

**Regular Meeting  
Of the Village of Bergen  
Board of Trustees  
October 28<sup>th</sup>, 2009 at the Village Hall**

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

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

Also present were: Joe Chimino, Kevin Donovan, Ralph Marsocci, Tom Williamson, Eric Wies and René Vurraro

Absent: Stacey Brown

**APPROVAL OF BILLS**

A motion to approve the bills was made by Trustee Barclay 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

**APPROVAL OF MINUTES**

A motion to approve the Special meeting minutes for September 30th, 2009 was made by Trustee Barclay and seconded by Trustee Adams. The motion carried by the following vote:

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

**APPROVAL OF MINUTES**

A motion to approve the Special meeting minutes for October 5th, 2009 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 – abstain  
Trustee Paul Cooper – aye  
Trustee Virginia Adams – aye

### **APPROVAL OF MINUTES**

A motion to approve the Regular meeting minutes for October 14th, 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 – abstain  
Trustee Paul Cooper – aye  
Trustee Virginia Adams – aye

### **TREASURER'S REPORT**

#### **Accounting/Bookkeeping:**

- ❖ PPAC State Assessment Tax Allocation – I spoke with NYMPA representative Tony Modafferi who indicated that the board has two options as follows:
  1. Collect the 2 % from the customers and pay the annual \$45K from that amount (PPAC calculation)
  2. Pay the annual amount from electric fund balance
  3. Tony also said that he did not recommend option #2.
    - ❖ I then asked Laura Landers (Freed Maxick) what her thoughts were regarding this issue and her recommendations are as follows:
      1. *For the fiscal year ending 5/31/09 the electric fund had a decrease of approximately \$103,000 in the operating cash which decreased operating cash from 818,000 to 715,000.*
      2. *For the years ended 5/31/08 and 5/31/07 the electric fund experienced an increase in operating cash of \$102,000 and a decrease of \$157,000, respectively.*
      3. *At present the Village has not funded the depreciation reserve as has been discussed with board members previously. (First deposit to go in after this A/P voucher board approval)*
      4. *Per a review of the PSC report for the prior 3 fiscal years the Village rate of return on the investment in the electric operating system has decreased from 12.35% to 6.91%.*

5. *This factor is what is used by the PSC to determine if a municipality's electric warrants a rate request. The factor would typically be around 5% and as you can see the Village is getting closer to that percentage.*
6. *Most other municipal's electricians that I have dealt with are using the National Grid refund to either pay the first year of the assessment or applying the refund to reduce the PPAC during the winter months and most of them are planning on passing the assessment charge along to the rate payer in the future.*

- ❖ I would encourage the board to take both Tony Modafferi, and Laura Landers recommendation and begin to collect for the 2% increase once the remaining "refund" balance is used. This should bring us to around mid April, in which to start adding the additional 2% tax on customer's PPAC portion of the bills.

**Sewer Project:**

Capital project budget is almost complete and ready for input into the accounting system.

**Tulley Building Project:**

The capital project budget is complete and ready for input into the accounting system.

As of 10/05/2009 the budget is as follows:

Beginning Balance:	\$140,000
Less Expenditures:	(\$135,000)
Fund balance:	\$5,000

**Local Laws:**

I met with Dan Bryson (Lacy Katzen) to discuss the outstanding local laws. We have put together a "DRAFT" for the unsafe buildings law for the board to consider.

- ❖ Trustee Bausch would like further clarification on the PPAC State Assessment Allocation Tax.

**DPW SUPERVISOR'S REPORT**

#### Sewer:

- ❖ August flows are 96,500 gallons per day
- ❖ No new mechanical problems to report
- ❖ Wastewater treatment plant – footers have been poured in the new addition along with most of the rebar in the walls. Some metal forming panels have been installed to accommodate pouring of concrete in the walls.

#### DPW:

- ❖ Hickory Park bathrooms have been closed for season
- ❖ Equipment changeover for winter operations
- ❖ Monroe County Water Authority – Installation of 8 inch water main from Hunter to Gates Streets and then approximately 500 feet down Gates Street.
- ❖ Next month Monroe County Water Authority will be conducting test borings on Munger Street to determine if new pipe is needed.

#### Electric:

- ❖ Finishing stray voltage testing of all public accessible points of contacts (street lights, down buys, ground wires, traffic light pole, substation fences etc.)
- ❖ Removed old primary conductors that ran through back lot (McCabe Ct. – Winterberry). Village crew trenched a new line out of the new electric pedestal that was installed last year at the intersection of Canterbury and Winterberry. All overhead electric in the Hart Subdivision are now being service by the new URD line installed in 2008.
- ❖ Trenching to repair service cable to street light located on the south wall of the Tulley Building. This line runs through the back parking lot to the pole behind the Bakery. The cable was direct buried many years ago instead of being placed in conduit which would have greatly aided in its repair. Expect repairs to be complete by Friday, October 30<sup>th</sup>.
- ❖ Assisted Village of Holley with mutual aid for the setting of 5 poles. Holley played a vital role with there aid to us during our conversion from 2400 V Delta to 4160 VY.
- ❖ National Grid is requesting system shutdown the first week of December to switch 34.5 transmission line to new pole line. This scheduled outage is expected last for three hours.

### **CEO/ZEO REPORT**

#### Discussion highlights:

- ❖ Processed 3 stove permits
- ❖ Continued work on the Tulley Building
  - ✓ Roof repaired
  - ✓ Two windows repaired with the help of Jack

- ✓ Water is still coming in the lower roof
- ✓ Getting ready to install handicap ramp, will be going to Allen's to do the piping for the ramp this week

The Mayor asked if the owner of the property at the corner of Buffalo/Rochester had been contacted in reference to the mowing and upkeep of the parcel as requested at the last Board meeting.

