

**Regular Meeting
Of the Board of Trustees
Of the Village of Bergen at
6:30pm on April 20th, 2022**

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

Trustee Michael Fleming
Trustee Paul Robinson
Trustee George Sardou

Trustee Emily Marble was absent

Also present: Village Administrator Cortney Gale, Todd Cargill, Grace Gallivan, Maria Chimino, Eric Wies, Vickie Almquist, David Washburn, and Cathy Washburn.

Appointment of Trustee

Mayor Chimino appointed George Sardou as Village Trustee. Trustee Sardou was sworn in by Mr. Gale.

Approval of Bills

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

Approval of Minutes

A motion to approve the meeting minutes of March 9th, 2022, and April 6th, 2022 was made by Trustee Robinson and seconded by Trustee Fleming. The motion was carried by a unanimous vote.

Mayor

Grants

- **Main Street**-Rachel Bremser (HCR) NYS Homes and Community Renewal sent the closeout complete letter and signed certificate of completion for the villages 20180096 NYMS Grant. Mike Cocquyt of LaBella Associates contacted me with the same information, he has enjoyed working with the Village and looks forward to being of assistance in the future.
- **ARPA**-American Rescue Plan Act- Village is awaiting a proposal from architect Maria Mazurek of Clark-Patterson-Lee (CPL) for proposed Hickory Park restroom facilities.
- **GVRR**-Genesee Valley Rural Revitalization Grant-This grant up to 50,000 dollars would restore, renovate, and preserve the brick work on the east and south walls of the Tulley building. Many thanks to Anna Marie Barclay for submitting the grant application by the March 31st deadline.

Department of Transportation (DOT)

- Electric Supply circuit has been installed on the traffic signal at route 19 and route 33 which will enable the DOT to connect a portable generator for power in the event of an outage.
- DOT has replaced the broken stop sign at the intersection of Route 19 and Buffalo Street.
- DOT is conducting a study pertaining to the intersections of Route 19 and Rochester and Buffalo streets to determine if an all way stop or other safety enhancements would be appropriate for the intersection.

Meetings

- I attended the Fire Department's monthly meeting to address the membership.
- Met with Superintendent Patrick McGee to discuss the many activities shared between the students and the Village.
- Staff Meetings 4/6 & 4/13
- Attended Bid openings for sewer upgrades and the UV system.
- Met with Lynne Dixon the new community relations director from congressman Chris Jacobs' office. She was introducing herself to all the municipals in the 27th district which is comprised of 104 towns and 44 villages in the state.
- Attended the county resiliency plan meeting held at GCED center in Batavia.
- Attending GE Renewable Energy open house at 7005 Appletree Industrial Park on 4/21

Miscellaneous

- Hometown Heroes banners are on display at the American Legion and will be pole mounted on North Lake Avenue by Memorial Day
- There was an issue in Hickory Park with young children using spray paint which we caught on camera. Very minimal damage was done. I visited both homes and spoke with parents concerning the matter. The parents supervised the cleanup of the painted areas with the children. The children will also be doing community service by picking up branches and debris in the park for restitution.
- The owner of Ralph & Rosie's Deli has agreed to paint the storefront with a color scheme that will enhance the downtown area.
- Public Works summer hours 6:00am to 4:30pm Monday through Thursday will begin May 1-October 1, 2022
- Cortney and I attended the Municipal Electric Utilities Association (MEUA) semi-annual conference held in Syracuse N.Y.

Sewer

- WWTP has been operating well. Chris Fay gave Cortney and I a tour of the plant. Chris is finishing up the installation of conduits to house control wiring of equipment (Cat 6)
- Cleaning of membranes
- Will be screening compost to create topsoil for village use as needed.
- Discussed painting of exterior office building.

Electric

- Digger Derrick was taken to Syracuse for service recall to be performed at the Altec Service center.
- I beams are ready to be placed in the yard for pole storage.
- Substation work is scheduled for April 20-21 to replace a relay and to test breakers on reclosures.
- Changed out 300KVA transformer at Hank Parker Tents in the Appletree Industrial Park.
- Installed overhead streetlight at 13 Buffalo Street and over playground at Hickory Park.
- Provided mutual aid to Village of Holley Electric Department.

DPW

- Brush pickup is in full swing
- Interior painting of Sage Pavilion has been completed.
- Constructed new flower boxes
- Placed no parking sign at east end of Buffalo Street near Intersection of Route 19
- Removed loose stone and debris from right of way on village streets enabling street sweeper cleaning of streets.
- Restorations of catch basins.

Administrator

Sewer

- Bids for Sewer Plant upgrades were opened on April 6th. There were five bidders. The lowest bidder was STC Construction with a bid of \$434,800 for pump station upgrades and \$121,700 for UV installation. Myself and our engineers recommend awarding the bid to STC, not only are they the lowest bid but they are also familiar with our system.
- The sewer RTV, sewer mower and Ford F-150 were sold at auction. The RTV sold for \$19,300, the mower for \$15,100 and the F-150 for \$24,790.
- We received the first annual payment from the school in the amount of \$22,449.58.

