**May 13, 2025 BERGEN TOWN BOARD REGULAR MEETING**

Draft

The Bergen Town Board convened in a regular session at 6:45 pm audit of the bills; The Town Board Meeting convened in a regular session in the Town Hall with Supervisor Haywood presiding at 7:00 pm.

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

Supervisor Ernie Haywood Teresa Robinson, Town Clerk

Councilperson Belinda Grant Joel Pocock, Highway Superintendent

Councilperson Karen Ely

Councilperson Mark Swanson

**ABSENT:**  Councilperson James Starowitz

**OTHER ATTENDENCE:**  Kim Donley 7:15 pm

**PRAYER:** Almighty God, as we meet today to conduct matters of Town business, grant us the wisdom to remember as we work that we are servants of our constituency. Assist us to be sure our decisions should be in the best interests of the Town and its citizens, entirely unblemished by any thoughts of personal benefit. Amen.

**PLEDGE TO THE FLAG:**

**PRIVILEGE OF THE FLOOR:**

**APPROVAL OF MINUTES FOR:** Town Board Meeting April 8, 2025; Councilperson Swanson made a motion to approve the Town Board Minutes of April 8, 2025; seconded by Councilperson Grant

Ayes: Haywood, Grant, Ely, Swanson

Nays: None

Abstained: None

APPROVED by: Unanimous vote (4-0)

**COMMUNICATIONS/INFORMATION included with this agenda:**

1. Supervisor Report for April. 2025

2. Financial Statements for April 2025

3. Town Clerks Report for April. 2025

4. ZEO/CEO Report for April. 2025

5. Mercy EMS report for March. 2025

6. Proposed Budget Transfers

7. Correspondences from Charter Communication

8. Resolution for approval of acquisition of an easement by MCWA for property at 0 Gilbert Road

9. Resolution to approve an assessment agreement services agreement with the town of Batavia for the provision of assessment tax services.

10. Letter of request for reappointment to the position of Sole Appointed Assessor for the Town of Bergen for a six-year term beginning 10/1/2025.

11. Correspondence to Town residents that may be affected by FEMA’s changes in flood maps and potential flood insurance change that was mailed out in early May.

12. Notice of the town of Bergen’s proposal to consolidate town office.

13. Resolution Surplus Items from the Town Historian

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

**REPORTS:**

**SUPERVISOR**:

Announcements/Events:

* Town and Village of Bergen named Partner of the Year by Genesee County Economic Development Center- Luncheon occurred on 4/25. Award and proclamation from Assemblymember Steve Hawley- on behalf of the town by myself. Belinda Grant, Mark Swanson, Teresa Robinson, and Gary Fink represented the town at the luncheon.
* Genesee County Chamber Tour- As part of the Chamber’s rebranding of Genesee County, on 5/6/2025, in collaboration with the village the BBCA a tour was provided to Chamber staff. Tom showed them the museum. Patrica and Karen from the BBCA presented on the BBCA, Joel provided a tour of Robins Brook Park and the Cortney and the Mayor toured the village park, sage and down town with the representatives. They will also be meeting with representatives from the Bergen Swamp Society.
* Prevention of Sexual Harassment/Cyber Security- Thank you to Teresa for arranging for training on Prevention of Sexual Harassment and Cyber Security and arranging for Lunch during the training on 4/11/2025

Insurance Renewal:

* Teresa and I have worked with the insurance agent (Tompkins) on renewal of the insurance. A final meeting occurred on 5/2/2025 and in summary- Tompkins did go out to get quotes. Travelers and Trident decline to quote, Select was more expensive and only quoted on Property and Liability and not auto, umbrella and crime. NYMIR our current insurance company was the sole bidder. The cost, including adding in the pavilion, EV station and increasing the umbrella to 4 million (which is more the standard for municipalities of our size) is 39,442. This is an increase of 3,306 over this year’s premium. (5/2024-5/2025). We budgeted 40,000.00 for all insurance and with this insurance plus the 1263 we pay separately for excessive employee liability total insurance and a 79.34 cost to add the park pavilion to this year’s coverage the costs will be 40,784.34.

