

**Annual Reorganization Meeting
Followed by the
Regular Meeting
Of the Village of Bergen
Board of Trustees
April 22nd, 2009 at the Village Hall**

The meeting was called to order by Deputy Mayor Barclay at 7:00 p.m. with the following present:

Trustee Robert Bausch
Trustee Virginia Adams
Trustee Paul Cooper

Also present: Stacey Brown, Tom Williamson, Tally Almquist, Jeff Smith and Joe Chimino.

Mayor Bailey was absent.

ANNUAL REORGANIZATION MEETING

Appointment of Officers:

- Deputy Clerk: Linda Austin
- Deputy Treasurer: Sharon Lehmann
- Fire Marshal, CEO/ZEO: Tom Williamson
- Village Historian: F. Eileen Almquist
- Deputy Mayor: Anna Marie Barclay
- CAB- Millseat Landfill Citizen Action Board: Virginia Adams
- Official Newspaper: Batavia Daily News
- Official Depositories: Bank of Castile and JP Morgan Chase
- Village of Bergen Attorney: Lacy Katzen, LLP
- Village of Bergen Engineer: Clark Patterson Associates
- Village of Bergen Accountants: Freed Maxick & Battaglia P.C.
- Village Election Inspectors: Eileen Almquist, Constance Kaufman, Connie Fiedler, and Grace Gallivan
- Village of Bergen Insurance Provider: Tompkins Insurance
- Village of Bergen Bond Council: Hodgsons Russ, LLP

Planning and Zoning Board of Appeals Meetings:

The regular meeting of the Village Planning Board will be the third Wednesday of each month at 7:30 p.m. in the Village Office. 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 7:30 p.m. in the Village Office and will be held only when there is business before the Zoning Board of Appeals.

Appointment of Registrar of Vital Statistics:

The Village appoints Town Clerk Michele Smith 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 May 14, 2009 will be relieved on the June 1, 2009 tax bills.

Mileage Rate:

The Mileage Rate will increase to 50.5 cents per mile.

Legal Notices:

All legal notices will be posted on inside bulletin boards at the Village Office and the Community Bulletin board outside the Village Post Office. They will also be published in the official newspaper.

Bidding and Purchasing:

County and State Bids will be used and accepted in lieu of competitive bidding.

Audit and Appropriations:

Payment in advance of audit payroll expenses, payments of principal and interest on lawful outstanding debt public utility service, postage, freight and express charges of the Village of Bergen. All such 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 \$25.00 per meeting
- Planning Board Members shall receive \$20.00 per meeting
- Zoning Board of Appeals Chairperson shall receive \$25.00 per meeting
- Zoning Board of Appeals Members shall receive \$20.00 per meeting
- Election inspectors shall receive \$100.00 per day

Holiday Schedule:

2009

January 1, 2009	New Year's Day
February 16, 2009	President's Day
April 10, 2009	Good Friday
May 25, 2009	Memorial Day
July 3, 2009	Independence Day
September 7, 2009	Labor Day
November 26 & 27, 2009	Thanksgiving

December 24 & 25, 2009
December 31, 2009

Christmas Eve & Christmas Day
New Year's Eve – ½ Day

2010

January 1, 2010
February 15, 2010

New Year's Day
President's Day

April 2, 2010
May 31, 2010

Good Friday
Memorial Day

July 2, 2010

Independence Day

September 6, 2010

Labor Day

November 25 & 26, 2010

Thanksgiving

December 23 & 24, 2010

Christmas Eve & Christmas Day

December 31, 2010

New Year's Eve – ½ Day

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 regular meetings on the 2nd and 4th Wednesdays of each month. Such regular meetings shall commence at 7:00 p.m. and be conducted in the boardroom at village hall.

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 Clerk 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 clerk whether to place such matters on the agenda. When possible, items for the agenda shall be given to the Clerk 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 shall be prepared by noon on the day of the meeting. If necessary, a supplement agenda shall be distributed at the beginning of the meeting.

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 Clerk 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 well approximate number of attendees
- Time of adjournment
- Signature of Clerk or person who took the minutes if not the Clerk.

