

**Regular Meeting  
Of the Board of Trustees  
Of the Village of Bergen at  
6:30pm on July 14<sup>th</sup>, 2021**

The regular meeting of the Board of Trustees was called to order by Mayor Barclay at 6:30pm with the following present:

- Trustee Joseph Chimino
- Trustee Kevin Donovan
- Trustee Paul Robinson
- Trustee Emily VanEenwyk

Also present: Village Deputy Clerk Barbara Zinter, Planning Board Chairperson Rene' Vurraro, Ryan Cummings, Robin Day, Grace Gallivan, Robert Fedele, and Judy Fedele.

**Public Hearing – Zoning Law Update**

Mayor Barclay opened the Public Hearing at 6:31pm.

Chairperson Vurraro provided an update on the changes made following the June 30<sup>th</sup> Public Hearing. She also addressed Trustee Chimino's question regarding H&K's Special Use Permit under the proposed Zoning Law. Trustee Chimino also asked what the affect would be on the parking lots that would be nonconforming with the new law. Compliance would only be required with a new site plan or special use permit. Trustee Chimino was concerned what the recreational vehicle parking rules would mean for the owner of the house on Church Street who has a camper parked on a gravel pad in his front yard with underground electric hookup.

There was no public comment.

Mayor Barclay closed the Public Hearing at 7:11pm

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**Ward Park Proposal**

Ryan Cummings approached Mayor Barclay with a proposal for Ward Park. He presented his proposal for upgrades to Ward Park to the Board this evening. Everyone was impressed by the drawings. Concerns about the overall costs estimated to be between \$150,000 to \$250,000 at today's prices and the viability of plantings with the history of uses of that area and its soil were discussed. A number of fundraising options were also presented. Mayor Barclay thanked Ryan for his time and let him know that the Board would ponder his proposal while looking at how it fit with the Parks Master Plan.

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**Approval of Bills**

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

**Approval of Minutes**

A motion to approve the meeting minutes of **June 9th, 2021** was made by Trustee Chimino and seconded by Trustee VanEenwyk. The motion was carried by the following vote:

- Trustee Joseph Chimino - aye
- Trustee Kevin Donovan - aye
- Trustee Paul Robinson - nay
- Trustee Emily VanEenwyk – aye

A motion to approve the meeting minutes of the Public Hearing on **June 30th, 2021** was made by Trustee Donovan and seconded by Trustee Robinson. The motion was carried by a unanimous vote.

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### Mayor

#### **Grants**

- **Main Street** – The four gooseneck lights and signage were installed on 25-27 S Lake by our linemen, and signs will be installed on the Legion building, Kongmany building, and Greg’ry’s 7/15 completing Streetscape. The grant administrator (Mike Cocquyt from Labella) has secured more time for completion of an extended project on 25-27 S Lake; the final date has been extended to October 2021. Inspection forms and completion paperwork is being submitted by Labella.
- **CFA** – The application for the UV Disinfection equipment required for the Waste Water Treatment Plant will be submitted by Clark Paterson Lee on behalf of the village.
- **TAP** - Funding Availability 2021 Transportation Alternatives Program application cycle has opened with Sept 2021 due date. We can apply for sidewalk extension (as per Comprehensive Plan), stormwater management projects, etc. through this grant opportunity.
- **GVRR - GENESEE VALLEY RURAL REVITALIZATION GRANT**- applied for funding for Tulley building brick restoration and preservation, notification of awards has been extended to July.
- **FEMA** - New York State Division of Homeland Security and Emergency Services (DHSES) has processed a payment in the amount of \$3,195.86 which brings us to the 100% reimbursement for the village COVID Meal program during the pandemic.

**County Sales Tax and Voluntary Revenue Distribution** – I attended a meeting on July 7 with Genesee County town supervisors and village mayors, County Manager Matt Landers, and Legislative Chair Shelly Stein to discuss the above. Funds have been distributed according to the taxable assessed property values within the original sales tax agreement with the City of Batavia but were pulled back last year. If the county receives all water agreements for towns and villages across the county by 8/13/21, an agreement could reinstate the revenue sharing. The village of Bergen would receive \$198,962 annually. Without all agreements the amount would be \$139,272. (2019-2020 actual was \$279,378).

**American Rescue Plan Act** - I have completed and submitted the application for the Village of Bergen portion of the \$1.9 trillion worth of federal COVID-19 relief in the American Rescue Plan Act is \$350 billion for “Coronavirus State and Local Fiscal Recovery Funds.”

**Planning Board** – Adhering to the planned schedule: 6/30 – Public Hearing of the amended Village of Bergen Sign Law, and the Final Draft of Zoning Law/SEQR/Local Law was held with consultants Molly Gaudioso and John Steinmetz. The Genesee County Planning Board received copies for review. The 7/14 Board meeting agenda included a public hearing for the updated final draft of the proposed Zoning Law.

