

**Public Hearing & Regular Meeting
Of the Board of Trustees
Of the Village of Bergen at
6:30pm on August 25th, 2021 at the Sage Pavilion**

The public hearing regular 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 was not present

Also present: Village Administrator Cortney Gale, Robin Day, Ted Day, Tim Quick, Diane Hill, Gail Smith, Michael Smith, Todd Cargill, Ron Boehly, Monica Murray, Judy Fedele, Robert Fedele, Grace Gallivan, Butch Donnelly, Mark Ellingham, Tim Loewke, Amanda Loewke, Christina Sardou, George Sardou, Gary Cecere, Liz Rowsick, Bob Bausch, Carrie Beil, Dan Norton, Kate Milliman, Bradley Fluker, Jessica Bacon, Douglas Lynden, Ken Fee, David McLaughlin, Randal Hill, Douglas Smith, Peter Celentano, Lew Cunningham, Alecia Kaus.

Public Hearing

Mayor Barclay gave a summary and timeline of the work that has been done to bring the proposed Zoning Law to its current point.

John Steinmetz and Molly Gaudio from consulting firm Barton and Loguidice presented a slide show of zoning law basics and issue that have been brought up by residents.

Public Comment

Robin Day urged the Board to vote positively on the law.

Randall Hill would like the wording in article 7 to be clearer and in a way that would not be misinterpreted in the future and used against RV owners in the future. He also addressed the definition of full-time resident, and setback requirement.

Ron Boehly would like adult uses stricken from the document.

Lisa Ellingham addressed RVs in article 7. She is concerned about definitions and interpretation of the article in the future and would like to remove vague verbiage and replace it with specific requirements.

Peter Celentano is concerned about article 16 section 5 which discussed zoning enforcement. He feels that the law doesn't give residents a reasonable ability to appeal a Code Enforcement Officers decisions and does not name the complainant so you can discuss the issue with your neighbor. He also brought to the Board's attention that a violation in the proposed law could allow a Judge to sentence a resident for up to 15 days without a jury trial for a zoning violation.

Bob Bausch stated he has been on the Zoning Board, Village Board and County Legislature and he knows it is impossible to cover every situation in the law and thanks everyone who worked on the document.

Bob Fedele is in favor of the law and loves the village. He believes by working together everything can be worked out.

David McCauphlin drives semi-truck and this law would not allow his to bring his truck home to clean it out and park it on his property a day or two a week.

Monica Murray did see information about the zoning law update and would like to see more communications from the village.

Mayor Barclay closed the public hearing at 7:55pm

Regular Meeting

The regular meeting of the Board of Trustees was called to order by Mayor Barclay at 7:55pm

Approval of Bills

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

Approval of Minutes

A motion to approve the meeting minutes of July, 14th 2021 was made by Trustee Chimino and seconded by Trustee Robinson. The motion was carried by a unanimous vote.

Mayor

Grants

- **Main Street** – Mike Cocquyt (Labella) and I met with property owner of 25-27 N Lake to remedy sign issues (7/15). The final filing of paperwork through the county for the renovation projects as well as finalization of the entire project budget is being completed.
- **Tree City Reward Grant** – I have completed and submitted the final reports, photos, summary, and budget for the \$1000 tree grant received due to our Tree City status.
- **ARPA – American Rescue Plan Act** - After researching and applying for the ARPA funds to which the village is entitled to, I received notice that the funds would be forthcoming (the first installment has been received). Due to the requirements associated with the funds, I have participated in discussions through the Finger Lakes Region (August 4 and 18), and through the Genesee County Leadership group on Aug. 14). I am developing a plan for the village based on spending requirements and vilage needs.
- **FEMA** – Completed and submitted the Single Audit Certification Form from NYS Department of Homeland Security (COVID Meals Program FYE 05312021)

Planning Board – Received resignation letter from Rich Strzelecki (planning board alternate). Met with each planning board member individually to review path forward on proposed Zoning Law. Met with several village residents to discuss proposed Zoning Law.

Three trustees and I agreed to move forward with Zoning Law work with Barton and Loguidice at an extended cost from the original contract.

