

**Public Hearing & Regular Meeting
Of the Board of Trustees
Of the Village of Bergen at
6:30pm on March 12th, 2025**

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

Trustee Robert Capurso
Trustee Todd Cargill
Trustee Bernadette Thompson

Trustee Michael Fleming was absent

Also present: Village Administrator Cortney Gale

Public Hearings:

Planning Board Alternates Duties

Mayor Chimino opened the Public Hearing for Planning Board Alternates Duties. There was no public comment.

A motion was made by Trustee Cargill and seconded by Trustee Capurso to close the Public Hearing at 6:15pm the motion was carried by unanimous vote.

Zoning Board or Appeals Duties

Mayor Chimino opened the Public Hearing for Zoning Board or Appeals Duties. There was no public comment.

A motion was made by Trustee Thompson and seconded by Trustee Cargill to close the Public Hearing at 6:30pm. The motion was carried by unanimous vote.

Approval of Bills

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

Approval of Minutes

A motion to approve the meeting minutes of February 12th, 2025 was made by Trustee Cargill and seconded by Trustee Thompson. The motion was carried by a unanimous vote.

Mayor

Grants

- The Consolidated Funding Application (CFA) Park Grant. -Cortney has received the information needed from the state for administering the grant in the amount of \$100,000.00 along with contact information for any questions that may arise in the process.
- Summer Recreation Program grant has been awarded to the village for the summer of 2025
- Go-Art Grant (REACH) awarded for the 2025 Concert in the park series.
- NYSERDA PON 5737 Grant \$200,000. For electric infrastructure upgrades. Pending notification.

- Genesee County grant writing allocation was awarded to the village. Labella Associates has been contracted to apply to the CFA on behalf of the village and town for grant funding of a joint comprehensive plan study/update.

Miscellaneous

- NYSDOT – I contacted their office a second time concerning the filling of potholes on Route 19 in the village. Hopefully with the warm spell we are experiencing they will respond to our request.
- The Tree and Park committee met on March 3rd. We are awaiting further information from vendors on options for a new pavilion, Details of the Farmers Market were discussed in great length. All aspects of the market are coming together with an opening date of Tuesday July 1st at 1 Hickory Way (Hickory Park)
- The Municipal Electric Utilities Association (MEUA) of which the Village is a member has closely monitored the proposed rate increase proposed by the New York Power Authority in regard to the price of our preference power that we receive... The governor has since shut down this proposed rate increase and notified NYPA to sharpen their pencil and reexamine the magnitude of its proposed rate increase to the residents of New York State.
- I am happy to report that the village has once again been named a Tree City for the 14th year.
- Attended assemblyman Steve Hawley press conference in Albion NY on February 28th in support of increasing the CHIPS (Consolidated Local Streets and Highway Improvements Program) The current and proposed governors state budget does not adequately fund this program which is so vital to all municipalities to keep up with rising cost.
- I attended a FEMA flood plain study on March 6th at City Hall in Batavia. FEMA is updating the flood map zones in all the towns and villages in the county. A public meeting is being scheduled in Batavia to discuss and inform all residents who own property located within 10feet of the flood plain zone and how it might affect their property. The property owners will be notified by mail of the time and location of said meeting.
- I attended a GAM meeting in Batavia on February 20th. There was some discussion on how feasible the implementation of a county code and zoning officer program might be to benefit towns and villages in need of these services, it might be a viable option and possibly cost savings for a municipality. The county will look into this option and report back at future meetings.
- I attended the monthly Bergen Fire department meeting. As usual they had a busy February responding to a total of 40 calls.
- The high electric bills for January were due to multiple reasons. Total energy requirements were higher than 2024 (colder than normal temperatures) 3.3% less hydro energy available due to load factor and Transmission usage charge a surcharge on the delivery of hydro energy for January 2025 was more than double the same charge for 2024. Collectivity, the items noted above, were the general drivers of higher overall cost.

