

**Regular Meeting
Of the Board of Trustees
Of the Village of Bergen at
7:00pm on April 12th 2017**

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 VanEenwyk

Trustee Fedele was absent

Also present were: Village Administrator Cortney Gale, and DPW Supervisor Gary Zawodzinski.

Approval of Bills

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

Approval of Minutes

A motion to approve the meeting minutes of March 22nd 2017 was made by Trustee Almquist and seconded by Trustee VanEenwyk. The motion was carried by a unanimous vote:

Mayor's Report

Grants

- We are continuing to work on completing four high impact actions for the Clean Energy Community program through NYSERDA. Benchmarking, LED Street Lights, and the Unified Solar Permit (we received the \$2500) have been completed and approved, components of the Energy Code Enforcement Training (inspections) are progressing.
- We are working on putting together a project for NYSERDA funding for energy efficiency for the village, several options are being researched.
- Researching opportunities for financial support to help with Main Street Historic District building restoration.

Union Negotiations

- The contract has been signed and returned to the union representative.

Park Committee

- Mike Glazier, Arborist, ran a pruning workshop for our DPW April 11, as a follow-up to a Park Committee presentation.
- The committee met on April 5th; worked on plans for Annual Golf Tournament which will be held July 15, discussed plans for Community Action Day (week of May 15).
- We received our Tree City and Growth Award recognition materials.
- Completed and submitted the meeting minutes.

Community Action Day

- CAD will take place the week of May 15 — 18 in a different format; I have been working with Pat McGee to develop a plan for the day where 60-70 students will be brought to the village to participate. We will hold an Arbor Day ceremony with the students followed by tasks to complete planter boxes, village flower gardens, etc. This year will include students helping seniors with yard work around the village.
- Vickie and I met with florist at Pudgies greenhouses in Oakfield to work out flowers for hanging planters. New pots for the downtown have been purchased.

Bergen Community Farm Market

- The Bergen Community Farm Market will be held in Hickory Park from 4 — 7 pm Thursdays; it will run from June 15 to October 12. The BBKA will be funding a portion of the fee for management of the market; we are asking a portion to be supported equally by the town and village.
- A committee has been formed, and includes Belinda Grant, Vickie Almquist, Lynn Wilkins, Maria Rowland, and me.

Other meetings attended, Etc.

- Met with Pastor Merry of the Bergen Evangelical Presbyterian Church; he was here to discuss their youth outreach, future plans, etc.
- Met with Imagination Library Committee to plan for 2nd year of program; there will be a letter writing campaign for donations and a fund-raising activity at the Park Festival. We have sent books to 98 pre-kindergarteners in our school district the first year!
- The Ways and Means Committee of the County Legislature will be discussing our request to consider adopting the Local Law #1 of 2013 Village of Bergen Exemption for Capital Improvements to Residential Buildings on April 19th, Cortney and I will attend.
- Gathered materials for the time capsule in the Sage Pavilion which has been sealed.
- Cortney and I interviewed attorneys for the Village Attorney position and will present our decision to the board at the meeting.
- I am working on a rental agreement and fee schedule for the Sage Pavilion, we are already receiving requests for the building.
- Rene and I met with the paint specialist from Sherwin Williams to choose Sage Pavilion colors.
- Contacted the Gillam Grant for information requested by the board for budgeting purposes.

Administrator's

Electric/Sewer

- Electric bills were due April 10th. New bills will be sent on the 20th, if you have anything for the newsletter please let me know.
- There was a low response rate to our shut off notices, 35% didn't pay. 25 Red "Door Knocker" reminders we placed on door knobs today.
- I received word from the NYPA Liberty Pumps still isn't using enough power for us to get the additional .5 megawatts of hydro-electric power.
- We designed a new bill for Electric and Sewer; it will cost \$700 for CUSI to set up in the system.
- A check for the storm damage to the Sewer Plant was received in the amount of \$7,725.60. Our deductible is only \$250 because it was a storm event.
- We have not yet received reimbursement for the lineman's work with RG&E.
- Unpaid sewer bills will be sent to the county May 1st. Rene sent out 72 letters to those who have a balance, we have had a very good response so far.
- Electric rates charged by NYMPA will be reduced from 44 to 42 mils per kWh.

- The NYMPA Annual Meeting is in Syracuse on May 24th.

Office

- The New York State Tax Cap forms have been submitted, I will submit the Constitutional Tax Limit form next week.
- Barb has completed the bank reconciliation and journal entries for February. She is working on NYS Retirement report, sales tax submission, and preparing for Bill Freitag's visit.
- Barb submitted the Annual Electric Power Industrial report as well as the Workers Compensation Payroll Data report and 1st quarter payroll certification to Genesee County.
- Our Twitter account now has 100 followers and our Facebook page has 659.

Miscellaneous

- Bulk Garbage pickup will be May 6th.
- We received the approval from the Clean Energy Community Grant for the Unified Solar Permit and the money (\$2,500) is in our account. I submitted that information to the Clean Energy Communities website for that grant
- Rene and I worked on the Archive room again Thursday and Friday of last week.
- I will be attending day two of the MEUA Semi Annual Meeting tomorrow.
- The office will be closed Friday April 14th for Good Friday.
- The \$15,000 from the Engineering Grant was deposited into our account on March 24th.
- We received an email that we were approved for the Solar Permit Grant and that the \$2,500 should be in our account soon. The public hearing for the tentative 2017-2018 budget will be at 6:45pm on April 26th with the regular meeting to follow.

