

**Re-Organizational Meeting & Regular Meeting  
Of the Board of Trustees of the Village of Bergen  
at 7:00pm on April 13<sup>th</sup> 2016**

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

Trustee Almquist  
Trustee Donovan  
Trustee Fedele  
Trustee VanEenwyk

Also present were: Village Administrator Cortney Gale, Theresa Snyder, and Ken Kuter.

**Approval of Bills**

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

**Approval of Minutes**

A motion to approve the meeting minutes of March 23<sup>rd</sup> 2016 was made by Trustee VanEenwyk and seconded by Trustee Fedele. The motion was carried by a unanimous vote:

**Mayor's Report**

(March 28- April 4 on Vacation)

**Comprehensive Plan Committee (CPC)**

- The final public meeting will be held April 21<sup>st</sup> at the Methodist Church at 7:30pm for community members to ask questions, share input to the draft plan.
- The CPC will meet one last time, May 2 to make changes before turning the draft over to the town and village boards to hold public hearings before accepting the document.

**Park Committee/Tree Board**

- At the April 6<sup>th</sup> meeting, the committee made final plans for the April 23 Trail Walk, continued plans for Community Action Day, May 14.
- The Arbor Day Tree Planting Ceremony will be held on May 14<sup>th</sup> 9am at the fire hall. Two trees will be planted on the east side of the building before moving to Hickory Park for annual flower plantings.
- Cortney and I will meet with Doug McIver on April 20<sup>th</sup> to set dates for the two disc golf tournaments to be held this year.

**Bergen Community Garage Sale**

- A date for the garage sale is being worked on.

**Village Signs**

- Gary Z has been working with Miller's to have village signs done for the office entrance and the parks.

**BBCS Superintendent**

- I have been asked to serve on the community committee to interview candidates for the new school district Superintendent.
- The interviews will take place April 11<sup>th</sup>, 12<sup>th</sup>, and 13<sup>th</sup>.

**Library in the Woods**

- Gary and Kirk are finishing up construction of the Library in the Woods, it will be installed in Hickory Park.

### Administrator's

#### **Electric**

- Electric bills were due April 12<sup>th</sup>. There were no shutoffs this month.
- We changed the shut-off procedures. First we changed the shut-off date to coincide with the regular electric bill due date. This makes it so their amount due includes their current bill. Secondly, we are now sending shut off letters to people who are behind one bill instead of two so people don't get too far behind.
- I talked with Bob Fox about our cash flow issue, he agrees that since all cash is in one account the cash flow is not a problem unless we are spending more than we are making, which we're not. It's just a timing issue between paying the bill and receiving payments from customers, which is only about a week to ten days. So, I don't think we need to go out for a Revenue Anticipation Note.

#### **Board Meetings**

- The passing of the village budget will be held at the next meeting, April 27<sup>th</sup>, a public hearing is necessary prior to the meeting. We usually hold the hearing fifteen minutes before the start of the regular meeting.
- Jeff Richardson from Waste Management will be attending the April 27<sup>th</sup> meeting to field any questions that the Board and community have regarding the Mill Seat Landfill.
- The Byron-Bergen School will be presenting their budget at the May 11<sup>th</sup> meeting.

#### **Office**

- I'm ready to submit the Tax Freeze, Tax Cap and Efficiency Plan to the state but can't until they post the Constitutional Tax Limit link on their site and I complete that. They're the ones that should be worried about efficiency!

#### **Bonduelle**

- I submitted everything needed to the Planning Board for the property subdivision. Including the survey, description, and a letter from Bonduelle giving authority for the Village to act on their behalf in the subdivision. The Planning Board's next meeting is on April 20<sup>th</sup>. They will also hear from the carwash engineer.
- Bonduelle would like to pay their bill via ACH (wire transfer), this would speed up thier payments. I would like to open a special account for those funds to go into so we don't give them the information to our Main Acct.

#### **Income Survey**

- Jay Grasso from G&G Municipal consulting and Grant Writing has completed the letter and survey document. He plans to send the surveys out at the end of April then follow up by going door to door in May.

#### **Miscellaneous**

- The new business in the industrial park, Insurance Auto Auctions is having an open house on April 19<sup>th</sup> at 9:00am. They have asked me to take RSVPs, please let me know if you are interested in attending.
- Joe will be attending the MEUA Semi-Annual meeting from April 27<sup>th</sup> – 28<sup>th</sup> as our delegate. He and I will be attending the NYMPA Annual Meeting on May 25<sup>th</sup>. If anyone would like to attend either meeting please let me know so I can sign you up.

