

Town Board Meeting
Town of Bergen
November 4th, 2025
Town Hall- 10 Hunter Street, Bergen New York
Agenda

I. Audit of Bills 6:45 pm Call to Order 7:00 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

II. Public Hearings

- 7 PM: Local Law #1 of 2025 to override the Tax Levey Established in General Municipal Law Section 3-c for the fiscal year of 2026.
- 7:15: Proposed Fire Protection Contract for 2026
- 7:30: Preliminary 2026 Budget for the Town of Bergen

III. Privilege of the Floor:

IV. Approval of meeting Minutes for: 10/14/2025 meeting.

V. Communications included with this agenda:

1. Supervisor Report for Oct. 2025 -if available
2. Financial Statements for Oct. 2025 -if available
3. Town Clerks Report for Oct. 2025
4. ZEO/CEO Report for Oct. 2025-
5. Mercy EMS report for Sept. 2025
6. Correspondence from Charter Communications dated 10/15/2025
7. Proposed Final 2026 Town Budget, including the Bergen Fire Department- Proposed Budget for 2026
8. Resolution to approve Local Law Number 1 of 2025 to override the Tax Levey Established in General Municipal Law Section 3-c for the Fiscal Year 2026
- 9.. Resolution to adopt the 2026 Town of Bergen Budget and Fire Contract for 2026
10. Resolution for approval of acquisition of an easement by Monroe County Water Authority along frontage at 8451 Peachey Road (tax account # 7.0-1-19) and along frontage at 0 Dublin Road (tax account # 15.0-1-8.121).
12. Resolution for approval to establish Out-of-District User Fee for WIBA No. 1 Water District.
12. Resolution for Official Undertaking for Tax Collector Officer
13. Resolution authorizing an Intermunicipal Agreement (IMA) between the Town and The Bergen Fire Department for Mowing/Plowing.
14. Resolution authorizing the execution of Supplemental Agreement #3 for the NYS DOT snow and Ice Agreement.

VI. Board Members' items for addition to the agenda

VII. Reports:

Supervisor
Clerk
Board Members
Highway

Committees

- Building, Grounds, and Facilities (cemeteries)
- Parks
 - Robins Brook Bathroom update
 - Drew's Nature Center
 - Draft Park Rules/ Town Code
 - Park Committee Meeting on 10/21- Playground equipment/Dog Park
 - Community Input meeting
- Local History & Museum -
- Policy and Personnel:

VIII. Old Business:

- Update on safety concerns -Traffic at Routes 19 and 33

IX. New Business:

- Resolution to approve Local Law Number 1 of 2025 to override the Tax Levey Established in General Municipal Law Section 3-c for the Fiscal Year 2026.
- Resolution to adopt the 2026 Town of Bergen Budget and Fire Contract for 2026
- Resolution for approval of acquisition of an easement by Monroe County Water Authority along frontage at 8451 Peachey Road (tax account # 7.0-1-19) and along frontage at 0 Dublin Road (tax account # 15.0-1-8.121).
- Resolution for approval to establish Out-of-District User Fee for WIBA No. 1 Water District.
- Resolution for Official Undertaking for Tax Collector Officer
- Resolution Authorizing Intermunicipal Agreement (IMA) between the Town and The Bergen Fire Department for Mowing/Plowing.
- Resolution authorizing the execution of Supplemental Agreement #3 for the NYS DOT snow and Ice Agreement.
- Discussion and determination of need for Town Board meeting on 11/18/2025 at 7 pm
- Establish dates for 2026-year end meeting in Dec. 2025 (12/30/2025- 7pm) and Regular and Organization Meeting in Jan. 2026 (1/6/2026-7pm).
- Action to file Town Clerks Report Oct. 2025
- Action to file Supervisor's Report-Oct. 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.
- Discussion regarding additional to

X. Meeting and Other Upcoming Dates:

- Town Board Meeting: 11/18/2025 7:00 pm
- Town Board Meeting: 12/9/2025 7:00 pm Town Board Meeting

XI. Adjournment

Town of Bergen
Public Hearings at the Bergen Town hall

11/4/2025

Public Hearing: Local Law # 1 of 2025 to Override the Tax Levy Limit Established in General Municipal Law Section 3-c for the Fiscal Year 2026

Public Hearing: Proposed Fire Protection Contract for 2026

Public Hearing: Preliminary 2026 Budget for the Town of Bergen

1. Open Public Hearing on Local Law # 1 of 2025 to Override the Tax Levy Limit Established in General Municipal Law Section 3-c for the Fiscal Year 2026
 - a. Public Comments on the Board Discussion regarding proposed Local Law
2. Open Public Hearing on Proposed Fire Protection Contract for 2026
 - a. Public Comments on the Board Discussion Regarding the proposed Fire Protection Contract for 2026
3. Open Public Hearing on Preliminary 2026 Budget for the Town of Bergen
 - a. Public Comments on the Board Discussion regarding the preliminary 2026 budget for the Town of Bergen
4. Close the Public Hearing on Local Law # 1 of 2025 to Override the Tax Levy Limit Established in General Municipal Law Section 3-c for the Fiscal year 2026
5. Close the Public Hearing on the Proposed Fire Protection Contract for 2026
6. Close the Public hearing on the Preliminary 2026 Budget for the Town of Bergen

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:

Supervisor Ernie Haywood
Councilperson Belinda Grant
Councilperson Karen Ely
Councilperson Mark Swanson

ALSO PRESENT:

Teresa Robinson, Town Clerk
Joel Pocock, Highway Superintendent

ABSENT: Councilperson James Starowitz

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 September 9, 2025; Councilperson Grant made a motion to approve the Town Board Minutes of September 9, 2025; seconded by Councilperson Swanson.