Properties-Projects:

* East Bergen Cemetery-I have requested a plan and quote to continue our work to repair head stones at the E. Bergen Cemetery from Genesee Valley Cemetery Service. We have budgeted 5000.00 for this work.
* Bathroom at Park- The Town Architect completed the specification and drawings for the proposed bathroom and they have been shared with BOCES. A meeting with BOCES is scheduled for 5/13 to discuss the project. Our goal is to have construction start in the fall and be completed by Dec.
* Capital Project- Renovations to 13 South Lake and Addition to Town Hall- The Town Architect has completed the Short Form Environmental Review -SEQRA. We will be potentially acting upon this by declaring a negative impact at the June town board meeting. The attorneys continue to work on the language for the lease.
* Drews Nature Center- Joel and I have been in email conversations with the instructor for the BOCES conservation class. His goal is to be able to have his students work in the Drews Nature Center to assist with clean-up and other work Joel has in the fall. We are working to have transportation provided for students on the same dates/ times as the BOCES students from the building trades program come to Robins Brook to build the bathroom.

Traffic Safety around Appletree Industrial Park

* Request for Speed Reduction on 33- As shared with the board, NYS DOT has concluded that that they are not going to reduce the speed limit as both the Village and Town Board had requested.
* Concerns brought to County- I discussed the concerns that were outlined in the correspondence to the Genesee County Traffic Safety Board- and NYS DOT, as well as some of the recommendations the village and town has for improved traffic safety with Shelly Stien, chair of the Genessee County Legislature. She is taking the concerns to the regional head of DOT>

I have also communicated and shared with Charlie Cook, from Liberty Pump the request and recommendations and the denial of NYS DOT To reduce speed limit.

Communications with the Community:

* FEMA -Open house for changes in Flood Maps- A notice regarding the FEMA open house /meeting in Batavia on 5/15/2025 was prepared and mailed to over 150 town residents for who the Genesee County Planning Department has said that their property is within 10 ft. of a flood plain.
* Proposal to Consolidate town office- A notice detailing the proposal to consolidate town offices by adding space at the current town hall for the assessor and code enforcement officer and moving the historian from the historian’s house to the library building, including renovations for better records storage and renovations to the museum through the sale of the historian house was put on the web site and posted on face book.

Water District Reconciliation

* Upon receipt of the list of Monroe County Water Authority Customers in Bergen, I have spent a considerable amount of time reconciling their list with the assessors list of water users by districts. The goal is to have on comprehensive list and to compare each year to be sure we have added new EDUs to the tax rolls as needed.

Follow up from last board meeting.

* Rep. for negotiations with the Union- As requested at the last board meeting, if any board member is interested in participating in the upcoming negotiations with the highway members, please let me know asap.
* Joint meeting with Village Board- As requested by Karen, I have reached out to the mayor to see if their board is interested in once again hosting a joint town /village board meeting or a get together. He is going to bring this to the Village board and get back to me.

**TOWN CLERK**:

I met with the Genesee County Treasurer to turn in all of the uncollected taxes and to make the final payment to the County. The Town collected over $3,000,000 and returned $142,885.30 of unpaid taxes to the county.

A

ted. The Apple I pads are in. I spoke to Bill (our IT person) and he recommended we use the same I cloud account for all of the I pads and passwords will be kept by the Town.

The Highway Supervisor and I will be participating this year for United Ways Day of Caring on May 15, 2025. We have no more than 20 volunteers attending.

Attended The Genesee County Economic Development Center (GCEDC) Annual Meeting that was held on April 25, 2025 at Batavia Downs at 11:00 am.

Sexual Harassment Prevention & Cyber Security training went well we had 10 people in attendance.

The new website will go live June 2nd. All of the forms will be available – printable and fillable. The photos will be old but now that we have nice weather and greenery we can update as we go.

**TOWN BOARD:**

Nothing to report

**HIGHWAY**:

* + The benches have been purchased and placed at the park (donation from BBCA)
  + Working on brush pick up – completed this week.
  + Day of Caring on Thursday – will be painting, cleaning the pavilion, planting trees, mulch, and plant flowers.
  + Work on the baseball fields has been completed.
  + The water line to the front of the park has been completed, will be working on the line to the back.
  + Will be posting Sacket Road and Peachey Rd with weight limit signs.
  + Posted for a par-time Highway Clerk position.
  + Would like to hire a part-time per diem laborer position up to 30 hours per week.