### CEO/ZEO

Number of Inspections	6
Number of Building Permits Issued	1
Number of Building C.O / C.C Issued	0
Number of Zoning Complaints Filed	1
Number of Zoning Complaints Resolved	1

Number of Appearance Tickets Issued	0
Number of Fire Inspections	1

On March 9, 2016, the State Fire Prevention and Building Code Council completed major updates to the Uniform Fire Prevention and Building Code (Uniform Code) and State Energy Conservation Construction Code (Energy Code). Please review additional information pertaining to the Uniform Fire Prevention and Building Code update.

### **Historian**

On March 19<sup>th</sup>, I presented to the Triangle Club my talk on “Fisher’s Drug Store” now known as Greg’ry’s Bakery. I presented it in two sections, the building and the people who worked in it.

This month I have been researching three people for the monthly newsletter. Those ladies were Nettie Townsend and Jenny McPartland, both characters living on Rochester Street. I have also handed in a story on Ruth White and the Penny Bank collection for the Presbyterian Church; she lived next to Anna Marie’s house in the rear of Harris Wilcox’s old office, now an empty lot on Lake Street. I hope you will enjoy reading these brief accounts on my interaction with these Bergenites.

On March 23<sup>rd</sup>, Wednesday evening, I attended a meeting and talk on a tragic event of Genesee County. The talk never happened. The speaker did not show. I did learn a lot about the Historical Society’s bank account. They carry a \$29,000 bank roll. WOW! Was my inaudible impression!

### **Privilege of the Floor**

None

### **Trustee Concerns**

#### **Trustee Donovan**

- There is a pothole on Munger Street that needs attention.
- At the Fire Department facilities meeting they discussed the Village’s BEEP program and planting trees during Community Action Day. They also asked about the Village installing LED lights on the Firematic side of the fire station.
- Town of Bergen Supervisor Don Cunningham asked if the Village would be interested in a joint fueling station with the Town and Fire Department.
- The back pavilion’s picnic tables are damaged as well as the sign dedicating the pavilion to the Fire Department.
- He has received complaints about unleashed dogs.

### **New Business**

#### **Re-Organizational 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 Rotenburg**
- **Village Election Inspectors: Mary Ann Cooper, Constance Fiedler, Virginia Adams, Grace Gallivan, or any other trained inspector.**
- **Village of Bergen Insurance Provider: Lawley Genesee**
- **Village of Bergen Bond Council: Hodgson 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, 2016 will be relieved on the June 1, 2016 tax bills.

#### **Mileage Rate:**

The Mileage Rate will adjust to **.54** 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 being 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 **\$45.00** per meeting
- Planning Board Members shall receive **\$40.00** per meeting
- Zoning Board of Appeals Chairperson shall receive **\$45.00** per meeting
- Zoning Board of Appeals Members shall receive **\$40.00** per meeting
- Election inspectors shall receive **\$100.00** per day (noon – 9pm)

**Holiday Observances**

**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 23 & 26	Christmas Eve & Christmas Day
December 30	New Year's Eve

**2017**

January 2	New Year's Day
February 20	President's Day
April 14	Good Friday
May 29	Memorial Day
July 4	Independence Day
September 4	Labor Day
November 10	Veterans Day
November 23 & 24	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 or 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 **.54 cents** per mile.

Section 2. That this resolution is effective immediately.

#### **RESOLUTION DESIGNATING OFFICAL 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 Bank of Castile as depository of all moneys received by the village treasurer, clerk, and receiver of taxes.

Section 2. That this resolution is effective immediately.

**Date of next Re-organization Meeting – Wed., April 19, 2017**

#### **Planning Board Appointment**

Mayor Barclay appointed Richard Strzelecki as a member of the Planning Board.

#### **Approval to open Bank Account to Receive ACH Payments**

A motion was made by Trustee Fedele and seconded by Trustee Donovan to approve the opening a checking account with the Bank of Castile that will be used to receive ACH payments from customers. The motion was carried by a unanimous vote.

#### **Approval of Genesee County Sheriff's Department Contract for 2016-2017**

A motion was made by Trustee Donovan and seconded by Trustee Fedele to approve the fiscal year 2016-2017 contract with the Genesee County Sheriff's department for additional patrols. The motion was carried by a unanimous vote.

#### **Resolution 5 of 2016 – NYMPA Delegate**

##### **RESOLUTION 5 of 2016**

New York Municipal Power Agency Delegate

WHEREAS, the Board of Trustees of the Village of Bergen, New York, is a municipal member of the New York Municipal Power Agency, and

WHEREAS, in accordance with the bylaws of New York Municipal Power Agency, 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.

A motion was made by Trustee VanEenwyk and seconded by Trustee Fedele to approve Resolution 5 of 2016. The motion was carried by a unanimous vote.

**Old Business**

None

**Adjournment**

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

The meeting was adjourned at 8:03pm

Respectfully submitted,

Cortney W. Gale  
Village Administrator