

The Bergen Town Board convened in a regular session at 7:38 pm following the Organizational Meeting at the Town Hall with Supervisor Haywood presiding.

PRESENT:

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

ALSO PRESENT:

Teresa Robinson, Town Clerk
Joel Pocock, Highway Superintendent

ABSENT:

OTHER ATTENDANCE: Gerry Wood – CEO/ZEO

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: Gerry Wood reported on his findings regarding property concerns.

Public Hearing: Local Law 1 of 2026 to amend Chapter 443 Taxation of the Bergen Code For the purpose of increasing the Aged Exemption Limits for qualified senior citizens.

Councilperson Anderson

made a motion to open the public hearing at 7:00 pm for Local Law 1 of 2026 to amend Chapter 443 Taxation of the Bergen Code For the purpose of increasing the Aged Exemption Limits for qualified senior citizens; Seconded by Councilperson Swanson.

Ayes: Haywood, Grant, Ely, Swanson, Anderson

Nays: None

Abstained:

APPROVED by: Unanimous vote (5-0)

Councilperson Grant made a motion to close the Public Hearing at 7:15 pm for **Local Law 1 of 2026 to amend Chapter 443 Taxation of the Bergen Code For the purpose of increasing the Aged Exemption Limits for qualified senior citizens;** Seconded by Councilperson Anderson

Ayes: Haywood, Grant, Ely, Swanson, Anderson

Nays: None

Abstained:

APPROVED by: Unanimous vote (5-0)

APPROVAL OF MINUTES FOR: Board Meeting 1/13/2026 Regular meeting; Councilperson Swanson made a motion to approve the Town Board Minutes of 1/13/2026; seconded by Councilperson Anderson

Ayes: Haywood, Grant, Ely, Swanson, Anderson

Nays: None

Abstained:

APPROVED by: Unanimous vote (5-0)

APPROVAL OF MINUTES FOR: Board Meeting 1/13/2026 Organizational meeting; Councilperson Swanson made a motion to approve the Town Board Minutes of 1/13/2026; seconded by Councilperson Anderson.

Ayes: Haywood, Grant, Ely, Swanson, Anderson
Nays: None
Abstained:
APPROVED by: Unanimous vote (5-0)

APPROVAL OF MINUTES FOR: Board Meeting 1/27/2026; Councilperson Anderson made a motion to approve the Town Board Minutes of 1/27/2026 with the correction of removing Councilperson Ely from the Adjournment vote as she was absent from the meeting. Seconded by Councilperson Swanson.

Ayes: Haywood, Grant, Ely, Swanson, Anderson
Nays: None
Abstained:
APPROVED by: Unanimous vote (5-0)

COMMUNICATIONS/INFORMATION included with this agenda:

1. Supervisor's Report for Jan. 2026
2. Financial Statements for Jan. 2026
3. Town Clerks Report for Jan. 2026
4. ZEO/CEO Report for Jan. 2026
5. Mercy EMS Report for Dec. 2025
6. Charter Communications letters of 1/9/2026, 2/4/2026 and 1/21/2026

BOARD MEMBERS' ITEMS FOR THE AGENDA: Nothing to add.

REPORTS:

SUPERVISOR:

Meetings:

- 1/10/2026- Met with BOCES Conservation Instructor, Highway Superintendent and representatives from the Genesee County Soil and Water District to discuss the town's plan to submit an application to the Genesee County Soil and Water District.
- 2/5/2026- Met with representatives from La Bella Associates, representative from Demzik Playground equipment, Highway Superintendent, Clerk and Deputy Clerk to discuss grant opportunities for parks and recreation areas.
- 2/5/2026- Met with representative from La Bella Associates, the Village Mayor, Village Administrator, and representatives from the NYS Dept. of State to discuss why the Village and Town were not approved for a Smart Growth Grant for completion of a Joint Comprehensive Plan.

