Accounting

- We are continuing to work on wrapping up the 2013-2014 fiscal years. As I reported previously everything looks good and should go smoothly, it takes a long time to get it all together and input it into the AUD & PSC.
- I attended the NYS Government Finance Officer Association seminar at Terry Hills on July 17th. I was able to talk with the representative from Moody's about our credit rating and audit requirements. The reasons why rating was downgraded was because of a change in their philosophy due to the NYS tax cap and the addition of the debt for the sewer plant.
- Work Orders, Monthly Journal Entries, Account Transfers, Bank Reconciliations, as well as State and Federal Reports have been completed on time and in good order.

Cell Tower Proposal

- I met with Linda Tomporowski from Crown Castle regarding the cell tower proposal on July 14th. She asked that we remove as part of the new agreement the requirement that we give permission before a new tenant is placed on the tower. She stated that this will make it more attractive to the prospective customers as it will speed up the time from agreement to broadcasting.

Miscellaneous

- Mayor Barclay, Barb Zinter & I are signed up for the New York Conference of Mayors (NYCOM) Fall Training School, September 15th-18th in Lake Placid. There's plenty of time to sign up if anyone else is interested.
- I will be on vacation starting tomorrow (July 24th) and will return Monday August 4th.
- The Presbyterian Church is hosting a sports camp in Hickory Park August 18-21st from 6pm-9pm.

DPW Supervisor's Report

- Work is progressing well at the Liberty pump site and The Village of Churchville came over on Monday to help us build the line and pull wire.
- The plant is running well and the tanks are done.
- We have been working in the park with cleanup and will be getting ready for the 5k race on 8/9. Munger Street will be paved and driveway aprons finished on 7/28.
- We will finish restoration and tree planting on Wed. and Thursday. Chris worked with the Village of Spencerport hauling asphalt this week.
- Sidewalks have been done and we will continue to assess and repair them as needed. We also poured a slab at Hickory Park for future playground equipment.
- The assistance we have gotten with mowing has freed Kirk up to get caught up with trimming, bridge work and getting into finishing up the Tulley building work.
- Attending PESH training with Mike Johnson
- Discussed Town of Bergen's request regarding watering flowers at the Town Hall and sharing a Backhoe with Town Highway Superintendent Mike Johnson. Decided not to pursue either proposal at this time.

Historian

- This month has been a time for communications. We received an email from Tennessee about a

photo that a lady bought at a local garage sale of Geo. E. Best and company. I have written back to ask if we might buy it. No response yet. He operated an undertaking business and furniture business in Bergen. It was at the corner of McKensie and Clinton. Also, I had communications with the Genesee County Historians on "The Palms" at 19 S. Lake St. W. Monroe Sage was a professor of music, or music teacher. No further information, yet.

- "Dinner at the Dump" was a good experience. I displayed the "Maretta's Doll and Toy Museum" (1958-1965) display at it. Many confused it with the Chili Toy Museum. It was good exposure for the Village of Bergen. Spencerport has asked me to give my talk November 15 on "Bergen's Little Stinkers" That will be the first talk out of town that I have given.
- July 2nd brought a man from Minnesota to our village. Tim Munger is the great-great grandson on Charles and Mary Munger and they lived at 21 Lake Ave. He had a photo of his family taken in front of the barn after his grandmother's funeral service in the fifties. The Munger's were great farmers in the area and some of the acreage was on Munger St. I have his email and have communicated with him twice since his visit.
- I also printed the list of business from the Directory of Genesee County 1917-1922. I count 30 active businesses in the town.

Mill Seat Landfill Community Action Board (CAB)

The following report was submitted by Virginia Adams, the Village's representative to CAB:

- The revenue sharing for the Town of Bergen now totals \$22,660.43 with two more quarter payments for the year 2014. The capitol project, gas management improvement consisting of the installation of 29 vertical gas collection wells has been tied into the collection system. This should help with the gas odor around the village and town of Bergen.
- The open house was held on July 17th 2014 with an estimated attendance of 800 people. The open house will not be held next year at the Mill Seat Landfill, but will be held at the High Acre Landfill.
- Our next meeting of CAB will be held at the landfill on October 21, 2014 at 6:00pm and all are welcome.

Privilege of the Floor

None

Trustee Concerns

Trustee Kevin Donovan asked Mr. Steinmetz to look at an area of Leroy Street near a fire hydrant for a possible water leak.

New Business

Genesee County Sheriff Deputy

Genesee Sheriff's Deputy Chad Minuto attended the Board meeting at the Mayor's request to meet the board and discuss village patrols. Officer Minuto has been patrolling Bergen for 7 years and has seen that crime is low relative to other communities. He prefers to patrol in the summer time to create relationship with youth who will then refrain from vandalism or help him when there are other incidents.