DPW

- Monroe County came on Tuesday to turn the water on in the Hickory Park bathrooms. The bathrooms will be cleaned and checked for leaks then opened for the season, hopefully this week.
- Eric and Zach have begun brush pick up and will continue every Monday until November.

Electric

- Fixed Rate TCCs have dropped tremendously. Last year they were \$6,596.74 each, this year they are \$188.51. We purchase two each year.
- At the MEUA Semi-Annual meeting they reported that in the NYS budget there is a pot of money to help utility customers pay their arrears, much like HEAP. It sounds like a great program, but our arrears are only \$389.88 so it will have little impact for us at this point.

Office

- Deputy Clerk Barb Zinter completed the Energy Information Administration report, the State and Federal withholding reports, payroll, payables, bank reconciliation, and newsletter. She received approval from County Human Resources on Eric McGrain's MEO position. Bank of Castile is changing their routing number so Barb will have to work through that process on our accounts. She is preparing for the end of the fiscal year, setting up the new trustees in the system and completed the US Census Public Employee Payroll Report for the Town. Barb is the new secretary of the Mill Seat Landfill Citizen Advisory Board.
- Deputy Treasurer Rene' Vurraro finished organizing maps, putting older maps downstairs and relevant maps upstairs, it was a tedious job. All pole agreement payments have been made except one, which is less than \$300. Rene has been updating reports to get them ready for the end of the fiscal year. She is preparing for tax season and reports that there is approximately \$24,000 in sewer arrears to be sent to the county to be put on tax bills.
- We received our yearly Fiscal Stress score from the State. We received no designation, which means they consider the Village in good financial health. There is a new Environmental Stress score, we also received a no designation.
- I completed and submitted the Special Franchise Activity Report to the State as well as the Public Employee Payroll Report for the US Census and Tax Cap survey to NYCOM.

Miscellaneous

- NYMIR insurance is coming tomorrow at 8:00am to do their yearly inspection of our buildings. If they have any issues I will report to the Board.
- I was contacted by the American Legion regarding the Memorial Day parade. It will be held Monday, May 30th at 9:00am. I will be helping by submitting the permit request to the DOT.
- On April 5th we received word that the Main Street Grant is officially closed out and complete.

A motion was made by Trustee Fleming and seconded by Trustee Robinson to accept the officer's reports. The motion was carried by a unanimous vote.

Privilege of the Floor

Grace Gallivan asked about Trustee Training and what information is available to new trustees to learn. She also would like to see speed bumps on Rochester Street for safety.

Todd Cargill asked what fixed rate Tcc's are and inquired if there was a weight limit on Rochester St to stop tractor trailers from going down the street.

Cathy Washburn asked what can be done to stop speeding on Rochester Street.

Trustee Concerns

Trustee Sardou expressed concern about village vehicles parking on Buffalo Street next to the Village Office.

New Business

Re-Organizational Document

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: Vicky Truax
- Deputy Mayor: Michael Fleming
- 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, Louise Hilbert, Karen Manners, Grace Gallivan 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: David Burke
- Planning Board Alternates 1 Year Term: Vickie Almquist
- Zoning Board Member 5 Year Term: John Schuck
- Zoning Board Alternates 1 Year Term: Heather Painting & Frank Rowsick

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 **.58** 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**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 30	New Year's Eve

2023

January 2	New Year's Day
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February 20	President's Day
April 7	Good Friday
May 29	Memorial Day
July 4	Independence Day
September 4	Labor Day
November 10	Veterans Day
November 23 & 24	Thanksgiving
December 22 & 25	Christmas Eve & Christmas Day
December 29	New Year's Eve

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 2nd 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 **.58 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.

*****A motion was made by Trustee Fleming and seconded by Trustee Robinson to approve the Re-Organizational document. The motion was carried by a unanimous vote.*****

County Land Use Agreement

A motion was made by Trustee Fleming and seconded by Trustee Sardou to enter into an agreement with the County Planning Board “Exempting Certain Minor Land Use Actions from Genesee County Planning Board Review”. The motion was carried by a unanimous vote.

Bergen Energy Efficiency Program Budget

Mr. Gale reviewed the BEEP Budget with the Board

Sewer Project Bid Award

Village Engineer Eric Wies discussed the bid received for the sewer system upgrades and recommended that the Board accept the lowest bid which is from STC Construction. Mr. Wies also reviewed the project budget.

A motion was made by Trustee Robinson and seconded by Trustee Fleming to accept bid A for pump station rehabilitation and installation of a fine screen at the Sewer Plant in the amount of \$434,800 by STC Construction and bid B constructing a UV disinfection reactor at the Sewer Plant in the amount of \$121,700 by STC Construction contingent upon approval from the NYS Environmental Facility Corporation. The motion was carried by unanimous vote.

Designation of Surplus

A motion was made by Trustee Sardou and seconded by Trustee Fleming to designate a ladder rack and a jackhammer as surplus and to put the items up for auction. The motion was carried by a unanimous vote.

Old Business

2022-2023 Budgets

Mayor Chimino asked if there were any questions about the budgets.

Adjournment

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

The meeting was adjourned at 7:44pm

Respectfully submitted,

Cortney W. Gale
Village Administrator