

**REGULAR MEETING
of the BOARD of TRUSTEES
April 11, 2007**

The Regular Meeting of the Board of Trustees was called to Order by Mayor Wayne Bailey at 7:00 p.m. with the following present:

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

Also present were Stacey Brown, Joe Chimino, Mary Ann Price, Elizabeth Smith, Robert Smith, Sue Kavanagh, Doc Kavanagh and Jean Stewart.

APPROVAL OF BILLS

A motion to approve the bills was made by Trustee Paul Cooper and seconded by Trustee Anna Marie 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

BUDGET TRANSFER

A motion to approve the budget transfer was made by Trustee Robert Bausch and seconded by Trustee Virginia 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

\$8,186.00 from 1990.400A Contingent Acct.
 to 9785.600A Installment Purchase Debt Principal

APPROVAL OF MINUTES

A motion to approve the amended minutes (see below) of the Regular Meeting of March 28, 2007, was made by Trustee Anna Marie Barclay and seconded by Trustee Robert Bausch. The motion carried by the following vote:

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

Trustee Paul Cooper – aye

General Budget Amendment Reason: Trustee Bausch did not feel that the previous tax increase was warranted.

PRIVILEGE OF FLOOR

Patrick Kavanagh (affiliated with Bergen United Methodist Church) was granted permission to use a pavilion at Carpenter Park to play music a few times a month. He will notify Clerk/Treasurer Brown ahead of time of scheduled practice. It will be on a Sunday afternoon or Wednesday evening at a pavilion with power. The children's band will play an hour or so and end by dark.

TREASURER'S REPORT

Server Upgrade:

Wednesday and Thursday of last week and Monday of this week, the server was installed. Some bugs still need to be worked out as with any upgrade, but all-in-all, the process went as well as could be expected.

Sewer Project Grant:

I have sent out the Governor's Office for Small Cities Grant Application, we won't know anything before July 2007. I also have been working with Barb Sporyz of Municipal Solutions to discuss our options financially. Please read her proposed Financing Plan.

Reorganization Meeting:

I have prepared the necessary information for the Board to look at and vote upon. Please read through it carefully as a few things have changed.

Postage Machine:

Two companies have presented proposals regarding the postage machines: Pitney Bowes and Neopost. Both machines are similar in size and capabilities, and both offer a lease program. Please look over the information and let me know if this is something the Board would like to consider.

Budget Preparation:

The General and Sewer budgets will need to be passed before May 1st, 2007.

DPW SUPERVISOR'S REPORT

Sewer:

- Flows continue to be high

DPW:

- Brush being hauled to Riga Landfill for disposal

- Patching pot holes in roads
- Signage is ready to be picked up at Genesee County Highway Dept.
- Removed two large trees in front of 18 Church Street; Terry Tree service hit gas service at this location when grinding tree stumps
- New Village of Bergen sign is in and ready to be installed at Appletree to replace sign damaged by auto accident
- Adjusted light bases downtown area
- Picking up debris along streets and parking lots
- 14' x 14' overhead door is being installed in quansat building

Electric:

- Replacing mechanical meters with digital demand meters so we can monitor kilowatts in the commercial accounts

A motion to accept Officer's Reports was made by Trustee Anna Marie Barclay and seconded by Trustee Paul 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

MAYOR'S REPORT

- Spoke with Eric Wies putting together final figures for sewer
- Received letter from Marcia Havens with checks fro legal and engineering bills.
- Meeting with possible part-time Planning Board secretary next week

TRUSTEE ANNA MARIE BARCLAY

Tulley Building:

- Drawing are complete with first set of schematic drawings
- Presentation of these drawings to board and committee; need to make an announcement (advertise) preliminary meeting with architect
- Community Action Day is underway on May 19; Boy Scouts and Girl Scouts intend to help.

TRUSTEE CONCERNS

Trustee Adams asked Tom Williamson to look into the illegal parking on the sidewalk on Lake Avenue.

NEW BUSINESS

1. A motion to approve the **Reorganizational Meeting** was made by Trustee Robert Bausch and seconded by Trustee Paul 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

Appointment of Officers:

- Clerk Treasurer: Stacey A. Brown
- 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:

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 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, 2007 will be relieved on the June 1, 2007 tax bills.

Mileage Rate:

The Mileage Rate remains at the current 48.5 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:

2007

January 1, 2007	New Year's
February 19, 2007	President's Day
April 6, 2007	Good Friday
May 28, 2007	Memorial Day
July 4, 2007	Independence Day
September 3, 2007	Labor Day
November 22 & 23, 2007	Thanksgiving
December 24 & 25, 2007	Christmas Eve & Christmas Day
December 31, 2007	New Year's Eve – ½ Day

2008

January 1, 2008	New Year's Day
February 18, 2008	President's Day
April 11, 2008	Good Friday
May 26, 2008	Memorial Day
July 4, 2008	Independence Day
September 1, 2008	Labor Day
November 27 & 28, 2008	Thanksgiving
December 24 & 25, 2008	Christmas Eve & Christmas Day
December 31, 2008	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.

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 noes, 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
- 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 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.

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

2. 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 48.5 cents per mile.

Section 2. That this resolution is effective immediately.

3. 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.

4. 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

Section 2. That this resolution is effective immediately.

5. At a regular meeting of the Board of Trustees of the Village of Bergen, New York, held on April 11, 2007, the following resolution was adopted:

Moved by Trustee Robert Bausch, seconded by Trustee Paul Cooper

WHEREAS, the Village Board 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 April 25 and April 26, 2007 to be held at the Holiday Inn, 441 Electronics Parkway, Liverpool, New York, 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.

On roll call: Affirmative 5 Negative 0

ADJOURNMENT

A motion to adjourn was made by Trustee Paul Cooper and seconded by Trustee Anna Marie 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

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Stacey Brown
Clerk-Treasurer

	A/P
GENERAL	\$ 22,157.52
ELECTRIC	\$ 4,541.44
SEWER	\$ 61,429.55

	T&A
GENERAL	\$ 6,513.48
ELECTRIC	\$ 4,774.53
SEWER	\$ 3,478.72