

**Public Haring & Regular Meeting
Of the Board of Trustees
Of the Village of Bergen at
6:45pm on January 27th 2016**

A public hearing for Local Law #1 of 2016 was opened by Mayor Barclay and 6:45pm, there were no public comments.

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

Trustee Donovan
Trustee Fedele
Trustee VanEenwyk

Trustee Cooper was absent

Also present were: Village Administrator Cortney Gale, Gary Zawodzinski, Shari Schuck and Rick Woodring.

Approval of Bills

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

Approval of Minutes

A motion to approve the meeting minutes of January 13th 2016 was made by Trustee VanEenwyk and seconded by Trustee Fedele. The motion was carried by a unanimous vote:

Mayor's Report

Grants

- Emily and I are working together to complete the funding application for the summer rec program through the NYS Office for Children and Family Services. The application is due by Feb. 12, 2016.
- The proposal by In Site Architecture (Perry, NY) to the village RFP for the NYS Main Street Technical Assistance grant (CFA) has been accepted.
- A phone conference was held with Rick Hauser (In Site Architecture) , Cortney and me to plan work schedule for Main St Technical Assistance Grant.
- NYSDEC Asset Management Application has been submitted on behalf of the village by Clark Patterson Lee. The rationale: "The Village of Bergen completed a major upgrade in 2011 that was partially required due to the lack of a n asset management plan, resulting in the majority of the components from the original 1984 WWTF being inoperable and beyond repair. This including the brush aerators for the oxidation ditch, the RAS/WAS pumps, the tertiary sand filter with traveling backwash system, and clarifier components. With 100% of the equipment at the WWTF being upgraded in 2011, the Village would like to ensure they are not put in a similar position in 20 years. The hope is that the completion of an asset management plan will result in "planned" upgrades and maintenance over a period of time, rather than one large project at the 20 year mark. Unfortunately the Village staff does not have the experience to create an asset management plan that will serve this purpose. Hence the reason for the request to be included in the NYSDEC Asset Management Pilot Program. In addition to not knowing how to prepare

an asset management program, the Village feels the significant automation and instrumentation at the WWTF adds a layer of complexity that they were not prepared for when the new plant was placed on-line. Should the Village be selected, they will involve the chief operator, assistant operator, DPW supervisor, and Village Clerk in the process. “

BBCA

- We held the January 18 BBCA meeting at the Viking Valhalla (part of the effort to highlight a Bergen business each month). The group was updated on the 2016 Park Festival (fish fry June 10th, parade and festival June 11), the theme will Community Service. The Feb 15th meeting will be in the community room at the library, the village trustee candidate forum will be held at that meeting.

MEUA (Electric)

- Steve Hyde and Rachael Tabelski (GCEDC), Joe Chimino, Cortney Gale and I met with the MEUA Executive Board in Syracuse to present information concerning the need for an increase in electric allocation to the village. The discussion was positive, and we are working on a path forward with the GCEDC to secure additional hydro power. Cortney, Joe, and I will be meeting with Steve H. and Rachael T. on Friday, Jan 29 for further planning.

Administrator's

Electric

- Electric bills were sent out on January 22nd and are due February 10th. There was an fewer number of shut off notices (34) sent out this month than last.
- The electric rate this month is only 7.2¢ a kW, which is the lowest it has been in December since 2006.
- The Mayor, Joe Chimino and I along with Steve Hyde and Rachael Tabelski from Genesee County Economic Development met with the Municipal Electric Utility Association (MEUA) Executive Board on January 21st in Syracuse. The meeting went very well thanks in large part to Steve Hyde and Rachael Tabelski from GCEDC. We have a follow-up meeting scheduled with Steve and Rachael on February 5th.

Office

- Barb has completed the W-2s and 1099s, everyone should have received theirs by now, if you haven't please let me know.
- Kris Vurraro is working on the information to allow Crowne Castle, the company who owns the cell tower, to place Verizon on the tower. He is specifically reviewing a legislation that was cited in the document that would have the Village issue a building permit for the facility without “discretionary approvals.”
- The Monroe County Water Authority sent us a lease revision for the area in Hartland Park that the water tower was on. Mr. Zawodzinski has been in contact with them to remove an underground tank in the area. I sent the document to Mr. Vurraro to review.