Grants Update:

- 2025 CFA Smart Growth Community Planning Grant: We received notification that our application for funding for the completion of an updated joint Village and Town Comprehensive Plan was not approved. Representative from the NYS Dept. of State shared that we had a very good application and highly encouraged us to reapply this year (June/July).
- WNY PRISM grant: Application submitted to the Western New York Partnership for Regional Invasive Species Management (PRISM) for them to complete an invasive species survey at Drew's Nature Center.
- Genesee Soil and Water Conservation District- Mini-Grant: Work continues on completion of the Town's grant application to the Genesee Soil and Water Conservation District to complete trail restoration through the installation of bridges to address uneven ground, installation of stone barriers to discourage motorized vehicles, construction and installation of signage and planting of trees. BOCES students will complete the work.
- NY PLAYS Grant: A "kick-off" meeting was held on 2/5, with La Bella Associates to outlined the scope and work plan to submit for a grant for a playground at Robins Brook Park.

Follow up Activities:

- Age Exemption- Assessment increase from 50 to 65%: Information was provided to the board on the proposed minimum and maximum income limits for the Town Board to consider if they want to raise the assessment discount for income qualified senior citizens from the current 50% to 65%.
- Historian's 2025 Annual Report: As requested by Councilperson Ely, the town clerk has provided details on the historian's 2025 expenses.
- Park Rules/Code: Thanks to all for their contributions and edits, all have been incorporated in the proposed code/rules.
- Library Lease: Correspondence sent the Library Board President advising her of the intent of the town to raise the rent as of 1/1/2029.
- Route 33/19 Traffic Concerns: Upon request, a summary of the concerns and actions the town has taken over the years to attempt to get NYS Dept. of Transportation (DOT) to address expressed traffic concerns was provided to Assemblyperson Hawley's office I have requested that Assemblyperson Hawley set up a meeting with DOT, myself, the mayor, and representatives from Liberty Pump and OXBO review the situation and discuss potential resolution going forward.
- Code Complaint Violations: Verbal complaints provided by residents of the town at the last board meeting regarding four properties, were presented to the ZEO/CEO to follow up on.

Additional Activities:

- WIBA #1 EDU Charge: Researched the issue of the appropriate number of EDU's to be charged with the assessor and town attorney for a property at 7662 Clinton St.

Announcements:

- Genesee County Economic Development Center- Stakeholder Luncheon: If interested in attending the luncheon on 4/24 11:30-1 pm at Batavia Downs, let the clerk know asap.
- NYS Retirement- Record of Activities (ROA): New board members and elected officials, if you are in the NYS retirement system and you do not submit a time sheet, per NYS Retirement you must complete a record of activities within 150 days of being elected or appointed.
- Software Copyright Policy/Guideline: A copy of the Town of Bergen's Software Policy and Guideline had been forwarded for review and sign off to all employee/elected officials having access to town computers.

TOWN CLERK:

- Taxes are on-going but slowing down. Supervisor paid in full.
- Attended the Park Committee meeting with LeBella
- Met with the new cleaner to order supplies, we may need to purchase a lockable cabinet or shelves to be places in the commercial sink room that is always locked.
- April 24, Luncheon at Batavia Downs with Genesee Economic Development Center

BOARD MEMBERS: Nothing to add.

HIGHWAY:

- Applied and received \$3,000.00 from the Soil & Water grant to purchase a cutting-edge blade for the plow truck. The new blade will reduce the amount of salt used.
- The new 2026 truck has been delivered and added to the insurance.
- Trail markers for Drews Nature Center have been delivered from the County.
- Salt deliveries have been delayed.
- Removing attachments from the John Deere tractor to have ready for the Spring auction.

COMMITTEES:

Buildings, Grounds, Facilities (Cemeteries) and Parks:

Parks - Robins Brook – Meeting with grant consultant for potential grant for Playground equipment 2/5/2026

invasive Drew's Nature Center -Grant application to Western NY PRISM to survey for species.

improvement. Grant application to Genesee County Soil and Water for funds to continue

day Councilperson Swanson reported the fire dept. is not interested in changing their room to allow more space at the town hall.

