

**Public Hearing and Regular Meeting
Of the Board of Trustees
Of the Village of Bergen at
6:15pm on March 11th, 2026**

The regular meeting of the Board of Trustees was called to order by Mayor Chimino at 6:15pm with the following present:

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

Also present: Village Administrator Cortney Gale, Kim Donley, Maria Chimino, Jonathan Soderquist, Brad Fluker, Carrie Fluker, Jim Cook, Betsy Fox, Mark Haefner, and Carolyn Smith.

Public Hearing:

The Public Hearing for Local Law #1 a Tree Ordinance opened at 6:15. There was no public input. The hearing was closed at 6:30pm.

Approval of Bills

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

Approval of Minutes

A motion to approve the meeting minutes of February 11th, 2026, was made by Trustee Fleming and seconded by Trustee Cargill. The motion was carried by a unanimous vote.

Mayor

Grants

- NYSERDA PON 5737 Grant \$200,000... Awarded and is currently being administered.
- Village and Town are jointly resubmitting an application to the CFA for grant funding of a joint comprehensive plan study. The cost to resubmit this grant application is \$1500.00 and will be split between the Village and Town.
- The Fast New York Grant, that was awarded to the village in the amount of 1.26 million dollars for electric infrastructure, continues to be administered to assure grant compliance.
- Northern Border Regional Council (NBRC) Following the \$1,000,000 federal grant that the Village received we are still pursuing a Community Development Block Grant t (CDBG).
- Governor Hochul has announced opening of NY PLAYS Grant Opportunities to Expand Playgrounds across NYS. The village has used funding from the county to have Labella Associates submit a park grant on our behalf.
- ESD Housing Grant-Met with Genesee County Economic Development Center on February 6th to discuss future development of land located in the village. GCEDC is working on development avenues for the village.

Miscellaneous

- PLM continues to oversee our substation replacement project. Site work is scheduled for late April to early May. Northline LLC is the contractor who was awarded the bid for this portion of the project.
- Attended the Genesee Association of Municipalities meeting which was held in Batavia on February 19th. A great presentation by the Genesee County Emergency Management team was delivered. This program outlined the status of volunteer fire companies along with EMS in the county. With fewer volunteers willing to become members it is becoming increasingly difficult to handle the number of calls for emergency services, especially during the day shift when many volunteers are not available due to their full-time jobs. I believe the days of having to pay firemen for coverage throughout the county in the not-too-distant future.
- With summer around the corner three of four bands have been lined up for summer concerts. So far June 24th-July 15th- and August 26th have been booked. We look forward to hearing them perform in our new pavilion.
- Electric rates will be coming down in price per kilowatt hour. I received word from NYMPA who we obtain our supplemental power that the rate for February would be 9.6 cents as compared to 16 cents for January usage.
- NYPA Hydro rates will be increased April 1st
- In closing as this is my last Mayors report I would like to thank all who I have had the pleasure to serve with. From office staff and all the village employees, committee members to board members and village residents Serving this community has truly been an honor and a privilege. I thank you all for all your support over the past four years. I wish the next mayor and board members all the best in the ensuing years.

Administrator

Sewer Department

- I continue to work with Richard Sutherland of the Finger Lakes Regional Council on the \$1,000,000 Northern Borders Regional Commission grant. A quarterly update is due April 7th.
- The monthly and quarterly Discharge Monitoring Reports (DMR) were submitted to DEC.
- There have been issues with the boiler in the composting building throughout the winter. The corrosive environment is tough on equipment.
- I have been getting quotes for chemicals to compare them to our existing provider. Our Engineer Eric Wies has been helping to put together information about what chemicals we use for sewer treatment and cost.

Department of Public Works (DPW)

- Hopefully we're near the end of snow season. With the good days lately, the DPW have been picking up trash on streets and parking lots, picking up sticks in the parks, and fixing plow damage to residents' yards.
- I ordered the new zero turn mower from X Mark; it will be delivered in June. We are in a queue for the F-450 to be built. The body is being put on by Tenco.

Electric Department

- The Linemen are doing work to prepare for the substation replacement. Last week they provided mutual aid to Churchville for some downed lines.
- There is an old V plow that was used to plow sidewalks with the skid steer years ago that the linemen are requesting we sell. We have the snowblower attachment as a backup if the RTV plow has issues.
- The annual pole attachment agreement report was sent to Public Service Commission.

