**August 12, 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

Councilperson James Starowitz

**ABSENT:**

**OTHER ATTENDENCE:**

**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 July 8, 2025 with a correction to the spelling of Camryn Brookhart’s name; Councilperson Swanson made a motion to approve the Town Board Minutes of July 8, 2025 with a correction to the spelling of Camryn Brookhart’s name; seconded by Councilperson Grant.

 Ayes: Haywood, Grant, Ely, Swanson, Starowitz

 Nays: None

 Abstained: None

 APPROVED by: Unanimous vote (5-0)

Amend Minutes from the 5/14/2025 town board meeting to appoint Rhonda Saulsbury as Town of Bergen Assessor effective July 1, 2025 to expire on June 30, 2026. Councilperson Grant made a motion to appoint Rhonda Saulsbury as Town of Bergen Assessor effective July 1, 2025 to expire on June 30, 2026; seconded by Councilperson Swanson.

Ayes: Haywood, Grant, Ely, Swanson, Starowitz

Nays: None

APPROVED by: Unanimous vote (5-0)

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

1. Supervisor Report for July 2025

2. Financial Statements for July 2025

3. Town Clerks Report for July 2025

4. ZEO/CEO Report for July 2025

5. Mercy EMS report for June 2025

6. Correspondence from Charter Communications dated 7/3/2025 and 7/14/2025

7. Resolution – Approving the Teamsters Local 264 Contract for Jan. 1, 2026-December 31, 2029

8. Resolution- Approval of Acquistion of an easement by the Monroe County Water Authority at 7618 Dublin Road.

9. Resolution- Authorizing the Bergen Town Court to apply for A Justice Court Assistance Program (JCAP) grant.

**BOARD MEMBERS’ ITEMS FOR THE AGENDA:** Nothing to add

**REPORTS:**

**SUPERVISOR**:

 Meetings:

* Playground/Splash Park: Attended a Team’s meeting with the Clerk and Deputy Supervisor Grant with Denzak Recreation Design on 7/21/2025 to discuss potential of constructing an inclusive playground and splash park at Robins Brook Park. We will be following up with an onsite meeting to discuss design and cost of each and scheduling a meeting with a grant consultant to consider applying for funding for the inclusive playground.
* Fire Department Board Meeting: Upon my request, I met with the Fire Dept. Board of Directors on 7/16/2025 to discuss town hall space and the proposed new lease. I have provided the Board a summary of the follow up meeting under separate cover.
* Association of Towns-Cyber Security/Use of Artificial Intelligence (AI): The Clerk and I participated in a webinar hosted by the NYS Assoc. of Towns covering the new Cyber Security requirements for training and reporting occurrences and to learn about the new capabilities of AI for town usage. Teresa will be updated/coordinating the required Cyber Security Training.

 Announcements:

* Nomination of Local Businesses: At the request of Assemblyman Stephen Hawley, I submitted the names of the following businesses who have been in business over 50 years to be nominated for the NYS Historical Business Preservation Registry: Harris Wilcox Auctioneers – 82 years, Kaiser Wilcox Corp. – 73 years, Liberty Pumps – 59 years, and Viking Valhalla – 70 years.
* Sales tax sharing: The County has notified us the 2026 sales tax distribution to the town of Bergen will be $496,881.96 an increase of $26,399.00, over the distribution level.
* Tax Cap Growth Factor: We have been informed by NYS the town of Bergen’s Tax Base Growth Factor (based upon new construction) is 1.0062 this is up from 1.0020 from last year. The Town of Bergen had the second highest growth factor, after Byron, then all other towns in Genesee County. The growth factor is used to assist in determining the amount of funds the town can raise through property tax and be under the tax cap.
* 2026 Budget: We continue to work on the tentative 2026 town budget for presentation to the board at the budget workshop on 9/6/2025. Department heads are working on the proposed budget to be submitted by 8/15/2025.

 Employees:

* Union Contract: The union members voted in favor of the proposed Tentative Agreement and as such we settled the Jan. 1, 2026 – Dec. 31, 2029 agreement between the Town of Bergen and Teamsters.

 Grants:

* Records Retention Grant: To date we have not received notification regarding the town’s application for a NYS Records Retention Grant.
* Joint Comprehensive Planning Grant: The Town and Village of Bergen’s grant application was submitted to NYS on 7/29/2025.
* New York State Justice Court Assistance Program (JCAP): Town Justice Pulcini is working on the submission of a JCAP grant to replace court room furniture and to have an attorney meeting room added in the court room.

