Town Board Meeting
Town of Bergen
November 17th, 2026
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

- 7:00: Proposed Fire Protection Contract for 2027 and Proposed 2027 Town Budget (1)
- 7:15 7 PM: Local Law # 8 of 2026 to override the Tax Levey Established in General Municipal Law Section 3-c for the fiscal year of 2027. (2)
- 7:30 Proposed Local Law #9 Adding Chapter 415 Battery Energy Storage Systems to the Bergen Town Code (3)

III. Privilege of the Floor:

IV. Approval of meeting Minutes: 10/20/2026 meeting. (4)

V. Communications included with this agenda:

1. Supervisor Report for Oct. 2026 (5)
2. Financial Statements for Oct. 2026 (6)
3. Town Clerks Report for Oct. 2026 (7)
4. ZEO/CEO Report for Oct. 2026 (8)
5. Mercy EMS report for Sept. 2026 (9)
6. Holiday Calander for 2027 (10)
7. WNY Partnership for Regional Invasive Species Management (PRISM) report for Invasive Species Survey at Drew's Nature Center. (11)
8. Historian report for October. (12)

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VI. Board Members' items for addition to the agenda

VII. Reports:

Supervisor
Clerk Records Grant Update
Board Members
Highway

Committees

-Building, Grounds, and Facilities (cemeteries) – Updates on Capital Projects and Plan for the Consolidation of Offices
-Parks - Robins Brook Park- Bathroom/ Playground
- Drew's Nature Center- Genesee County Soil Grant and Water Grant and Invasive Species Survey
-Local History & Museum – October Historian Report
-Policy and Personnel:

VIII. Old Business:

IX. New Business:

1. **Discussion**
   - Small Playground at Robins Brook Park
   - Proposed Park Rules and Regulations and Proposed Chapter 137 Parks of Bergen Town Code.

PLEASE TAKE NOTICE: The Town Board of the Town of Bergen has scheduled a Public Hearing at the Bergen Town Hall, 10 Hunter Street, Bergen, NY on Tuesday, November 17,2026 at 7:00 pm to take comments on proposed 2027 Bergen Fire Services Contract.

(1)

TOWN OF BERGEN NOTICE OF PUBLIC HEARING UPON PRELIMINARY BUDGET

Notice is hereby given that the Preliminary Budget for the Fiscal Year beginning January 1, 2027 has been completed and filed in the office of the Town Clerk, 10 Hunter Street, Bergen, New York where it is available for inspection by any interested person during regular office hours. Further notice is hereby given that said Preliminary Budget will be reviewed at the Public Hearing to be conducted by the Town Board of the Town of Bergen at the Town Hall, 10 Hunter Street, Bergen, New York on Tuesday, the 17th day of November 2026 at 7:00 pm at which time all interested persons will be heard. Pursuant to Section 108 of Town Law, the proposed salaries of the following Town Officers are hereby specified as follows:

Supervisor	$21,423
Councilpersons (4) each	$ 4,410
Town Clerk/Tax Collector	$58,489
Town Justice	$17,123
Superintendent of Highways	$81,000

By Order of the Bergen Town Board
Teresa Robinson, Town Clerk

(2)

PLEASE TAKE NOTICE: The Town Board of the Town of Bergen has scheduled a Public Hearing at the Bergen Town Hall, 10 Hunter Street, Bergen, NY on Tuesday, Tuesday, November 17, 2026 at 7:15 pm to take comments on proposed Local Law 2026- 8 titled "Local Law to Override the Levy Limitation in General Municipal Law Section 3-c for Fiscal Year 2027."

(3)

PLEASE TAKE NOTICE: The Town Board of the Town of Bergen has scheduled a Public Hearing at the Bergen Town Hall, 10 Hunter Street, Bergen, NY on Tuesday, November 17, 2026 at 7:30 pm to hear all persons regarding Local Law #9 of 2026 Adding Chapter 414 Battery Energy Storage Systems to the Bergen Town Code. The purpose of the Local Law is to regulate Battery Energy Storage Systems in the Town of Bergen. The full text of the proposed Chapter 415 is available on the Town website at townofbergenny.gov and at the Town Clerk's office, 10 Hunter Street, during regular business hours.