Administrator

Sewer:

- We submitted the monthly and quarterly Discharge Monitoring Report (DMR) to DEC, along with the Descriptive Data and Biosolids Survey—which is as fun as it sounds.
- There has been some movement on the manhole project. A local contractor has expressed interest, and I have forwarded this information to Clark Patterson Lee and Arold Construction.
- The second Variable Frequency Drive (VFD) requires repairs. We received a quote and are exploring replacement options. Additionally, the second blower should be sent out for rebuilding to prevent future issues.
- We received the engineering planning grant report for sewer infiltration, which estimates remediation costs at over \$700,000. We are looking into potential congressional earmark funding opportunities.

DPW:

- Eric and Pete repainted the "Welcome to Bergen" signs, and they look great.
- The loader was repaired, and annual maintenance was performed by Milton Cat in Batavia.
- Regular vehicle maintenance and cleaning have been completed to prevent rust and ensure proper lubrication.
- Spring cleanup has begun, and the parks are in good shape.
- The Ford F-450 has a cracked particulate filter and is currently being repaired at the dealership. Unfortunately, the item is not covered under warranty.

Electric:

- The electric squirt boom is at the Avon Dodge dealership for a turbo replacement. NYMIR Insurance has assessed the damage from the accident and will provide an estimate shortly.
- We are receiving quotes for tree removal on trees that are too large for the linemen to handle. Other municipalities will be asked to assist with tree trimming this spring.
- The bid opening for the RFP related to grant administration for the FAST-NY grant is scheduled for Friday. Another bid opening for the boring project under Buffalo Rd. will take place on March 21st.
- Linemen continue to GPS-map the village's infrastructure and upload the data to the software system.

Office:

- The contract for the sale of the Gibson Place property remains unsigned. I have not received any updates from the owner regarding the delay.
- The electric car charger is not functioning. I am experiencing difficulties in getting the company to repair it, as it appears to be a software issue.
- Mayor Chimino and I met with representatives from Lawley Insurance to review our policy and identified changes that could potentially reduce our premium.

Miscellaneous:

- Mayor Chimino and I held a Zoom meeting with MEUA to discuss our energy efficiency program.
- A representative from NYMIR conducted a liability inspection of our facilities. No serious issues were found.
- I contacted Bob Johnson Toyota about purchasing a Hybrid RAV4 and expect to receive a quote soon to present to the Board.
- We are scheduling a meeting next week with the NYS Parks Regional Administrator to discuss the Park Grant.

Code Enforcement Officer**2023 Permits**

- 60 South Lave Ave – Hot Tub and electric service
- 62 South Lake – Verizon

2024 Permits

- 38 South Lake Ave – Front Porch
- 51 Munger St – Roof
- 17 Hunter St – Mud Room
- 28 Clinton St – Pool
- 20 South Lake Ave – Gazebo
- 40 South Lake Ave – Pool
- 12 Buffalo Rd – Roof of Existing Deck
- 2 Munger St – Fence / Front Porch
- 39 South Lake Ave – Driveway
- 62 South Lake Ave - Verizon

Approval of Officer Reports

A motion was made by Trustee Capurso and seconded by Trustee Thompson to approve the officer reports. The motion was carried by a unanimous vote.

Trustee Concerns

Trustee Thompson stated her appreciation for the Bergen Fire Department.

Trustee Cargill thanked the DPW for a great job with snow this year and the Electric Department for maintaining the lines, so power doesn't go out during storms.

Trustee Capurso agreed that power doesn't go out like it did years ago. He also asked about if tariffs from Canada on electric would affect the Village. He stated that dirt bikes and motorized vehicles are becoming a problem again as the weather gets better.

New Business

Local Law 1 of 2025 – Planning Board Member Duties

A local law adopted regarding the appointment of Alternate Members to the Municipal Planning Board

Section 1. ENACTMENT

Pursuant to Section 10 of the Home Rule Law, the Village Law and the Village Zoning Law of the Incorporated Village of Bergen, Genesee County, State of New York, hereby enacts by this Local Law #1 of 2025, a Local Law of the Incorporated Village of Bergen.