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 Sept. 2025
2. Financial Statements for Sept. 2025
3. Town Clerks Report for Sept. 2025
4. ZEO/CEO Report for Sept. 2025
5. Mercy EMS report for Aug. 2025
6. Correspondence from Charter Communications dated

7. Preliminary 2026 Town Budget

8. Resolution –To adopt the 2026 Preliminary Budget and Schedule Public Hearing for Town Budget and Fire Dept. Budget for 11/4.

9. Proposed Local law No. 2205-1 of 2025- A local law to override the Tax Levey established in General Municipal Law 3-c

10. Resolution- Calling for Public Hearing on Local Law 2025-1 Tax Cap Override for 11/4/2025

11. Resolution- In Support of Congressman Nick Langworthy's Energy Choice Act (H.R. 3699, S. 1945) and in position to Government- Mandated Nature Gas Bans.

11. Resolution – Opposing large-scale solar projects that override local land use authority and impact agricultural land in Genesee County.

12. Resolution- Approval of acquisition of an easement by Monroe County Water Authority along frontage at South Lake Road- Tax Account No. 13.0-1-63.

13. Resolution Town Board of Bergen's annual review of the Financial Processes and Procedures and updated Financial Processes and Procedures.

14. Intermunicipal Agreement Between Genesee County and Town of Bergen – For the Provision of snow and ice control services and road side Mowing.

15. Snow & Ice Agreement with NY State DOT (Department of Transportation).

BOARD MEMBERS' ITEMS FOR THE AGENDA:

REPORTS:

SUPERVISOR:

Meetings:

- Playground/Splash Park: I participated in a team's meeting with the Clerk and Deputy Supervisor Grant with Denzak Recreation Design and their fundraising consultant on 9/24 to discuss potential strategy and funding opportunities for the construction of an inclusive playground at Robins Brook Park. The consultant has prepared a report of potential donors and grant sources to assist. Currently, we are awaiting preliminary options and costs for playground.
- Records Management: Teresa and I met with Bill, our computer consultant on 9/18 to show him the records we would like to electronically store and to discuss options for storage. Bill feels we have enough computer capacity to handle storage of all records we want to store electronically. Our next step is to determine if we will proceed with hiring a consultant to help us identify records that we can dispose of and what we need to keep.
- Park, Nature Center, and Recreational Area Codes/ Rules: Belinda, Joel, Teresa, and I met on 9/25 to review and prepare a draft town code and rules for Parks, Nature Centers, and Recreational Areas. A copy of both was provided to all board members. The plan is, after feedback, to submit the proposed

early 2026.

- Solar Farms: I attended a meeting with fellow town supervisors and members of the Genesee County Legislature on 9/10 to discuss the growth of solar farms in Genesee County. After that meeting the county provided a sample resolution for the Town to consider regarding opposing any further solar farms that take away prime farm land.
- Genesee County Destination Branding: I attended a meeting, hosted by the Genesee County Chamber, on 9/23 to review and provide feedback on tourism and branding for Genesee County.

Announcement/Information to Share:

- Town of Bergen's Fiscal Stress Score: Each year the NYS Comptroller's office reviews the financial information provided by municipalities and school districts across the state to see if they are experiencing fiscal stress. I am pleased to report that the Comptroller's report for 2024, release this past month, gave the town a ranking of no designation. This means we are not designated as being a municipality that has either a susceptible, moderate or significant risk of fiscal stress.
- Letter of Support: Upon request, I provided a letter of support for funding for the Village of Bergen to modernize their sewer treatment collection system.
- Support for Senate Bill S.8481: As agreed to by the board, I submitted a letter of support for Senate Bill S.8481. This bill, being introduced by Senator Gallivan, if passed and signed into law would allow municipalities to opt out of mandates and benchmarks established under the Climate Leadership Community Protection Act, including universal electrification requirements.
- 2026 Budget: We continue to work on the preliminary 2026 town budget for presentation to the board at our next meeting. The proposed preliminary budget does not include revenue from the library for payments toward building operation cost, nor payments from the Fire Department for snow plowing and mowing. The proposed budget reduces the tax rate per thousand from \$2.57 to \$2.46 and provides funding to achieve the objectives proposed. We have had to absorb a significant increase in NYS retirement and an over nine thousand dollars increase in workers compensation costs.

Employee Relations:

- Additional Benefits: Employees had the opportunity to meet with representatives from Colonial Voluntary Benefits to learn about the various benefits that they can pay for in addition to what the town provides.

