

**Public Hearings, Regular Meeting, and Reorganizational Meeting  
Of the Board of Trustees  
Of the Village of Bergen at  
6:15pm on April 22<sup>nd</sup> 2015**

A Public Hearing for Local Law #1 of 2015 named “Sanitation Law” which would create a yearly fee for refuse collection was opened for public comment at 6:15pm by Mayor Barclay with the following present:

Trustee Cooper  
Trustee Donovan  
Trustee VanEenwyk

Also present were: Village Administrator Cortney Gale, DPW Supervisor Gary Zawodzinski, Don Donnelly, Claude Brinson, Lucy Zeghdani, Diane Donnelly, Don Cunningham, Elizabeth Smith, Thomas Williamson, John Murray, Shirley Seils, Tracy Miller, Joan Miller, Gerry Sheridan, Ron Boehly, Charlene Ray, Fritz Rowsick, Nancy Holland, Joe Chimino, and Vickie Almquist.

A Public Hearing for Local Law #2 of 2015 named “Establishing Parking Restrictions in the Village of Bergen” which would prohibit parking on village streets from 2:00am to 7:00am was opened for public comment at 6:35pm.

A Public Hearing to receive public comment on the 2015-2016 General, Sewer, and Electric budgets was opened at 6:45pm.

**Approval of Bills**

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

**Approval of Minutes**

A motion to approve the meeting minutes of March 25<sup>th</sup> 2015 was made by Trustee Cooper and seconded by Trustee VanEenwyk. The motion was carried by the following vote.

Mayor Barclay - aye  
Trustee Cooper - aye  
Trustee Donovan - Abstain  
Trustee VanEenwyk - aye

A motion to approve the meeting minutes of April 18<sup>th</sup> 2015 was made by Trustee Donovan and seconded by Trustee Cooper. The motion was carried by a unanimous vote.

**Mayor’s Report**

**DPW Supervisor**

- I would like to welcome Gary Zawodzinski to the Village of Bergen as our DPW Supervisor. Gary's experience and qualifications make him an excellent choice for the position.

**Comprehensive Plan**

- The second Community Workshop for the Comprehensive Plan was held on April 6 in the town courtroom. Topics presented were agriculture and natural resources; local farms, farmland protection. Farming trends, regional economic

impact of agriculture, wetlands, and watersheds in Bergen, studies being conducted on natural resources impacting the town and village.

- On May 4, the Community Workshop will be held at the Gillam Grant Community Center with housing and residential neighborhoods, parks and recreation as the topics being presented and discussed. The meetings start at 7pm, flyers are being sent with sewer bills.

### **Landfill**

- I attended the CAB meeting at the landfill on April 14 at which the expansion project and the upcoming public hearings (4/16) were discussed. The public comment period will conclude on May 1<sup>st</sup>. Ginny Adams (CAB rep) and I met to plan questions and comments to be submitted on behalf of the village.

### **Planning Board**

- The training webinar on Variances was presented to the planning and zoning board members in attendance as part of the annual training.

### **Refuse Pick-up**

- Bids for the three year contract were opened on April 2<sup>nd</sup>; the minutes for the meeting are in your packet.
- Information was sent to village residents informing them of the proposed refuse pick-up program.

### **Business Group**

- Our meetings took place on March 31 and April 21. Jennifer Vasi from the Batavia Daily presented the group with a promotional ad page option which will coincide with the Community Garage Sale at the March meeting, last night Mike Sukhenko (graphic designer) presented valuable information on business promotion through a group facebook page. The business owners in the group are focused on working together to promote small business in the village; they will be participating in the Park Festival and holding a "business hop" during the garage sale.

### **BBCA**

- Mark Kielbasa and Dave Nerau from Insurance Auto Auctions Incorporated spoke at the April 21<sup>st</sup> meeting about their company's operations, and their plans for their facility in the Industrial Park.

### **Park Committee/Tree Board**

- Plans are being finalized for Community Action Day and Arbor Day ceremony planned for May 16<sup>th</sup>; the community flower (magenta petunia) will be used for the planter boxes and hanging planters throughout the village and will be sold at the Park festival.
- The committee is sponsoring a Disc Golf Clinic at the Park Festival on June 13th.
- There are 8 reserved raised garden beds that will start our Community Garden.

## **Administrator's**

### **Electric/Sewer**

- Electric bills will be sent out tomorrow and are due May 13<sup>th</sup>. There were 42 on the shut off list this month, which is about average. Payment was made for everyone on the list last month, so no power was disconnected
- The electric rate is .075¢ per kWh, which is more than a penny below average for March. Customer usage is down due to the warmer weather.
- The sewer plant continues to have issues. To keep from overflowing the equalization basin we've employed AD Call to haul the gray water to the Batavia sewer plant. Running two to three trucks back and forth all day, five days a week, has cost the Village \$104,000 to date.
- I spoke to Rachael Tabelski from Genesee County Economic Development (GCEDC) on Monday; we're still working to procure more inexpensive hydro-electric power from the New York Power Authority.
- The Squirtboom arrived on April 6<sup>th</sup>. Altec asked that we take it to the MEUA Semi-Annual to show the other municipalities. In exchange they'll pay for running boards for the vehicle.