 Properties-Projects

* Bathroom at Robins Brook Park: The contract with Tompson Builds to pour the foundation for the bathroom has been completed. They anticipate starting Mid- August.
* Drews Nature Center: I have reached out to the BOCES instructor for a schedule and if they need anything from the town to begin their work of species identification and work on the trails.

**TOWN CLERK**:

 Attended a meeting held at Batavia Downs with Toshiba on 7/17 with Supervisor Haywood to talk about digital records.

 Researching Grants for Robins Brook – playground equipment/splash park – attended by Zoom informational meeting with Denzak.

 The Representatives from Toshiba came to the office on 7/27 to discuss in more detail what they can offer the town and will send a proposal.

 Received two Junk Yard Permit Application back from Metalico and John Cole.

I Received an email asking about bringing a metal detector to the Parks. I have checked and I didn’t find any park rules. The Bergen Town Board decided to not allow metal detectors in the Town Parks.

**TOWN BOARD:** Nothing new to add.

**HIGHWAY**:

* Finishing road work on Monday 8/18.
* One culvert pipe to be replaced
* Bringing top soil to Robins Brook.
* The new truck build has started with a bill due date of 10/1/2025.
* The part time person will be done next week.

**OMMITTEES:**

Buildings, Grounds, and Facilities (Cemeteries):

Local History & Museum: Nothing new to report.

 Policy & Personnel: Nothing new to report.

**OLD BUSINESS:**

Update on proposed Capital Project- Town Hall addition and renovations to create a records room at 13 S. Lake Ave.

 Traffic at Routes 19 and 33

**NEW BUSINESS:**

 -Resolution – Approving the Teamsters Local 264 Contract for Jan. 1,2026-December 31,2029

- Resolution- Approval of Acquistion of an easement by the Monroe County Water Authority at 7618 Dublin Road.

- Resolution- Authorizing the Bergen Town Court to apply for A Justice Court Assistance Program (JCAP) grant.

-Approval of bid for supplies for the construction of the Park Bathroom

- Motion to approve the town to pay MCWA $3,200.00 for the installation of water services at 7588 W. Bergen Road. Out of WIBA #1 funds.

- Action to file Town Clerks Report July 2025

- Action to file Supervisor’s Report- July 2025

- Approval of Budget Transfers-

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

RESOLUTION NO. 2025-27 Approving Teamsters Local 264 Contract

WHEREAS: Teamsters Local 264 and the Town of Bergen have reached an agreement for a new four-year contract.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Bergen Town Board approves the Teamsters Local 264 Contract dated January 1, 2026 – December 31, 2029, hereto attached.

Sec. 2. That the Contract becomes effective January 1, 2026.

Sec 3. That the Bergen Town Board authorizes the Supervisor to sign the aforementioned contract.

MOTION for adoption of this resolution by: Councilperson Swanson

 Seconded by: Councilperson Ely

 Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Ely - AYE

Councilperson Grant - AYE

Councilwoman Starowitz - AYE

Councilperson Swanson - AYE

Supervisor Haywood - AYE

Submitted – August 12, 2025

RESOLUTION # 2025-28

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 7618 Dublin 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 7618 Dublin Road (Tax Acct. No. 17.0-1-1.2), which is owned by Rick A. Hubbard, Jr.; 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 7618 Dublin 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 Starowitz

 Seconded by: Councilperson Grant

 Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Ely - AYE

Councilperson Grant - AYE

Councilwoman Starowitz - AYE

Councilperson Swanson - AYE

Supervisor Haywood - AYE

Submitted – August 12, 2025

RESOLUTION 2025-29 AUTHORIZING THE BERGEN TOWN COURT TO APPLY FOR A JUSTICE COURT ASSISTANCE PROGRAM (JCAP) GRANT FUNDING

WHEREAS: the New York State Justice Court Assistance Program (JCAP) is offering grant funding; and

WHEREAS:The Bergen Town Court has expressed an interest in applying for JCAP funding.

NOW THEREFORE, BE IT RESOLVED:

1. That Board of the Town of Bergen authorizes the Bergen Town Court to apply for a JCAP grant in the 2025-2026 grant cycle up to $30,000.00.