Grants:

- New York State Justice Court Assistance Program (JCAP) Grant: The town Architect drew up floor plans for the addition of an attorney/client conference room within the confines of the current court gallery. The floorplans as well as other documents were given to town justice Vincent Pulcini who completed and submitted a JCAP grant to fund replacement of court room chairs and the construction of a 10 X 12 conference rooms for Lawyers to have privacy meeting with their clients.

Properties-Projects:

underground electric to the pavilion and new bathroom. The BOCES Construction Trades students completed the construction of the exterior walls and have begun to install them. Thompson Built has completed the foundation work for the bathroom

- Drews Nature Center- Students from the BOCES conservation class have been to the Drews Nature Center to see the lay out and to plan their projects. They anticipate being able to spend a half a day a week working on projects.

Updates from Previous Meetings:

- Library- The meeting to discuss the potential of the library contributing toward the building operations cost, with the Library Board President, Library Manager, and board member, had to be postponed at the request of the library. I have requested a meeting as soon as possible as this has an impact on the towns 2026 budget
- Fire Department: To date I have not received a response to my correspondence to the Fire Department regarding a memorandum of understanding outlining key components of any new lease. I have reached out to them to see if they are interested in meeting to discuss terms of the lease effective 1/1/2029. Time is of the essence as if we cannot reach agreement the Town needs to make alternative plans.

TOWN CLERK:

I received a quote for photography Services from Picture This Photography (John Zinter) to take new photos of the staff at the Town of Bergen for the website of \$75.00 plus \$40.00 per headshot taken. In addition to local town photos taken \$50.00 with a request of credit to the business for photos.

Spoke to Tom Tiefel and he had the lights in the museum go out approx. 3 went out and the lights are extremely old and inefficient. To replace the museum light bulbs would cost approx. \$430.00 to LED lights. 80% reduction in kilowatts being used with the new bulbs. Would there be a rebate from the village to replace the bulbs?

Deputy Clerk – I would like the boards permission to hire a Deputy clerk the current rate is \$16.00 per hour.

Went to Robins Brook Park on Friday, Oct. 3 with the Supervisor while the BOCES students were there setting the walls on the bathroom. Brought them lunch, they are doing a great job.

I met with AFLAC last week and we currently have one employee who has them, they would like to have a presentation with anyone who would be interested.

BBCA – Trunk or Treat is on October 18 – Would like \$250.00 for candy and pumpkins to participate.

TOWN BOARD: Nothing to Report

HIGHWAY: The road work has been completed. The County finished Creamery Road and hydroseeded. Currently, preparing the trucks ready for snow.

Robbins Brrok Park – The BOCES students spent all day 10/3/2025 putting up some of the bathroom walls up. They will be back for another full day on 10/15/2025. The water line has been completed and electric. The County Soil & Water Dept. hydroseeded at the park.

clearing the trails. Approx. 25-30 Students.

Matt Rossi from Geis Construction working on the OXBO construction, inquired about the dedication of the road to the new facility. Supervisor Haywood is looking into if the road is being dedicated.

COMMITTEES:

Buildings, Grounds, and Facilities (Cemeteries):

Parks: Bathroom update/Drew's Update/Town Code – previously reported.

Drew's Update – Previously reported.

Update on Park Rules – emailed to all Board members to review and discuss.

Local History & Museum: Nothing new to report.

Policy & Personnel: Annual review of Bergen Financial Processes and Procedures.

OLD BUSINESS: Traffic concerns at Route 19 and 33 – still waiting for NY State Department of Transportation.

It was brought to the attention of the Supervisor regarding the intersection of Swamp Rd And W. Sweden Rd. The Highway Superintendent spoke to the county and the are looking at trimming trees back to help with visibility.

NEW BUSINESS:

-Resolution to approve hiring of Deputy Clerk, Savannah Topor at a rate of \$16.00 per hour.

-Resolution–To adopt the 2026 Preliminary Budget and Schedule Public Hearing for Town Budget and Fire Dept. Budget for 10/4.

- Resolution- Calling for Public Hearing on Local Law 2025-33 Tax Cap Override for 11/4/2025

- Resolution- In Support of Congressman Nick Langworthy's Energy Choice Act (H.R. 3699,S. 1945) and in position to Government- Mandated Nature Gas Bans.

- Resolution – Opposing large-scale solar projects that override local land use authority and impact agricultural land in Genesee County.

- Resolution- Approval of acquisition of an easement by Monroe County Water Authority along frontage at South Lake Road- Tax Account No. 13.0-1-63

- Resolution Town Board of Berge's Annual review of the Financial Processes and Procedures

- Action to file Supervisor's Report-Sept. 2025
- Approval of Budget Transfers- if any
- Approval to pay bills and authorize the bookkeeper to transfer funds necessary to the checking account to pay the bills.

-Intermunicipal Agreement Between Genesee County and Town of Bergen – For the Provision of snow and ice control services and road side Mowing.

-Snow & Ice Agreement with NY State DOT (Department of Transportation).