### **Accounting**

- I have completed the Property Tax Cap and Tax Freeze information on-line for the State. I will finish the Constitutional Tax Limit form after the budgets have been passed. The form is due twenty days after the budget being passed.
- With the fiscal year coming to an end in little over a month we are starting to gather the information needed to complete the Annual Update Document (AUD) for the State and the Public Service Commission (PSC) Report.
- As I previously reported Village accountant Bob Fox is holding his cost at last year's level but is including a Risk Assessment Audit at no additional charge.
- The current electric and general budgets are in good shape for the most part, after a few coding corrections there should be very few budget transfers necessary. The sewer budget however is not good due to the problem at the sewer plant.

### **Miscellaneous**

- A Representative from the Department of Labor will be in the office on Friday to review our books and records pertaining to an unemployment claim.
- We received the fully executed amendment to the Cell Tower lease and a check for \$10,000. I'm glad to say that it is finally complete after three years of negotiations.
- Joe Chimino will be attending the MEUA Semi-Annual meeting in Syracuse on April 29<sup>th</sup> as well as the NYMPA Annual meeting on May 20<sup>th</sup>.
- Code Enforcement Officer Ken Kuter has been working with Social Services regarding the daycare issues in the Village. Social Services are investigating and will be in contact with Mr. Kuter.
- The Genesee County Sheriff's Department has sent the 2015-2016 contract for additional patrols. The rate is \$65.59 per hour plus \$34.50 per four hour block for mileage. We'll receive approximately 175 hours of coverage for our \$13,000 payment.
- Byron-Bergen Central School District Superintendent Casey Kosiorek will attend the May 13<sup>th</sup> board meeting to present their 2015-2016 budget.

### **DPW Supervisor's Report**

#### **WWTP**

The waste water treatment plant has been having issues since Mid-March timeframe. In order to prevent overflow and stay in compliance, raw material has been being shipped out for treatment. Even with this, there have been a couple of overflows during the weekends, The NYSDEC is aware. We have a consultant Engineer coming in from Krueger next week to assist with the issues. Additionally, we have been in contact with the Biological Biomass (bug) producer and they have been giving us technical assistance as well. Everyone is working diligently to correct the issue. A meeting is planned for next week with all the consultants, NYSDEC and Village.

#### **Electric**

The lineman attended training this past week, all is going well. Poles are continuing to be taken down and new transformers installed.

#### **DPW and Parks**

Brushs pick up started last Monday, April 13<sup>th</sup>, 2015 as planned and will continue on the 2<sup>nd</sup> and 4<sup>th</sup> Monday of each month. Two drop inlets Buffalo St. and Clinton that are particularly bad have been inspected and will be repaired as soon as the weather cooperates. Leaf pick up has begun in the park, with the weather and the wind we have not been able to finish. The bathroom has been inspected and water meter installed. New water lines are needed, with age and the winter they are leaking extensively. I have spoken with Andy from Urforian regarding the tree inventory, he finished in Hickory Park earlier this week and I will be putting together a plan to correct deficiencies.

### **Privilege of the Floor**

None

### Trustee Concerns

Trustee VanEenwyk inquired if there had been any resume submitted for the summer youth program. Mr. Gale said there had not.

### New Business

#### Local Law #1 of 2015

#### Village of Bergen, New York Local Law #1 of 2015 “Sanitation Law”

**§1 – Purpose.** The Board of Trustees has determined that it is in the interest of the health, safety and general welfare of the residents of the Village of Bergen to institute weekly collection of refuse and recyclable materials for residential property within the Village of Bergen. The Board of Trustees has further determined that weekly collection of refuse and recyclable materials for residential property will greatly improve the appearance of the Village, provide cost savings to most residents of the Village and generally enhance the quality of life for those who live in the Village. In order to effectuate these goals, the Board of Trustees hereby determines that rules and regulations are necessary to provide for the clean, orderly and sanitary means of refuse and recyclable materials collection. The Village of Bergen Board of Trustees finds it to be in the public interest to provide, or cause to be provided, this service and to impose a user fee as a special assessment on residential property, for the purpose of defraying the costs associated with providing for such collection and disposal of refuse and recyclable materials once a week from the residential property in the Village of Bergen.

**§2 – Administration; Applicability.**

A. The Board of Trustees of the Village of Bergen and/or its designated representative shall have the responsibility for the operation and for the collection and disposal of refuse and recyclable materials from residential property in the Village of Bergen as more particularly set forth in this Local Law. The Board of Trustees and/or designated representative are hereby empowered to make and publish regulations implementing this Local Law concerning such matters relating to the storage, collection and disposal of refuse and recyclable materials, the location of refuse containers and totes and all other matters relating to the storage, collection and disposal of which it deems advisable, provided that such regulations are not contrary to the provisions of this Local Law.