Office

- All documents have been submitted for the Park Grant reimbursement, I never heard from Avery Surveyors but worked with NYS Parks to give them other information that satisfied the criteria. Now we await the state to process and give final approval.
- The Office for the Aging will use the boardroom on April 9, from 9:00 a.m. to 4:00 p.m., to provide public information and raise awareness about their programs.
- The village election will be held on Wednesday, March 18, from 12:00 p.m. to 9:00 p.m. in the village boardroom. There were no independent nomination petitions submitted.

Miscellaneous

- I worked with Municipal Solutions to apply for Community Project Funding through NYS Congressional Earmarks. We are asking for funding for Phase II of the sewer infiltration project.
- Submitted the Youth Bureau Agreement for the Summer Recreation Program
- I'm working on the NYMIR Insurance policy renewal which needs to be submitted by the end of the month and goes into effect June 1st. They are projecting a 4% increase. We can increase our deductibles to help offset the increases.

Code Enforcement Officer

2025 Permits

- 33 Munger St – Addition
- 1 McCabe Court – Shed
- 50 South Lake – New Steps
- 42 Rochester Street – Half Wall
- 37 Canterbury Lane – Addition to Garage
- 29 Canterbury Lane – Prefab Shed
- 27 Canterbury Lane – Kitchen Remodel
- 11 Buffalo Rd – Wood Fireplace

2026 Permits

- 13 Buffalo St – Prefab Shed
- 37 Canterbury – Remodel unfinished room in basement
- 8073 Clinton St Rd – Fireworks Tent

Number of new permits - 11

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 Fleming thanked Mayor Chimino for his service as Mayor. He stated that the village was much improved and that it was a privilege working with him.

Trustee Cargill also thanked Mayor Chimino and again thanked the village staff for their work removing snow.

Trustee Capurso thanks Mayor Chimino as well. He also discussed spearheading getting natural gas in the subdivision and parts of Rochester Street that don't have gas currently.

New Business

Waste Water Treatment Plant – Eric Weis

Village Engineer Eric Wies discussed his thoughts on reducing costs at the Waste Water Treatment Plant mostly caused by Department of Environmental Conservation regulations. He suggested asking for a hardship waiver from DEC, discharging to the Black Creek, using different concentrations of chemicals, getting quotes on chemicals, and doing a public outreach program to reduce use of soaps with phosphorus.

Planning Board Alternate Appointment – Cindy Favata

Mayor Chimino appointed Cindy Favata as an alternate to the Planning Board.

A motion was made by Trustee Fleming and seconded by Trustee Thompson to approve Cindy Favata as an alternate to the Planning Board. The motion carried unanimously.

Designation of Surplus – Sidewalk V-Plow

A motion was made by Trustee Cargill and seconded by Trustee Capurso to approve the old sidewalk v-plow as surplus and to be sold at auction. The motion carried unanimously.

Old Business

Local Law #1 of 2026 – Tree Ordinance

SECTION 1. PURPOSE AND INTENT.

It is the purpose and intent of the law to enhance the quality of life and the present and future health, safety, and welfare of all residents, to enhance property values, and to ensure proper planting and care of trees on public property, the Village of Bergen herein delegates the authority and responsibility for managing public trees, creates a Tree Advisory Board, establishes practices governing planting and care of trees on public property, and makes provision for the emergency removal of trees on private property under certain conditions.

SECTION 2. DEFINITIONS.

As used in this Article, the following words and phrases shall have the meanings indicated:

Damage – any injury to destruction of a tree, including but not limited to: uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above the root system or around the trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

Nuisance – any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.

Parkway – the area along a public street between the curb and the sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

Public property – all grounds and rights-of-way (ROWs) owned or maintained by the Village of Bergen.

Public tree – any tree or woody vegetation on village-owned or village-maintained property or rights-of-way.

Top or Topping – The non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

SECTION 3. AUTHORITY AND POWER

- A. Delegation of authority and responsibility.** The Village Administrator and/or their designee, hereinafter referred to as the “Administrator”, shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal streets, rights-of-ways, village parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer lines, or any tree that is affected by fungus, insect, or other pest disease.
- B. Coordination among village departments.** All village departments will coordinate as necessary with the Administrator and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, right-of-way, drainage, easements, and other public properties not under direct jurisdiction of the Administrator.

SECTION 4. TREE BOARD.

The Village of Bergen hereby creates a “Tree Advisory Board,” herein referred to as the Tree Board.