Draft

The Bergen Town Board convened in a joint session with the Village of Bergen at 6:45 pm audit of the bills; The Town Board Meeting convened in a regular session in the Fire Dept. 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 Cindy Anderson

OTHER ATTENDENCE: Camryn Brookhart from The Batavian

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:

Public Hearings

- Proposed Local Law 6 of 2026 Repealing Chapter 275 Flood Damage Prevention of the Bergen Town Code. Councilperson Ely made a motion to open the Public Hearing at 7:00 pm; Seconded by Councilperson Swanson.

  Ayes: Haywood, Grant, Ely, Swanson
  Nays: None
  Abstained:

  APPROVED by: Unanimous vote (4-0)

  Councilperson Grant made a motion to close the Public Hearing at 7:15 pm; Seconded by Councilperson Swanson.

  Ayes: Haywood, Grant, Ely, Swanson
  Nays: None
  Abstained:

  APPROVED by: Unanimous vote (4-0)

- Proposed Local Law 7 of 2026 Adopting a new Chapter 275 Flood Damage Prevention of the Bergen Town Code. Councilperson Ely made a motion to open the Public Hearing at 7:00 pm; Seconded by Councilperson Swanson

  Ayes: Haywood, Grant, Ely, Swanson
  Nays: None
  Abstained:

  APPROVED by: Unanimous vote (4-0)

Councilperson Grant made a motion to close the Public Hearing at 7:15 pm; Seconded by Councilperson Swanson.

Ayes: Haywood, Grant, Ely, Swanson
Nays: None
Abstained:

APPROVED by: Unanimous vote (4-0)

PRIVILEGE OF THE FLOOR: None

APPROVAL OF MINUTES FOR 9/15/2026: Councilperson Grant made a motion to approve the Town Board Minutes of 09/15/2026; seconded by Councilperson Ely.

Ayes: Haywood, Grant, Ely, Swanson
Nays: None
Abstained:

APPROVED by: Unanimous vote (4-0)

COMMUNICATIONS/INFORMATION included with this agenda:

1. Supervisor Report for Sept. 2026
2. Financial Statements for Sept 2026
3. Town Clerks Report for Sept 2026
4. ZEO/CEO Report for Sept. 2026
5. Mercy EMS report for August 2026
6. Specs for Town Hall

BOARD MEMBERS' ITEMS FOR THE AGENDA:

BBCA would like to place a shed at the town garage.

REPORTS:

SUPERVISOR:

- Robins Brook Park- Bathroom: The metal roofing, soffit and fascia have been installed. The BOCES students worked on framing the doors and windows and plan to continue construction as weather permits.
- NYS PLAYS Grant-Playground at Robins Brook Park- We received official notification that we were not awarded an NYSPLAYS grant to construct an inclusive playground at Robins Brook Park. I did follow up with NYS to find out why we were not funded and lost points. Bottom line we lost points due to not submitting adequate documentation of funds available for the Town's contribution. I also followed up with LaBella, our grant consultant, to discuss the lack of submitting the appropriate documentation. They have agreed, if the funding is made available next year, to resubmit a grant application for no additional costs. Given we didn't get the grant for the large playground, a sub-group of the park committee (myself, Belinda, Joel and Teresa) met with a representative from the playground equipment company to discuss costs for a smaller "agricultural" focused playground. I suggest that we consider using town funds, we have set aside, and if needed from private donors to purchase and install playground equipment for a small playground by the pavilion. Then if the state offers the NYS PLAYS Grant, we resubmit for the larger playground. The Park Master plan does include the installation of a small playground in the area where the pavilion is.
- Drew's Nature Center- Improvements:
  a) Genesee County Soil and Water Grant: Joel, the BOCES instructor and I met with the representative from Genesee County Soil and Water to discuss the status of the NYS Dept. of Environmental Conservation and the Army Corp of Engineers permits on 9/15 and 10/1. DEC has indicated as the Drew's Nature Center is in the most restrictive wet land, the improvements we have requested would have to be modified. The changes include installation of metal/wood bridges instead of the plastic and not using woodchips as fill. Additionally, we would have to demonstrate the benefit to the community for disturbing wetlands. Given the excessive costs or the required changes and the unlikeliness that even with the changes in the proposed work that the DEC will permit the work, we have decided to not proceed with plans to install bridges. We are seeking permission to install large boulders to prevent ATV damage. The BOCES students will install trail signs, plant trees and clear trails. If we get approval to install the boulders, they will help with that project as well. As we will not be using the grant funds for the installation of bridges and trail, Genesee County Soil and Water has given us permission to transfer the funding to Robins Brook Park. Joel is working on cost estimate to replace a culvert and install handicapped walkway at the park.
- Battery Energy Storage System (BESS) and Data/Cryptocurrency Facilities:
  (a) Battery Energy Storage System (BESS)
  The final draft of the proposed Battery Energy Storage local law was presented to the work group, and their proposed changes were incorporated into the proposed law. The referral application, including the proposed law and SEQR was submitted to the Genesee County Planning Board for