Local History & Museum:

The Town Historian has been involved with the county to discuss the counties plans for the 250th celebration. Our Historian has some ideas and will be reaching out to the (BBCA) Bergen Business & Civic Association.

Policy & Personnel:

The software & Copyright policy has been distributed to all town employees to sign and return to the clerk.

OLD BUSINESS:

- Update on Traffic concerns at Route 33 and 19. Assemblyman Steve Hawley will be meeting with the NYSDOT to discuss.
- 250th USA Birthday Celebration- Councilperson Ely attended the BBCA meeting and discussed having a photo scavenger hunt – 4 different age groups to compete in the photo taking.

NEW BUSINESS:

1. Discussions:

Update on Complaint of Violation – 6600 N. Lake Road, 6558 N. Lake Road, 6630 N. Lake Road and 6550 N. Lake Road.
Code Enforcement Officer gave his report to the Board Members.

Proposed Town of Bergen Rules and Regulations for Robin's Brook, Drew's Nature Center and Wes Shore Linear Recreation Area and proposed Town Code- Parks, Nature Centers, Recreation Areas. **TABLED**

Fire Dept. – The Fire Dept. has inquired about the snow removal for the fire dept. sidewalks

The Board has determined not to fund the snow removal cost of the fire dept. sidewalks

2. RESOLUTIONS

- SEQRA Determination – Local Law 1 of 2026 -Amending Chapter 443 Taxation of the Bergen Code

- Adoption of Local Law 1 of 2026 Amending Chapter 442 Taxation of the Bergen Code

RESOLUTION 9-2026

Adopting Local Law 1 of 2026 Amending
Chapter 443 Taxation of the Bergen Town Code

WHEREAS, the Bergen Town Board has determined that it is in the best interests of the Town of Bergen to amend Chapter 443 Taxation of the Bergen Town Code; and

WHEREAS, a duly advertised Public Hearing was held by the Town Board at the Town Hall, 10 Hunter Street, Bergen on February 17, 2026 at 7 pm to hear all persons interested in the adoption of Local Law No. 1 of 2026 Amending Chapter 443 Taxation of the Bergen Town Code; and

WHEREAS, all persons desiring to be heard were heard and due deliberation having been had.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That Chapter 443 Taxation of the Bergen Town Code be amended as *per discussion following the public hearing and as now attached.*

Sec. 2. That the Town Board of the Town of Bergen hereby adopts Local Law No. 1 of 2026 Amending Chapter 443 Taxation of the Bergen Town Code.

Sec. 3. That the Town Clerk is authorized and directed to file a complete copy of Local Law No. 1 of 2026 with the Secretary of State, as required by law.

Sec. 4. That this resolution shall take effect immediately.

Motion for adoption: Councilperson Grant

Second: Councilperson Anderson

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Anderson

Councilperson Ely

Deputy Supervisor Grant

Councilperson Swanson

Supervisor Haywood

Submitted February 17, 2026

- To support submission of a funding application to Genesee County Soil and Water for Drew's Nature Center

RESOLUTION 2026-10 To support submission of a funding application to Genesee County Soil and Water District for Drew's Nature Center Improvements

- WHEREAS: The Town of Bergen's Park Master plan recommends improvements to enhance the accessibility and usage of the Drew's Nature Center; and
- WHEREAS: The Genesee County Soil and Water Conservation is accepting applications for funding for towns to "enhance local natural resources, promote outdoor education, and improve public access to healthy and resilient park space"; and
- WHEREAS: The Town of Bergen and Genesee Valley BOCES have a long-standing partnership regarding Drew's Nature Center. The students previously built an informational kiosk at the entrance and performed trail cleaning and erosion control. Trail cleaning is on-going and includes the identification of flora and fauna as well as the mechanical removal of invasive species; and
- WHEREAS: The Town plans to submit an application to the Genesee County Soil and Water District for funding to construct bridges for the stabilization of uneven ground; to install stone barriers to discourage ATV and motorized recreational vehicles; to construct and install informative signage on trails to enhance educational opportunities; and to plant trees following the conclusion of other work; and
- WHEREAS: The Town is seeking funding in order to purchase materials/supplies for the project. Actual work will be performed by students from the Conservation Class at Genesee Valley BOCES under the supervision of their instructor. The Town of Bergen highway department crew members and equipment will assist as needed; and
- WHEREAS: A requirement of the Genesee County Soil and Water District application and funding is that grantees contribute a minimum of twenty-five (25%) in matching funds.