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 Clerk 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 Budget Adjustments

Approval of Bills

Approval of Minutes

Privilege of the Floor

Report of officers and committees

Old Business

New Business

Adjournment

General Rules of Procedure:

The Mayor shall preside at 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 of the matters or 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 Clerk 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, 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:

- *Clerk Treasurer – Stacey A. Brown*
- *DPW Supervisor – Joseph Chimino*
- *Board Members – Wayne Bailey, Anna Barclay, Paul Cooper, Virginia Adams and Robert Bausch*
- *CEO/ZEO – Thomas Williamson*

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 50.5 cents per mile.

Section 2. That this resolution is effective immediately.”

A motion to approve the above appointments and re-organizational material was made by Trustee Bausch and seconded by Trustee Cooper. The motion carried by the following vote:

Trustee Robert Bausch – aye
Trustee Anna Marie Barclay – aye
Trustee Paul Cooper – aye
Trustee Virginia Adams – aye

APPROVAL OF BILLS

A motion to approve the bills was made by Trustee Bausch and seconded by Trustee Cooper. The motion carried by the following vote:

Trustee Robert Bausch – aye
Trustee Anna Marie Barclay – aye
Trustee Paul Cooper – aye
Trustee Virginia Adams – aye

APPROVAL OF MINUTES

A motion to approve the Public Hearing and Regular Meeting Minutes of April 8th, 2009 was made by Trustee Bausch and seconded by Trustee Cooper. The motion carried by the following vote:

Trustee Robert Bausch – aye
Trustee Anna Marie Barclay – aye
Trustee Paul Cooper – aye
Trustee Virginia Adams – aye

TREASURER'S REPORT

Planning Board Meeting:

I attended the planning board meeting on April 15th to introduce the comprehensive plan and the need to re-vamp it. The board was receptive to this idea and the need for the change. They will meet again next month to discuss how to get started and the Town of Bergen will be invited.

Tulley Building Budget:

At this time, the budget for the project is as follows:

Beginning balance:	\$60,000
Expenditures:	\$48,411.81
Fund Balance:	\$11,588.18

The expense amount does NOT include: HVAC system, flooring (carpet, tile), paint, roof repair and needed office furniture. This was discussed by Laura Landers and the ability to use funds from all three budgets to finance the project. Please advise as to the next step in financing the remainder of this project.

Reserves:

I forwarded a recent email from Laura Landers. I wanted to make sure the information regarding the funds in Chase that are not reserves was correct. As you read, she indicated that those funds, \$116,034.24 as of the 3-31-09 bank statement, can be withdrawn at anytime without the need for a resolution.

Phone System purchase:

I met with representatives from Just Solutions and Frontier. Both have provided a proposal and their suggestions of what would work for the new office.

Temporary personnel needs:

As you already know, Linda will be out in May for heart surgery. She will be out for at least eight (8) weeks, which leaves a temporary vacancy in the office. What is the board's recommendation regarding temporary help?

Trustee Bausch asked that we discuss this further in executive session.

DPW SUPERVISOR'S REPORT

Sewer:

- ❖ 140,000 GPD average daily flow for March

- ❖ 133,000 as of late, no mechanical problems to report
- ❖ Main line behind 11 Richmond Avenue was plugged, our crew with our sewer jetter were able to unplug the line

DPW:

- ❖ All of the millings from the municipal parking lot and Church Street were hauled with mutual aid trucks to the sewer plant where our crew dozed and rolled the millings to build a large driveway which enables us to dump brush even after heavy rains without being stuck in the mud.
- ❖ What we lacked in millings was made up with #2 crusher run for a solid base.
- ❖ We are awaiting further use of Thompson & Dilcher dozer but have got plenty of space at this time for brush pick-up which has begun.
- ❖ We are currently running both trucks for brush pick-up.
- ❖ Thanks to Thompson & Dilcher for the use of their equipment.
- ❖ I have been approached and questioned if the Village will be taking care of the mowing duties for the new soccer field on Hunter Street. The board answered that they will not be mowing that area.
- ❖ Street Sweeper – Put in \$8,000 into this machinery in the last 3 years. Board would like an analysis of how much it would cost to contract with the Village of Churchville to eliminate ongoing mechanical expenses.
- ❖ Summer position – Applications are being accepted until end of this week. Will review at that time and inform the Mayor for interviews.
- ❖ Tulley Building update:
 1. Interior doors and trim have been ordered
 2. HVAC is 98% finished as of Saturday
 3. Flooring has been ordered
 4. Begin drywall primer Friday
 5. Installing ballards around condensers Thursday