- A. Duties.** The Board shall act in an advisory capacity to the Village Administrator and shall:
 - 1. Coordinate and promote Arbor Day activities;
 - 2. Support public awareness and education programs relating to trees;
 - 3. Maintain reference materials relating to trees & shrubs
 - 4. Review village concerns relating to tree care;
 - 5. Assist with the annual application to renew the Tree City USA designation;
 - 6. Recommend a list of tree species for planting on city property, and list of prohibited species;
 - 7. Serve as a resource to the Administrator in an advisory capacity to identify trees for immediate removal
 - 8. Identify where no or few trees are present in the right-of-way, and requesting the planting of new trees by the Administrator, including specifying varieties and locations, and
 - 9. Other duties that may be assigned by the Village Board of Trustees
- B. Membership.** The Tree Board shall consist of five members approved by the Village Board of Trustees. Members of the Tree Board will serve without compensation.
- C. Term of office.** Tree Board members shall be appointed for three-year terms. If a vacancy shall occur during the term of any member, a successor shall be appointed by the Village Board of Trustees.
- D. Meetings.** The Tree Board shall meet a minimum of four times each year. All meetings shall be open to the public.

SECTION 5. TREE PLANTING AND CARE STANDARDS.

- A. Standards.** All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 “Standards for Tree Care Operations” and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.
- B. Requirements of franchise utility companies.** The maintenance of public trees for utility clearance shall conform to all applicable utility standards.
- C. Preferred species list.** The Administrator shall maintain an official list of desirable tree species for planting on public property in two size classes: Ornamental (20 feet or less in height at maturity) and Shade (greater than 20 feet at maturity). Trees from this approved list may be planted without special permission; other species may be planted with written approval from the Administrator.
- D. Planting distances.** The Administrator shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection or within 10 feet of a fire hydrant.
- E. Planting trees under electric utility lines.** Only trees listed as Ornamental trees on the official village

tree species list may be planted under or within 15 lateral feet of any overhead utility wire.

SECTION 6. PROHIBITION AGAINST HARMING PUBLIC TREES.

- A. It shall be unlawful for any person, firm, or corporation to damage, remove, to cause the damage or removal of a tree on public property without written permission from the Administrator.
- B. It shall be unlawful for any person, firm or corporation to attach any cable, wire, sign, or any other object to any street, park, or public tree.
- C. It shall be unlawful for any person, firm, or corporation to “top” any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Administrator.
- D. Any person, firm, corporation, or village department performing construction near any public tree(s) shall consult with the Administrator and shall employ appropriate measures to protect the trees(s), according to procedures contained in the Best Management Practices (BMP’s) for “Managing Trees During Construction” published by the International Society of Arboriculture.
- E. Each violation of this section as determined and notified by the Administrator shall constitute a separate violation, punishable by fines and penalties under Section 9, in addition to mitigation values placed on the trees(s) removed or damaged in violation of this section.

SECTION 7. ADJACENT OWNER RESPONSIBILITY.

- A. The owner of land adjacent to any village street or highway, when acting within the provisions of this Ordinance, may plant and maintain trees in the adjacent parkway area.
- B. No property owner shall allow a tree, or other plant growing on his or her property to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the Administrator shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the Village may undertake the necessary work and charge the cost to the property owner.

SECTION 8. CERTAIN TREES DECLARED A NUISANCE.

- A. Any tree, or limb thereof, on private property determined by the Administrator to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare is declared a nuisance and the Village may require its treatment or removal.

SECTION 9. VIOLATIONS AND PENALTY.

Any person, firm or corporation violating any provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each offense.

SECTION 10. APPEALS

Appeals to decision by the Administrator or the Tree Board, or penalties imposed after violations of this ordinance, shall be heard by the Village Board of Trustees.

SECTION 11. SAVINGS AND REPEAL.

All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

SECTION 12. SEVERABILITY

Should any word, sentence, clause, paragraph, or provision of this Ordinance be held to be invalid or unconstitutional the remaining provisions of this Ordinance shall remain in full force and effect.

SECTION 13. 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 Fleming and seconded by Trustee Thompson to approve Local Law #1 of 2026. The motion carried unanimously.

2026-2027 Budget

A public hearing was scheduled for April 8th at 6:15pm to hear public comment on the proposed 2026-2027 Electric, Sewer and General budgets.

Privilege of the Floor

Carolyn Smith was unable to attend the Special Meeting on increased electric rates on March 9th and had questions regarding rates, rate categories, electric meter charges, demand charges and hydroelectric allocation.

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 8:04pm

Respectfully submitted,

Cortney W. Gale
Village Administrator