

**Public Hearing and Regular Meeting  
Of the Board of Trustees  
Of the Village of Bergen at  
6:30pm on December 8<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 Marble

Also present: Village Administrator Cortney Gale and Todd Cargill

**Public Hearing for Local Law #5 of 2021**

Mayor Barclay opened the public hearing to discuss and hear public input on a local law opting out of licensing and establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the Village of Bergen.

There was no public input

The public hearing was closed at 6:45pm.

**Approval of Bills**

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

**Approval of Minutes**

A motion to approve the meeting minutes of November 10<sup>th</sup>, 2021 was made by Trustee Chimino and seconded by Trustee Donovan. The motion was carried by a unanimous vote.

**Mayor**

**Grants**

- **GVRP - GENESEE VALLEY RURAL REVITALIZATION GRANT** – Members of the Landmark Society grant committee will be coming to the village to review the Tulley Building exterior in January. I am continuing the application process for the building exterior repair. Application is due 3/31/22.
- **ARPA – American Rescue Plan Act** – A planning meeting for the next phase of the stormwater project is being set up for the week after Christmas. The draft map of the stormwater system is being reviewed by the village engineer.
- **Main Street** – Property Declaration forms have been signed by the owners and will be filed with the county. Property owners shall maintain premises “in good operating order and condition”, “premises shall not be sold”, etc. for a period of 5 years. The state grant representatives have visited the village and will do so periodically over the 5 year period to check building maintenance.

**Planning Board** – During the November 17<sup>th</sup> meeting, a Public Hearing for the Special Use Permit at 64 Rochester St was held, and Larry Bradt from 10 Buffalo Road spoke on a preliminary minor subdivision. He turned in an Application for Review of Preliminary Plat in the appropriate time to be put on the agenda.

**Zoning Board** – A meeting of the Zoning Board was held on November 18<sup>th</sup> at which Rene Vurraro, Planning Board Chairperson, presented an overview of the Village Zoning Law. A question-and-answer period followed the presentation.

**Intermunicipal Agreement** – I have been in contact with Superintendent Pat McGee; we are waiting on the school district to set a meeting date to finalize the agreement.

**Park Committee** – Final yearly budget information is being completed for the Tree City application. I will be completing and submitting the application by the end of the month. I have completed and submitted the funding application for the 2022 Summer Recreation program to the county.

**Hickory Park** – The fence on North and East sides of playground damaged through vandalism have been replaced/repared. The sheriff's department is working on the investigation.

**Homeowner Assistance Fund – HAF** – Gov Hochul has approved the program for property owners in arrears of mortgage, water, sewer, etc bills due to COVID. Applications will be available January 3<sup>rd</sup>. Assistance for the application process will be available through the village office.

**Community** – The **Christmas Parade** though the village on November 29<sup>th</sup> was a wonderful way to bring the holiday season into the village. Thank you to everyone who graciously accepted my invitation to help in bringing the parade to the village.

The Community Holiday Luncheon is set for December 12; tickets are being sold through Dec. 8<sup>th</sup>.

#### **Meetings, ETC**

- Cortney Gale and I met with Pascal Leduc, Bonduelle, on 11/18 to review the production season at the plant, and discuss the path forward for the property sale, proposed substation, etc.
- The village engineer, Eric Wies, and I discussed the water puddling issue at 45 N Lake Ave, and a consistent flooding issue at 79 Rochester Street.
- Brian Stone met with Cortney and me on 11/30 concerning electric service to his property on Bissell Rd.
- I am working with the Triangle Club to purchase a bench for Hickory Park.
- We have received 8 applications for additional Hometown Hero Banners to be installed for Memorial Day 2022.
- Planning/organizing the Community Christmas Luncheon to be held December 12<sup>th</sup>
- Continuing work on a “welcome” packet of pertinent information for new residents.
- Met with owner of 45 N Lake concerning drainage issues and parking lot paving.

#### **Electric Dept**

- Assisted Silver Springs
- Put in an electric pole at 7-11 with assistance from Churchville and Holley
- Installed new light fixtures at Wastewater Treatment Plant
- Three poles removed at Liberty Pumps
- Arranged for and had vehicles oiled for winter
- Breaker for relay at Bonduelle secured at no cost

- Kubota sold at auction for \$22,700 (new Kubota was \$22,710)
- Hometown Hero Banners taken down for winter
- Christmas Lights set at Zuber Park and Main Street lamps
- Restored service to 30 N Lake after limb damage
- 3 electric poles to be removed from Liberty Pumps site as part of expansion

#### **Sewer**

- Second round of commercial tanks pumped
- Overhead door at plant repaired
- Installed new replacement motor
- Turned compost pile, sample to lab for salmonella testing
- Mower and RTV cleaned for auction
- Ditch pumped down, routine “train” cleaning
- Plow truck serviced

#### **DPW**

- Had boiler at Sage serviced, Sage clean up after events
- Removed damaged fencing at Hickory Park
- Set up for Christmas Parade, village decorations set up at Hickory, Ward, and Carpenter Parks
- Snow stakes installed around Village
- Storm damage clean up

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### **Administrator**

#### **Sewer**

- Lights were installed in the composting building as the old ones were not able to be repaired.
- With the Board approval at the last meeting, I worked with Wunderlich-Malec to start the replacement of computer systems at the Wastewater Treatment Plant. They are looking at being on site in March.
- There was an additional fee once again for pumping the Bergen Family Restaurant’s tank because there was too much grease. They will be invoiced for the additional fee and a letter will accompany the invoice insisting that they install a grease trap.