Section 2. LEGISLATIVE INTENT

This local law shall apply to the appointment, terms, functions and powers of alternate members appointed to serve on the Planning Board in the Village of Bergen.

Section 2. DECLARATION OF POLICY

It is sometimes difficult to maintain a quorum of the Planning Board because members either have a conflict of interest in a matter or application or are absent and unable to participate. In such instances, official business cannot be conducted, which may delay or impede adherence to required timelines. The use of alternate members in such instances is hereby authorized pursuant to the provisions of this local law.

Section 3. DEFINITIONS

- A. "Planning Board" means the Planning Board of the Village of Bergen as established by the Village Board of Trustees, pursuant to the provisions of Section 7-718 of the Village Law of the State of New York.
- B. "Member" means an individual appointed by the Mayor and approved by the Village Board of Trustees to serve on the Village Planning Board pursuant to the provisions of the local law or ordinance which first established such Planning Board.
- C. "Alternate Member" means an individual appointed by the Mayor and approved by the Village Board of Trustees to serve when a regular member is unable to participate on an application or matter before the Planning Board, as provided herein.

Section 3. AUTHORIZATION /EFFECT

- A. The Village Board of Trustees of the Village of Bergen enacts this local law to provide for appointing alternate members of the Planning Board. These alternate members would serve in the event of a conflict of interest or when a permanent member is absent.

- B. The Village Board of Trustees may appoint not more than two alternate members of the Planning Board. Two positions of alternate members of the Planning Board shall be appointed by the Mayor and approved by the Village Board of Trustees for a term of (1) one year.
- C. The Chairperson of the Planning Board may designate an alternate member to substitute for a permanent member when such member is unable to participate due to a conflict of interest or is otherwise unavailable to participate on an application or matter before the Planning Board.
- D. When designated, such alternate member shall have all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the designation occurred.
- E. Each such alternate member shall attend meetings of the Planning Board and participate in its deliberations but shall only vote if the Planning Board Chairperson has designated them to substitute for a permanent member.
- F. All other provisions of the law relating to Planning Board member training, and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal and service on other boards shall also apply to alternate members.

Section 5. SUPERSESSSION OF NEW YORK STATE VILLAGE LAW

This local law is hereby adopted pursuant to the provisions of Section 10 of the Municipal Home Rule Law and Section 10 of the Statue of Local Governments. It is the intent of the Village Board of Trustees, pursuant to Municipal Home Rule Law, to supersede the provisions of Section 7-718 with respect to the appointment of alternate members to the Planning Board. The Village Board of Trustees of the Village of Bergen hereby enacts this Local Law to provide a process for appointing Alternate Members to the Planning Board. These individuals would serve when members are absent or unable to participate due to a conflict of interest on an application or matter before the Planning Board.

Section 6. SEVERABILITY

- A. This Local Law shall be deemed to supersede and repeal any other Local Laws to the extent therein inconsistent herewith.
- B. If any part of the Local Law shall be judicially declared to be invalid, void, unconstitutional or unenforceable, all unaffected provisions hereof shall survive such declaration, and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.
- C. Nothing herein shall be deemed a waiver or restriction upon any rights and powers available to the Village of Bergen to further regulate the subject matter of this Local Law.

Section 7. EFFECTIVE DATE

This Local law shall become effective upon filing with the Secretary of State of the State of New York, as required by the Municipal Home Rule Law.

A motion was made by Trustee Cargill and seconded by Trustee Capurso to approve Local Law 1 of 2025 which updates the duties of Planning Board Alternates. The motion passed unanimously.

Local Law 2 of 2025 – Zoning Board of Appeals Member Duties

A local law adopted regarding the appointment of Alternate Members to the Municipal Zoning Board of Appeals

Section1. ENACTMENT

Pursuant to Section 10 of the Home Rule Law, the Village Law and the Village Zoning Law of the Incorporated Village of Bergen, Genesee County, State of New York, hereby enacts by this Local Law #2 of 2025, a Local Law of the Incorporated Village of Bergen.

