

**Public Hearings & Regular Meeting
Of the Board of Trustees
Of the Village of Bergen at
6:00pm on April 10th, 2024**

The regular meeting of the Board of Trustees was called to order by Mayor Chimino at 6:00pm with the following present:

- Trustee Robert Capurso
- Trustee Todd Cargill
- Trustee Michael Fleming
- Trustee Bernadette Thompson

Also present: Village Administrator Cortney Gale, Jerry Sheridan, Rene’ Vurraro, George Sardou, and Grace Gallivan.

Public Hearings

Electric Substation

Mayor Chimino opened the public hearing for financing of the electric substation. Jerry Sheridan asked the Board questions about the electric infrastructure and future electric rates.

A motion was made by Trustee Cargill and seconded by Trustee Fleming to close the Public Hearing at 6:25pm. The motion was carried by a unanimous vote.

Digger Derrick

Mayor Chimino opened the public hearing for financing of the Digger Derrick. Jerry Sheridan asked if the village currently had a Digger Derrick and if it could be shared with another municipality.

A motion was made by Trustee Fleming and seconded by Trustee Capurso to close the public hearing at 6:40pm. The motion was carried by a unanimous vote.

Approval of Bills

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

Approval of Minutes

A motion to approve the meeting minutes of March 13th, 2024, was made by Trustee Fleming and seconded by Trustee Cargill. The motion was carried by a unanimous vote.

Mayor

Grants

- Fast New York Grant -Genesee County Economic Development Center is finalizing the grant application to be submitted to NYS. This grant, if awarded, would greatly offset the overall cost of our planned electric substation project. Special thanks to the GCEDC for their support to the Village of Bergen on this matter.

- Summer Recreation Program grant has been submitted to the county for the 2024 season. No notification currently to report.
- Genesee County Legislature has once again made available in their budget to fund professional grant writing services up to \$5,000.00 dollars to municipals on a first come first served basis until the budgetary amount is exhausted. We will be applying for these funds and are currently exploring grants of interest to benefit the village.
- Clean Energy Communities coordinator Rob Richardson has informed the village that we have been awarded a grant from NYSERDA in the amount of \$10,000.00 for clean energy projects such as LED lighting, EV charging and other energy efficiency upgrades.

Miscellaneous

- May 9th has been designated community action day in the village. We are again blessed to have the 7th graders from Byron-Bergen middle school on hand for community beautification and to take part in our celebration of Arbor Day.
- The Tree and Park committee met on Wednesday April 3rd. Two new trees have been planted in front of the restrooms in Hickory Park and installation of benches, signage, and electric upgrades were the topics of discussion. Thanks to the committee for all their dedication.
- Happy to report that for the 13th year the Village of Bergen has received the Tree City USA Designation from the Arbor Day Foundation.
- I would like to extend congratulations to Todd Cargill, Robert Capurso and Bernadette Thompson as newly elected trustees of the village. Todd and Robert to four-year terms and Bernadette to a two-year term. Thank you for your service.
- Representatives of the Byron Bergen Central School will be presenting their school budget at the May 8th board meeting.
- A public hearing is scheduled for April 24th at 6:30 pm at the village office for comment of the 2024-2025 budgets for General, Sewer and Electric.

DPW

- Hickory Park restrooms are now open for the season.
- Routine maintenance of equipment-will be switching equipment over from winter operations to summer shortly.

SEWER

- A letter was sent to all residents explaining the state of the sewer budget and the need to increase the quarterly charge, which will require a change in our sewer law. There will be a public hearing on this matter on May 8th at 6:00pm. followed by a public hearing at 6:30 pm regarding the village acquiring a small plot of land bordering the sewer lift station on Gibson Place.

ELECTRIC

- An application for an increase in Hydro-Allocation of preference power from the New York Power Authority has been submitted. This is contingent on OXBO INTERNATIONAL building in the Appletree Industrial Park.
- Met with NYPA representatives on April 4th to discuss any matters of mutual interest and to see how they might better serve our needs.

Administrator

Sewer

- There was a major water leak at the sewer plant. Monroe County Water Authority alerted us to increased use. Chris and I isolated the area of the break. We would like to abandon that line as it is under the compost building and run a new line from the main.