B. The provisions of this Local Law shall only apply to residential property within the Village of Bergen and shall not apply to non-residential property. Owners of non-residential property shall be solely responsible for arranging for collection and disposal of refuse and recyclable materials generated at non-residential property owned by such owner, including, without limitation, entering into contractual agreements with private waste haulers for such collection and disposal. Notwithstanding the foregoing, nothing contained in this Local Law shall be deemed to prohibit residential property owners from entering into a contractual agreement with a private waste hauler for the collection and disposal of refuse and/or recyclable materials generated by that person or at property owned by that person; provided, however, that entering into such contractual agreement with a private waste hauler shall not be deemed to exempt such residential property from the provisions and requirements of this Local Law.

**§3 - Definitions.** As used in this Local Law, the following terms shall have the meanings indicated:

- A. **BOARD** - The Board of Trustees of the Village of Bergen, New York.
- B. **BULK ITEMS** - Large items and materials, including furniture; house furnishings; large appliances, such as refrigerators, stoves, washing machines and clothes dryers; and automobile or other motor vehicle tires.
- C. **COLLECTIBLE YARD WASTE** - Tree branches not exceeding two inches in diameter, twigs and shrubs, hedge clippings, grass and leaves.

- D. **DUPLEX RESIDENCE** - A building or parcel of land having exactly two (2) dwelling units.
- E. **DWELLING UNIT** - One or more rooms designed for occupancy by one family for cooking, living and sleeping purposes.
- F. **HAZARDOUS SUBSTANCE** - Any hazardous or toxic substance material or waste which is or becomes regulated by any local or state governmental authority or the United States Government.
- G. **INDUSTRIAL WASTE** - Waste generated by manufacturing or industrial process.
- H. **MULTIFAMILY RESIDENCE** - A building or parcel of land having three (3) or four (4) dwelling units.
- I. **NEWSPAPERS** - Newsprint, not including glossy magazines or materials.
- J. **NON-RESIDENTIAL PROPERTY** – Any building or parcel of land, or a portion thereof, used for business or commercial enterprises or a governmental use or institutional use or a building containing more than four (4) dwelling units.
- K. **OWNER** – The owner of the building or parcel of land as set forth in the tax records of the Village of Bergen.
- L. **PERSON** - One or more individuals or any partnership, corporation, firm, association, trust, estate or governmental entity and any other entity whatsoever.
- M. **RECYCLABLE MATERIALS** - Clear, brown and green glass bottles, jugs, and jars; newspapers and other mixed papers; tin cans; plastic or high-density polyethylene (HDPE) containers, such as those used for milk, oil, detergents, apple cider, etc. Recyclable materials does not include plate glass, broken glass, window glass, or any other type of glass not specified in this definition, copper, stainless steel, and brass, or recyclable materials unsuitable for recycling because of secondary household use.
- N. **RECYCLING TOTES** - A plastic container with a capacity of eighteen (18) gallons available from and/or provided by the Village of Bergen.
- O. **REFUSE** – Materials or substances discharged, discarded or rejected as being spent, useless, worthless or in excess by the owner at the time of such discard or rejection resulting from the normal day-to day operation of dwelling unit, including (i) food wastes, including, but not limited to, table cleanings; fruit, vegetable and animal parings and scraps; decaying or spoiled vegetable, animal and fruit matter; and fallen fruit; (ii) any paper, plastic, cardboard or other materials used to wrap, cover or contain food, other than certain HDPE or glass containers defined in this section as recyclable materials, and any other household waste resulting from the use, consumption and preparation of food; or (iii) miscellaneous waste material, including rags, drugs, health aids and material (other than infectious wastes), sweepings, rubber, leather, cloth, clothing, paper (other than newspapers), waste materials from normal maintenance and repair activities, crockery, shells, dirt, filth, wood, glass (other than certain glass bottles defined in this section as recyclable materials), brick and other similar waste materials. "Refuse" does not include recyclable materials, bulk items, collectible yard waste, rubble, hazardous substances, industrial waste or any other material not covered under this definition.
- P. **REFUSE TOTES** - A plastic wheeled container with a capacity of ninety-six (96) gallons available from and/or provided by the Village of Bergen.
- Q. **RESIDENCE** - A building or parcel of land having exactly one (1) dwelling unit.
- R. **RESIDENT** - A person residing in a residence.
- S. **RESIDENTIAL PROPERTY** – Collectively, residences, duplex residences and multifamily residences.
- T. **RUBBLE** - Waste material typically resulting from construction, demolition and major renovation activities, including, but not limited to, waste cement, concrete, masonry, bricks, tiles, Sheetrock, plaster, shingles, lumber, telephone poles, railroad ties, wooden pallets, doors and door frames, windows and window frames and similar material.
- U. **UNIT CHARGE** – The fixed rate or fee as annually determined by the Board to be assessed per dwelling unit for purposes of calculating the user fee for each residential property.
- V. **USER FEE** – A special assessment charged to each residential property in the Village of Bergen for

the collection of refuse and recyclable items within the Village of Bergen, at the rates determined by the Board and current contract in accordance with this Local Law.