Electric:

- ❖ Two out of five sections still need to be rebuilt.
- ❖ I am having Nick and Anthony install a dead end pole; one pole north of the corner of Hunter and Rt. 19 so the rest of that section can be built.
- ❖ This will cut down the outage time from the fire hall to the Gun Club dramatically.
- ❖ No work on N. Lake line is taking place this week due to lineman school.
- ❖ This project will be complete by the end of May.
- ❖ Line truck – seeking board approval to go out for competitive bid process to replace existing line truck(Digger Derrick)

A motion to go out for competitive bid for RFP on a new Digger Derrick truck was made by Trustee Cooper and seconded by Trustee Bausch.

The motion carried by the following vote:

- Trustee Robert Bausch – aye
- Trustee Anna Marie Barclay – aye
- Trustee Paul Cooper – aye
- Trustee Virginia Adams – aye

CEO/ZEO REPORT

Tom Williamson discussed the progress of the Tulley Building and the need for roof repair. He also asked the board for direction regarding the next step to take in terms of engineering and architectural documentation.

A motion to get a RFP (*request for proposal*) from the engineer and architect for a final completed document to repair the roof to include a price and time-line was made by Trustee Bausch and seconded by Trustee Adams. The motion carried by the following vote:

- Trustee Robert Bausch – aye
- Trustee Anna Marie Barclay – aye
- Trustee Paul Cooper – aye
- Trustee Virginia Adams – aye

Tom Williamson stated that he will grant the Village a temporary C of O (*Certificate of Occupancy*) in time to move the offices by the anticipated move-in date.

A motion to accept officer's reports was made by Trustee Bausch and seconded by Trustee Adams. The motion carried by the following vote:

Trustee Robert Bausch – aye
Trustee Anna Marie Barclay – aye
Trustee Virginia Adams – aye
Trustee Paul Cooper – aye

OLD BUSINESS

Electric budget was tabled.

A motion to transfer \$116,034.24 of non-reserve funds from Chase bank account to Bank of Castile account was made by Trustee Bausch and seconded by Trustee Adams. The motion carried by the following vote:

Trustee Robert Bausch – aye
Trustee Anna Marie Barclay – aye
Trustee Virginia Adams – aye
Trustee Paul Cooper – aye

A motion to raise the Tulley Building project budget amount from \$60,000 to \$110,000 was made by Trustee Bausch and seconded by Trustee Adams. The motion carried by the following vote:

Trustee Robert Bausch – aye
Trustee Anna Marie Barclay – aye
Trustee Virginia Adams – aye
Trustee Paul Cooper – aye

This is to be split 3 ways between the General, Sewer and Electric budgets at the conclusion of said project in which the debt may need to be carried over to the 09-10 budget by way of a budget amendment.

NEW BUSINESS

A motion to approve the following resolution #5 was made by Trustee Bausch and seconded by Trustee Cooper. The motion carried by the following vote:

Trustee Robert Bausch – aye
Trustee Anna Marie Barclay – aye
Trustee Virginia Adams – aye
Trustee Paul Cooper – aye

RESOLUTION - 5 (Wastewater System Improvements)

WHEREAS, the Village of Bergen plans to complete improvements to the existing Wastewater Treatment Facility ("Project"),

WHEREAS, the Village has submitted an application to the Clean Water State Revolving Fund for funding of the Project,

WHEREAS, this project will be required to have Local Counsel and Bond Counsel services,

WHEREAS, the Village has previously authorized Leon Katzen, Esq. of Lacy Katzen LLP to act as the Local Counsel on February 13, 2008 and John Alessi, Esq. of Hodgson Russ LLP to act as Bond Council on April 4, 2008 for the Project; therefore be it

RESOLVED, that the Village Board of the Village of Bergen restates and reauthorizes the execution of any contracts for said Project and

BE IT FURTHER RESOLVED, that the Mayor be authorized to execute all contracts with Lacy Katzen LLP and Hodgson Russ LLP in connection with this Project.