- Chris, with the help of Rick from Albion and Odyssey Controls, repaired the second actuator valve that failed this year. They are the only two and were 15 years old.

DPW

- Weekly brush pickup began Monday, April 8th and will be every Monday until November.
- We are in negotiations with Charter Communications to sign a new pole attachment agreement. They are the last organization on our poles who has not signed the new agreement. We received their payment for attaching to our poles.
- The DPW took the opportunity during a rainy day to clean out the Tulley basement and install fans for air circulation to reduce the chance of mold.

Electric

- Bid opening for electric substation transformers occurred on March 22nd. There were three bids that are very different cost wise.
- Linemen continue to GPS poles and infrastructure.
- I have been working with GCEDC on the Industrial Economic Development Program submission and the FAST NY Grant.
- The squirt boom was sent to Altec for maintenance and repair.

Office

- I have been working with Waste Management and AD Call & Sons to get the new contracts signed and have notified the state labor department who was awarded the contracts and for how much.
- Permissive referendums were advertised as required. The budget meeting will be advertised this week, then the sewer rate and land sale the following week.
- I am working on the renewal application for our insurance policy with NYMIR. They would like to renew the policy without “Breach Response”.
- The bond sale for the Digger Derrick will be May 7th with a closing date of May 21st.
- I have prepared the Constitutional Tax Limit and Tax Cap filing. They will be submitted after the budget is adopted.

Miscellaneous

- The election went well and was very close. It was necessary to ask the county to recanvass the ballots. They upheld our election inspector’s count. Congratulations to the winners.
- I submitted the special franchise activities report to the state as well as updated the Municipal Profile with the new board members.
- The SLFRF (ARPA) annual report was completed and submitted. I am awaiting instructions on how to close the report as we have used all the funds.
- Our website IT person is semi-retiring. I signed an agreement with him to update and service the website if needed for six years at which time we’ll need a new person and possibly new website.

Code Enforcement Officer

2022 Permits

- 83 South Lake Ave — Remodel to Apartments: Temporary C of O
- 28 North Lake -Remodel new permit 5/4/24 (2)
- 41 North Lake — Fence 2nd Extension

2023 Permits

- 60 South Lake Ave — Hot tub and electric service, Waiting for electrical inspection.
- 62 South Lake Ave. — Verizon/ Dish wireless (2)
- 11 Buffalo Road- Addition
- (41) 51 Kaymar Drive — Shed

- McCabe Court — Front porch
- Munger Street - Remodel: Temporary C of O
- 21 Canterbury Lane — Addition

2024 Permits

- 27 North Lake Ave. - Handicap ramp

Number of Building Permits — 13
 Number of C of C's and C of O's - 1
 Temporary C of O's - 3
 Total Number of Inspections -20
 Fire Inspection — 1

Approval of Officer Reports

A motion was made by Trustee Fleming and seconded by Trustee Cargill to approve the officer reports. The motion was approved by unanimous vote.

Trustee Concerns

Trustee Cargill stated concern over unregistered vehicles on properties around the village.

Trustee Capurso asked about the refuse policy on bulk items and pointed out that some residents put more than one bulk item which takes a few weeks to fully collect, and it is unsightly. He also stated concerns about properties on North and South Lake that are in poor condition and asked that they be looked at by code enforcement.

New Business

Bid Award – Substation Transformer

A motion was made by Trustee Fleming and seconded by Trustee Cargill to award the bid for substation transformers to Howard Industries in the amount of \$861,120. The motion passed unanimously.

Re-Organizational Meeting Documents

Appointment of Officers

- **Administrator with Clerk/Treasurer duties: Cortney W. Gale**
- **Deputy Clerk: Barbara Zinter**
- **Deputy Treasurer: Rene Vurraro**
- **Fire Marshal, CEO/ZEO: Gary Cecere**
- **Village Historian: Vicky Truax**
- **Deputy Mayor: Michael Fleming**
- **Official Newspaper: Batavia Daily News**
- **Official Depositories: Bank of Castile, NYCLASS**
- **Village of Bergen Attorney: Boylan Law Office, LLP & Hodgson Russ, LLP**
- **Village of Bergen Engineer: Clark Patterson Lee Associates**
- **Village of Bergen Accountants: BST & Co.**
- **Village Election Inspectors: Constance Fiedler, Virginia Adams, Louise Hilbert, Karen Manners, or any other trained inspector.**
- **Village of Bergen Insurance Provider: Lawley Genesee**
- **Village of Bergen Bond Council: Hodgson Russ, LLP**