NOW THEREFORE, BE IT RESOLVED:

1. That the Bergen Town Board does hereby enthusiastically support the submission of the application for funding to the Genesee County Soil and Water District.
2. That the Bergen Town Board confirms the availability of up to \$5,000 from the 2026 Town Budget for improvements to Drew's Nature Center.
3. That the Bergen Town Board also pledges assistance from the Town of Bergen highway department and equipment as is needed and reasonable.

MOTION for adoption of this resolution: Councilperson Anderson
Seconded by Councilperson Ely

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Anderson
Councilperson Ely
Councilperson Grant
Councilperson Swanson
Supervisor Haywood

-
Submitted – February 17, 2026

- Including commitment for town, if funded to provide up to \$5000.00 in matching funds.
- Adopt EDU Change for 7662 Clinton Street – Tax Account 17-1-6 from 10 units to 8 units.

WHEREAS: The property known as 7662 Clinton Street, Tax Account No. 17-1-6 was assessed 10 EDUs in the WIBA 1 water district when it had 10 mobile home units; and

WHEREAS: The 10 mobile home units have been removed and replaced with eight homes in a Planned Unit Development; and

WHEREAS: The property owner, Martin Dilcher, has requested a reduction in EDU assessment to reflect the actual reduction in housing units.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Bergen Town Board authorizes the reduction in EDUs from 10 to 8 for the property known as 7662 Clinton Street, Tax Acct. No. 17-1-6.

Sec. 2. That the Assessor is directed to make the EDU reduction in the WIBA 1 Water District.

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

MOTION for adoption of this resolution by: Councilperson Swanson

Seconded by: Ely

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Anderson

Councilperson Ely

Councilperson Grant

Councilman Swanson

Supervisor Haywood

Submitted – February 17, 2026

TABLED – Councilperson Grant made a motion to table the Resolution Authorizing Public Hearing on Local Law of 2026 Amending Chapter 137 Parks, Nature Centers, Recreation Areas of the Bergen Town Code for 3/17/2026 at 7 pm; Seconded by Councilperson Swanson

AYES: Haywood, Grant, Ely, Swanson, Anderson

NAYS:

Approved by Vote (5-0)

- Resolution Authorizing Public Hearing on Local Law of 2026 Amending Chapter 137 Parks, Nature Centers, Recreation Areas of the Bergen Town Code for 3/17/2026 at 7 pm.

RESOLUTION _____ Authorizing Public Hearing on Local Law __ of 2026 Amending Chapter 137 Parks, Nature Centers, Recreation Areas of the Bergen Town Code

WHEREAS, the Bergen Town Board is desirous of amending Chapter 137 Parks, Nature Centers, Recreation Areas of the Bergen Town Code for the purposed of clarifying certain language and regulations.

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

NOW THEREFORE BE IT RESOLVED:

Sec. 1. That the Bergen Town Board calls a Public Hearing to hear all persons for or against the Adoption of Local Law ____ of 2026 amending Chapter 137 Parks, Nature Centers, Recreation Areas on Tuesday, March 17, 2026 at 7:00 pm at the Bergen Town Hall, 10 Hunter Street, Bergen, New York.