- ❖ The owner had not been contacted

The group had a discussion about how the cost of mowing could be recouped by the Village for this property, whether it could be put on the taxes or invoiced.

The Mayor asked that Planning Board Chairman Donovan look into whether the zoning law could be revised and/or updated to include property maintenance and recovery costs for these types of items.

### **Mayor's Report**

Discussion highlights:

- ❖ The Intermunicipal Agreement between the Village of Bergen and the Byron-Bergen Central School District in reference to the Wastewater Treatment facility was signed and should be sent to the Village Attorney, Dan Bryson of Lacy Katzen LLP.
- ❖ Local Law No. 2 of the Year 2009 entitled "Unsafe Buildings" was distributed to Board members. The Local Law will not be acted upon to give Board members time to review and modify for the next board meeting.
  - ✓ Trustee Bausch had a question about emergency situations and does the local law address these types of scenarios. Tom Williamson will contact Dan Bryson to address this question and contact the Board with his findings.

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

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

### **Privilege of the Floor**

**Planning Board Chairman Kevin Donovan** discussed the Planning Board findings and recommendations on sandwich board signs. Chairman Donovan discussed the three options that the Planning Board felt the Board had:

**Option 1** – The Village of Bergen could ban sandwich signs completely

**Option 2** – The Village of Bergen could do nothing

**Option 3** – The Village of Bergen could include an exemption in the current zoning law

The Planning Board made the following recommendation to the Village Board.

The recommendation was that the following be added to the zoning law - Sandwich board signs should be defined and included in the exemptions section to limit one sandwich board sign per business in a commercial or industrial district or where there is no other option, and they must comply with specific sign regulations, limiting size to 20 square feet and no taller than 5 feet and be required to be taken in at close of business hours.

- ❖ Ralph Marsocci commented that he would recommend the signs be weighted and all signs are the same dimensions and having them professionally done would enhance the look of the Village.
- ❖ The Board asked if there was a way the Village could request businesses come before the Planning Board for approval of signs and to put a certificate of insurance on file.
  - ✓ Would this require a special use permit?
  - ✓ Would the Village have to charge a fee?
  - ✓ Could we give businesses a grace period to make the required changes?
- ❖ Chairman Donovan said he would look into the questions addressed at the meeting.

**Eric Wies, Clark Patterson Lee** distributed a package for Board members to review with photographs of the progress at the wastewater treatment plant and a copy of the proposed change #1 for the electrical contract, which added \$41,000 to the cost for a generator. The generator was original to the plan, but bid went out for the basic only, not including any add-ons. EFC must approve.

A motion to accept the add-on of \$41,000 for the generator at the Wastewater Treatment facility was made by Mayor Bailey and seconded by Trustee Cooper.

Trustee Robert Bausch – aye

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

- ❖ The Mayor asked Mr. Wies if he had an updated work schedule for the Board. Mr. Wies replied that he was waiting for some equipment submittals before he could forward the updated work schedule to the Board.
- ❖ Mr. Wies also stated he would be happy to email photographs of the progress at the wastewater treatment plant to the Board members.

### **Trustee Concerns**

#### Trustee Adams

- ❖ Mural on side of Tulley Building
  - ✓ The mural is beginning to look a bit worn and faded
  - ✓ Spoke with Lori Longhany who teaches art at the Gilliam-Grant and she would be willing to take a look at it to see what needs to be done to restore. She knows and can contact the original artist
  - ✓ Would like to get the cost on a touch up and seal and will contact Board members with the cost.
- ❖ Recycling of Clear, Brown and Green Glass
  - ✓ The monthly newsletter misstated that clear, brown and green glass can not be recycled. After talking with Heberle Disposal, these types of glass can be recycled.
  - ✓ This correction will be included in the next monthly newsletter for residents.

#### Trustee Barclay

- ❖ Attended Preconstruction meeting for the roof.
  - ✓ Start date is 4/12/10
  - ✓ One lane will need to be closed on Buffalo Street, a crane will be needed onsite
  - ✓ A container for supplies will be needed
  - ✓ Will need to use Don Cunningham's roof for supplies.

The Mayor asked Trustee Barclay to contact Don Cunningham to let him know the plans for the roof repair.

- ❖ The meeting with Steve Hawley on Saturday, October 24<sup>th</sup> went well.
  - ✓ Approximately 9 residents attended
  - ✓ Discussed finances with Mr. Hawley during walk through of facility

- ✓ Only Chuck Shummer's office responded to the letters sent out about financing and a follow up with the office will take place
- ❖ The Byron-Bergen School has been contacted for additional artwork pieces for the Tulley Building, possibly three dimensional.
- ❖ Talked to Tally Almquist about the back wall of the Board Room. We discussed possibly taking a historic picture of downtown Bergen (which includes the Tulley Building) and making it into wallpaper to put on the back wall.
  - ✓ Cost is \$6.00 per foot
  - ✓ Possibly framing a 10 x 10 piece would look nice

### **New Business**

1. Christmas Tree Lighting – removed from agenda
2. Open House – Tulley Building – tentative date set for 1/15/10
  - ❖ Add this item to next agenda for confirmation of meeting date only.
3. Annual Safety meeting – it was agreed that it would be a luncheon on December 23<sup>rd</sup>.

8:24 pm

A motion to enter 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

8:59 pm

A motion to exit executive session 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

## **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 9:00 pm.

Respectfully submitted,

René Vurraro  
Planning Board Secretary

**T & A**  
**\$ 21,904.66**

**A/P**  
**\$ 339,685.20**