Motion to authorize the Highway Superintendent to proceed with hiring a part-time per diem laborer at $18.00 per hour up to 30 hours per week. Councilperson Ely made a motion to authorize the Highway Superintendent to proceed with hiring a part-time per diem laborer at $18.00 per hour up to 30 hours per week; Seconded by Councilperson Grant.

Ayes: Haywood, Grant, Ely, Swanson

Nays: None

APPROVED by: Unanimous vote (4-0)

Motion to approve the Highway Superintendent’s request to attend the training at Cornell on June 2 thru June 4, 2025 not to exceed $165.00. Councilperson Ely made a motion to approve the Highway Superintendent’s request to attend the training at Cornell on June 2 thru June 4, 2025 not to exceed $165.00; Seconded by Councilperson Grant.

Ayes: Haywood, Grant, Ely, Swanson

Nays: None

APPROVED by: Unanimous vote (4-0)

**COMMITTEES:**

Buildings, Grounds, and Facilities (Cemeteries):

Local History & Museum: The Genesee Chamber of Commerce came and toured the Historian House

Policy & Personnel:

**OLD BUSINESS:**

* Update on proposed Capital Project- Town Hall addition/ Records room at 13 S. Lake Ave. Working on the lease with the Attorneys
* Request for Traffic Speed reduction on Route 33 from 490 past intersection of Routes 19 and 33. New York State Department of Transportation (NYSDOT) has denied the request to lower the speed limit.

**NEW BUSINESS:**

-Approval to provide funding to the American Legion for the purchase of flowers and flags for the cemeteries- not to exceed $800.00

-Approval to authorize the clerk to pay her Key Bank Credit Card Balance in the amount of 886.05 as a bill prior to the Board meeting date of 5/13/2025 to avoid late fees.

- Resolution to approve the acquisition of an easement by MCWA for property at 0 Gilbert Road.

- Resolution to approve an assessment agreement services agreement with the town of Batavia for the provision of Tax Assessment Services.

-Resolution to appoint Rhonda Saulsbury to the position of Sole Appointed Assessor for the Town of Bergen for a six-year term beginning 10/1/2025.

- Acceptance of resignation of Penny Vincent from the Board of Assessment Review.

- Resolution for disposal of items from the Town of Bergen’s Historical Collection.

- Action to file Town Clerks Report-April 2025

- Action to file Supervisor’s Report- April 2025

- Approval of Budget Transfers- if available

- Approval to pay bills and authorize the bookkeeper to transfer funds necessary to the checking account to pay the bills.

Motion to approve the request from Sleds of Stafford to keep the marked trail system for utilization for snowmobiles on town owned property (West Shore Railroad). Councilperson Grant made a motion to approve the request from Sleds of Stafford to keep the marked trail system for utilization for snowmobiles on town owned property (West Shore Railroad); Seconded by Councilperson Swanson.

Ayes: Haywood, Grant, Ely, Swanson

Nays: None

APPROVED by: Unanimous vote (4-0)

Motion to approve the of request for Bergen Business and Civic Association’s request for town for sponsorship of Bergen Park Day at $500.00. Councilperson Ely made a motion to approve the request Bergen Business and Civic Association’s request for town for sponsorship of Bergen Park Day at $500.00; Seconded by Councilperson Swanson

Ayes: Haywood, Grant, Ely, Swanson

Nays: None

APPROVED by: Unanimous vote (4-0)

Motion to approve the of request for the Disposal of Equipment/Vehicles deemed as surplus- - 2013 Ford F 250 Truck with Plow and 2000 Progressive 15 ft. mower. Councilperson Swanson made a motion to Disposal of Equipment/Vehicles deemed as surplus- - 2013 Ford F 250 Truck with Plow and 2000 Progressive 15 ft. mower; Seconded by Councilperson Ely

Ayes: Haywood, Grant, Ely, Swanson

Nays: None

APPROVED by: Unanimous vote (4-0)