A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-c

Be it enacted by the Town Board of the Town of Bergen as follows:

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Bergen pursuant to General Municipal Law §3-c, and to allow the Town of Bergen to adopt a budget for the fiscal year 2026 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c which expressly authorizes the Town Board to override the tax cap by the adoption of a local law approved by vote of sixty (60%) of the Town Board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Bergen. County of Genesee, is hereby authorized to adopt a budget for the fiscal year 2026 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION OPPOSING LARGE-SCALE SOLAR PROJECTS THAT OVERRIDE LOCAL LAND USE AUTHORITY AND IMPACT AGRICULTURAL LAND IN GENESEE COUNTY

WHEREAS, current and planned large-scale solar energy projects are significantly altering land use patterns and the rural character of Genesee and surrounding Counties; and

WHEREAS, Genesee County, as New York State's fourth largest agricultural producer, has already experienced the conversion of a substantial portion of its farmland to industrial-scale solar energy infrastructure; and

WHEREAS, this accelerating trend results in the permanent loss of prime agricultural land, placing long-term food production capacity, rural economic stability, and environmental stewardship at increasing risk; and

WHEREAS, developers of large-scale solar projects frequently seek waivers from the State of New York in order to bypass County, City, Town, and Village comprehensive plans, zoning laws, and other locally enacted land use regulations, including those adopted in accordance with New York State Town Law and other applicable statutes, meaning such projects often cannot proceed without overriding or circumventing local legal authority; and

WHEREAS, these projects are consistently sited on highly productive farmland that has historically supported the local economy, food security, and the rural heritage of the region; and

WHEREAS, the conversion of such land to industrial energy production represents an irreversible loss of valuable agricultural resources; and

WHEREAS, the use of state level siting mechanisms to override or circumvent local laws and planning documents, including comprehensive and agricultural protection plans, effectively strips municipalities and residents of their right to self-determination in land use matters; and

WHEREAS, such actions undermine the authority of local governments and erode the principle of "home rule," threatening democratic participation and the ability of communities to plan for their own futures; and

WHEREAS, Article XIV, Section 4 of the New York State Constitution declares that it is a State policy to conserve, protect, and encourage agricultural lands, mandating the legislature create adequate protections for agricultural lands, and

WHEREAS, [Municipalities] have an interest in application of Article 25-AA of the New York State Agriculture and Markets Law, which states:

Declaration of legislative findings and intent . . . the declared policy of the state [is] to conserve, protect and encourage the development and improvement of its agricultural land for production of food and other agricultural products. It is also the declared policy of the state to conserve and protect agricultural lands as valued natural and ecological resources which provide needed open spaces for clean air sheds, as well as for aesthetic purposes.

The constitution of the state of New York directs the legislature to provide for the protection of agricultural lands. It is the purpose of this article to provide a locally initiated mechanism for the protection and enhancement of New York State's agricultural land as a viable segment of the local and state economies and as an economic and environmental resource of major importance.

projects that override or disregard local land use policies, zoning regulations, and comprehensive plans;

BE IT FURTHER RESOLVED, that this opposition is based on the projects' clear and irreversible harm to agricultural lands, their circumvention of local laws, and the broader threat they pose to the integrity and autonomy of municipal planning authority in Genesee County;

BE IT FURTHER RESOLVED, that [Municipality] supports legislative efforts to restrict the development of large-scale solar projects on prime soils and soils of Statewide significance, and demands that the Farmland Protection Working Group created by the Renewable citing law be immediately convened to address the issue of the loss of a critical mass of farmland in Genesee County,

BE IT FINALLY RESOLVED, that [Municipality] joins with Genesee County in demanding that all current and future solar energy projects comply fully with all applicable local laws, zoning ordinances, and adopted land use plans; and further urges the State of New York to uphold the principles of home rule as guaranteed by Article IX of the New York State Constitution, affirming the right of local governments to control land use and development within their jurisdictions.

Adopted this 14 day of October, 2025 by *The Bergen Town Board, Town of Bergen.*

Motion by: Councilperson Grant

Seconded by: Councilperson Swanson

VOTE BY ROLL CALL AND RECORD

Councilperson Ely - AYE

Councilperson Grant - AYE

Councilperson Swanson - AYE

Supervisor Haywood - AYE

Submitted October 14, 2025

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 Vacant Land South Lake 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 Vacant Land South Lake Road (Tax Acct. No. 13.0-1-63.1), which is owned by GE Bergen Owner, LLC; 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 Vacant Land South Lake 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 by: Councilperson Ely

Seconded by: Councilperson Swanson

VOTE BY ROLL CALL AND RECORD

Councilperson Ely - Abstained

Councilperson Grant - AYE

Councilperson Swanson - AYE

Supervisor Haywood - AYE

Submitted October 14, 2025

NOW, THEREFORE BE IT RESOLVED:

Section 1. That the Town Board of the Town of Bergen has adopted a 2026 Preliminary Budget that requires a Local Law to override the tax levy limit established in General Municipal Law 3-2.

Section 2. That the Town Board hereby schedules a Public Hearing on proposed Local Law 2025-33 Tax Cap Override for the Fiscal Year 2026 on Tuesday, November 4, 2025 at 7 pm at the Bergen Town Hall, 10 Hunter Street, Bergen, New York.