- **Planning Board Member 5 Year Term: Rene' Vurraro**
- **Planning Board Alternates 1 Year Term: Vicki Almquist**
- **Zoning Board Member 5 Year Term: Timothy Quirk**
- **Zoning Board Alternates 1 Year Term: Heather Painting & Frank Rowsick**

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 boardroom and will be held only when there is business before the Zoning Board of Appeals.

Park Committee/Tree Board

Tree Board and Park Committee will meet the first Wednesday of the month at 6:30pm; the boards will consist of the same 5 individuals 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, and promoting Village parks and activities.

Appointment of Registrar of Vital Statistics:

The Village appoints the Town Clerk 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, 2024 will be relieved on the June 1, 2024 tax bills.

Mileage Rate:

The Mileage Rate will adjust to **.67** 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**2024**

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| January 1 | New Year's Day |
| February 19 | President's Day |
| March 29 | Good Friday |
| May 27 | Memorial Day |
| July 4 | Independence Day |
| September 2 | Labor Day |
| November 11 | Veterans Day |
| November 28 & 29 | Thanksgiving |
| December 24 & 25 | Christmas Eve & Christmas Day |
| December 31 | New Year's Eve |

2025

| | |
|------------------|-------------------------------|
| January 1 | New Year's Day |
| February 17 | President's Day |
| April 18 | Good Friday |
| May 26 | Memorial Day |
| July 4 | Independence Day |
| September 1 | Labor Day |
| November 11 | Veterans Day |
| November 27 & 28 | 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 a regular meeting the 2nd Wednesdays of each month. Such regular meeting shall commence at 6:30 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
- Trustee Concerns
- New Business
- Old Business
- Privilege of the Floor
- Adjournment

General Rules of Procedure:

- The Mayor shall preside over 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 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**
- **Foremen**
- **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 **.67 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 and New York Cooperative Liquid Asset Securities System (NYCLASS) 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 9th, 2025

A motion was made by Trustee Capurso and seconded by Trustee Cargill to approve the Re-Organizational document. The motion was approved unanimously.

Resolution 3 of 2024 – Delegate to MEUA Semi-Annual Meeting

WHEREAS, the Board of Trustees of the Village of Bergen, New York, is a municipal member of the Municipal Electric Utilities Association of New York State, and

WHEREAS, the Semi-Annual Meeting of the Municipal Electric Utilities Association of New York State has been called on May 21, and May 22, 2024, to be held at the Embassy Suites by Hilton Destiny USA, 311 Hiawatha Blvd W, Syracuse, NY 13204 and,

WHEREAS, in accordance with the bylaws of the Municipal Electric Utilities Association of New York State, 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 Fleming and seconded by Trustee Capurso approve resolution 3 of 2024. The motion passed unanimously.

Resolution 4 of 2024 - Delegate to NYMA Annual Meeting

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, the Annual Meeting of the Agency will be held May 21st, 2023 in Syracuse, New York, 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 Cargill and seconded by Trustee Capurso to approve resolution 4 of 2024. The motion was approved unanimously.

Old Business

2024-2025 Budget

Mayor Chimino asked if the Board had any questions on the 2024-2024 Budget. Trustee Capurso asked about the wage increases in the budget.

Privilege of the Floor

Grace Gallivan asked what was being done to train new Trustees and asked why digital speed signs were placed on Hunter and Buffalo Streets.

George Sardou suggested that tractor trailer drivers are speeding on Buffalo Rd because they do not know the speed limit. He requested that a bike rack be placed in the downtown area and asked about the Landmark Grant the was applied for last year.

Rene' Vurraro attended the Town Planning Board meeting and feels there will be a traffic issue on route 33 with Dollar General and Oxbo being added to Appletree Industrial Park. The Town would like a new traffic study for that area and would like the Village to ask the DOT as well.

Adjournment

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

The meeting was adjourned at 7:41pm

Respectfully submitted,

Cortney W. Gale
Village Administrator