Motion to approve the funding to the American Legion for the purchase of flowers and flags for the cemeteries- not to exceed $800.00. Councilperson Ely made a motion to approve the funding to the American Legion for the purchase of flowers and flags for the cemeteries- not to exceed $800.00; Seconded by Councilperson Swanson

Ayes: Haywood, Grant, Ely, Swanson

Nays: None

APPROVED by: Unanimous vote (4-0)

Motion to approve the authorization of the clerk to pay hers and the Highway Supervisor’s Key Bank Credit Card Balance in the amount of $886.05 as a bill prior to the Board meeting date of 5/13/2025 to avoid late fees. Councilperson Grant made a motion to approve the authorization of the clerk to pay hers and the Highway Supervisor’s Key Bank Credit Card Balance in the amount of $886.05 as a bill prior to the Board meeting date of 5/13/2025 to avoid late fees; Seconded by Councilperson Ely

Ayes: Haywood, Grant, Ely, Swanson

Nays: None

APPROVED by: Unanimous vote (4-0)

RESOLUTION # 2025-17

APPROVAL OF ACQUISITION OF AN EASEMENT BY THE MONROE COUNTY WATER AUTHORITY PURSUANT TO §1096(6-a) OF NEW YORK’S PUBLIC AUTHORITIES LAW

**WHEREAS,** The Monroe County Water Authority (“Authority”) intends to provide public water service to Part of 0 Gilbert Road located in the Town of Bergen; and

**WHEREAS,** the acquisition of the easement is necessary for operation, maintenance and the future replacement of the water main which will allow the Authority to continue to reliably provide potable water supply to the area; and

**WHEREAS,** the easement is located along the frontage of Part of 0 Gilbert Road (Tax Acct. No. 16.0-1-25.1), which is owned by Wolfgang A. Hofer and Bridget E. Hofer; and

**WHEREAS,** §1096(6-a) of New York’s Public Authorities Law requires the Authority to obtain the prior approval of the Town Board for the above-referenced acquisition; now therefore be it

**RESOLVED,** that the Town hereby approves of the Authority’s acquisition of the frontage easement located at Part of 0 Gilbert Road 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 Authority.

MOTION for adoption of this resolution by: Councilperson Swanson

Seconded by: Councilperson Ely

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Ely

Councilperson Grant

Councilperson Swanson

Supervisor Haywood APPROVED by: Unanimous Vote (4-0)

Submitted – May 13, 2025

RESOLUTION NO. 2025-18 DATE: MAY 5, 2025

**TO APPROVE AN ASSESSMENT SERVICES AGREEMENT**

**WITH THE TOWN OF BERGEN**

**WHEREAS**, the Town of Batavia, (hereinafter “Batavia”) and the Town of Bergen, (hereinafter “Bergen”), pursuant to Article 5-G of the General Municipal Law, are authorized to enter into an inter-municipal cooperative agreement for the provision of assessment tax services, and;

**WHEREAS,** Batavia currently is employing an individual fully qualified to provide the assessment services as required by law; and

**WHEREAS,** Bergen has identified a need to have assessment services to be provided by Batavia; and

**WHEREAS**, Batavia intends to continue to maintain an employee to provide assessment duties in both the Towns of Batavia and Bergen, without reducing the level of service provided to the Town of Batavia; and

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Batavia, New York, that the proposed “Towns of Batavia and Bergen Assessment Services Agreement” (hereinafter “Agreement”), a copy of which is annexed hereto and made part of the Town Board Minutes, at a cost of twenty thousand, two hundred, forty-four dollars ($20,244.00) per year and this sum shall be paid by the Town of Bergen, in two equal installments of ten thousand, one hundred twenty-two dollars ($10,122.00) with the first payment being due on or before October 1, 2025 and the second payment to be paid on or before March 1, 2026, and this Agreement is hereby approved effective July 1, 2025 to expire on June 30, 2026 and the Town Supervisor is authorized and directed to sign this Agreement on behalf of the Town of Batavia, subject to the approval and execution by the Town of Bergen.