Section 3. That the Town Clerk is directed to post and publish a notice of this Public Hearing as required by law.

MOTION for adoption of this resolution Councilperson Grant

Seconded by Councilperson Swanson

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Ely - AYE

Councilperson Grant - AYE

Councilperson Swanson - AYE

Supervisor Haywood - AYE

Submitted – October 14, 2025

NOW, THEREFORE BE IT RESOLVED:

Section 1. That the Town Board of the Town of Bergen hereby adopts the 2026 Preliminary Budget and schedules the Budget Public Hearing for Tuesday, November 4, 2025 at 7 pm at the Bergen Town Hall, 10 Hunter Street, Bergen, New York.

Section 2. That the Town Board of the Town of Bergen hereby adopts the 2026 Preliminary Fire Department Budget and schedules the Fire Department Budget Public Hearing for Tuesday, November 4, 2025 at 7:15 pm at the Bergen Town Hall, 10 Hunter Street, Bergen, New York.

Section 3. That the Preliminary Budgets are available in the office of the Town Clerk during regular business hours and on-line on the Town's website.

Section 4. That the Town Clerk is directed to publish notice of these Public Hearings as required by law.

MOTION for adoption of this resolution Councilperson Swanson

Seconded by Councilperson Ely

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Ely - AYE

Councilperson Grant - AYE

Councilperson Swanson - AYE

Supervisor Haywood - AYE

Submitted – October 14, 2025

NOW THEREFORE BE RESOLVED:

Sec. 1. That the Town Board of the Town of Bergen has reviewed the Financial Processes Procedures and approves the attached updated policy.

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

Motion by Councilperson Grant

Seconded by Councilperson Ely

VOTE BY ROLL CALL AND RECORD

Councilperson Ely - AYE

Councilperson Grant - AYE

Councilperson Swanson - AYE

Supervisor Haywood - AYE

Submitted October 14, 2025

A RESOLUTION IN SUPPORT OF CONGRESSMAN NICK LANGWORTHY'S ENERGY CHOICE ACT (H.R. 3699, S. 1945) AND IN OPPOSITION TO GOVERNMENT-MANDATED NATURAL GAS BANS

WHEREAS, affordable and reliable energy is essential to the health, safety, and economic prosperity of New York families, businesses, and communities; and

WHEREAS, natural gas remains a dependable, cost-effective, and clean-burning energy source used by millions of New Yorkers to heat their homes, cook their food, and power their businesses; and

WHEREAS, in 2019, New York State enacted the Climate Leadership and Community Protection Act (CLCPA), which mandates aggressive emissions reductions and serves as the foundation for sweeping energy restrictions, including efforts to phase out natural gas; and

WHEREAS, building on the CLCPA, Governor Kathy Hochul and the New York State Legislature in 2023 enacted provisions in the state budget banning natural gas and other fossil fuel hookups in most new residential and commercial buildings, effective 2026 for smaller buildings, and 2029 for larger buildings, thereby eliminating consumer choice and limiting access to affordable energy; and

WHEREAS, Governor Hochul has publicly supported these bans and related measures as part of her administration's climate and energy agenda, despite widespread concerns that such mandates will increase costs, strain grid reliability, and restrict energy diversity; and

WHEREAS, these top-down policies undermine affordability, threaten reliability during peak demand, and strip away the freedom of consumers and businesses to choose the energy sources that best meet their needs; and

WHEREAS, Congressman Nick Langworthy of New York and Senator Jim Justice of West Virginia introduced the Energy Choice Act (H.R. 3699, S. 1945), federal legislation that ensures state and local governments cannot restrict consumer access to natural gas and other affordable energy sources, thereby protecting freedom of choice for New Yorkers and all Americans; and

WHEREAS, the Energy Choice Act would safeguard households, small businesses, hospitals, farmers, and manufacturers from harmful government overreach and preserve access to an "all-of-the-above" energy strategy that strengthens reliability and affordability;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Bergen strongly supports the Energy Choice Act as introduced by Congressman Langworthy (H.R. 3699) and Senator Justice (S. 1945) and stands firmly opposed to New York State's natural gas bans, the CLCPA-driven restrictions, and other state energy mandates that eliminate consumer choice; and

BE IT FURTHER RESOLVED, that the Town of Bergen urges Congress to pass the Energy Choice Act to defend consumer choice, protect energy affordability, and preserve reliable access to natural gas for New Yorkers; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Congressman Nick Langworthy, Senator Jim Justice, the New York Congressional delegation, Senators Chuck Schumer and Kirsten Gillibrand, Governor Kathy Hochul, and leadership of the New York State Legislature.

MOTION for adoption of this resolution Councilperson Grant

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Ely - AYE

Councilperson Grant - AYE

Councilperson Swanson - AYE

Supervisor Haywood - AYE

Submitted – October 14, 2025

WHEREAS: The Town Clerk has appointed Savanna Topor to the position of Deputy Town Clerk.