the approval of the local law was submitted and we anticipate a response by the end of Oct. On the agenda for our 10/20/26 meeting is to set a public hearing for this proposed law. Once the law is approved, we will need to establish fees for the required permits for Battery Energy Storage Systems.

(b) Data and Cryptocurrency Facilities

I have completed a final draft of this proposed local law and will be submitting to the work group and engineer for review in the coming weeks. I anticipate presenting it to the board at the Nov. meeting for consideration of holding the public hearing in Dec. As our current Comprehensive Plan does not include references to Data and or Cryptocurrency Facilities, a requirement to have a local law, Leisa drafted the Town of Bergen's Goals and Policy on Data and Cryptocurrency Facilities for consideration and approval at the board meeting.

- Records Retention Grant: Teresa, Leisa, myself and Sandy Owen, (the temporary inventory clerk) met with our records retention consultant on 10/9/2026 to discuss the plans for proceeding with the records management work. A training session on inventorying and records retention was held on 10/13 for Teresa and Sandy.
- Flood Damage Prevention-Local Law: The referral to Genesee County Planning Board for the approval of this local law was submitted and has been approved. The required Public Notice seeking lead status for SEQR notification was submitted to Genesee County Planning, NYS DEC and the public as required.
- Town Budget for 2027: The Preliminary 2027 town budget has been finalized and is on the agenda for acceptance at the 10/20/26 board meeting. Additionally, on the agenda there are resolutions to hold public hearing on a local law to override the tax cap and a public hearing on the Town and Fire Dept. Budgets.
- Comptroller's Fiscal Stress Score: We received the Town of Bergen's Fiscal Stress Score from the NYS Comptrollers office. I am pleased to report that we have lowered our score from 2024 of 6.7 to 2025 of 3.3. The Comptroller's office analyzed the annual 2025 fiscal report we provided them to develop a fiscal stress score. Per the Comptroller's office "The analysis provides an objective assessment of the fiscal challenges facing individual local governments, identifying situations where corrective action may be needed." They rate and give points on Fund Balance, Operating Deficit, Cash Position, Short-Term Cash-Flow Debt, Fixed Costs/Debt Service. The lower the points the better. The only points we received were in the Debt Service category. Our debt is for WIBA 1 and is very small compared to the debt we can legally carry.
- Town Hall Renovations and Renovations to 13 South Lake Ave. Building:

(a) *Town Hall Security and Storage and 13 South Lake Ave. records room.*

The Architect is finalizing bid packages to go out to bid for the planned renovations to convert the second-floor storage room to a records room at 13 South Lake Ave. and to complete renovations for improved security and storage space at the Town Hall Building. Contingent upon approval of the board, the bids will be released, and the qualified bidders will be presented to the board at the November meeting for approval. Both projects are in the 2027 budget, and our goal is to have them started by December.

(b) *Replacement of HVAC system at Town Hall.*

The contractor continues to await delivery on the Air Handler Units for installation. The anticipated completion date, contingent upon delivery of supplies, for this project is the end of Oct.

