

**Public Hearing and Regular Meeting
Of the Board of Trustees
Of the Village of Bergen at
6:30pm on May 8th, 2024**

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

Trustee Robert Capurso
Trustee Todd Cargill
Trustee Michael Fleming
Trustee Bernadette Thompson

Also present: Village Administrator Cortney Gale, Rene' Vurraro, Ralph Garnish, Pat Garnish, Anna Marie Barclay, Vickie Almquist, Nancy Holland, Mary Lanphear, George Sardou, Pat McGee, and Lori Prinz.

Public Hearing

Local Law 1 of 2024

Mayor Chimino opened the public hearing for Local Law 1 of 2024 which increases the sewer debt service charge.

Ralph Garnish asked if tank pumping could be done based on consumption and how the debt was being financed.

Anna Marie Barclay expressed concern that pumping every 4 years could cause clogging issues. She also inquired about the delay in the manhole rehabilitation project.

A motion was made by Trustee Capurso and seconded by Trustee Thompson to close the public hearing. The motion passed unanimously.

The public hearing was closed at 6:23pm

Land Purchase

Mayor Chimino opened the public hearing for the purchase of property on Gibson Place.

Mary Lanphear felt that it may not be the right time to purchase the property with financial concerns.

Ralph Garnish stated he believes it is a good price.

A motion was made by Trustee Cargill and seconded by Trustee Thompson to close the public hearing. The motion was passed unanimously.

The public hearing was closed at 6:38

Approval of Bills

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

Approval of Minutes

A motion to approve the meeting minutes of April 10th and April 24th, 2024, was made by Trustee Cargill and seconded by Trustee Fleming. The motion was carried by a unanimous vote.

Mayor

Grants

- Fast New York Grant -. This grant application has met the initial criteria to be considered for the next phase of the grant application. If awarded, this grant will greatly offset the overall cost of the village electric substation upgrade.
- Summer Recreation Program grant has been submitted to the county for the 2024 season. No notification currently to report.
- Genesee County Legislature has once again made available in their budget to fund professional grant writing services up to \$5,000.00 dollars to municipals on a first come first served basis. I have been in contact with Labella Associates to explore grant opportunities on our behalf.
- Clean Energy Communities -The village has been awarded a grant from NYSEERDA.in the amount of \$10,000.00 for clean energy projects such as LED lighting, EV charging and other energy efficiency upgrades. Final paperwork must be submitted by the village outlining how the funds will be allocated. The allocation of such funds will be discussed at a future board meeting.
- We are currently seeking a grant for an adaptive playground swing for Hickory Park. This swing was brought to my attention by a resident, and I thank her for the inquiry. If we have no success with a grant we will install the swing with general funds. Again, thank you for bringing this matter to our attention. Our goal is to have a park in which we can all enjoy.

Miscellaneous

- May 9th has been designated community action day in the village. We are again blessed to have the 7th graders from Byron-Bergen middle school on hand for community beautification and to take part in our celebration of Arbor Day.
- The Tree and Park committee met on Wednesday May 1st at Hickory Park. The committee did a walkthrough of the park to view the installed concrete pads for the newly acquired park benches and discussed the concrete pad pour in the front pavilion along with extending the sidewalk leading to the handicap picnic table. Thanks to the committee for all their dedication.
- NORTERA lease for the property on Church Street was passed by the board of trustees at the April. 24th meeting. I have signed the lease and hand delivered the lease to NORTERA. I await their signing of this 50-year lease that they drafted.
- A mailing regarding the change in our refuse contractor as of June 1st is forthcoming. The letter will explain how the process will be handled by the contractors involved and how residents can make the transition with no inconvenience. Our new refuse collector will be Waste Management.
- I would like to wish all the MOTHERS a Happy Mother's Day. On May 12th

Electric

- We are awaiting bid specifications from PLM engineering for the purchase of additional substation equipment. This will be handled through the competitive bidding process.
- Fixed rate TCC- Transmission congestion charges-This year's rate is \$500.10 per unit. We have always purchased two to offset high congestion in our Zone. TCC's change in price yearly in 2023 \$9413.55 in 2022 \$188.51 and 2021 \$6596.74. These TCC's are offered through the New York System Operator which handles the power grid in NYS. We are always encouraged to purchase these units by our engineering firm which oversees the purchase of our power requirements. Once a system fails to purchase these TCC's they are no longer allowed to buy back in to the program.