Resolution – Standard Workday and Reporting

BE IT RESOLVED, that the Board of Trustees of the Village of Bergen, Location code 40370, hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees' Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body: DPW Supervisor – 8 hours, Laborer – 8hours

Resolution – Official Blanket Undertaking

WHEREAS, Public Officer Law §11(2) provides that in lieu of any individual undertaking as required by law, the Village Board of Trustees may approve the procurement of a blanket undertaking from any duly authorized corporate surety covering the officers, clerks and employees of the Village, and

WHEREAS, such blanket undertaking must be approved as to form, manner of execution and sufficiency of surety, by the Village Board of Trustees and filed in the same manner as individual undertakings, and

WHEREAS, the section further provides that any such blanket undertaking entered into after January 1, 1978 must indemnify against losses caused by the failure of the officers or employees to faithfully perform their duties or by their fraudulent or dishonest acts.

NOW, THEREFORE, BE IT RESOLVED, that the Administrator is hereby authorized and directed to procure a blanket undertaking for all Village officers and employees, for the amount of one hundred thousand dollars (\$100,000.00) the cost of which the blanket undertaking shall become a Village charge; and be it further;

RESOLVED, that upon execution of the blanket undertaking, said undertaking shall immediately be filed in the Office of the Village Administrator of the Village of Bergen, New York.

Resolution – Bergen Senior Fitness Trail Grant

WHEREAS, the Village of Bergen endeavors to provide diverse recreational opportunities for its residents; and

WHEREAS, the Village of Bergen owns Hickory Park, a ten acre plot located off South Lake Avenue and Park View Drive on the south side of the Town; and

WHEREAS, the Village of Bergen has developed a Parks Master Plan for the Village that contains recommendations for the most effective use of resources that will maximize recreational and environmental values; and

WHEREAS, the *Bergen Senior Fitness Trail Project* represents a unique opportunity for the Village of Bergen that will emphasize recreation and environmental values in a way that will benefit the community; and

WHEREAS, the *Bergen Senior Fitness Trail Project* involves the installation of a quarter mile walking/running trail and senior centric fitness equipment;

WHEREAS, the Village of Bergen has received a grant from the State and Municipal Facilities Program (SAM) to fund the *Bergen Senior Fitness Trail Project*;

WHEREAS, the Grant Project administered by the Dormitory Authority of the State of New York (DASNY) is a reimbursement program;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Bergen Board of Trustees, hereby authorized use of such funds that may be necessary to finance the *Bergen Senior Fitness Trail Project* until such time that reimbursement funds are received in accordance with the Grant Distribution Agreement.

BE IT FURTHER RESOLVED, that the Board of the Village of Bergen hereby authorizes and directs Anna Marie Barclay, Mayor of the Village of Bergen, to approve the purchase of equipment and material for the *Bergen Senior Fitness Trail Project* as needed and to file the documentation necessary for reimbursement.

Cell Tower Contract Extension

A motion was made by Trustee Morgante and seconded by Trustee Donovan to extend the current cell tower lease with Crown Castle. The motion was carried by a unanimous vote.

Old Business

Resolution – Opposition to Clear Water Act Amendments

WHEREAS, the U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) have released a 371 proposed rulemaking defining the Waters of the U.S. under the Clean Water Act, and

WHEREAS, both agencies are seeking a rule change to give the federal government more authority by expanding the definition of "navigable waters" in the Clean Water Act, and

WHEREAS, the rule change proposed by the EPA and the Corps would subject almost all physical areas with a connection to downstream navigable waters, including features such as ditches, natural or man-made ponds, and flood plains, to the jurisdiction of the Clean Water Act, and

WHEREAS, the proposed rule change, if adopted, will cause significant economic harm to local farmers, stall the development of businesses, take control of land use for sustainable food production out of our local providers' hands, and negatively impact Village-owned and maintained infrastructure such as roadside ditches and flood-control channels, and

WHEREAS, the cost to our farms, municipalities and taxpayers will be enormous, and

WHEREAS, the New York Farm Bureau opposes the proposed rule change, and

WHEREAS, it is impractical for the federal government to regulate every ditch, pond and rain puddle that may have some tenuous connection or "significant nexus", miles away, to a body of water currently defined as "navigable", now, therefore, be it

RESOLVED, that Village of Bergen Board of Trustees hereby strongly opposes the EPA and Corps proposed rulemaking that changes the Clean Water Act, as proposed, and be it further

RESOLVED, that the Village Administrator is hereby directed to forward a certified copy of this resolution to Senator Schumer, Senator Gillibrand, Congressman Collins, the Environmental Protection Agency, the U.S. Army Corps of Engineers, the National Association of Counties, State Senator Ranzenhoffer, State Assemblyman Hawley, the New York State Association of Counties, and the Western New York Inter-County Association.

Budget Impact: The expansion of federal jurisdiction will add significant cost to the replacement of culverts under county roadways and residential and commercial driveways throughout the county by adding a burdensome permitting process to routine maintenance items.

A motion was made by Trustee Cooper and seconded by Trustee Morgante to adjourn the meeting. The motion was carried by a unanimous vote:

The meeting was adjourned at 8:00pm

Respectfully submitted,

Cortney W. Gale
Village Administrator