**April 9, 2024 BERGEN TOWN BOARD REGULAR MEETING**

DRAFT

The Bergen Town Board convened in a regular session at 6:45 pm audit of the bills; convened in a regular session in the Town Hall with Supervisor Haywood presiding.

**PRESENT:**  **ALSO PRESENT:**

Supervisor Ernie Haywood Teresa Robinson, Town Clerk

Councilperson Belinda Grant Joel Pocock, Highway Superintendent

Councilperson James Starowitz

Councilperson Karen Ely

Councilperson Mark Swanson

**ABSENT:**

**OTHER ATTENDENCE:**  Gary Fink - Planning Board Chair

**PRAYER:**

**PLEDGE TO THE FLAG:**

**PRIVILEGE OF THE FLOOR:** Gary Fink – GCEDC sold all remaining parcels at Appletree Acres. OXBO purchased last parcel located off of Route 19 South. DMT trucking will be building further down on Route 19. Kraft Cannery will be building a 4,000 sq ft addition. Dollar General will be coming back to the planning board with building designs and recommend a traffic study to be completed.

**APPROVAL OF MINUTES FOR:** Board Meeting 3/12/2024;

**COMMUNICATIONS:**

1. Supervisor Report for March 2024
2. Summary Spreadsheets for March 2024
3. Town Clerks Report for March 2024
4. ZEO/CEO Report for March 2024
5. Mercy EMS report for March 2024
6. Charter Communications, 3/19/2024 and 4/2/2024
7. Final Technology Disaster Recovery Policy
8. Clerk’s request to attend the NYS Annual Clerks Association Conference
9. Request for Sponsorship for the Bergen Park Festival

10. Resolution to set wages for Kevin Bruton, part-time, as-needed Highway Laborer

11. Resolution Authorizing Public Hearing – Amending Chapter 132 Procurement Policy of The Bergen Town Code

12. Resolution Authorizing Public Hearing – Amending Chapter 118 of Personnel Policy of The Bergen Town Code

13. Resolution Authorizing Public Hearing – Amending Chapter 398 Records Public Access of The Bergen Town Code

14. Press Release regarding Preliminary assessment values as par to the Assessment Update Project

**BOARD MEMBERS’ ITEMS FOR THE AGENDA:**

**REPORTS:**

SUPERVISOR: Insurance renewal application completed 45 pages sent in insurance co.; Cyber Security training recommended. Attended the Kraft Cannery grand opening. Attended the Bergen Fire Dept. Installation of Officers banquet. Awarded citations to members of the fire dept. for the years in service and number of calls. Town went out to bid for HVAC system – low quote came in from AireServ.

TOWN CLERK: Met with Humphrey Electric & Security regarding the security system – estimate $1,885.00. Received 2 out of the 3 requested estimates for the fire proof Cabinet; Quote for new computer monitors in the clerk’s office; BBCA asking what they can do for the Town Parks’.

BOARD MEMBERS: Meeting on April 26, 2024 at Batavia Downs – Belinda and Ernie attending.

HIGHWAY: Update on potential work from BOCES students at Drew’s Nature Center – working on for next school year; Working on Town of Bergen written Highway Maintenance Policy; Working on truck clean up and road side mower. CHIPS money has not been approved yet, possible reduction in CHIPS money.

COMMITTEES:

Buildings, Grounds, and Facilities (Cemeteries): Updates for Utilization of Buildings; Westshore Trail Riders would like to volunteer to help with Drew’s Nature Center.

Parks: Bathroom Update – Bathrooms update at Robbins Brook Park. Checking costs to have electric and water hooked up and then decide what type of bathrooms.

Local History & Museum: Nothing to report

Policy & Personnel: Nothing to report

**OLD BUSINESS:** Update on gate on Evans Rd. – Reaching out to the residents on Evans Rd. The road is seasonal and can only be closed from Nov. 1st to April 1st. The gate is currently open.

**NEW BUSINESS:**

* Kim Donley as Deputy Clerk
* Certificates of Recognition to James Pascarella for 45 years of service and responding to more than 100 calls for the Bergen Fire Department.
* Certificate of Recognition to Gary Mielke, Paul Cummings, Don Cunningham, PJ Commings and Robert MacConnell for responding to more than 100 calls for the Bergen Fire Department
* Approval of Contact with MRB for Submission of Letter of Intent and grant application in regards to a NYS Cyber-Security Grant- Total Amount $6,627.50
* Approval of Clerks request to attend the NYS Clerks Association’s Annual Meeting.