**§3 – Collection of Refuse; Applicability.**

A. The Board shall be responsible for collecting or causing the collection of, on a regular basis, only those waste materials which constitute refuse generated by residential property within the Village of Bergen.

B. The Board shall also be responsible for collecting or causing the collection of any additional waste materials generated by residential property which the Village may announce will be collected on particular days or during particular time periods. These additional waste materials may include, for example, bulk items and collectible yard waste. The Board shall be responsible for collecting or causing the collection of any such waste materials only on the or during the time periods announced by the Board.

C. The Board shall not be responsible for collecting any waste materials which have been placed or prepared in ways that do not comply with all the provisions of this Local Law. In particular, the Board shall not be responsible for collecting waste materials consisting of refuse and recyclable materials mixed together, waste materials not placed in the Village-provided tote, or recyclable materials which have not been placed or prepared in accordance with this Local Law, nor shall the Board be responsible for the collection of waste materials generated other than from residential property of the Village of Bergen.

**§4 - User Fee Established.** All owners of residential property shall hereafter be responsible for the payment of a user fee for the collection of refuse and recyclable items within the Village of Bergen. Such fees shall be in amounts designed to recoup part or all of the reasonably calculated costs incurred by the Village in providing and administering the collection and disposal of refuse and recyclable materials as described in this Local Law, taking into consideration the amount charged by any third-party private contractor utilized by the Village for such refuse and recycling collection. Such fees shall be assessed against the residential property as a special assessment as described in §5 hereinbelow, and shall be levied and collected in the same manner as provided in Article 5 of the Village Law for the levy and collection of real property taxes.

**§5 – User Fee; Totes; Schedule.**

A. Commencing on the Effective Date of this Local Law, and continuing on an annual basis, the Board shall determine the unit charge applicable for the upcoming year and the user fees shall be calculated as follows:

- (1) Each residence shall be assessed a user fee equal to one (1) unit charge.
- (2) Each duplex residence shall be assessed a user fee equal to one (1) unit charge;
- (3) Each multiple residence shall be assessed a user fee equal to two (2) unit charges.

B. Each residential property shall be provided with one (1) refuse tote and one (1) recycling tote per unit charge (i.e., each residence and duplex residence shall be provided with one (1) refuse tote and one (1) recycling tote, and each multiple residence shall be provided with two (2) refuse totes and two (2) recycling totes).

C. In the event that any owner requires either additional or replacement refuse totes or recycling totes, they shall be purchased directly through the Village of Bergen at a cost to be determined by the Village.

D. All user fees imposed pursuant to this Local Law shall be billed on an annual basis on real property tax bills by the Village to the owner or such other person designated by the owner to receive the real property tax bills. All such user fees shall be due and payable contemporaneously with the Village real property taxes for such residential property and, to the extent outstanding, shall accrue penalties as provided in New York State Village Law § 5-518, Subdivision 4, as may from time to time be amended. All outstanding delinquent amounts may be assessed as a lien against the real property in accordance with the provisions of New York State Village Law § 5-518, as may from time to time be amended.

E. Notwithstanding anything contained in this Local Law to the contrary, the nature, structure and/or amount of the user fee is subject to change from time to time by resolution of the Board.

**§6 - Procedure for changing user fees.**

A. The Board shall conduct a public hearing prior to any material change in the nature, structure, calculation or payment schedule of any fees as set forth herein. Such hearing shall be pursuant to notice published in an official newspaper of the Village not less than ten (10) days before such hearing. The proposed amendments

to in the nature, structure, calculation or payment schedule of the user fees shall be available for public inspection at least ten (10) days prior to the public hearing, and notice of the same shall be set forth in the aforesaid published notice of hearing.

- B. Following the public hearing, the Board shall be free to adopt such resolution. Upon adoption of such resolution, notice of its adoption shall be published in an official newspaper of the Village and a copy of such changes to the nature, structure, calculation or payment schedule shall be made available for public inspection at the Village Clerk's office. Following publication of the notice of adoption of any amendment of the nature, structure, calculation or payment schedule set forth herein, any person aggrieved thereby may, within fifteen (15) days after such publication, apply to a court of record for an order of certiorari to review such assessment. The user fee shall be deemed final and conclusive on each owner unless such owner makes such application within fifteen (15) days after publication.
- C. The procedures set forth in this article for amendment of the nature, structure, calculation or payment schedule of the user fees are intended to supersede any conflicting procedure set forth in the New York State Village Law, including but not limited to those procedures set forth in New York State Village Law § 22-2200.
- D. Nothing in this article shall be construed as prohibiting those subject to the user fees provided herein from contracting with entities other than the Village of Bergen for the removal of refuse and recyclable materials; provided, however, that such separate contract shall not exempt such residential property from the provisions and requirements of this Local Law, including, without limitation, payment of the user fee.

**§7 - Regulations regarding refuse and recyclable materials preparation and collection.**

A. Each person who places items at the curb for collection and disposal by the Village of Bergen shall separate refuse from recyclable materials and shall prepare the same for collection and disposal in accordance with rules and regulations as prescribed by the private contractor designated to collect same by the Board.