NOW, THEREFORE BE IT RESOLVED:

1. That the pay rate for Savanna Topor is \$16.00 per hour.
2. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Swanson

Seconded by Councilperson Grant

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Ely

Councilperson Grant

Councilperson Swanson

Supervisor Haywood

Submitted – October 15, 2025

and Town of Bergen – For the provision of snow and ice control in the amount of \$135,324.84 services and road side mowing in the amount of \$ 10,840.69. Councilperson Swanson made a motion for the Supervisor to sign the Intermunicipal Agreement Between Genesee County and Town of Bergen – For the provision of snow and ice control services in the amount of \$135,324.84 and road side mowing in the amount of \$10,840.69; Seconded by Councilperson Ely.

Ayes: Haywood, Grant, Ely, Swanson

Nays: None

APPROVED by: Unanimous vote (4-0)

Motion for the Supervisor to sign the Intermunicipal Agreement Between the NYS Department of Transportation (DOT) and the Town of Bergen in the amount of \$ 61,428.65. Councilperson Grant made a Motion for the Supervisor to sign the Intermunicipal Agreement Between the NYS Department of Transportation (DOT) and the Town of Bergen, in the amount of \$61,428.65; Seconded by Councilperson Swanson.

Ayes: Haywood, Grant, Ely, Swanson

Nays: None

APPROVED by: Unanimous Vote (4-0)

Motion to file the Town Clerk's Report for September 2025 – Councilperson Grant made a motion to file to Town Clerk's Report for September 2025; seconded by Councilperson Swanson.

Ayes: Haywood, Grant, Ely, Swanson

Nays: None

APPROVED by: Unanimous vote (4-0)

Action to file the Supervisor's Report for September 2025 – Councilperson Grant made a motion to file the Supervisor's Report for August 2025; seconded by Councilperson Swanson.

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 \$ 62,191.22; General A Fund \$ 51,615.62; General B \$ 2,851.49; Highway DA \$ 4747.44; Highway DB \$ 2,976.67.

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)

MEETING AND OTHER UPCOMING DATES – Regular Town Board meeting at 7:00 pm on November 4, 2025 to run concurrent with a 7:00 pm Public Hearing to Override the Tax Cap; 7:15 p.m. Public Hearing for the Bergen Fire Dept. Contract; 7:30 pm – Public Hearing to Adopt the 2026 Preliminary Budget; audit of the bills at 6:45pm.

ADJOURNMENT Was at 8:18 pm on a motion made by Councilperson Swanson; seconded by Councilperson Grant.

Ayes: Haywood, Grant, Ely, Swanson

Nays: None

APPROVED by: Unanimous Vote (4-0)

Respectfully submitted
Teresa Robinson
Teresa Robinson, Town Clerk

Town of Bergen

Permit Monthly Report

10/01/2025 - 10/28/2025

Permit #	Issue Date	Owner	Permit Type	Property Location	Valuation	Amount
BP-0049-2025	2025	10/01/2025	cash wilcox	Res.1-2 Family Dwelling	8538 Bissell Rd	\$10,000.00
BP-0050-2025		10/01/2025	Melvin Reber	Res-Acc Structure	7904 Sackett Rd	\$225.00
SP-2025-003		10/08/2025	jake berardi	Site Plan	8245 roxbury ln (appletree acres)	\$75.00
BP-0051-2025		10/08/2025	Brian Sheard	Res-Acc Structure	Bovee Rd	\$200.00
BP-0052-2025		10/15/2025	Gilliam-Grant Community	Res-Acc Structure	6966 West Bergen Rd	\$75.00
Reporting Period Total:				October 2025 Total:	\$10,000.00	\$625.00

Genesee County 911
Response Times Report

GEN BERGEN FIRE

Report Date Range from: 9/1/2025 to 9/30/2025

Mercy Flight EMS

Report includes Emergent First On Scene Responses.

Response Time Minutes	Call Count	Cumulative Call Count	Percentage of Total Calls	Cumulative Percentage
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Response Zone: GEN BERG 17

02:00 - 02:59	1	1	12.50%	12.50%
05:00 - 05:59	1	2	12.50%	25.00%
15:00 - 15:59	1	3	12.50%	37.50%
16:00 - 16:59	1	4	12.50%	50.00%
18:00 - 18:59	2	6	25.00%	75.00%
22:00 - 22:59	1	7	12.50%	87.50%
24:00 - 24:59	1	8	12.50%	100.00%
Total Calls:	8	8	100%	

Response Zone: GEN BERG 22

13:00 - 13:59	1	1	25.00%	25.00%
21:00 - 21:59	2	3	50.00%	75.00%
23:00 - 23:59	1	4	25.00%	100.00%
Total Calls:	4	4	100%	

Call Source Total Calls: 12



Lauren Kelly
Director of Government Affairs

October 15, 2025

RE: Charter Communications – Upcoming Changes

Dear Municipal Official:

Spectrum Northeast, LLC (“Spectrum”), recently learned that on or around November 14, 2025, MSNBC will rebrand from MSNBC to MS NOW. This change is out of Spectrum’s control.

If you have any questions about this change, please feel free to contact me at 585-797-5395 or via email at lauren.kelly@charter.com.