**Offered By**: Councilperson Grant

**Second by:** Councilperson Swanson

VOTE BY ROLL CALL AND RECORD:

Councilperson Ely

Councilperson Grant

Councilperson Swanson

Supervisor Haywood Submitted – May 13, 2025

**TOWNS OF BATAVIA AND BERGEN**

ASSESSMENT SERVICES AGREEMENT

**THIS AGREEMENT,** made this \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 2025 by and between the **TOWN OF BERGEN**, a municipal corporation with offices at 10 Hunter Street, Bergen, New York 14416, (“Bergen”) and the **TOWN OF BATAVIA**, a municipal corporation with offices at 3833 West Main Road, Batavia, NY 14020 (“Batavia”),

**WHEREAS,** pursuant to article 5-G of the General Municipal Law, Bergen and Batavia are authorized to enter into an inter-municipal cooperative agreement for the provision of tax assessment services, and

**WHEREAS,** Batavia employs a fully qualified Assessor to provide all assessment services by law, and

**WHEREAS**, Batavia intends to continue to maintain the position of Assessor and to provide any support staff necessary to assist her/him to perform assessment services in both the Town of Batavia and the Town of Bergen.

**NOW THEREFORE, BE IT RESOLVED**, pursuant to Article 5-G of the General Municipal Law, it is agreed as follows:

1. Batavia agrees to provide assessment services to Bergen and shall provide a qualified individual to perform said duties outlined herein. The person appointed as Assessor must satisfy the minimum qualification standards for real property assessors established by the State Board of Real Property Services.

**2.** In consideration and for the compensation for the services set forth herein, Bergen shall pay

to Batavia the total sum of twenty thousand, two hundred, forty-four dollars ($20,244.00) for

this Agreement. This sum shall be paid in two equal installments of ten thousand, one

hundred, twenty-two dollars ($10,122.00). The first payment due on or before October 1,

2025, and the second payment due on or before March 1, 2026.

3. The Assessor provided by Batavia shall be responsible for assessing all parcels of real property located in Bergen and in Batavia for the purposes of taxation and special ad valorem levies for town, county, special district and school district. The Assessor shall also oversee all other duties as required for assessors by the Real Property Tax Law and the rules of the State Board of Real Property Services. All real property shall be assessed at the same uniform percentage of market value in all of the assessing units participating in the Agreement throughout the term of the Agreement. Such percentage of market value shall be annually printed on the tentative assessment rolls for the participating assessing units.

4. The dates applicable to the assessment process in each municipality, including taxable status date, and the dates for the filing of the tentative and final assessment rolls, shall be the same.

5. The Assessor personally and/or by employees under his/her direction shall be present for office hours in the Bergen Town Assessors Office for a total of four (4) hours per week. The days and times of these office hours shall be mutually agreed. Additionally, the Assessor can be available by appointment or during regular office hours at the City or Town of Batavia offices.

6. The Assessor shall for all compensation purposes only be deemed an employee of Batavia and Batavia shall pay the Assessor’s salary and make employers contributions for retirement, social security, health insurance, workers’ compensation, unemployment, and other similar benefits.

7. The Assessor shall be deemed an employee, agent and/or representative of Bergen regarding liability and any and all other issues resulting from actions performed as the Bergen Assessor.

8. This Agreement does not include attorney services and Bergen shall provide and pay for all attorney fees and expenses in its jurisdiction.

9. Each party shall indemnify, defend, and hold the other and their officers, employees and agents, and their respective successors and assigns harmless from and against all claims, damages, demands, losses, expenses, fines, causes of action, suits or other liabilities, (including all costs, reasonable attorney’s fees, consequential damages, and punitive damages), arising out of or from, or alleged to arise out of or arise from, the performance of the terms and conditions of this Agreement by either party or by any of either party’s subcontractors, regardless of whether such claim, damage, demand, loss, expense, fine, cause of action, suit or other liability is attributable to bodily injury, personal injury, sickness, disease or death, or injury to or destruction of tangible property, including the loss of use resulting therefrom; but only to the extent attributable to the respective and comparative negligence or intentional misconduct of each respective party or any entity for which each party is legally responsible. This indemnity applies regardless of whether the claim is presented by an employee of either party and shall not be limited in any way by any limitation on the amount of or type of damages, compensation or benefits payable by or for each party under any Workers’ Compensation acts, disability benefits acts or other employee benefits acts.