**Waste Water Treatment Plant** – Chris Fay (plant operator), Cortney Gale, and I met at the plant to review operations, pump stations, concerns, updates, priorities, location of cement pads for plows.

- July 7 – Cortney Gale, Eric Wies (village engineer) and I met to discuss the grant application for the UV Disinfection grant (CFA grant), pump station (Rochester Street, Gibson Street, Apple Tree) working with

pumps from Liberty Pumps, replacement screen pricing, and computers for plant. Options for a “project” to map the stormwater system were discussed.

**Parks** – The village has been awarded a 10 year plaque and flag in recognition of its standing as a National Tree City. Maintaining this recognition awards us funds for trees and eligibility for forestry grants, supports our connection with the school Community Action Day and Arbor Day activities.

- An insurance review reported the bleachers in Hickory Park are a liability issue; they are not up to new safety codes (no backs or sides).
- Park Committee – meeting on July 6- a disc golf tournament is being planned for the end of August in Hartland Park, planning for Tree Lighting 2021, reviewing Parks Master Plan and trail narrative.

**Summer Recreation program** – The program will run from July 19th through August 13<sup>th</sup>, 5 days a week, 10am to 1pm Hickory Park, applications are available online and in the office. I have been working with Evie Rodriguez, counselor, to put together a field trip and activity calendar for the program, and order supplies. I have also arranged for daily lunches with the school summer food program.

**Bonduelle** – The office staff and I were in contact with Bonduelle during the odor episode resulting from residue in the holding pond. Statements were issues by the company which were sent out on our sites. Tom Madej (Bonduelle plant manager), Cortney Gale, and I met on June 25 after several delays to discuss the episode, the planned substation and property sale, and ongoing relationship between the company and the village.

**GAM – Genesee Association of Municipalities** – Summary of June 17 meeting discussions: many projects underway in the city of Batavia, cost assessments are being updated for the planned county jail due to requirement changes (county has \$60 million of the ~ \$80 million projected cost), adoption of the new Genesee County Flag, and updates on county towns and villages.

#### **Meetings, ETC**

- All owners of chickens in the village have come into compliance with the village law.
- A Discovery Channel show filming a documentary in the area next week, (July 15, 2021) will film footage of the Village of Bergen welcome sign, some railroad tracks that cut through the village, and some of the buildings around the village.
- Continuing to work with the owner of possible development property in the village and GCEDC
- Repairs to Buffalo Street area have started by Monroe County Water Authority. Repair to the section adjacent to 10 S Lake (new water lines installed due to new sprinkler system) will be completed by contractor 2<sup>nd</sup> week in August.
- June 14 - Donna Gerrard and I met to work on letters for the Imagination Library fundraiser. We are serving 115 Byron- Bergen children with free monthly books through the program.
- June 28 - I attended (Zoom) the Finger Lakes Regional Economic Development Council annual meeting.
- July 15 – meeting with the new BBCS Superintendent Pat McGee to discuss school/village connections (fall and spring student community action days, sewer connections, etc)
- There is a vacancy on the Zoning Board of Appeals, alternate, due to the resignation of Sheila Butler.
- Applications are continuing to come in for Hometown Hero banners for next year.

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### **Administrator**

#### **Sewer**

- Chris Fay and Kris Pangrazio have begun pumping tanks, they have pumped 67 tanks so far.
- One of the RAS (Return Activated Sludge) pumps went down at the sewer plant. Chris was able to get it up and running but found that the VFD (Variable Frequency Drive) was also bad and needed to be replaced. I approved the purchase. It was replaced Monday.
- The \$200,000 Bond Anticipation Note is maturing August 17<sup>th</sup>. We will be rolling the BAN over, with it being callable in three months so that we can combine it with the other BAN into one Bond along with the pending sewer upgrades. The BAN sale will be August 3<sup>rd</sup> with the closing August 17<sup>th</sup>.
- I was contacted by Sun Environmental who asked if we would take waste from a dairy processor. I turned down the request as the volume was too high and I did not want to chance upsetting the plant.

**DPW**

- A concrete pad was poured at the sewer plant to have a level surface to rest the snowplow’s head plow on.
- Chip sealing of roads is scheduled for August 11-12. The town is assisting in hauling stone, they have begun stockpiling the stone at their shop.

**Electric**

- I began the three reports that are due to the Public Service Commission for our energy efficiency program. They will be submitted by the end of the month.
- The projects at Hank Parker Tents and Liberty Pumps are moving forward. Underground line was pulled last week for Hank Parker and a new pole line will be installed for Liberty Pumps next week. Both projects are being paid for by the respective companies.