Sincerely,

Lauren Kelly
Director, Government Affairs
Charter Communications

A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-c

Be it enacted by the Town Board of the Town of Bergen as follows:

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Bergen pursuant to General Municipal Law §3-c, and to allow the Town of Bergen to adopt a budget for the fiscal year 2026 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c which expressly authorizes the Town Board to override the tax cap by the adoption of a local law approved by vote of sixty (60%) of the Town Board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Bergen, County of Genesee, is hereby authorized to adopt a budget for the fiscal year 2026 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Motion for adoption _____ Seconded by _____

VOTE BY ROLL CALL AND RECORD:

Councilperson Ely

Councilperson Grant

Councilperson Starowitz

Councilperson Swanson

Supervisor Haywood

Submitted November 4, 2025

WHEREAS, the Town Board has met at the time and place specified in the notice of public hearing on the Preliminary Town Budget for 2026 and heard all persons desiring to be heard thereon.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Preliminary Budget for 2026, as amended, and as hereinafter set forth and filed by the Supervisor in the Office of the Town Clerk be adopted as the Annual Budget for the Town of Bergen for the fiscal year commencing January 1, 2026, and ending December 31, 2026. That the several amounts stated be and are appropriated for the objects and purposes specified, that all amounts stated in the summary as "Amounts to be raised by Tax" be and are the tax levy for the year 2026, and that salaries of elected officers as stated shall be fixed at the amounts shown effective January 1, 2026.

Sec. 2. That the Bergen Fire Services Contract as attached to the 2026 Bergen Town Budget is approved.

MOTION for adoption of this resolution

Seconded by

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Ely
Councilperson Grant
Councilperson Starowitz
Councilperson Swanson
Supervisor Haywood

Submitted – November 4, 2025

RESOLUTION #

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 0 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 0 Dublin Road (Tax Acct. No. 15.0-1-8.121), which is owned by Eight Little Boots, LLC; 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 0 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.

RESOLUTION #

**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 8451 Peachey 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 8451 Peachey Road (Tax Acct. No. 7.0-1-19), which is owned by Robert Morrow and Jamie Morrow; 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 8451 Peachey 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.

RESOLUTION NO. _____ Establish Out-of-District User Fee for WIBA No. 1 Water District

WHEREAS, The Town of Bergen has created Water Improvement Benefit Area No. 1 to provide public water to properties within the district; and

WHEREAS, There is an opportunity for the Town of Bergen to provide public water to properties on Reed Road in the Town of Sweden that are not within the WIBA No. 1 Water District; and

WHEREAS, The Town of Bergen desires to provide water service to the Town of Sweden Reed Road properties for an annual fee equal to the EDU charge paid by Town of Bergen WIBA No. 1 Water District properties.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Bergen Town Board hereby approves the provision of public water to Town of Sweden Reed Road properties through the WIBA No. 1 Water District in exchange for an annual fee equal to the EDU charge paid by Town of Bergen WIBA No. 1 properties.

Sec. 2. That the 2026 out-of-district user fee for Town of Sweden Reed Road properties that access public water through the WIBA No. 1 Water District is \$582.44.

Sec. 3. That the out-of-district fee will be billed in January 2026 to all Town of Sweden Reed Road properties that have accessed the Town of Bergen WIBA No. 1 Water District on or before December 31, 2025.

Sec 4. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by:

Seconded by:

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Ely
Councilperson Grant
Councilperson Starowitz
Councilperson Swanson
Supervisor Haywood

Submitted – November 4, 2025

Official Undertaking for Tax Collector Officer Councilperson made a motion to approve
Resolution # 2025- for Official Undertaking for Tax Collection Officer by Town Clerk, Teresa F. Robinson; seconded
by Councilperson and it carried by vote 5-0.

RESOLUTION # 2025-
APPROVAL OF OFFICIAL UNDERTAKING
FOR TAX COLLECTION OFFICER
APPROVAL OF THE TOWN BOARD

We, the undersigned members to the Town Board of the Town of Bergen, County of Genesee, State of New York, do hereby approve the attached undertaking or bond as to its form, manner of execution, amount and sufficiency therof, and to the sureties named thereon. Said undertaking or bond shall be conditioned that the collector of the taxes shall well and truly keep, pay over and account for all moneys and property coming into the Tax Collector, Teresa F. Robinson's hand as such collector.

VOTE BY ROLL CALL AND RECORD:

Councilperson Grant - AYE
Councilperson Starowitz - AYE
Councilperson Ely - AYE
Councilperson Swanson -AYE
Supervisor Haywood - AYE

CERTIFICATE OF CLERK

STATE OF NEW YORK)
COUNTY OF GENESEE) (SS

I, Teresa F. Robinson, Town Clerk of the Town of Bergen, County of Genesee and State of New York, Do
Hereby certify that I have compare the foregoing Motion Duly Adopted by the Town Board of the Town of Bergen on
November 14, 2025, with the Original thereof on file in my office and the same is correct and true copy of said motion of
the whole thereof.