- Town Engineer Services: Teresa, Gary Fink, planning board chair and I met with Mike Metzger, from Metzger Civil Engineering to discuss his qualifications and the work of a town engineer for the Town of Bergen on 9/22/2026. MRB is currently the appointed Town Engineer. In an effort to ensure we are

getting the best price; I initiated meeting with Mike. His practice is entirely municipal engineering. His rates are lower than MRB. Based upon our meeting and the recommendation of the planning board chair, I am requesting that the board appoint Metzger Civil Engineering as the Town Engineer as of 11/1.

TOWN CLERK:

- Met with Jim our consultant and Sandy for a full day of training in records management.
- Started on the records above the library with Sandy.
- Meeting again with Jim on 10/21 and take him to the library, historian's office and town highway to see where all of the records are currently being kept and to come up with a plan for moving forward with the records.
- Meeting with Mike Metzger from Metzger Civil Engineering, Gary Fink and Supervisor Haywood.
- Will be closing the office for one morning a week to work at the library building.

BOARD MEMBERS: Nothing to add

HIGHWAY:

- Going through the trucks to get prepared for changing of the seasons.
- County should be done with Rt 262 on Thursday.
- Continue to work brush.
- Salt is stocked with as much as we can this year.
- BOCES will be at the park on Thursday afternoon to work on siding and doors.
- Electrical work begins next week. Roof is just about complete – need a piece of sofit.
- Replace a culvert pipe and work on a walking trail with the Grant money.
- Will be in Ohio 10/21/2026 to do the final walk around the new truck. Should have the truck back by November 20.

COMMITTEES:

Buildings, Grounds, Facilities (Cemeteries) and Parks: Nothing additional

Parks: Nothing additional

Local History & Museum: Nothing to add

Policy and Personnel: Nothing to report

OLD BUSINESS: None

NEW BUSINESS:

1.Date for the 2026-year end and 2027 organizational meeting – The following dates were proposed:-
-2026 Year End Meeting 12/28 at 5 pm
-2027 Organization Meeting followed by regular meeting Jan 12, 2027

2. **Resolutions**

- SEQR Determination-Local Law 6 of 2026 -Repealing Chapter 275 Flood Damage Prevention of the Bergen Town Code

RESOLUTION NO. 44-2026 SEQRA Determination – Local Law 6 of 2026
Repealing Chapter 275 Flood Damage Prevention

WHEREAS, the Town Board of the Town of Bergen has adopted a Local Law repealing Chapter 275 Flood Damage Prevention Chapter to the Bergen Town Code; and

WHEREAS, such a Local Law is defined by 6 NYCRR §617.5 as a Type II action for which no environmental review is necessary.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Bergen Town Board does hereby designate the proposed Local Law as a Type II action.

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

MOTION for adoption of this resolution Councilperson Swanson

Seconded by Councilperson Grant

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Ely

Councilperson Grant

Councilman Swanson

Supervisor Haywood

Submitted – October 20, 2026

- Adopting Local Law 6 of 2026- Repealing Chapter 275 Flood Damage Prevention of the Bergen Town Code

RESOLUTION 45-2026 Adopting Local Law 6 of 2026 Repealing Chapter 275 Flood Damage Prevention of the Bergen Town Code

WHEREAS, the Bergen Town Board is desirous of repealing Chapter 275 Flood Damage Prevention of the Bergen Town Code for the purposed of adopting a new Flood Damage Prevention Code recommended by the NYS Department of Environmental Conservation.

WHEREAS, the Bergen Town Board held a Public Hearing on Tuesday, October 20, 2026 at 7:00 pm regarding proposed Local Law 6 of 2026 to repeal Chapter 275 Flood Damage Prevention and all persons who desired to be heard were heard.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. That the Bergen Town Board hereby adopts Local Law 6 of 2026 repealing Chapter 275 Flood Damage Prevention of the Bergen Town Code.

Sec. 2. That the Town Clerk is authorized and directed to file a complete copy of Local Law No. 6 of 2026 with the Secretary of State, as required by law.