B. Refuse shall be placed and fit wholly in refuse totes and recyclable materials shall be placed and fit wholly in recycling totes; provided, however, that recyclable materials which are too large for inclusion in a recycling tote shall be piled, packed or bundled together and firmly tied so as to be easily handled by one person. The preparation of refuse and recyclable materials shall otherwise be subject to the rules and regulations as prescribed by the private contractor designated to collect same by the Board.

C. All refuse and recyclable materials shall be placed at or within three feet of the curb or public street line for collection no earlier than 5:00 p.m. on the day before collection.

D. All totes shall be removed from the curb or street by 9:00 a.m. on the day following collection. No containers shall be kept or stored in the front yard of any premises unless the particular nature of the property makes such storage a practical necessity as determined by the Village. In such an event, the totes shall be kept in a neat and orderly manner so as not to draw attention to them from the passing public. In addition, when the storage of containers in a location other than the front yard imposes a physical hardship upon the residents of the premises as a result of age or physical infirmity, the Village may, in its discretion, allow storage in the front yard, provided that containers are kept in the manner set forth above.

E. All totes shall be kept in a proper state of repair and kept in sanitary condition and the contents kept in such condition that they may be readily removed.

F. The following items shall not be considered acceptable for collection by the Village:

- (1) Hazardous substances or dangerous materials such as poisons, acids, caustics, infected materials, explosives, ashes or radioactive materials;
- (2) Industrial waste;
- (3) Motor oil, car batteries and tires;
- (4) Televisions, computers, monitors and other electronic devices and components;
- (5) Tree limbs, tree stumps or vegetative material other than collectible yard waste; or
- (6) Materials which have not been prepared in accordance with the provisions of this Local Law.

G. When certain refuse and/or waste materials have not been collected because those materials were not placed or prepared in accordance with the provisions of this Local Law or were not otherwise subject to collection by the Village, the person who placed such materials for collection and the owner of the real property adjoining the curb, sidewalk, alley or street where such waste materials were placed shall remove those wastes from that location as soon as possible after the collection has been refused and, in any event, by 9:00 p.m. on the designated collection day. The failure to remove any uncollected waste material by 9:00 p.m. on the designated collection day shall constitute a violation of this Local Law.

**§8 – Additional regulations.**

The Board may, by resolution, adopt additional regulations regarding the implementation and administration of this Local Law.

**§9 - Enforcement.** It shall be the duty of the Village of Bergen Code Enforcement Officer and/or any other duly authorized official to administer and enforce the provisions of this Local Law.

**§10 - Penalties for offenses.** Any person who violates or neglects to comply with any provision of this Local Law shall be subject to the following penalties:

- A. A fine of \$50 for the first violation;
- B. A fine of \$100 for the second violation;
- C. A fine of \$200 for the third and each subsequent violation;
- D. Each day that the violation exists shall constitute a separate and distinct violation;
- E. In addition to the above fines, the Village shall have the discretion to refuse to collect materials

which are improperly separated, bundled or prepared for collection.

**§11 - Severability; when effective.**

- A. Should any section, clause or provision of this article be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of this article as a whole or parts thereof, other than the part so declared to be invalid.
- B. This Local Law shall take effect twenty days after it is filed as provided in Section Twenty-Seven of the Municipal Home Rule Law.

A motion was made by Trustee Cooper and seconded by VanEenwyk to pass the local law with the change of Section 3 Letter V from “at the rate determined by Board from time to time in accordance with this local law” to “at the rate determined by the Board and current contract in accordance with this local law.” The motion was passed by the following vote:

Mayor Barclay - aye  
 Trustee Cooper - aye  
 Trustee Donovan - aye  
 Trustee VanEenwyk -aye

**Local Law #2 of 2015**

Local Law No. 2 of the Year 2015  
 Village of Bergen  
 Amendment to  
 A Local Law Entitled  
 “Establishing Parking Restrictions in the Village of Bergen”  
 Of the Code of the  
 Village of Bergen

Be it enacted by the Village Board of the Village of Bergen that Local Law No. 3 of the Year 1990, adopted as of June 1, 1990 and filed with the New York Department of State on October 12, 1990, is hereby repealed and replaced in its entirety by the following:

**§1. Applicability.**

The provisions of this Local Law shall apply except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

**§2. General Parking Restrictions.**

*[Except as otherwise provided in this chapter,]* no vehicle shall be parked on any Village street between 2:00 a.m. and 7:00am. . No vehicle shall be parked on village sidewalks

**§2-001.** Motor vehicles parked on the street in such a way that impedes the passage of emergency vehicles, school buses, and cars may be towed away, by or at the direction of the Director of Public Works or his designee of the Village of Bergen, and impounded until reasonable towing and storage costs are paid by the vehicle owner.

**§3. Snow Emergency Parking**

**§3-001.** Parking restricted on designated streets after snowfall. No owner or operator of a motor vehicle shall park the same unattended on designated Village streets or highways within the Village of Bergen following any snowfall of two inches or more until said street or highway shall have been plowed by or at the direction of the Department of Public Works of the Village of Bergen. Any two-inch snowfall shall, for the purpose of this Section, constitute a snow emergency.