Dated: November 4, 2025

Teresa F. Robinson, Town Clerk

RESOLUTION NO. _____

Authorizing IMA Bergen Fire Department Mowing/Plowing

WHEREAS: The Town of Bergen and the Bergen Fire Department desire to enter an agreement for the mowing and plowing of property at 10 Hunter Street not addressed by the Lease Agreement between the two parties; and

WHEREAS: The Town of Bergen and the Bergen Fire Department have agreed to reasonable compensation for such services.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Bergen Town Board approves the Intermunicipal Agreement between the Town of Bergen and the Bergen Fire Department regarding mowing and plowing services at 10 Hunter Street hereto attached.

Sec 2. That the Bergen Town Board authorizes the Supervisor to sign the Intermunicipal Agreement on behalf of the Town of Bergen.

MOTION for adoption of this resolution by:

Seconded by:

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Ely

Councilperson Grant

Councilwoman Starowitz

Councilperson Swanson

Supervisor Haywood

Submitted - 11/4/2015

**INTERMUNICIPAL AGREEMENT
PLOWING/MOWING SERVICES
BETWEEN BERGEN FIRE DEPARTMENT AND TOWN OF BERGEN
FOR PROPERTY AT 10 HUNTER STREET, TOWN OF BERGEN**

WHEREAS, there exists a lease between the Bergen Fire Department (landlord) and Town of Bergen (tenant) for property at 10 Hunter Street, Bergen; and

WHEREAS, the lease does not address the Town of Bergen's practice of mowing the north and east side of the building, nor does it address the Town of Bergen's practice of plowing the driveway and south/east parking lot used by the Bergen Fire Department; and

WHEREAS, the Bergen Fire Department and Town of Bergen desire to enter into an agreement for the mowing and plowing of these areas for reasonable compensation outside of the Lease agreement provisions.

NOW THEREFORE BE IT AGREED:

- Section 1. That the Town of Bergen will provide mowing and plowing services to the Bergen Fire Department for the entire property at 10 Hunter Street.
- Section 2. That the cost of these mowing and plowing services will be \$13,508 for the calendar year 2026 payable in two installments of \$6,754 each due on April 1, 2026 and October 1, 2026 respectively.
- Section 3. That the cost of these mowing and plowing services will be \$13,873 for the calendar year 2027 payable in two installments of \$6,936.50 each due on April 1, 2027 and October 1, 2027 respectively.
- Section 4. That the cost of these mowing and plowing services will be \$14,250 for the calendar year 2028 payable in two installments of \$7,125 each due on April 1, 2028 and October 1, 2028 respectively.
- Section 5. That this agreement does not alter in anyway the existing lease agreement between the Bergen Fire Department and the Town of Bergen for property at 10 Hunter Street, Bergen.
- Section 6. That either party may terminate this agreement at any time with 60 days written notification to the other party.

Section 7. That in the event of termination by either party, the cost of services will be reconciled through the end of the month of termination and the Town of Bergen will bill the Bergen Fire Department for any amount remaining due OR refund any amount that has been paid beyond the end of the month of termination.

Section 8. That this agreement takes effect at 12:01 am on January 1, 2026.

By: _____

President, Bergen Fire Department

Date: _____

By: _____

Supervisor, Town of Bergen

Date: _____

**RESOLUTION # 2025- AUTHORIZE THE
SUPPLEMENTAL AGREEMENT #3 FOR THE 2025/2026 SNOW & ICE AGREEMENT**

WHEREAS, THE TOWN OF BERGEN AND THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION DESIRE TO EXECUTE SUPPLEMENTAL AGREEMENT #3 TO CONTRACT NO. D014809 FOR THE 2025/2026 SNOW AND ICE AGREEMENT,

NOW, THEREFORE BE IT RESOLVED: THAT THE BERGEN TOWN BOARD AUTHORIZES THE BERGEN TOWN SUPERVISOR TO SIGN THE SUPPLEMENTAL AGREEMENT BETWEEN THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND THE TOWN OF BERGEN ON BEHALF OF THE TOWN OF BERGEN.

MOTION FOR ADOPTION OF THIS RESOLUTION BY;

SECONDED BY:

DISCUSSION:

VOTE BY ROLL CALL AND RECORD:

Councilperson Starowitz -

Councilperson Ely -

Councilperson Grant -

Councilwoman Swanson -

Supervisor Haywood-

Submitted: 11/4/2025

CERTIFICATE OF CLERK

STATE OF NEW YORK }
COUNTY OF GENESEE} {ss

I, TERESA ROBINSON, TOWN CLERK OF THE TOWN OF BERGEN, COUNTY OF GENESEE AND STATE OF NEW YORK, DO HEREBY CERTIFY THAT I HAVE COMPARED THE FOREGOING MOTION DULY ADOPTED BY THE TOWN BOARD OF THE TOWN OF BERGEN ON OCTOBER 14, 2025 WITH THE ORIGINAL THEREOF ON FILE IN MY OFFICE AND THE SAME IS CORRECT AND TRUE COPY OF SAID MOTION OF THE WHOLE THEREOF.

DATED: NOVEMBER 4, 2025

TERESA ROBINSON, TOWN CLERK