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

Motion for adoption: Councilperson Grant
Second: Councilperson Ely

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Ely
Deputy Supervisor Grant
Councilperson Swanson
Supervisor Haywood

Submitted October 20, 2026

- SEQR Determination- Local Law 7 of 2026 adopting Chapter 275 Flood Damage Prevention of the Bergen Town Code

RESOLUTION NO. 46-2026 SEQRA Determination – Local Law 7 of 2026
Adding New Chapter 275 Flood Damage Prevention

WHEREAS, the Town Board of the Town of Bergen has adopted a Local Law adding a new Chapter 275 Flood Damage Prevention Chapter to the Bergen Town Code; and

WHEREAS, such a Local Law is defined by 6 NYCRR §617.5 as a Type II action for which no environmental review is necessary.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Bergen Town Board does hereby designate the proposed Local Law as a Type II action.

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

MOTION for adoption of this resolution Councilperson Grant

Seconded by Councilperson Swanson

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Ely

Councilperson Grant

Councilman Swanson

Supervisor Haywood

Submitted – October 20, 2026

- Adopting Local Law 7 of 2026- Adopting a new Chapter 275 Flood Damage Prevention of the Bergen Town Code

RESOLUTION 47-2026 Adopting Local Law 7 of 2026 Adding a New Chapter 275 Flood Damage Prevention of the Bergen Town Code

WHEREAS, the Bergen Town Board has repealed Chapter 275 Flood Damage Prevention of the Bergen Town Code and desires to adopt a new Flood Damage Prevention Code recommended by the NYS Department of Environmental Conservation.

WHEREAS, the Bergen Town Board held a Public Hearing on Tuesday, October 20, 2026 at 7:00 pm regarding proposed Local Law 7 of 2026 to add a new Chapter 275 Flood Damage Prevention and all persons who desired to be heard were heard.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. That the Bergen Town Board hereby adopts Local Law 7 of 2026 adding a new Chapter 275 Flood Damage Prevention to the Bergen Town Code.

Sec. 2. That the Town Clerk is authorized and directed to file a complete copy of Local Law No. 76 of 2026 with the Secretary of State, as required by law.

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

Motion for adoption: Councilperson Swanson
Second: Councilperson Grant

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Ely
Deputy Supervisor Grant
Councilperson Swanson
Supervisor Haywood

Submitted October 20, 2026

- Adopting 2027 Preliminary Budget- and Schedule Public Hearing for Preliminary Town Budget and Bergen Fire Services Contract for Nov. 17th at 7 pm.

RESOLUTION NO. 48-2026 Adopt 2027 Preliminary Budget and Schedule Public Hearings

NOW, THEREFORE BE IT RESOLVED:

Section 1. That the Town Board of the Town of Bergen hereby adopts the 2027 Preliminary Budget and schedules the Budget Public Hearing for Tuesday, November 17, 2026 at 7:00 pm at the Bergen Town Hall, 10 Hunter Street, Bergen, New York.

Section 2. That the Town Board of the Town of Bergen hereby schedules the Bergen Fire Services Contract Public Hearing for Tuesday, November 17, 2026 at 7:00 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 Grant

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Ely

Councilperson Grant

Councilperson Swanson

Supervisor Haywood

Submitted – October 20, 2026

- Authorize Public Hearing on Proposed Local Law_8- Tax Cap Override of 2026-for Nov. 17th at 7:15 pm

RESOLUTION NO. 49-2026 Call Public Hearing Local Law 2026- 8 Tax Cap Override

NOW, THEREFORE BE IT RESOLVED:

Section 1. That the Town Board of the Town of Bergen has adopted a 2027 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 2026- Tax Cap Override for the Fiscal Year 2027 on Tuesday, November 17, 2026 at 7:15 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

Councilperson Grant

Councilperson Swanson

Supervisor Haywood

Submitted – October 20, 2026

- Authorize Public Hearing on Local Law 9 -Adding Chapter 415 Battery Energy Storage Systems to the Bergen Town Code.

RESOLUTION 50-2026 — Authorizing Public Hearing on Local Law 9 of 2026 Adding Chapter 415 Battery Energy Storage Systems to the Bergen Town Code

WHEREAS, the Bergen Town Board is desirous of adding Chapter 415 Battery Energy Storage Systems to the Bergen Town Code for the purpose of regulating such systems.