10. Each party warrants that it will respectively maintain at its sole expense the insurance policies identified and required pursuant to **EXHIBIT A**, annexed hereto and made a part hereof, for the conduct of the respective officers, employees, or agents of each party related to the services provided pursuant to this Agreement, that shall be secured from a company in good standing rated A- or better by A.M. Best that is licensed to do business in the State of New York. By mutual agreement in writing, the parties may waive or modify any insurance policy requirements and/or any limits thereof.

**11.** This Agreement shall become effective on July 1, 2025, and expire on June 30, 2026, with an option for either municipality to terminate this Agreement upon a ninety (90) day prior written notice to the other municipality.

**12. There are no other agreements or understandings, either oral or written, between the parties**

affecting this Agreement. No changes, additions or deletions of any portions of this Agreement shall be valid or binding upon the parties hereto unless the same is approved in writing by the parties. 3

**IN WITNESS WHEREOF,** the parties have hereunto set their hands and seals the day and year first above written.

**TOWN OF BERGEN TOWN OF BATAVIA**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Ernest Haywood, Supervisor Gregory H. Post, Supervisor**

**STATE OF NEW YORK)**

**COUNTY OF GENESEE) SS.**

On the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2025 before me, the undersigned, a Notary Public in and for said State, personally appeared **Ernest Haywood**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public

**STATE OF NEW YORK)**

**COUNTY OF GENESEE) SS.**

On the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2025 before me, the undersigned, a Notary Public in and for said State, personally appeared **Gregory H. Post**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public

**EXHIBIT A**

**INSURANCE REQUIREMENTS**

**Insurance Schedule**

***Identified Insurance*** means those insurance policies identified in the chart below.

Each party shall (and shall cause each of its subcontractors) to comply with the requirements set forth in this Insurance Schedule.

|  |  |
| --- | --- |
| **Insurance Minimum Limits** Employers Liability: | $1 Million each accident for bodily injury by accident  $1 Million each employee for bodily injury by disease  $1 Million policy limit for bodily injury by disease |
| Commercial General Liability: | $2 Million per occurrence  $2 Million personal and advertising injury  $2 Million products and completed operations  $2 Million general aggregate |
| Automobile Liability:  (Hired, Owned, Not-Owned) | $1 Million combined single limit |
| Professional Liability / Errors and Omissions: | $2 Million per claim  $2 Million aggregate |
| Umbrella to Overlay Liability Coverages: | $5 Million per occurrence and aggregate |
|  |  |

**Other Insurance Provisions**

1. The Identified Insurance shall include the following provision on every insurance policy covering all the activities of both parties with respect to the performance of this Agreement:

(a)Each party, and its respective officers, employees, agents, and representatives shall be additional insureds on the respective policies of the other party.

2. The Identified Insurance shall also:

(a) require each party to be notified in writing at least thirty (30) days prior to cancellation of or any material change in the policy of the other party;

(b) be primary and non-contributing to insurance maintained by each respective party;

(c) endorsed to waive rights of recovery by subrogation in favor of each respective party; and

(d) in the case of policies or provisions relating to products, completed operations and professional liability, survive termination or expiration of this Agreement.

3. Each party shall furnish to the other party certificates of insurance evidencing all Identified Insurance (including without limitation, an Acord form) and, at least thirty (30) days prior to the expiration of a policy, certificates evidencing additional or renewal policies.

4. All Identified Insurance shall be written on an occurrence basis except for each party’s professional liability insurance, which may be written on a claims-made basis. Any deductible or self-insured retentions shall be the sole responsibility of each respective party, and coverage shall apply for the benefit of the other party as if no deductible or self-insured retention applied.

5. To the fullest extent allowed by law, each party hereby waives all rights of recovery in favor of the Additional Insured and the Indemnitee.

6. Each party shall bear risk of loss with respect to any respective owned, leased, rented, or borrowed vehicles, equipment, data, tools or other personal property. Each party shall bear the risk of loss with respect to any of its respective expenses or loss of income

Resolution for disposal of items from the Town of Bergen’s Historical Collection - 5/13/2025

**RESOLUTION NO.** 2025-19

Upon the recommendation of the Town Historian,

NOW, THEREFORE, BE IT RESOLVED: That the Bergen Town Board deems the following items as surplus and directs the Town Historian to dispose of the items as follows.