Section 2. LEGISLATIVE INTENT

This local law shall apply to the appointment, terms, functions and powers of alternate members appointed to serve on the Zoning Board of Appeals in the Village of Bergen.

Section 2. DECLARATION OF POLICY

It is sometimes difficult to maintain a quorum of the Zoning Board of Appeals because members either have a conflict of interest in a matter or application or are absent and unable to participate. In such instances, official business cannot be conducted, which may delay or impede adherence to required timelines. The use of alternate members in such instances is hereby authorized pursuant to the provisions of this local law.

Section 3. DEFINITIONS

- D. "Zoning Board of Appeals" means the Zoning Board of Appeals of the Village of Bergen as established by the Village Board of Trustees, pursuant to the provisions of Section 7-712 of the Village Law of the State of New York.
- E. "Member" means an individual appointed by the Mayor and approved by the Village Board of Trustees to serve on the Village Zoning Board of Appeals pursuant to the provisions of the local law or ordinance which first established such Zoning Board of Appeals.
- F. "Alternate Member" means an individual appointed by the Mayor and approved by the Village Board of Trustees to serve when a regular member is unable to participate on an application or matter before the Zoning Board of Appeals, as provided herein.

Section 3. AUTHORIZATION /EFFECT

- G. The Village Board of Trustees of the Village of Bergen enacts this local law to provide for appointing alternate members of the Zoning Board of Appeals. These alternate members would serve in the event of a conflict of interest or when a permanent member is absent.
- H. The Village Board of Trustees may appoint not more than two alternate members of the Zoning Board of Appeals. Two positions of alternate members of the Zoning Board of Appeals shall be appointed by the Mayor and approved by the Village Board of Trustees for a term of (1) one year.
- I. The Chairperson of the Zoning Board of Appeals may designate an alternate member to substitute for a permanent member when such member is unable to participate due to a conflict of interest or is otherwise unavailable to participate on an application or matter before the Zoning Board of Appeals.
- J. When designated, such alternate member shall have all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial Zoning Board of Appeals meeting at which the designation occurred.
- K. Each such alternate member shall attend meetings of the Zoning Board of Appeals and participate in its deliberations but shall only vote if the Zoning Board of Appeals Chairperson has designated them to substitute for a permanent member.
- L. All other provisions of the law relating to Zoning Board of Appeals member training, and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal and service on other boards shall also apply to alternate members.

Section 5. SUPERSESSON OF NEW YORK STATE VILLAGE LAW

This local law is hereby adopted pursuant to the provisions of Section 10 of the Municipal Home Rule Law and Section 10 of the Statue of Local Governments. It is the intent of the Village Board of Trustees, pursuant to

Municipal Home Rule Law, to supersede the provisions of Section 7-712 with respect to the appointment of alternate members to the Zoning Board of Appeals. The Village Board of Trustees of the Village of Bergen hereby enacts this Local Law to provide a process for appointing Alternate Members to the Zoning Board of Appeals. These individuals would serve when members are absent or unable to participate due to a conflict of interest on an application or matter before the Zoning Board of Appeals.

Section 6. SEVERABILITY

- D. This Local Law shall be deemed to supersede and repeal any other Local Laws to the extent therein inconsistent herewith.
- E. If any part of the Local Law shall be judicially declared to be invalid, void, unconstitutional or unenforceable, all unaffected provisions hereof shall survive such declaration, and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.
- F. Nothing herein shall be deemed a waiver or restriction upon any rights and powers available to the Village of Bergen to further regulate the subject matter of this Local Law.

Section 7. EFFECTIVE DATE

This Local law shall become effective upon filing with the Secretary of State of the State of New York, as required by the Municipal Home Rule Law.

A motion was made by Trustee Thompson and seconded by Trustee Cargill to approve Local Law 2 of 2025 which updates the duties of Zoning Board of Appeals Alternates. The motion passed unanimously

Planning Board Member Appointment

Mayor Chimino appointed Vickie Almquist as a regular member of the Planning Board. A motion was made by Trustee Capurso and seconded by Trustee Cargill to approve Vickie Almquist as a full member of the Planning Board. The motion passed unanimously.