-Motion was made by Councilperson Starowitz approving the appointment of Kim Donley as Deputy Town Clerk; seconded by Councilperson Ely

Ayes: Haywood, Grant, Starowitz, Swanson, Ely

Nays: None

Abstained:

APPROVED by: vote (5-0)

-action to file the Town Clerks report for March 2024

Councilperson Grant made a motion to file the Town Clerk’s report for March 2024; seconded by Councilperson Starowitz

Ayes: Haywood, Grant, Starowitz, Swanson, Ely

Nays: None

Abstained:

APPROVED by: vote (5-0)

-Action to file Supervisors Report for March 2024

Councilperson Grant made a motion to file the Supervisor’s report for March 2024; seconded by Councilperson Starowitz

Ayes: Haywood, Grant, Starowitz, Swanson, Ely

Nays: None

Abstained:

APPROVED by: vote (5-0)

-Approval to pay bills and authorizing the bookkeeper to transfer of funds necessary to the checking account to pay the bills

Councilperson Swanson made a motion to approve and pay the bills; seconded by Councilperson

Starowitz

Ayes: Haywood, Grant, Starowitz, Swanson, Ely

Nays: None

Abstained:

APPROVED by: vote (5-0)

-Approval of the Technology Disaster Recovery Policy

Councilperson Swanson made a motion to approve the Technology Disaster Recovery Plan; seconded by Councilperson Starowitz

Ayes: Haywood, Grant, Starowitz, Swanson

Nays: None

Abstained:

APPROVED by: vote (5-0)

-Approval of Request to attend the NYS Annual Clerks Association Conference not to exceed $1,232.00

Councilperson Grant made a motion to approve the request to attend the NYS Annual Clerks Association Conference; seconded by Councilperson Ely

Ayes: Haywood, Grant, Starowitz, Swanson, Ely

Nays: None

Abstained:

APPROVED by: vote (5-0)

-Resolution to set wages for Kevin Bruton, part-time, as-needed Highway Motor Equipment Operator

Councilperson Swanson made a motion to set the wages for Kevin Bruton, part-time, as needed Highway Laborer; seconded by Councilperson Starowitz

Ayes: Haywood, Grant, Starowitz, Swanson, Ely

Nays: None

Abstained:

APPROVED by: vote (5-0)

Councilperson Grant made a motion for a Public Hearing on May 14th; seconded by Councilperson Ely

Ayes: Haywood, Grant, Starowitz, Swanson, Ely

Nays: None

Abstained:

APPROVED by: Vote (5-0)

RESOLUTION 11-2024 Authorizing Public Hearing on Local Law \_\_ of 2024 Amending Chapter 132 Procurement Policy of the Bergen Town Code

WHEREAS, the Bergen Town Board is desirous of amending Chapter 132 Procurement Policy of the Bergen Town Code as follows:

132-1. Guidelines

B. Guideline 2. All purchases of:

(1) Public works contracts over ~~$20,000~~ **$35,000**.

(2) Supplies or equipment which will exceed ~~$10,000~~ **$20,000** shall be formally bid…

C. Guideline 3.

(1) All estimated public works contracts of less ~~that~~ **than** ~~$20,000~~ **$35,000** but greater than ~~$30,000~~ **$20,000** require a written request for proposals (RFP) and a written~~/fax~~ proposal from ~~three~~ **two** or more contractors.

(2) All estimated purchases of less than $10,000 but greater than ~~$3,000~~ **$5,000** require a written RFP and a written~~/fax~~ proposal from ~~three~~ **two** or more vendors unless purchased from valid state or county **or municipal bids.**

(3) All public works contracts or purchase of less than ~~$3,000~~ **$5,000** but greater ~~that~~ **than** $500 require…. and;

WHEREAS, the Bergen Town Board is required to hold a Public Hearing on the proposed amendments prior to the passage of this Local Law.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. That the Bergen Town Board calls a Public Hearing to hear all persons for or against the Adoption of Local Law \_\_\_ of 2024 amending Chapter 132 Procurement Policy of the Bergen Town Code on May 14, 2024 at 7:00 pm at the Bergen Town Hall, 10 Hunter Street, Bergen, New York.

Sec. 2. That the Bergen Town Clerk is directed to advertise this hearing in the official newspaper of the Town in accordance with Town Law §131.

Sec. 3. That this Resolution shall take effect immediately.

Motion for adoption:

Second:

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Ely

Deputy Supervisor Grant

Councilperson Swanson

Councilperson Starowitz

Supervisor Haywood

Abstained

Nays APPROVED by: vote (5-0)

-Resolution Authorizing Public Hearing – Amending Chapter 398 Records Public Access of The Bergen Town Code

RESOLUTION 12-2024 Authorizing Public Hearing on Local Law \_\_ of 2024 Amending Chapter 398 Records, Public Access of the Bergen Town Code

WHEREAS, the Bergen Town Board is desirous of amending Chapter 398 Records, Public Access to of the Bergen Town Code as follows:

398-2. Designation of Records Access Officer

A. Town Clerk

~~13 S. Lake Avenue~~ **10 Hunter Street**

Bergen, NY 14416

[~~tn-bergen-Clerk@rochester.rr.com~~](mailto:tn-bergen-Clerk@rochester.rr.com)

398-3. Location.

Bergen Town hall

~~13 S. Lake Avenue~~ **10 Hunter Street**

Bergen, NY 14416

398-4. Hours for public inspection.