DPW Supervisor's Report

DPW and Parks

Still picking up debris from the wind storm and cleaning up Village areas as well. Sage pavilion is progressing, drywall was completed today next up is paint, trim and all inside work. When this is completed we will start on the outside. We have also installed the roof vents for the bathroom fans. We have been working with the Town on debris cleanup as well.

Electric

The linemen have been doing some trimming around power lines and had to take a tree down on South Lake. They are putting in new poles and upgrading this area of the Village.

WWTP

The screw press was delivered this week and we have it set in place. The electrician will hopefully be out to wire it up next week and we will be completing the plumbing. We hope to have it operational by the end of April. The treatment of phosphorous continues and is trending further down with the last result being 0.609, the regulatory limit is 1 ppm so we are confident we have met our permit requirements.

Historian

I have been working the entire month on converting my talk on, "Joseph A. Santens (Mirage-horse)," to a power point presentation. The Clarendon Historical Society is guiding me. It is a big leap for me. I hope all will work. The program is to be presented in July at Clarendon. They are spending hours working with me. Two sessions have taken place, March 10 and 31. I am very grateful for their help.

Randy Mayes, school house apartments, has asked for records of the school. I was able to reply within the hour with an answer.

Privilege of the Floor

None

Trustee Concerns

Trustee VanEenwyk – Looking for a director for the summer recreation program, interested parties can obtain a application at the village office.

New Business

Reorganizational Meeting

Appointment of Officers

- **Administrator with Clerk/Treasurer duties: Cortney W. Gale**
- **Deputy Clerk: Barbara Zinter**
- **Deputy Treasurer: Rene Vurraro**
- **Fire Marshal, CEO/ZEO: Kenneth Kuter**
- **Village Historian: Raymond S. MacConnell**
- **Deputy Mayor: Kevin Donovan**
- **Millseat Landfill Citizen Action Board: Virginia Adams**
- **Official Newspaper: Batavia Daily News**
- **Official Depositories: Bank of Castile**
- **Village of Bergen Attorney: Boylan Law Office,LLP**
- **Village of Bergen Engineer: Clark Patterson Lee Associates**
- **Village of Bergen Accountants: EFP Rotenberg**
- **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 Board Member David Burke**

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 first Wednesday of the month at 7:00pm; 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 7:00pm the first 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, 2017 will be relieved on the June 1, 2017 tax bills.

Mileage Rate:

The Mileage Rate will adjust to **.53** 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

2017

January 1	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 22 & 25	Christmas Eve & Christmas Day
December 29	New Year’s Eve

2018

January 1	New Year's Day
February 19	President's Day
March 30	Good Friday
May 28	Memorial Day
July 4	Independence Day
September 3	Labor Day
November 12	Veterans Day
November 22 & 23	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 2nd and 4th 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 **.53 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 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 11, 2018

Comprehensive Plan Implantation Progress, Land Use

Trustee Donovan led the trustees in reviewing the progress of the Land Use section of the Comprehensive Plan.

Resolution 4 of 2017 Fire Department SERA

VILLAGE OF BERGEN
Resolution 4 of 2017
BERGEN FIRE DEPARTMENT – PARKING IMPROVEMENTS
RESOLUTION REGARDING SEQRA DETERMINATION

WHEREAS, the Village of Bergen Board of Trustees (the “Board”) has considered the impact to the environment of the following Scope of Work to be completed:

1. The Bergen Fire Department, Inc. will be completing the renovation to the parking lot and driveways on the south, north, and east sides of the building including milling, removal, paving, and striping. In addition, improvements to the truck bay will include concrete rehabilitation.

WHEREAS, the Board has reviewed the Scope of Work set forth above with respect to the potential for environmental impacts resulting from the Proposed Action;

WHEREAS, the Board has reviewed the Proposed Action with respect to the Type II criteria set forth in 6 NYCRR. Part 617 of the Environmental Conservation Law, Article 8 (“SEQRA”) and concluded that the project involves:

- Maintenance or reconstruction involving no substantial changes in an existing facility or structure (6 NYCRR §617.5(c)(1));

THEREFORE, BE IT RESOLVED, by the Board as follows:

1. The Proposed Action, individually and cumulatively, does not constitute substantial changes to the existing facilities and involves routine activities of maintenance, and, therefore, does not exceed the thresholds for a Type II Action established under 6 NYCRR Part 617.
2. The Board hereby determines the Proposed Action is a Type II action in accordance with SEQRA regulations.
3. No further review of the Proposed Action is required under SEQRA.
4. This resolution shall be effective immediately.

A motion was made by Trustee Donovan and seconded by Trustee Almquist. The motion was carried by a unanimous vote.

Resolution 5 of 2017 Work Day Resolution

A New York State Standard Work Day Resolution for Employees form RS2418 was proposed to designate the Deputy Treasurer position as 7 hours per day for retirement system purposes. A motion was made by Trustee Almquist and seconded by Trustee VanEenwyk. The motion was carried by a unanimous vote.

Proposed Town Transfer Station

The Board discussed the Town's interest in moving their transfer station to the DPW location on Gates Street. The Board is not in favor of having such a facility inside the Village. They are working on a report to submit to the town.

Old Business

None

Adjournment

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

The meeting was adjourned at 8:50pm

Respectfully submitted,

Cortney W. Gale
Village Administrator