Waste Water Treatment Plant – We received the Materials Safety Data sheet notebook from the school district which completes the chemical survey of commercial connections to our treatment plant.

Parks – Bleachers have been removed from Hickory and are being stored at WWTP site due to updated insurance requirements.

DOT – The DOT has completed the traffic study in the village to update signage, new lane lines and bike markings. The work will hopefully be completed before winter weather sets in. A completed report will be sent to the village.

Summer Recreation program – From July 19th through August 13th, 5 days a week, Evie Rodriguez, with assistance counselors Anna McLoughlin and Rachel Hanel had 25 participants for summer rec. I have completed and submitted first set of paperwork to the Youth Bureau.

Road Work - Chip seal was applied to Gibson, Gates, Buffalo, Rochester, Clinton, Munger, and McKenzie Streets, part of Merriman and Hunter Streets last week; Suit Kote and the village were assisted in the process by Genesee County, Stafford, Byron, Town of Bergen, Leroy, and Spencerport through mutual aid. Mike Johnson, Town of Bergen DPW Supervisor assisted in coordinating and scheduling, and to Suit Kote for a job well done.

GAM – Genesee Association of Municipalities – Meetings resume in September. Participated in ARPA call with leadership group on August 14 for discuss American Rescue Plan Act funding requirements with Congressman Chris Jacobs and his staff.

Chip Seal Project -

Meetings, ETC

- July 21 – meeting with Superintendent Pat McGee, Eric Wies (village engineer), Chris Fay, Cortney Gale, and myself to discuss village/school district sewer connection and maintenance.
- July 22 – Met with Superintendent Pat McGee to discuss village and school student projects; Community Action Day (fall and spring), Band at Tree Lighting, student Community Service work, Arbor Day, etc.
- 8/7 – 8/14 – out of office - vacation
- 8/18 – Delivered treats to Spencerport as thank you for use of their streetsweeper.
- 8/19 – Zoning Law Public Information meeting at Sage Pavilion.
- 8/23 – Barb Zinter and I participated in a mini workshop on archiving social media for public records compliance and risk mitigation.

Administrator

Sewer

- Annual tank pumping is almost complete, there are about 30 left. They have been averaging 10 tanks a day.
- There have been several issues at the sewer plant. The drive on one of the Variable Frequency Drive failed. We are waiting to hear if it is under warranty. Also, a level sensor went bad. Chris was able to order the sensor and replace it.
- The \$200,000 Bond Anticipation Note closed on August 18th with Greene County Bank. The rate is 0.54%.

DPW

- Chip Sealing of village roads took place on August 17th and 18th. Thanks to the Town of Bergen, Genesee County, Village of Spencerport and Village of Churchville for their help.
- Sidewalk repair started August 17th and will be completed this week.
- I submitted Consolidated Local Street and Highway Investment Program (CHIPS) reimbursement to the State in the amount of \$39,351. I will submit more for the current road work when the next reimbursement window opens.

Electric

- The three reports that are due to the Public Service Commission for our energy efficiency program were submitted August 10th.
- The projects at Hank Parker Tents and Liberty Pumps are moving forward. The Linemen relocated the pole line feeding Liberty Pumps from route 19 and upgraded transformers and put in a new service at Hank Parker.
- A breaker in the substation failed causing Bonduelle to be without power temporarily. Repairs will be made to the breakers next week.
- The Linemen provided mutual aid to Akron last week and received help from Castile to build the pole line for Liberty Pumps.

Office

- Deputy Clerk Barb Zinter is nearly finished closing the 2020-2021 fiscal year and submitting the Annual Update Document and Public Service Commission Report now that the retirement numbers have been provided by the State.
- Deputy Treasurer Rene’ Vurraro has been focusing on the zoning law update issues besides the regular day to day duties.
- We have received 99% of property tax payments for a total of \$390,214. There is only \$5,709.57 left to receive. The last day to pay before being sent to the County is October 31st.

Miscellaneous

- There was a water leak that caused damage to the bathroom and hallway of the rear business as well as the basement. I contacted Service Pro and submitted a claim to our insurance company.