#### **DPW**

- The old Kubota RTV with plow was sold at auction for \$22,700 and the zero turn was sold for \$6,300. The sewer department’s Kubota will go to auction next week along with their lawn mower, which will not be replaced.
- The crew has everything ready for winter. Chris Fay has been out a few times salting. Eric McGrain is practicing the sidewalk plow routes since it is his first year.
- I set up the CDL drivers on the Federal Motor Carrier Safety Administration’s (FMCSA) Drug and Alcohol Clearinghouse. It is required yearly to perform a query on each driver to determine if there were any issues. This is in addition to New York State’s LENS program.
- There have been electrical issues with the plow truck. The batteries were dead and were unable to take a charge. The backup camera is now working but some gauges are not. It is being worked on at Ehrmentraut Auto Repair.

#### **Electric**

- The Linemen have requested that we purchase a stump grinder that attaches to the skid steer. We have a quote from SkidPro for \$5,346.00. The cost of hiring stumps ground is becoming too costly.
- Repairing two streetlights downtown. May have to replace lights completely.
- They did meter testing and infrared scanned the substation for hot spots.
- Our Digger Derrick did not pass inspection. The linemen completed what repairs they could do themselves and are having certified repairmen do the rest.

**Office**

- Deputy Clerk Barb Zinter is working on the Town’s end of fiscal year and our end of calendar year reports. She completed payroll and payroll reporting for the Town and Village, is working on reconciling the bank statements, and is participating in training webinars.
- Deputy Treasurer Rene’ Vurraro has been working on forms that go with the new zoning law and a number of projects coming in front of the Planning Board. It was a busy month with mailing and receiving sewer and electric bills.
- I have been working with Municipal Solutions on the \$300,000 Bond Anticipation Note (BAN). There were several options, unfortunately we cannot roll the debt into the financing for the current sewer project. We received the \$147,000 grant funds from New York State on Monday that will reduce the \$300,000 BAN.

**Miscellaneous**

- The fence in Hickory Park was replaced on December 2<sup>nd</sup>.
- I will be submitting for NYS CHIPS funds reimbursement next month which will be for the chip sealing.
- The duct work has not been cleaned since the system was installed, I would like to have it done. I have a quote for \$990.00. This includes both furnaces and duct work.

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**CEO/ZEO**

**2020 Permits** – 28 North Lake Ave – Permit Extension  
38 North Lake Ave – Inspection and Permit Extension

**2021 Permits** – 13 McKenzie Street – Fence & Inspection  
19 Buffalo Street – Fence permits given for two properties  
39 Buffalo Street – Remodel  
62 South Lake – T-Mobile  
38 North Lake – Two Decks  
41 South Lake – Patio and Roof  
15 Trisha Lane – Pole Barn  
64 Rochester St – Remodel

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**Privilege of the Floor**

**Todd Cargill** there is trash accumulating on the curb at 42 Rochester Street and asked that the owner be contacted.

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**Trustee Concerns**

None

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New Business

**Local Law 5 of 2021 – Cannabis Opt Out**

**A local law adopted pursuant to Cannabis Law § 131 opting out of licensing and establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the Village of Bergen.**

**Section 1. Legislative Intent**

It is the intent of this local law to opt the Village of Bergen out of hosting retail cannabis dispensaries and/or on-site cannabis consumption establishments within its boundaries.

**Section 2. Authority**

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes cities and villages to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries.

**Section 3. Local Cannabis Retail Dispensary and/or On-Site Consumption Opt-Out**

The Village Board of Trustees of the Village of Bergen, County of Genesee, hereby opts-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments from locating and operating within the boundaries of the Village of Bergen.

**Section 4. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective date**

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition, or a referendum has been conducted approving this local law.

A motion was made by Trustee Donovan and seconded by Trustee Robinson to pass Local Law 5 of 2021 opting out of licensing and establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the Village of Bergen. The motion was carried by a unanimous vote.

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**Long Term Financing for \$300,000 Bond Anticipation Note**

The Board discussed options for long term financing of the \$300,000 BAN. A grant was received for \$147,000 that will reduce the amount financed.

A motion was made by Trustee Chimino and seconded by Trustee Robinson to finance the Bond Anticipation Note for a period of ten years. The motion was carried by a unanimous vote.

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**Arbor Day Proclamation**

A motion was made by Trustee Marble and seconded by Trustee Chimino to pass the Arbor Day Proclamation. The motion was carried by a unanimous vote.

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**Old Business**

**Sewer Plant Project**

A motion was made by Trustee Donovan and seconded by Trustee Marble to approve the budget for the current sewer plant project. The motion was carried by a unanimous vote.

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**Adjournment**

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

The meeting was adjourned at 7:15pm

Respectfully submitted,

Cortney W. Gale  
Village Administrator