**§3-002.** Motor Vehicles in violation of §3-001 hereof may be towed away, by or at the direction of the Director of Public Works or his designee of the Village of Bergen, and impounded until reasonable towing and storage costs are paid by the vehicle owner.

**§4. Signs.** The Department of Public Works shall install and maintain signs when and as required under the provisions of this Local Law, to make effective the provisions of this Local Law, and may install and maintain such additional signs as he or she may deem necessary to regulate, warn or guide parking under § 1640 of the Vehicle and Traffic Law of the State of New York.

**§5. 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.

A motion was made by Trustee Donovan and seconded by Trustee VanEenwyk to pass the local law. The motion was carried by the following vote:

Mayor Barclay - aye  
Trustee Cooper - aye  
Trustee Donovan - aye  
Trustee VanEenwyk -aye

**2015-2016 Budgets**

A motion was made by Trustee Cooper and seconded by Trustee to pass the 2015-2016 General, Sewer, and Electric budgets as presented. The motion was carried by a unanimous vote.

**Rewarding of Refuse Contract**

**BIDS**

Boon & Sons - \$71,150  
Waste Management - \$81,163  
Trash Away - \$115,000

A motion was made by Trustee Cooper and seconded by Trustee VanEenwyk to award Boon & Sons the refuse contract in the amount of \$71,150 per year starting June 1<sup>st</sup> 2015 and ending May 31<sup>st</sup> 2018. The motion was carried by a unanimous vote.

## **Reorganizational Meeting**

### **Annual Reorganization Meeting**

#### **Appointment of Officers**

- **Administrator with Clerk/Treasurer duties: Cortney W. Gale**
- **Deputy Clerk: Barbara Zinter**
- **Deputy Treasurer: Rene Vurraro**
- **Fire Marshall, CEO/ZEO: Kenneth Kuter**
- **Village Historian: Raymond S. MacConnell**
- **Deputy Mayor: Kevin Donovan**
- **CAB Millseat Landfill Citizen Action Board: Virginia Adams**
- **Official Newspaper: Batavia Daily News**
- **Official Depositories: Bank of Castile**
- **Village of Bergen Attorney: Woods Oviatt Gilman,LLP**
- **Village of Bergen Engineer: Clark Patterson Lee Associates**
- **Village of Bergen Accountants: EFP Rottenburg**
- **Village Election Inspectors: Vicki Almquist, Constance Fiedler, Jean Stewart, Grace Gallivan, or any other trained inspector.**
- **Village of Bergen Insurance Provider: Lawley Genesee**
- **Village of Bergen Bond Council: Hodgsons Russ, LLP**

#### **Planning and Zoning Board of Appeals Meetings:**

The regular meeting of the Village Planning Board will be the third Wednesday of each month at 7:00 p.m. in the Village boardroom. At the discretion of the Chairperson, the meeting may not be held due to lack of business before the Planning Board. The regular meeting of the Zoning Board of Appeals will be held the fourth Thursday of the month at 7:00 p.m. in the Village Office and will be held only when there is business before the Zoning Board of Appeals.

#### **Tree Board**

Tree Board meets the third Tuesday of the month at 11:00am; it is a 5 member board appointed by the Board of Trustees. The board is charged with developing and managing a comprehensive tree management program, being responsible for the care and management of the village trees, encouraging and promoting community involvement in public health, safety, general welfare through plant maintenance.

#### **Park Committee**

Parks Committee will hold monthly meetings, be composed of the DPW Supervisor, village trustee, planning board member, tree board member, and 3 community members whose mission is to implement the 5 year Parks Master Plan for the Village of Bergen. Meetings of the Park Committee take place at 7:30pm the third Monday of each Month

#### **Appointment of Registrar of Vital Statistics:**

The Village appoints Town Clerk Michele Smith as Registrar of Vital Statistics. The Village also appoints any deputies the Town Clerk may have installed in office.

**Sewer Arrears Relieved:**

Any unpaid sewer arrears as of April 30th, 2014 will be relieved on the June 1, 2014 tax bills.

**Mileage Rate:**

The Mileage Rate will adjust to .57 cents per mile.

**Legal Notices:**

All legal notices will be posted on the inside bulletin boards at the Village Office and Byron-Bergen Public Library as well as the Community Bulletin board in the Village Post Office. They will also be published in the official newspaper if necessary.

**Bidding and Purchasing:**

County and State bids will be used and accepted in lieu of competitive bidding, for complete procedures see the Village Procurement Policy.

**Audit and Appropriations:**

Pursuant to Village Law 5-524(5)&(6) the board of trustees may authorize the following claims for payment in advance of audit; payroll expenses, payments of principal and interest on lawful outstanding debt public, utility services, amounts becoming due upon lawful contracts, postage, freight and express charges of the Village of Bergen. All claims shall be presented at the next regular meeting for audit and the claimant and officer incurring or approving same shall be jointly and severally liable for any amount disallowed by the Board.