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

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

Motion for adoption:

Second:

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Anderson

Councilperson Ely

Deputy Supervisor Grant

Councilperson Swanson

Supervisor Haywood

Submitted February 17, 2026

3. Action/Motion Items:

- Motion to accept a grant in the amount of \$3,000.00 from Genesee County Soil and Water for purchase of live-edge plow system

Councilperson Anderson made a Motion to accept a grant in the amount of \$3,000.00 from Genesee County Soil and Water for purchase of live-edge plow system; seconded by Councilperson Grant.

AYES: Haywood, Grant, Ely, Swanson, Anderson

NAYS:

Approved by Vote (5-0)

- Motion to approval conference request from Councilperson Anderson for training online toward becoming a “Certified Town Official” per the NYS Association of Towns in an amount not to exceed \$100.00.

Councilperson Ely made a motion to approve the conference request from Councilperson Anderson for training online toward becoming a “Certified Town Official” per the NYS Association of Towns in an amount not to exceed \$100.00; seconded by Councilperson Swanson.

AYES: Haywood, Grant, Ely, Swanson, Anderson

NAYS:

Approved by Vote (5-0)

- Motion to accept the Historian’s Annual Report for 2025.

Councilperson Swanson made a motion to accept the Historian’s Annual Report for 2025; seconded by Councilperson Ely.

AYES: Haywood, Grant, Ely, Swanson, Anderson

NAYS:

Approved by Vote (5-0)

- Motion to file the Town Clerk’s Report for Jan. 2026

Councilperson Anderson made a Motion to file the Clerks Jan. 2026 report; seconded by Councilperson Swanson.

AYES: Haywood, Grant, Ely, Swanson, Anderson

NAYS:

Approved by Vote (5-0)

- Motion for the Supervisor to re-apply for the Comprehensive Plan Grant at a cost of \$750.00.

Councilperson Anderson made a Motion for the Supervisor to re-apply for the Comprehensive Plan Grant a cost of \$750.00; Seconded by Councilperson Grant.

AYES: Haywood, Grant, Ely, Swanson, Anderson

NAYS:

Approved by Vote (5-0)

- Motion to File the Supervisor's Jan. 2026 report

Councilperson Swanson made a Motion to file the Supervisor's Jan. 2026 report; seconded by Councilperson Anderson.

AYES: Haywood, Grant, Ely, Swanson, Anderson

NAYS:

Approved by Vote (5-0)

- Approval of Budget Transfers – **NO BUDGET TRANSFERS AT THIS TIME.**

Councilperson _____ made a motion to approve the Budget Transfers; seconded by Councilperson _____

AYES: Haywood, Grant, Ely, Swanson, Anderson

NAYS:

Approved by Vote (5-0)

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

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 \$ 162,276.14; General A Fund \$ 52,722.40; General B \$ 380.60; Highway DA \$ 106,922.48; Highway DB \$ 2,250.66.

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

AYES: Haywood, Grant, Ely, Swanson, Anderson

NAYS:

Approved by Vote (5-0)

MEETING AND OTHER UPCOMING DATES – Upcoming Regular Town Board Meeting March 17, 2026 at 7:00 pm; 6:45 audit of the bills.

NO NEED FOR EXECUTIVE SESSION

EXECUTIVE SESSION – Councilperson _____ made a motion to enter executive session to discuss Personnel and contract matters at _____ pm; Seconded by Councilperson _____

AYES: Haywood, Grant, Ely, Swanson, Anderson

NAYS:

Approved by Vote (5-0)

Councilperson _____ made a motion to close executive session at _____ pm;
Seconded by Councilperson _____

AYES: Haywood, Grant, Ely, Swanson, Anderson

NAYS:

Approved by Vote (5-0)

ADJOURNMENT Was at 8:56 pm on a motion made by Councilperson Grant; seconded by Councilperson Anderson.

AYES: Haywood, Grant, Ely, Swanson, Anderson

NAYS:

Approved by Vote (5-0)

Respectfully submitted

Teresa Robinson

Teresa Robinson, Town Clerk