

**Special Meeting and Public Hearing  
Of the Board of Trustees  
Of the Village of Bergen at  
6:30pm on April 28<sup>th</sup>, 2021**

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

Trustee Joseph Chimino  
Trustee Kevin Donovan  
Trustee Paul Robinson  
Trustee Emily VanEenwyk

Also present: Village Administrator Cortney Gale

**Public Hearing – 2021-2022 Budgets**

Mayor Barclay opened the Public Hearing at 6:31pm. There was no public comment.  
Mayor Barclay closed the Public Hearing at 6:46pm

**Approval of Bills**

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

**Approval of Minutes**

A motion to approve the meeting minutes of April 14<sup>th</sup> was made by Trustee VanEenwyk and seconded by Trustee Donovan. The motion was carried by a unanimous vote.

**New Business**

**2021-2022 Electric, General, and Sewer Budgets**

A motion was made by Trustee VanEenwyk and seconded by Trustee Robinson to approve the 2021-2022 Electric, General and Sewer budgets. The motion was carried by a unanimous vote.

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**Re-Organizational Meeting**

**Annual Reorganization Meeting**

**Appointment of Officers**

- **Administrator with Clerk/Treasurer duties: Cortney W. Gale**
- **Deputy Clerk: Barbara Zinter**
- **Deputy Treasurer: Rene Vurraro**
- **Fire Marshal, CEO/ZEO: Gary Cecere**
- **Village Historian:**
- **Deputy Mayor: Kevin Donovan**
- **Millseat Landfill Citizen Action Board: Kevin Donovan**
- **Official Newspaper: Batavia Daily News**

- **Official Depositories: Bank of Castile**
- **Village of Bergen Attorney: Boylan Law Office, LLP & Hodgson Russ, LLP**
- **Village of Bergen Engineer: Clark Patterson Lee Associates**
- **Village of Bergen Accountants: BST & Co.**
- **Village Election Inspectors: Constance Fiedler, Virginia Adams, Grace Gallivan, Karen Manners or any other trained inspector.**
- **Village of Bergen Insurance Provider: Lawley Genesee**
- **Village of Bergen Bond Council: Hodgson Russ, LLP**
- **Planning Board Member 5 Year Term: Carol Walker**
- **Planning Board Alternates 1 Year Term: Rich Strzelecki**
- **Zoning Board Member 5 Year Term: Robert Capurso**
- **Zoning Board Alternates 1 Year Term: Sheila Butler & Fritz Rowsick**

#### **Employee Council Meetings:**

All Village Employees and Mayor will meet every Wednesday morning at 9:00am in the Village boardroom to review current, on-going, and future village related duties. This meeting has been created in-lieu of a Department of Public Works Supervisor.

#### **Planning and Zoning Board of Appeals Meetings:**

The regular meeting of the Village Planning Board will be the third Wednesday of each month at 7:00 p.m. in the Village boardroom. 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 7:00 p.m. in the Village boardroom and will be held only when there is business before the Zoning Board of Appeals.

#### **Park Committee/Tree Board**

Tree Board and Park Committee will meet the first Wednesday of the month at 7:00pm; the boards will consist of the same 5 individuals appointed by the Board of Trustees. The board is charged with developing and managing a comprehensive tree management program, being responsible for the care and management of the village trees, encouraging and promoting community involvement in public health, safety, general welfare through plant maintenance, and promoting Village parks and activities.

#### **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 April 30th, 2022 will be relieved on the June 1, 2022 tax bills.

#### **Mileage Rate:**

The Mileage Rate will adjust to **.56** cents per mile.

#### **Legal Notices:**

All legal notices will be posted on the inside bulletin boards at the Village Office and Byron-Bergen Public Library as well as the Community Bulletin board in the Village Post Office. They will also be published in the official newspaper if necessary.

**Bidding and Purchasing:**

County and State bids will be used and accepted in lieu of competitive bidding, for complete procedures see the Village Procurement Policy.

**Audit and Appropriations:**

Pursuant to Village Law 5-524(5)&(6) the board of trustees may authorize the following claims for payment in advance of audit; payroll expenses, payments of principal and interest on lawful outstanding debt public, utility services, amounts being due upon lawful contracts, postage, freight and express charges of the Village of Bergen. All 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 **\$45.00** per meeting
- Planning Board Members shall receive **\$40.00** per meeting
- Zoning Board of Appeals Chairperson shall receive **\$45.00** per meeting
- Zoning Board of Appeals Members shall receive **\$40.00** per meeting
- Election inspectors shall receive **\$100.00** per day (noon – 9pm)

**Holiday Observances****2021**

January 1	New Year's Day
February 15	President's Day
April 2	Good Friday
May 31	Memorial Day
July 5	Independence Day
September 6	Labor Day
November 11	Veterans Day
November 25 & 26	Thanksgiving
December 24 & 27	Christmas Eve & Christmas Day
December 30 & 31	New Year's Eve & Day

**2022**

February 21	President's Day
April 15	Good Friday
May 30	Memorial Day
July 4	Independence Day
September 5	Labor Day
November 11	Veterans Day
November 24 & 25	Thanksgiving
December 23 & 26	Christmas Eve & Christmas Day
December 29 & 30	New Year's Eve & 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 a regular meeting the 2<sup>nd</sup> Wednesdays of each month. Such regular meeting shall commence at 6:30 p.m. and be conducted in the boardroom in the Tulley Building. 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 Administrator, 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 Administrator whether to place such matters on the agenda.
- When possible, items for the agenda shall be given to the Administrator 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 will be prepared and emailed to board members no later than 5:00 P.M. the day before the meeting.
- If necessary, a supplement agenda shall be distributed at the beginning of the meeting.
- Items may be placed on the agenda at anytime, including during the meeting by a majority vote of the board.

#### **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 Administrator 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 will approximate number of attendees
- Time of adjournment
- Signature of Administrator or person who took the minutes if not the Administrator

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 Administrator 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 Bills
- Approval of Minutes
- Report of officers and committees
- Privilege of the Floor
- Trustee Concerns
- New Business
- Old 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.
- 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 Administrator - clerk/treasurer 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, payroll expense, debt service, lawful contracts, 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:*

- **Administrator**

- **Deputy Clerk**
- **Deputy Treasurer**
- **Mayor**
- **Board Members**
- **CEO/ZEO**

*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 **.56 cents** per mile.

Section 2. That this resolution is effective immediately.

**RESOLUTION DESIGNATING OFFICAL DEPOSITOR**

**WHEREAS** the board of trustees has determined that Village Law § 4-412(3)(2) requires the designation of banks or trust companies for the deposit of all village monies; 7.6 NYCOM Handbook for Village Officials (2013) • Chapter 7 • The Organizational Meeting

**NOW THEREFORE BE IT RESOLVED:**

Section 1. That the board of trustees designates the Bank of Castile as depository of all moneys received by the village treasurer, clerk, and receiver of taxes.

Section 2. That this resolution is effective immediately.

**Date of next Re-organization Meeting – Wed., April 13<sup>th</sup>, 2022**

**Old Business**

None

**Adjournment**

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

The meeting was adjourned at 6:52pm

Respectfully submitted,

Cortney W. Gale  
Village Administrator