**Compensation of Representatives and Officials:**

- Representative to CAB shall receive **\$25.00** per meeting
- Planning Board Chairperson shall receive **\$25.00** per meeting
- Planning Board Members shall receive **\$20.00** per meeting
- Zoning Board of Appeals Chairperson shall receive **\$25.00** per meeting
- Zoning Board of Appeals Members shall receive **\$20.00** per meeting
- Election inspectors shall receive **\$100.00** per day (noon – 9pm)
- Comprehensive Plan Committee; **\$40.00** per meeting for appointed members, **\$12.00** for secretary.

**Holiday Observances**

**2015**

January 1	New Year's Day
February 16	President's Day
April 3	Good Friday
May 25	Memorial Day
July 3	Independence Day
September 7	Labor Day
November 11	Veterans Day
November 26 & 27	Thanksgiving
December 24 & 25	Christmas Eve & Christmas Day
December 31	New Year's Eve

**2016**

January 1	New Year's Day
February 15	President's Day
March 25	Good Friday
May 30	Memorial Day
July 4	Independence Day
September 5	Labor Day
November 11	Veterans Day
November 24 & 25	Thanksgiving
December 24 & 25	Christmas Eve & Christmas Day
December 31	New Year's Eve

**Rules of Order:**

The Village of Bergen Board of Trustees has elected to not abide by Robert's Rules of Order; instead it will adopt the following Rules of Order for meetings of the Board of Trustees.

**PROPOSED RULES OF PROCEDURE****MEETINGS OF THE BOARD OF TRUSTEES****Regular Meetings:**

The Board of Trustees shall hold regular meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays of each month. Such regular meetings shall commence at 7:00 p.m. and be conducted in the boardroom in the Tulley Building. The Board of Trustees shall determine any deviation of the foregoing paragraph.

**Special Meetings:**

Special meetings of The Board of Trustees are all those Board meetings other than regular meetings. The Mayor or two or more Trustees acting together upon notice to the entire Board may call a special meeting. Notice shall be given by telephone, in person, or in writing at least 24 hours in advance unless an emergency exists.

**Quorum:**

A quorum shall be required to conduct business. A quorum of the (5) member board of trustees shall be (3) three. In the absence of a quorum, a lesser number may adjourn and compel the attendance of the absent members.

**Executive Sessions:**

Executive sessions shall be held in accordance with the NYS Public Officers Law 105. All executive sessions shall be commenced in a public meeting.

**Agendas:**

- The Administrator at the direction of the Mayor shall prepare the agenda. The Mayor or any Trustee may have an item placed on the agenda.
- The public may make a written request stating the specific matter to be addressed, to the Mayor to have a matter placed on the agenda.
- The Mayor will advise the Administrator whether to place such matters on the agenda.
- When possible, items for the agenda shall be given to the Administrator at least 24 hours before the meeting; however, items may be placed on the agenda at anytime upon the discretion of the Mayor.
- The agenda will be prepared and emailed to board members no later than 5:00 P.M. the day before the meeting.
- If necessary, a supplement agenda shall be distributed at the beginning of the meeting.

- Items may be placed on the agenda at anytime, including during the meeting by a majority vote of the board.

#### **Voting:**

- Pursuant to Village Law each member of the Board shall have one vote. The Mayor may vote on any matter but must vote in case of a tie.
- A majority of the totally authorized voting power is necessary to pass a matter unless otherwise specified by State law.
- An abstention, silence or absence shall be considered a negative vote for the purposes of determining the final vote on a matter.
- A vote upon any question shall be taken by ayes and nays, the names of the members present and their votes shall be entered in the minutes or reflected as unanimous vote.

#### **Minutes:**

- Minutes shall be taken by the Administrator or any other person designated by the Mayor.
- Minutes shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.
- Minutes shall be taken at executive session of any action that is taken by formal vote which consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, that such summary need not include any matter which is not required to be made public by the NYS Freedom of Information Law.

Minutes shall also include the following:

- Name of the Board
- Date and time of meeting
- Notation of presence or absence of Board members and time of arrival or departure if different from time of call to order and adjournment
- Name and title of other village officials and employees present and will approximate number of attendees
- Time of adjournment
- Signature of Administrator or person who took the minutes if not the Administrator

Minutes shall not contain a summary of the discussion leading to action taken or include verbatim comments unless a majority of the Board shall resolve the Administrator to do so. Minutes shall be approved at the next board meeting. Amendments to the minutes shall require Board approval.

#### **Order of Business:**

- Call to order
- Roll Call
- Approval of Bills
- Approval of Minutes
- Report of officers and committees
- Privilege of the Floor
- Trustee Concerns
- New Business
- Old Business
- Adjournment

**General Rules of Procedure:**

- The Mayor shall preside at meetings. In the Mayor's absence the Deputy Mayor shall preside.
- The Village Board will abide by the Open Meeting Law. Robert's Rules of Order will not govern the Board of Trustees' meeting.
- The presiding officer may debate, move and take other action that may be taken by other members of the Board.
- Board members are not required to rise but must be recognized by the presiding officer before making motions and speaking.
- Motions require a second.
- A member, once recognized shall not be interrupted when speaking unless it is to call him/her to order.
- If a member, while speaking, were called to order, they should cease speaking until the question of order is determined, and, if in order, he shall be permitted to proceed.
- There is no limit to the number of times a member may speak on a question.
- Motions to close or limit debate may be entertained but shall require a majority vote.