Budget

- I received the last piece of information I needed from the Linemen to complete the budget. Gary and I worked through the budgets last week and have a draft budget prepared. We will need to discuss with the board equipment purchases for the fiscal year.
- We received sales tax from the county in the amount of \$65,007.21 which is only \$185.44 less than last year. I'm still projecting a shortfall of about \$12,000 in Sales Tax revenue for this fiscal year.
- As a reminder we have a budget meeting scheduled for February 2nd at 6:00pm.

Sewer

- I am still working with NYMIR to get the additional funds from our sewer claim. We should be reimbursed for employee overtime and consultant fees. We would get more but we maxed out our coverage in some areas.
- NYMIR asked that we provide them with a testimonial for them to publicize. The Mayor and I are meeting with Rosalie Maguire form Lawley Genesee to craft a suitable document.

- Sewer bills will be sent Monday February 1st and will be the last bill before arrears are sent (April 30th) to the county to be placed on their tax bill.

Miscellaneous

- HE Turner Funeral Home asked that we add each other to our insurance policies as additional insured because we share parking lots. I agreed as it protects us if someone is hurt while in our parking lot while attending a funeral.

DPW Supervisor's Report

WWTP

All is well at the waste water treatment plant. Phosphorous treatment continues, influent numbers are around 5 to 6 ppm and we are seeing reduction down to 2 to 3 ppm currently. Eric and CPL are finishing the analyzing the data for the flow testing. At first blush, there are no glaring issues with infiltration in the lines. It appears that the higher flow rates during storm events is due to downspout and sump pump hook ups. Bruce and Chris are working on GPS locating for mapping of all the Village resident septic tanks. The Genesee County GIS department will map all of our data and make it available on their website. They are getting an upgraded system in February and are excited about our participation. One of the RAS pumps went down early this week, Chris and Bruce worked late to get the spare installed and operational. They took the inoperable pump to a vendor to determine whether it can be rebuilt.

Electric

The linemen have attended safety school for this month and next. They are preparing for the weather to break and are helping with a number of other tasks throughout the Village as well as 2016 — 2017 budget preparation.

DPW and Parks

Wood debris pickup is complete but due to the weather we are still picking some stragglers up. We are working on gutting and cleaning out the Blue building in Hartland Park. The disc Golf course continues to get participants even in the winter months. Chris has been doing a good job staying on top of the small amounts of snow that we have seen fall thus far this winter. We have been working on the 2016-2017 budget and have reduced the overall general budget to have a balanced the budget for next fiscal year. On a more troubling note, we took the sweeper in for what we thought were going to be some minor repairs and would like approval; from the board to spend \$19,500.00 for repair. There is an unforeseen issue with the main fans that needs repair. The bright spot is that we have worked with the vendor and because we have so spare parts they came with the machine, we reduced the cost by \$4000.00. Due to the mild winter to date and the watchful eye on the budget, we do not believe that this will cause us to go into contingency funds but we will be able to take from other budget items at the end of the fiscal year.

Privilege of the Floor

None

Trustee Concerns

Trustee Donovan asked if there was any new information on the proposed carwash. Mayor Barclay said there wasn't

Trustee Fedele asked for an update on the Time Warner Cable Franchise Agreement. He wondered if we could put a clause in the agreement limiting increases.

New Business

Street Sweeper Repairs

A motion was made by Trustee Fedele and seconded by Trustee Donovan to spend \$19,500 on repairs to the street sweeper. The motion was carried by a unanimous vote.

Bergen United Methodist Church Underground Program

Pastor Shari Schuck and Rick Woodring gave a presentation to the Board regarding the “Underground” after school youth program. They are looking to bring more awareness of the program to the community as they attempt to raise funds.

Time Warner Cable Franchise Agreement

Mayor Barclay and Mr. Gale met with other officials from local municipalities as well as Phil Fraga from the Cohen Law Group to discuss the steps that need to be taken towards the agreement. The first step in the process is to hold a public hearing for public input. The board set a date and time of February 10th at 6:45pm for the hearing.

Fire Department Member Approval

A motion was made by Trustee Donovan and seconded by Trustee Fedele to approve Linda Johnson for membership to the Bergen Fire Department. The motion was carried by a unanimous vote.

MEUA Hydro Electric Allocation Meeting

See attached reports

Old Business

Employee Security

The board continued their discussion of employee security from the previous meeting. Mr. Gale provided quotes on security for the Village Office and the board asked that language in the employee handbook be reviewed.