CEO/ZEO

2020 Permits

- 10 South Lake
- 27 North Lake
- 28 North Lake – Permit Extention
- 38 North Lake – Inspection, Fence

2021 Permits

- 17 Hunter Street – Deck
- 13 McKenzie Street – Fence, Inspection
- 33 Kaymar Drive – Deck
- 19 Buffalo Street – Fence
- 25 ½ Clinton Street – Roof
- 26 Rochester Street – Demolition Permit
- 38 Munger Street - Addition

Privilege of the Floor

Ken Fee addressed the Board about speeding on Park View Avenue and asked that speed bumps be put up in the spring.

Grace Gallivan thanked the Board and office staff for their work. She stated that residents should call the office for correct information and not listen to people giving false information.

Robin Day asked Trustee Chimino and Trustee Robinson why they made and seconded the motion respectively to send the proposed Zoning Law to the County for their approval if they were not happy with it and were going to vote not to approve the law.

Trustee Chimino stated that he thought there would be time afterword for the Board as a group to discuss changes.

There was much discussion between the Board and concerned residents in attendance regarding the events leading to the July 14th Zoning Law vote and the repercussion thereafter.

Trustee Concerns

Trustee Donovan – The Main Street Grant took over 10 years of applying before we finally received it. Wanted to verify that the Village is not included in the water contract with the County.

New Business

Resolution 4 of 2021 – MCWA Easement

WHEREAS, The Monroe County Water Authority (the "Water Authority") intends to construct a water main (the "Project") to replace the Water Authority's existing water main within the parking lot at #0 Buffalo Street; and

WHEREAS, the acquisition of one (1) 20-foot wide easement by the Water Authority is necessary for the construction, installation, operation, and maintenance of the Project; and

WHEREAS, the one (1) easement necessary for the Project is located along the north side of Buffalo Street, at the property known as O Buffalo Street, Tax Account No. 001.00-01-001; and

WHEREAS, this acquisition is necessary to allow the completion of the construction, installation, operation, and maintenance of the Project which will provide potable water supply and fire protection to the District's property owners and the property owners have agreed to voluntarily grant the easement to the Water Authority; and

WHEREAS, Section 1096(6-a) of New York's Public Authorities Law requires the Water Authority to obtain the prior approval of this acquisition by resolution of the Village Board.

NOW, THEREFORE, let it be

RESOLVED, that the Village hereby approves of the Water Authority's voluntary acquisition of one (1) easement over property located at 0 Buffalo Street, Tax Account No. 001.00-01-001 in accordance with §1096(6-a) of the New York Public Authorities Law; and be it further

RESOLVED, that a copy of this Resolution be provided to the attorney for the Village, the Monroe County Water Authority and the Village of Bergen.

A motion was made by Trustee Chimino and seconded by Trustee Donovan to pass the resolution. The motion was carried by a unanimous vote.

Appointment of Zoning Board of Appeals Alternate

Mayor Barclay appointed Heather Painting as an alternate to the Zoning Board of Appeals.

A motion was made by Trustee Robinson and seconded by Trustee Chimino to approve the appointment of Heather Painting as alternate to the Zoning Board of Appeals. The motion was carried by a unanimous vote.

American Rescue Plan Act update

Discussed in Mayor’s Report

Resolution 5 of 2021 – Delegate to MEUA Annual Meeting

WHEREAS, the Board of Trustees of the Village of Bergen, New York, is a municipal member of the Municipal Electric Utilities Association of New York State, and

WHEREAS, the Annual Conference of the Municipal Electric Utilities Association of New York State has been called on August 31 - September 3, 2021, to be held at Chautauqua Harbor Hotel, Celoron, NY, 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 Nicholas Booher be and is hereby designated as the accredited delegate of the Village of Bergen, New York.

A motion was made by Trustee Robinson and seconded by Trustee Donovan to approve Nicholas Booher as Delegate to the MEUA Annual Meeting. The motion was carried by a unanimous vote.

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 8:49pm

Respectfully submitted,

Cortney W. Gale
Village Administrator