I, Stacey A. Brown, Village Clerk/Treasurer of the Village of Bergen, do hereby certify that the aforementioned resolution was adopted by the Village Board of the Village of Bergen on April 22, 2009, by the following vote:

	AYE	NAY
Absent _____, Mayor	_____	_____
<u>Anna Marie Barclay</u> _____, Deputy Mayor	<u>X</u> _____	_____
<u>Paul Cooper</u> _____, Trustee	<u>X</u> _____	_____
<u>Bob Bausch</u> _____, Trustee	<u>X</u> _____	_____
<u>Virginia Adams</u> _____, Trustee	<u>X</u> _____	_____

Dated: April 22nd, 2009

Stacey A. Brown
Village Clerk/Treasurer - Village of Bergen

Trustee Concerns:

Trustee Bausch:
Phone service suggestion would be to call TWcable for phone package information.

Trustee Barclay:

Community Action Day

- ❖ Starts at 9:00 a.m.
- ❖ Still need more volunteers
- ❖ Will not provide lunch this year, just a welcome breakfast provided by Ralph & Rosie's Deli

Tulley Building

- ❖ Go-Art to supply artwork for new building
- ❖ Paintings (3) from B/B student have arrived – will send each student a \$25 savings bond along with a certificate of appreciation.

General matters:

- ❖ Tree removal in downtown district because of vandalism. Joe is asked to remove the 3 trees. Try to receive donated trees from Arbor Day foundation and Waste Management.

Trustee Cooper: Awning for the Tulley Building – still waiting on quotes.

Trustee Adams:

- ❖ Sarah Donovan is researching Tree City procedures to establish the Village's next step.
- ❖ Carpenter Park Fountain base has been poured
- ❖ Joe to deliver fountain to Thompson & Dilcher for sandblast and painting.

Privilege of the Floor:

Kevin Donovan discussed Local Law #1 of 2009 – Zoning Law. Kevin gave a brief overview of the process behind this zoning law and to ask that a public hearing be scheduled for May 13th, 2009 at 6:45 p.m.

A motion to enter executive session to discuss personnel matters was made by Trustee Bausch and seconded by Trustee Adams. The motion carried by the following vote:

Trustee Robert Bausch – aye
Trustee Anna Marie Barclay – aye
Trustee Virginia Adams – aye
Trustee Paul Cooper – aye

Clerk Treasurer Stacey Brown remained part of this discussion.

8:55 pm

A motion to acquire a temp agency to assist in filling the temporary vacancy of the Deputy Clerk position while she is out for surgery was made by Trustee Adams and seconded by Trustee Barclay. The motion carried by the following vote:

Trustee Robert Bausch – aye
Trustee Anna Marie Barclay – aye
Trustee Virginia Adams – aye
Trustee Paul Cooper – aye

A motion to exit executive session was made by Trustee Bausch and seconded by Trustee Cooper. The motion carried by the following vote:

Trustee Robert Bausch – aye
Trustee Anna Marie Barclay – aye
Trustee Virginia Adams – aye
Trustee Paul Cooper – aye

9:08 pm

ADJOURNMENT

A motion to adjourn was made by Trustee Bausch and seconded by Trustee Cooper. The motion carried by the following vote:

Trustee Robert Bausch – aye
Trustee Anna Marie Barclay – aye
Trustee Virginia Adams – aye
Trustee Paul Cooper – aye

The meeting was adjourned at 9:09 pm

Respectfully submitted,

Stacey A. Brown
Clerk Treasurer

T & A
\$19,247.09

A/P
\$268,334.63