A motion was made by Mayor Barclay and seconded by Trustee Fedele to spend up to \$2,000 for security measures in the Village Office. The motion was carried by a unanimous vote

Local Law #1 of 2016 – Amendment to Local Law #1 of 2010 – Sandwich Board Law

LOCAL LAW NO. 1 OF 2016 VILLAGE OF BERGEN ZONING LAW

A Local Law to Amend the Village of Bergen Zoning Law by modifying certain definitions for signage and sign regulations and adding a new Section 407D and 407E entitled, “Warning; disclaimer of liability.” and “Enforcement.”, as follows:

1) Section 107 to be amended as follows:

Sign, Portable. A sign, whether on its own trailer, wheels or otherwise designed to be moveable and not structurally attached to the ground, a building, a structure or another sign, including, but not limited to, banners, balloons, and sandwich board signs.

Sign, Freestanding. A sign attached to a self-supporting structure which is unattached to any building or other structure. Included are pole signs, pylon signs and masonry wall-type signs.

2) Section 407B(1), to be amended as follows:

Commercial and Industrial Districts.

(1) The total number of Permitted Signs on a single business or industrial lot shall not exceed one (1) sign per wall per use, one (1) freestanding sign for the building and one (1) portable sign, such as a sandwich board sign. All other provisions of this Section, not inconsistent herewith, shall apply.

3) Section 407B(5), to be amended as follows:

Portable Signs.

a. In addition to the other provisions of this Section, newly located or related businesses in the Village awaiting installation of a permanent sign may utilize a portable sign for a period of not more than sixty (60) days or until installation of a permanent sign, whichever occurs first. Such a portable sign must meet all the construction standards of the NYS Fire Prevention and Building Code. A separate permit for such a portable sign shall be required.

b. The following standards shall apply to portable signs located within the Commercial or Industrial District:

(1) Size. The maximum allowable size, including support structure, shall be twenty (20) square feet with a height not to exceed five (5) feet.

(2) Placement. Every portable sign must be placed on the ground and must be located so as to permit unimpeded pedestrian access. Portable signs shall be located directly in front of the business location and, to the extent practicable, on private property. **Notwithstanding the foregoing, businesses in the C-2 District that do not front on North or South Lake Avenue shall be permitted to place a portable sign on North Lake Avenue or South Lake Avenue, in a location approved by the Code Enforcement Officer, provided that the Code Enforcement Officer determines that the location of such sign is safe and practicable..**

(3) General. Portable signs may be displayed only during hours of operation and shall otherwise comply with any other conditions of approval imposed by the Village.

4) Section 407 to be amended by addition of new paragraphs “D” and “E” as follows:

Warning; disclaimer of liability.

The provisions of this Section shall not be construed as relieving or limiting in any way the responsibility or liability of any person, firm or corporation erecting or owning any sign from personal injury or property damage resulting from the placing of the sign, or resulting from the negligence or willful acts of such person, firm or corporation, his or its agents, employees or workmen, in the construction, maintenance, repair or removal of any sign erected in accordance with a permit issued under the provisions of this Section. Nor shall it be construed as imposing upon the Village of Bergen, its officers, employees or any board thereof any responsibility or liability by reason of the approval of any signs, materials or devices under the provisions of this Section.

Enforcement.

(1) When violations occur under this Section, the ZEO shall cause notice to be given to the owner or occupant of the premises on which the sign is located, or to the agent of either, or person receiving the benefits from the offending sign. Said notice may be given by first class mail, or by issuance and service of a notice of violation. If any of said persons fail to abate said violation within five days after such notice has been personally served upon them, or within 10 days after such notice has been sent to said persons by first class mail at their home or business address, said persons shall be subject to a penalty in accordance with Section 209 of the Village Zoning Law.

(2) A permit issued pursuant to this Section may be revoked by the ZEO if it appears that the sign erected pursuant to the permit no longer conforms to the provisions of this Section.

(3) The remedies provided herein shall be cumulative and shall be in addition to any other remedies provided by law.

5) In all other respects the Village of Bergen Zoning Law shall remain in full force and effect.

- 6) This Local Law shall take effect upon filing with the Secretary of State's Office pursuant to Section 27 of the Municipal Home Rule Law.

Adjournment

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

The meeting was adjourned at 8:31pm

Respectfully submitted,

Cortney W. Gale
Village Administrator