Planning Board Alternate Appointment

Mayor Chimino appointed Tim Quirk as an alternate member of the Planning Board. A motion was made by Trustee Thompson and seconded by Trustee Capurso to approve Timothy Quirk as an alternate member of the Planning Board. The motion passed unanimously.

Resolution 1 of 2025

Pro-Housing Community

WHEREAS, the Village of Bergen (hereinafter “local government”) believes that the lack of housing for New York residents of all ages and income levels negatively impacts the future of New York State’s economic growth and community well-being; and

WHEREAS, the housing crisis has negative effects at regional and local levels, we believe that every community must do their part to contribute to housing growth and benefit from the positive impacts a healthy housing market brings to communities; and

WHEREAS, we believe that supporting housing production of all kinds in our community will bring multiple benefits, including increasing housing access and choices for current and future residents, providing integrated accessible housing options that meet the needs of people with sensory and mobility disabilities, bringing economic opportunities and vitality to our communities, and allowing workers at all levels to improve their quality of life through living closer to their employment opportunities; and

WHEREAS, we believe that evidence showing that infill development that reduces sprawl and supports walkable communities has significant environmental and public health benefits; and

WHEREAS, we believe that affirmatively furthering fair housing and reducing segregation is not only required by law, but is essential for keeping our community strong and vibrant;

NOW, THEREFORE, IT IS HEREBY RESOLVED the Village of Bergen, in order to take positive steps to alleviate the housing crisis, adopts the Pro-Housing Communities pledge, which will have us endeavor to take the following important steps:

1. Streamlining permitting for multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing.
2. Adopting policies that affirmatively further fair housing.
3. Incorporating regional housing needs into planning decisions.
4. Increasing development capacity for residential uses.
5. Enacting policies that encourage a broad range of housing development, including multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing.

Resolution 2 of 2025 Park Grant Agreement

RESOLVED, **that** Village of Bergen applied for financial assistance from the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”) under the Title **9** of the Environmental Protection Act of **1993** for the purpose of funding the development of Hickory Park;

RESOLVED, that Village of Bergen is authorized and directed to accept these grant funds in an amount not to exceed \$145,000 for the project described in the grant application;

RESOLVED, that Village of Bergen is authorized and directed to agree to the terms and conditions of the State of New York Contract for Grants ("Contract") with OPRHP for such development of XYZ Park;

RESOLVED, that Village of Bergen is authorized and directed to agree to the terms and conditions of any required deed of easement granted to OPRHP that affects title to real property owned by the municipality and improved by the grant funds, which may be a duly recorded public access covenant, conservation easement, and/or preservation covenant; and

RESOLVED, that the governing body of the municipality delegates signing authority to execute the Contract and any amendments thereto, any required deed of easement, and any other certifications to the individuals who hold the following elected or appointed municipal office and employment position titles: Mayor and Director of Grants Management.

A motion was made by Trustee Capurso and seconded by Trustee Thompson to approve Resolution 2 of 2025. The motion was carried unanimously.

Electric Department Squirt Boom Replacement

A motion was made by Trustee Capurso and seconded by Trustee Thompson to approve the purchase of a new Squirt Boom for the Electric Department at a cost of \$281,652. The motion was carried unanimously.

2025 Road Work

Conversation regarding road work for the 2025-2026 fiscal year was tabled.

Old Business

2025-2026 Budget Public Hearing Date and Time

A motion was made by Trustee Capurso and seconded by Trustee Thompson to schedule the Public Hearing for the 2025-2026 fiscal year for 6:15pm on April 9th at the Village Hall. The motion was carried unanimously.

Re-Organization Meeting Date

The Re-Organization Meeting was set for the April 9th meeting

Privilege of the Floor

None

Adjournment

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

The meeting was adjourned at 7:20pm

Respectfully submitted,

Cortney W. Gale
Village Administrator