Administrator

Sewer

- The backup generator is currently down. The mother board needs to be replaced. We are looking for a refurbished one to save money.
- The new water line is being installed this week.
- NYS DEC finally approved the plan to refurbish sewer manholes to prevent ground water infiltration. The project went out for bid Friday May 3rd.
- To meet our permit limits, we are now using alum and the UV has been turned on for the season (until October 31st).
- Eric Wies, Chris Fay, and I met with representatives of Craft Cannery about their new septic tank and adding a grease trap to stop a large amount of bio solids entering our system.

DPW

- Mulch and topsoil will be provided by Scott's Miracle-Gro again this year. I would like to thank Scott's and Plant Manager Kevin Stevenson for their generosity.
- A part-time seasonal mower has been hired again this year. We welcome back JR Fabretti, who has worked for us in the past.

Electric

- We received requested changes to the pole attachment agreement from Charter Communications. Village Attorney Mark Boylan reviewed the changes and feels they are acceptable.
- Transformers were ordered for the new substation project on April 15th and are set to arrive this time next year.
- The Village has been approved for the next phase of the FAST-NY grant. I have been working on the new grant application in the Consolidated Funding Application (CFA).
- I am also working on finalizing the \$10,000 Clean Energy Communities Grant.

Office

- To protect village accounts from fraud I have signed up for Positive Pay through our bank. It will go live on May 13.
- The bond sale for the Digger Derrick was May 7th and the closing date will be May 21st.
- I have prepared the Constitutional Tax Limit and Tax Cap filing. They will be submitted after the budget is adopted.
- At the request of our insurance company, we are adding multi-factor authentication to our email as an additional layer of protection.

Miscellaneous

- Community Action Day is Thursday May 9th at 9:00am. Fifty-five 7th graders will be coming to help clean up and help beautify the village.
- Our two Automatic External Defibrillators (AED) are ten years old and needed to be replaced. I ordered new ones. One is at the village office and the other on the electric squirt boom.
- The open house at the Mill Seat Landfill is July 25th from 3pm-7pm.
- Employees first aid and cpr training is expiring in September. I will be setting up a refresher course in the coming months if any board member would like to participate, please let me know.

Code Enforcement Officer

2022 Permits

- 83 South Lake Ave — Remodel to Apartments: Temporary C of O
- 8121 Buffalo Road- Temp. C of O
- 41 North Lake — Fence 2nd Extension

2023 - Permits

- 60 South Lake Ave — Hot tub and electric service, Waiting for electrical inspection.
- 62 South Lake Ave. —Verizon// Dish wireless (2)
- 11 Buffalo Road- Addition
- (41) 51 Kaymar Drive Shed
- 1 McCabe Court — Front porch
- 2 Munger Street — Remodel: Temporary C of O
- 21 Canterbury Lane Addition

2024 - Permits

- 38 South Lake Ave — Front Porch
- 27 Leroy Street — New House
- 15- Parkview Drive — Front deck and rear fence
- 38 Canterbury Lane Pool and deck to pool
- 17 McKenzie Street — Partial tear off Roof
- 20 Canterbury Lane — Remodel upstairs
- 14 Munger Street — Driveway
- 21 Buffalo Street— Fence
- 28 North Lake Ave Demo sheds

Number of Building Permits - 20

Number of C of C's and C of O's - 3

Temporary C of O's - 3

Total Number of Inspections -18

Approval of Officer Reports

A motion was made by Trustee Cargill and seconded by Trustee Capurso to approve the officer's reports. The motion was carried by unanimous vote.