MOTION for adoption of this resolution Councilperson Grant

 Seconded by Councilperson Ely

Discussion:

VOTE BY ROLL CALL AND RECORD:

 Councilperson Ely - AYE

 Councilperson Grant - AYE

 Councilperson Starowitz - AYE

Councilperson Swanson -AYE

 Supervisor Haywood - AYE

Submitted – August 12, 2025

Resolution # 2025-30 Budget Modification and Transfer

NOW, THEREFORE, BE IT RESOLVED:

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

 $379.38 from AA1220.4 Supervisor Contractual to

 AA1110.4 Town Board Contractual

 $3,000.00 from AA1990.4 Contingency and $5,413.41 from AA3310.4 Traffic Control Contractual for a total of $8,413.41 to

 AA1440.4 Engineer Contractual

 $1,695.00 from AA1340.2 Budget Officer Equipment Buildings Personal to

 AA1460.4 Records Management Contractual

 $2,955.86 from AA1620.4 Building Operation Contractual-Town Hall to

 AA1621.4 Building Operation Contractual-Assessor

 $562.95 from AA1640.4 Building Operation Contractual-Town Hall to

 AA1622.4 Building Operation Contractual-Historian

 $43.30 from AA3120.4. Constable Contractual to

 AA1950.4 Tax and Assessment Payments

 $1,205.56 from AA5182.4 Street Lighting Contractual to

 AA5010.4 Superintendent of Highways Contractual

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 - AYE

Councilperson Grant - AYE

 Councilperson Starowitz - AYE

 Councilperson Swanson - AYE

 Supervisor Haywood - AYE Submitted August 12, 2025

 Approval of bid for supplies for the construction of the Park Bathroom – Councilperson Grant made a motion to approve the bid for the supplies for the construction of the Park Bathroom; seconded by Councilperson Ely.

Ayes: Haywood, Grant, Ely, Swanson, Starowitz

Nays: None

APPROVED by: Unanimous vote (5-0)

 Motion to approve the town to pay Monroe County Water Authority (MCWA) $3,200.00 for the installation of water services at 7588 W. Bergen Road. Out of WIBA #1 funds. Councilperson Swanson made a motion to approve the town to pay MCWA $3,200.00 for the installation of water services at 7588 W. Bergen Rd; seconded by Councilperson Starowitz

Ayes: Haywood, Grant, Ely, Swanson, Starowitz

Nays: None

APPROVED by: Unanimous vote (5-0)

 Motion to approve the Highway Superintendent to award the building materials bid for Robins Brook Park Bathroom to Genesee Lumber in the amount of $ 23,645.64. Councilperson Grant made a motion to approve the Highway Superintendent to award the building materials bid for Robins Brook Park bathroom; Seconded by Councilperson Starowitz.

Ayes: Haywood, Grant, Ely, Swanson, Starowitz

Nays: None

APPROVED by: Unanimous vote (5-0)

Genesee Lumber $ 23,645.64

Stockholm Lumber $ 24,740.48

 Home Depot – No bid response

 Motion to approve the Highway Superintendent to award the electrical materials bid for Robins Brook Park Bathroom to Green Mountain in the amount of $ 2,659.89. Councilperson Starowitz made a motion to approve the Highway Superintendent to award the electrical materials bid for Robins Brook Park bathroom to Green Mountain; Seconded by Councilperson Swanson.

Ayes: Haywood, Grant, Ely, Swanson, Starowitz

Nays: None

APPROVED by: Unanimous vote (5-0)

 Green Mountain $2,659.89

 County Line Electric $ 3,351.02

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

Ayes: Haywood, Grant, Ely, Swanson, Starowitz

Nays: None

APPROVED by: Unanimous vote (5-0)

Action to file the Supervisor’s Report for July 2025 – Councilperson Grant made a motion to file the Supervisor’s Report for May 2025; seconded by Councilperson Ely.

Ayes: Haywood, Grant, Ely, Swanson, Starowitz

Nays: None

APPROVED by: Unanimous vote (5-0)

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 $ 22,719.37; General A Fund $ 15,791.05; General B $ 405.33; Highway DA $ 2,573.18; Highway DB $ 3,949.81.

Councilperson Ely made a motion to pay the bills; seconded by Councilperson Starowitz

Ayes: Haywood, Grant, Ely, Swanson, Starowitz

Nays: None

APPROVED by: Unanimous vote (5-0)

**MEETING AND OTHER UPCOMING DATES** – Budget Workshop Meeting Sept.6 at 9:00 am. Regular Town Board meeting at 7:00 pm on 9/9/2025; audit of the bills at 6:45pm.

**ADJOURNMENT** Was at 8:00 pm on a motion made by Councilperson Ely*;* seconded by Councilperson

Swanson.

 Ayes: Haywood, Grant, Ely, Swanson, Starowitz

 Nays: None

 APPROVED by: Unanimous Vote (5-0)

Respectfully submitted

**Teresa Robinson**

Teresa Robinson, Town Clerk