**Office**

- We can now assess late fees on electric bills and shut off power for non-payment as the State of Emergency was lifted. Customers have the right to request a Deferred Payment Agreement and we must accept a residential customer’s self-certification that the customer has experienced a change of financial circumstances due to the COVID-19 state of emergency.
- Deputy Clerk Barb Zinter is making great progress in closing the 2020-2021 fiscal year as well as completing the Annual Update Document and Public Service Commission Report. Our accountant Bill Freitag will be reviewing the electric fund on July 27<sup>th</sup> and 28<sup>th</sup> from his office.
- Deputy Treasurer Rene’ Vurraro has been receiving and inputting tax bills. She is finishing up yearend reports to send to Bill Freitag and will be updating forms that are a part of the new zoning law.
- We have received 95% of property tax payments for a total of \$374,085.15. The last day to pay without a penalty was June 30<sup>th</sup>.

**Miscellaneous**

- I have submitted a permit application to state DOT for the Jenny Kuzma Memorial Bergen 5k which is to take place August 14<sup>th</sup>.
- I met with Michele Leroux from our insurance company on June 29<sup>th</sup> to review areas of possible liability in the village. She identified two minor issues.
- I will be on vacation July 12<sup>th</sup>-July 16<sup>th</sup>, returning on July 19<sup>th</sup>.

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**Privilege of the Floor**

Grace Gallivan asked if the minutes for the various meetings can be found online.

Judy Fedele asked when the speed bumps will be placed on Munger Street.

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**Trustee Concerns**

**Trustee VanEenwyk** had none at this time.

**Trustee Chimino** believes the GPS of sewer tanks is not being used because he heard Chris in his neighbor’s yard having difficulty locating the tank. The mayor will look into it but believes they are using it, however the GPS is not 100% accurate and there are some instances where even the maps are missing. The lift stations at both Gibson and Rochester Streets are getting overgrown and need to be cleaned up. When he went to look at the new concrete pad he noticed the new Bobcat sitting outside at the sewer plant. He wondered if we could use a wheelbarrow to collect the stuff off the conveyor instead of the bucket on the Bobcat.

**Trustee Donovan** had none at this time.

**Trustee Robinson** had none at this time.

**Mayor Barclay** pointed out the plaque and flag that the Village received in celebration of our 10<sup>th</sup> anniversary as a Tree City.

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**New Business**

**Local Law No. 2 of the Year 2021- Amendment to Sign Law**

A motion was made by Trustee Donovan and seconded by Trustee VanEenwyk to adopt Local Law #2 of 2021 amending Local Law #3 of 2018 which amended Local Law #1 of 2018. The motion was passed by the following vote:

- Trustee Joseph Chimino - nay
- Trustee Kevin Donovan - aye
- Trustee Paul Robinson - nay
- Trustee Emily VanEenwyk - aye
- Mayor Barclay – aye

See Attached Copy of Law

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**Local Law No. 3 of the 2021- Zoning Law**

Mayor Barclay read part 3 of the **SEQR** and completed the required questions.

**SEQR**

A motion was made by Mayor Barclay and seconded by Trustee VanEenwyk to accept the SEQR with a negative declaration. The motion was passed by a unanimous vote.

**Local Law 3 of 2021**

A motion was made by Mayor Barclay and seconded by Trustee Donovan to adopt Local Law #3 of 2021 which enacts the new zoning code, replacing the existing zoning code. The motion failed by the following vote:

- Trustee Joseph Chimino - nay
- Trustee Kevin Donovan - aye
- Trustee Paul Robinson - nay
- Trustee Emily VanEenwyk - nay

Grace Gallivan asked those on the Board that voted against the law to please share what their reasons were for doing so.

**Trustee VanEenwyk** feels that zoning laws are a government overreach.

**Trustee Chimino** is very close to saying yes but still has concerns about the grandfathering of certain things like travel trailers.

**Trustee Robinson** said that just because it didn't pass tonight doesn't mean that it won't pass ever. He feels that Trustee VanEenwyk and Trustee Chimino have valid points and his vote will be a no until their concerns are addressed. Other than that, he doesn't feel he needs to defend his position to anyone.

Mayor Barclay discussed the impact of the front lawn parking of travel trailers on the safety of the community. The Village is willing to work with people. She asked Trustee Chimino if we know whether the gentleman on Church Street would be agreeable to moving the trailer. Trustee Chimino said he does not know him and has not spoken to him.

Chairperson Vurraro has been more than accessible over the past two years. These concerns should have been brought to light before today. There were very few comments from the Board members at the two recent public hearings, including the one this evening.

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**Tax Bill Correction**

A letter was received from the Genesee County Treasurer's Office regarding an application for a corrected 2021-2022 tax roll on 5.-1-51 at 11 Clinton Street owned by Monica Murray. There was an error in the omission of a Veteran's Exemption on the Village tax bill that had been timely applied for and applied to all other taxing entities.

A motion was made by Trustee VanEenwyk and seconded by Trustee Chimino to accept the correction of the 2021-2022 Village tax bill for 5.-1-51 at 11 Clinton Street owned by Monica Murray. The motion was passed by a unanimous vote.

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**Old Business**

**None**

**Adjournment**

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

The meeting was adjourned at 8:24pm

Respectfully submitted,

Barbara J. Zinter  
Deputy Village Clerk