Trustee Concerns

Trustee Thompson would like to tour the village buildings and asked if there were plans to re-do the second half of Munger Street.

Trustee Cargill stated that there are many lawns that are overgrown in the village and would like the code officer to look into them.

Trustee Capurso would like information added to the newsletter that one bulk item is allowed per week and that it is not allowed to place multiple items out to be picked up over a few weeks' time.

Trustee Fleming has had issues with minibikes, mowers and other motorized vehicles driving down the streets illegally and at night when it is hard to see them. He also asked that Mr. Gale look into the process of changing the Board of Trustees election date.

New Business

Byron-Bergen Central School Budget Presentation

Superintendent Pat McGee and Business Manager Lori Prinz presented the school's 2024-2025 budget.

Local Law 1 of 2024 – Sewer Debt Service Charge

VILLAGE OF BERGEN LOCAL LAW NO. 1 OF 2024

A LOCAL LAW AMENDING LOCAL LAW NO. 6 OF 1985, NO. 11 OF 2004, LOCAL LAW NO. 2 OF 2007, AND LOCAL LAW NO. 1 OF 2019 SETTING REVISED COST OF DEBT SERVICE CHARGES, SEWER RATES IN CONNECTION WITH THE USE AND DISCHARGE OF WATERS AND WASTES INTO THE VILLAGE OF BERGEN SEWER SYSTEM AND REVISED PAYMENT OF WASTEWATER SERVICE CHARGE DATE.

Section 1 – Purpose

The purpose of this Local Law is to amend the provisions of Village of Bergen, Local Law No. 6 of 1985, Local Law No. 11 of 2004, Local Law No. 2 of 2007, and Local Law No. 1 of 2019 by revising the debt service charges and sewer rates to be paid by users of the sanitary sewer system of the Village of Bergen and to further repeal and rescind in their entirety certain rates contained in Local Law No. 1 of 2019 in order to generate sufficient revenue to pay all costs for the debt service of the waste water collection system and repayment of indebtedness.

Section 2 – Basic Debt Service Charge

Debt service charges shall continue to be made on a unit basis in accordance with the provisions of Section 2 of the Local Law No. 6 of 1985, Section 3 of Local Law No. 11 of 2004, Local Law No. 2 of 2007 and Section 3 of Local Law 1 of 2019. The debt service charge for units within the Village of Bergen shall be increased to \$65.00 per unit per quarter. The debt service charge applicable to units outside of the Village of Bergen shall be \$76.25 per unit per quarter.

Section 3 – Determining Each User’s Cost of Operation and Maintenance Charge

2024. Section 3 and 4 of Local Law No. 6 of 1985, as modified by Local Law No. 11 of 2004, Local Law No. 2 of 2007 and Local Law 1 of 2019, providing for the manner in which the total annual cost of operation and maintenance of the system is determined and further providing for the manner in which each user’s cost of operation and maintenance charge is determined are vacated and replaced with the following rate structure for units both within and outside the Village:

Residential (Based on Annual Usage):

0-15,000 gallons	\$95.00 per unit per quarter
15,001- 40,000 gallons	\$110.00 per unit per quarter
40,001- 60,000 gallons	\$120.00 per unit per quarter
Over 60,001 gallons	\$130.00 per unit per quarter
Fixed (Outside Village)	\$100.00 per unit per quarter

Non-pretreated Commercial/Industrial (Based on Annual Usage):

0-30,000 gallons	\$135.00 per unit per quarter
30,001-60,000 gallons	\$155.00 per unit per quarter
Over 60,001 gallons	\$210.00 per unit per quarter

Industrial Pre-treated Sludge

<u>Quarterly Volume</u>	<u>Rate \$/1000 Gal.</u>
0-250,000 gallons	\$5.00
250,001-1,000,000 gallons	\$4.00
Over 1,000,001 gallons and over	\$3.00