**Guidelines for Public Comment:**

- The public shall be allowed to speak only during the Privilege of the Floor period of the meeting or at such other time as a majority of the Board shall allow.
- Speakers may only address items on the agenda unless otherwise determined by the presiding officer.
- The presiding officer must recognize speakers.
- Speakers must limit their remarks to five (5) minutes on a given topic, or as shall be otherwise determined by the presiding officer to keep the meeting orderly and allow time to attend to all of the matters on the agenda.
- Speakers may not yield any remaining time they may have to another speaker.
- Board members may, with the permission of the Mayor, interrupt a speaker during their remarks, for the purpose of clarification or information.
- All remarks shall be addressed to the Board as a body and not to any individual member thereof.
- Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste.
- Interested parties or their representatives may address the Board by written communications. The Administrator - clerk/treasurer shall present all such communications to the Board at the next regularly scheduled meeting.

**Adjournment:**

Meetings shall be adjourned by motion.

**Amendments to the Rules of Procedure:**

The foregoing procedures may be amended from time to time by a majority vote of the Board

**ADVANCE APPROVAL OF CLAIMS**

**WHEREAS** the board of trustees has determined to authorize payment in advance of audit of claims for public utility services, payroll expense, debt service, lawful contracts, postage, freight and express charges; and

**WHEREAS** all such claims must be presented at the next regular meeting for audit; and

**WHEREAS** the claimant and the officer incurring or approving the claim are jointly and severally liable for any amount the board of trustees disallows.

**NOW THEREFORE BE IT RESOLVED:**

Section 1. That the board of trustees authorizes payment in advance of audit of claims for public utility services, postage, freight and express charges. All such claims must be presented at the next regular meeting for audit and

the claimant and the officer incurring or approving the claims are jointly and severally liable for any amount the board of trustees disallows.

Section 2. That this resolution is effective immediately.

### **RESOLUTION FOR ATTENDANCE AT SCHOOLS AND CONFERENCES**

**WHEREAS** there is to be held during the coming official year a) the New York Conference of Mayors Annual Meeting and Training School; b) the New York Conference of Mayors and Fall Training School for Fiscal Officers and Municipal Clerks; c) the New York State Conference of Mayors Public Works School; d) Government Finance Officers Training School; e) MEUA Annual Conference for Municipal Employees and DPW Employees, and

**WHEREAS** attendance by certain municipal officials and employees at one or more of these meetings, conferences or schools benefits the municipality;

#### **NOW THEREFORE BE IT RESOLVED:**

*Section 1. That the following officers and employees are authorized to attend said meetings, conferences or schools:*

- **Administrator**
- **Deputy Clerk**
- **Deputy Treasurer**
- **DPW Supervisor**
- **Mayor**
- **Board Members**
- **CEO/ZEO**

*Section 2. That this resolution is effective immediately.*

### **RESOLUTION FOR MILEAGE ALLOWANCE**

**WHEREAS** the board of trustees has determined to pay a fixed rate for mileage as reimbursement to Village Officers and employees who use their personal automobiles while performing their official Village duties;

#### **NOW THEREFORE BE IT RESOLVED:**

Section 1. That the board of trustees will approve reimbursement to such officers and employees at the rate of **.57 cents** per mile.

Section 2. That this resolution is effective immediately.”

### **Resolution Designating Official Depositor**

**WHEREAS** the board of trustees has determined that Village Law § 4-412(3)(2) requires the designation of banks or trust companies for the deposit of all village monies; 7.6 NYCOM Handbook for Village Officials (2013) • Chapter 7 • The Organizational Meeting

#### **NOW THEREFORE BE IT RESOLVED:**

**Section 1.** That the board of trustees designates the following institutions as depositories of all moneys received by the village treasurer, clerk, and receiver of taxes. Bank of Castile: **Section 2.** That this resolution is effective immediately.

**Date of next Re-organization Meeting – Wed., April 20, 2016**

A motion was made to appoint Woods Oviatt Gillman as the village attorney and Rene Vurraro as the Deputy Treasurer by Mayor Barclay and seconded by Trustee Cooper. The motion was passed by the following vote:

Mayor Barclay - aye  
Trustee Cooper - aye  
Trustee Donovan - abstain  
Trustee VanEenwyk -aye

A motion was made by Trustee Donovan and seconded by Trustee VanEenwyk to accept remaining reorganizational appointments. The motion was passed by a unanimous vote.

**Old Business**

**None**

**Adjournment**

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

The meeting was adjourned at 7:37pm

Respectfully submitted,

Cortney W. Gale  
Village Administrator