1. Items to dispose of through auction or other means:

* Two Church Pews-
* Chair “Gentlemen’s” seafoam green velvet
* Victorian Settee, mahogany veneer, green brocade

1. Item to De-accession- to the Holland Land office Museum in Batavia

* Waird Plow- Accession number 2-1

This resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Ely

Seconded by Councilperson Swanson

Discussion

VOTE BY ROLL CALL AND RECORD

Councilperson Ely

Councilperson Grant

Councilperson Swanson

Supervisor Haywood

Submitted May 13, 2025

Acceptance of resignation of Penny Vincent from the Board of Assessment Review. Councilperson Ely made a motion to accept the of resignation of Penny Vincent from the Board of Assessment Review; Seconded by Councilperson Swanson

Ayes: Haywood, Grant, Ely, Swanson

Nays: None

APPROVED by: Unanimous vote (4-0)

Appointment of Joe Nenni to Board of Assessment Review -5/13/2025-9/20/20230. Councilperson Ely made a motion to Appointment of Joe Nenni to Board of Assessment Review -5/13/2025-9/20/20230; Seconded by Councilperson Swanson

Ayes: Haywood, Grant, Ely, Swanson, Starowitz

Nays: None

APPROVED by: Unanimous vote (4-0)

Action to file the Town Clerk’s Report for April 2025 – Councilperson Grant made a motion to file to Town Clerk’s Report for April 2025; seconded by Councilperson Ely

Ayes: Haywood, Grant, Ely, Swanson

Nays: None

APPROVED by: Unanimous vote (4-0)

Action to file the Supervisor’s Report for April 2025 – Councilperson Swanson made a motion to file the Supervisor’s reports for April 2025; seconded by Councilperson Grant

Ayes: Haywood, Grant, Ely, Swanson

Nays: None

APPROVED by: Unanimous vote (4-0)

Approval to pay the bills and authorizing the board to pay the bills and authorizing the bookkeeper to transfer of funds necessary to the checking account to pay the bills:The bills were presented for audit and totaled $ 183,790.02; General A Fund $ 42,132.66; General B $ 2,611.35; Highway DA $ 25,375.56; Highway DB $ 901.13; Capital Projects $ 3,011.25.

Councilperson Grant made a motion to pay the bills; seconded by Councilperson Swanson .

Ayes: Haywood, Grant, Ely, Swanson

Nays: None

APPROVED by: Unanimous vote (4-0)

Budget Modification and Transfer

RESOLUTION # 2025-20

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Supervisor is hereby authorized to make the following transfer as appropriated in the 2025 budget:

$1,710 from AA1220.4 Supervisor Contractual to

AA1310.2 Budget Officer Equipment

$5,900 from AA1990.4 Contingency to

AA1440.4 Engineer Contractual

$4,577 from AA1620.4 Building Operation Town Hall to

AA1621.4 Building Operations Assessor

$1,392 from AA1620.4 Building Operation Town Hall to

AA1622.4 Building Operations Historian

$695 from AA5010.103 Highway Superintendent Clerk to

AA5010.2 Highway Superintendent Equipment

$2,434 from AA1990.4 Contingency to

AA6420.4 Promotion of Industry Contractual

Increase AA2192 Cemetery Services $413

Increase AA1620.401 Building Operations Lease Fire Hall $413

Increase AA1081 Other Payments in Lieu of Taxes $2,135

Increase AA1950.4 Taxes & Assessment on Property $2,135

Sec. 2. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by: Councilperson Grant

Seconded by Councilperson Swanson

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Ely Councilperson Grant Councilperson Swanson Supervisor Haywood Submitted May 13, 2025

**MEETING AND OTHER UPCOMING DATES** – Regular Town Board meeting at 7:00 pm on June 10, 2025; audit of the bills at 6:45pm.

**ADJOURNMENT** Was at 8:10 pm on a motion made by councilperson Grant*;* seconded by Councilperson Ely

Ayes: Haywood, Grant, Ely, Swanson

Nays: None

APPROVED by: Unanimous Vote (4-0)

Respectfully submitted,

Teresa Robinson, Town Clerk