Requests for public access to records shall be accepted and records produced during all hours regularly open for business, **as posted in the Town Clerk’s office, 10 Hunter Street.** ~~These hours are: Monday, Tuesday, Wednesday and Friday, 8:00 a.m. to 4:00 p.m.; Saturday, 9:00 a.m. to 12:00 noon.~~

WHEREAS, the Bergen Town Board is required to hold a Public Hearing on the proposed amendments prior to the passage of this Local Law.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. That the Bergen Town Board calls a Public Hearing to hear all persons for or against the Adoption of Local Law \_\_\_ of 2024 amending Chapter 398 Records, Public Access to of the Bergen Town Code on May 14, 2024 at 7:00 pm at the Bergen Town Hall, 10 Hunter Street, Bergen, New York.

Sec. 2. That the Bergen Town Clerk is directed to advertise this hearing in the official newspaper of the Town in accordance with Town Law §131.

Sec. 3. That this Resolution shall take effect immediately.

Motion for adoption:

Second:

Discussion:

VOTE BY ROLL CALL AND RECORD: Councilperson Ely -Aye

Deputy Supervisor Grant - Aye

Councilperson Swanson - Aye

Councilperson Starowitz - Aye

Supervisor Haywood -Aye Approved by: vote (5-0)

-Resolution setting the wage rate for part-time as needed Highway Laborer Kevin Bruton at $23.00 per hour

Councilperson Swanson made a motion to file the Resolution Authorizing a Public Hearing; seconded by Councilperson Starowitz

Ayes: Haywood, Grant, Starowitz, Swanson

Nays: None

Abstained: Ely

APPROVED by: vote (5-0)

-Resolution to amend the 12/12/2023 Town of Bergen Board meeting minutes to reflect a clerical error in reporting the amount of the bid from the recorded amount of $5,982.36 instead of $9,980.03. The minutes should have read “Councilman Anderson made a motion to accept Triple O bid for HVAC work done at the Town Hall for $9,980.03; seconded by Councilman Starowitz and carried by a vote of 4-0”.

Councilperson made a motion to amend the 12/12/2023 Town of Bergen Board meeting minutes to reflect a clerical error in reporting the amount of the bid from the recorded amount of $5,982.36 instead of $9,980.00; seconded by Councilperson

Ayes: Haywood, Grant, Starowitz, Swanson, Ely

Nays: None

Abstained:

APPROVED by: vote (5-0)

RESOLUTION 13-2024 Authorizing Public Hearing on Local Law \_\_ of 2024 Amending Chapter 118 Personnel Policies of the Bergen Town Code

WHEREAS, the Bergen Town Board is desirous of amending Chapter 118 Personnel Policies to of the Bergen Town Code as follows:

118-2. Reimbursement for mileage.

Examples of mileage reimbursement request:

2-10-2008: GAM meeting in Batavia and return, 15 miles each way, 30 miles total.

~~Month of 3-20-2008: five trips to Brockport to HSBC Bank, 16 miles each, 80 miles total.~~

118-5. Reimbursement for meals.

The maximum reimbursement for meals is $50 a day/~~$70~~ **$100** a day NYC….A gratuity of up to ~~15%~~ **20%** may be added to the above.

~~118-8. Reimbursement for telephone calls.~~

~~Requests for reimbursement for telephone calls from home telephones must be itemized by place and totaled per month.~~

~~Example: January telephone calls~~

~~8 calls to Batavia $1.80~~

~~4 calls to Albany $4.56~~

~~Total $6.36~~

WHEREAS, the Bergen Town Board is required to hold a Public Hearing on the proposed amendments prior to the passage of this Local Law.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. That the Bergen Town Board calls a Public Hearing to hear all persons for or against the Adoption of Local Law \_\_\_ of 2024 amending Chapter 398 Records, Public Access to of the Bergen Town Code on May 14, 2024 at 7:00 pm at the Bergen Town Hall, 10 Hunter Street, Bergen, New York.

Sec. 2. That the Bergen Town Clerk is directed to advertise this hearing in the official newspaper of the Town in accordance with Town Law §131.

Sec. 3. That this Resolution shall take effect immediately.

Motion for adoption:

Second:

Discussion:

VOTE BY ROLL CALL AND RECORD: Councilperson Ely – Aye Councilperson Swanson - Aye

Councilperson Starowitz – Aye Deputy Supervisor Grant - Aye

Supervisor Haywood – Aye

Approved by vote: (5-0)

**MEETING AND OTHER UPCOMING DATES** – Town Board Meeting: Regular meeting of the board 05/14/2024 6:45 audit of the bills, Public Hearing to begin at 7:00 pm to run concurrently with the regular board meeting at 7:00 pm.

**ADJOURNMENT** Was at 8:30 pm on a motion made by councilperson Grant*;* seconded by councilperson Swanson*;*

Ayes: Haywood, Grant, Starowitz, Ely, Swanson

Nays: None

APPROVED by: Unanimous vote (5-0)

Respectfully submitted

**Teresa Robinson**

Teresa Robinson, Town Clerk