- B. The annual usage for each user will be determined by the Village of Bergen based upon actual usage during a prior one-year period and said usage shall be reviewed and adjusted on an annual basis.
- C. Section 3, Paragraph C of Local Law No. 11 of 2004 as repealed and rescinded in Local Law No. 2 of 2007 remains in full force and effect.
- D. In accordance with existing contract provisions, the rate structure applicable to units outside the Village will be 125% of the rates charged to units in the Village as set forth in paragraph A above.
- E. For purposes of this law, a residential unit shall be defined as:
1. an individual single-family residence;
 2. Any property that contains three or less residential units and is owner occupied; or
 3. A property used exclusively in connection with religious purposes by corporations or associations organized or conducted in good faith for religious purposes and including the operation by such corporation or association of a school, notwithstanding that secular subjects are taught at such school, exclusively in connection with a community residence as defined in Subdivision Twenty-eight-a and Twenty-eight-b of Section 1. 03 of the Hygiene Law, provided that such residence is operated as a not-for-profit corporation and if supervisory staff is on site on a 24-hour per day basis, that the residence provides living accommodations for 14 or fewer residents.
- F. For purposes of this law, a commercial/industrial use shall be defined as follows:
1. any property that is zoned for commercial or industrial use;
 2. any property that is primarily used for business purposes;
 3. any property that falls within the Multiple Dwelling Law definition for a multiple dwelling; or
 4. any property that contains two or more residential units and is not owner-occupied

Section 4 – Determining Each User’s Cost of Operation and Maintenance

All other terms and provisions of Local Law No. 6 of 1985, Local Law No. 11 of 2004, Local Law No. 2 of 2007, and Local Law 1 of 2019 shall remain in full force and effect.

Section 5 – Payment of Wastewater Service Charges

The Village shall submit a quarterly statement to the user for the user’s quarterly wastewater service charge (debt service plus operation and maintenance). If not paid in full by April 30th of any year, any unpaid assessments shall be added to the Village tax bill with penalty for the subject property for the following fiscal year.

Section 6 – Review of Each User’s Wastewater Service Charge

All other terms and provisions of Local Law No. 6 of 1985, Local Law No. 11 of 2004, Local Law No. 2 of 2007, and Local Law 1 of 2019 shall remain in full force and effect.

Section 7 – Increased Costs Due to Discharge of Prohibited Substances into the Wastewater Treatment System

All other terms and provisions of Local Law No. 6 of 1985, Local Law No. 11 of 2004, Local Law No. 2 of 2007, and Local Law 1 of 2019 shall remain in full force and effect.

Section 8

This Law shall be effective upon filing with the Secretary of State and the debt service charges and sewer rates shall be applicable to the current billing quarter, which is to be billed on or about August 1st, 2024.

A motion was made by Trustee Fleming and seconded by Trustee Cargill to pass Local Law 1 of 2024 changing the sewer debt charge. The motion passed unanimously.



Land Purchase – Gibson Place

A motion was made by Trustee Capurso and seconded by Trustee Thompson to approve the purchase of property on Gibson Place in the amount of \$4,500. The motion was approved unanimously.



Old Business

2024-2025 Budgets

General Budget

A motion was made by Trustee Thompson and seconded by Trustee Fleming to approve the 2024-2025 General budget. The motion passed unanimously.

Sewer Budget

A motion was made by Trustee Cargill and seconded by Trustee Capurso to approve the 2024-2025 Sewer budget. The motion passed unanimously.

Electric Budget

A motion was made by Trustee Thompson and seconded by Trustee Fleming to approve the 2024-2025 Electric budget. The motion was passed by the following vote.

- Trustee Robert Capurso – abstain
- Trustee Todd Cargill – Aye
- Trustee Michael Fleming – Aye
- Trustee Bernadette Thompson – Aye

Privilege of the Floor

None

Adjournment

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

The meeting was adjourned at 7:58pm

Respectfully submitted,

Cortney W. Gale
Village Administrator