WHEREAS, the Bergen Town Board is required to hold a Public Hearing on the proposed new Town Code 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 9 of 2026 adding Chapter 415 Battery Energy Storage Systems on Tuesday, November 17, 2026 at 7:30 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: Councilperson Grant
Second: Councilperson Swanson

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Ely
Deputy Supervisor Grant
Councilperson Swanson
Supervisor Haywood

Submitted October 20, 2026

- Appointing Town Engineer- Metzger Civil Engineering

RESOLUTION NO. 51-2026 Appoint Town Engineers

NOW, THEREFORE BE IT RESOLVED:

1. That the Town Board of the Town of Bergen appoints Metzger Civil Engineering, PLLC, 824 Sheridan Drive, Williamsville, New York as the Town Engineers.

2. That this resolution shall take effect November 1, 2026.

MOTION for adoption of this resolution Councilperson Grant

Seconded by Councilperson Swanson

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Ely

Councilperson Grant

Councilperson Swanson

Supervisor Haywood

Submitted – October 20, 2026

- Tabled Adopt Goals and Policy on Data Centers and Cryptocurrency Facilities

RESOLUTION NO. Goals and Policies for Data Centers and Cryptocurrency Facilities

WHEREAS, There is a requirement for municipalities adopting Data Center and Cryptocurrency Facilities regulations to either create or update its Comprehensive Plan defining the goals and policies regarding these systems or to issue a Board Resolution or Executive Order defining these goals and policies; and

WHEREAS, The Town Board of the Town of Bergen is in the early stages of updating its Comprehensive Plan and will not complete the plan prior to the expiration of the moratorium on Data Centers and Cryptocurrency Facilities; and

WHEREAS, The Town of Bergen does not address Executive Orders it in its Town Code; and

WHEREAS, the Town Board of the Town of Bergen has determined that a resolution setting the goals and policies for Data Centers and Cryptocurrency Facilities is the most appropriate option for compliance at this time: and

WHEREAS, the Town Board of the Town of Bergen defines the goals and policies of its Data Centers and Cryptocurrency Facilities proposed regulation as follows.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. The Bergen Town Board recognizes the emergence of data centers and cryptocurrency facilities as new technologies and economic activities evolve.

Sec. 2. The Bergen Town Board desires to create appropriate regulations governing data centers and cryptocurrency facilities that support other stated goals of Bergen pursuant to its Comprehensive Plan.

Sec. 3. The Bergen Town Board intends to permit the installation of data centers and cryptocurrency facilities, unless otherwise prohibited by higher governmental authorities, in designated zoning districts. However, the data center and cryptocurrency facilities project approval process will ensure compatible land uses in the vicinity of the areas affected by these facilities. The data center and cryptocurrency facilities projects will meet the underlying zoning requirements, planning board requirements and special permit requirements in order to ensure this compatibility and public input will be considered through the public hearing process.

Sec. 4. The Bergen Town Board is committed to the safe and effective operation of emerging technological facilities such as data centers and cryptocurrency facilities and will work with the owners/operators and other involved agencies, such as Genesee County, the Bergen Fire Department, the NYS Department of Environmental Conservation, and others to this end.

Sec. 5. The Bergen Town Board is committed to protecting neighboring property owners from operational disturbances by enacting appropriate setbacks, screening methods, decibel limits, discharge rules, etc. for data centers and cryptocurrency facilities.

Sec. 6. The Bergen Town Board is committed to the mitigation of the impacts of data centers and cryptocurrency facilities on environmental resources, such as important agricultural lands, forests, wildlife and other protected resources.

Sec. 7. The Bergen Town Board is committed to the mitigation of the impacts of data centers and cryptocurrency facilities on utilities and manmade resources, including but not limited to electricity, public water, waste treatment centers and public infrastructure.

Sec. 8. The Town of Bergen will monitor the maintenance of data centers and cryptocurrency facilities through its code enforcement officer, consultants and other involved agencies in order to ensure the safe operation of the system.

Sec. 9. The Bergen Town Board intends to update its Comprehensive Plan with these goals during the next update process.

MOTION for adoption of this resolution by
Seconded by

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Anderson
Councilperson Ely
Councilperson Grant
Councilman Swanson
Supervisor Haywood

Submitted – October 20, 2026

-Motion to Award bid for installation of Metal Roof, Gutters, Soffit and Fascia to bathroom at Robins Brook Park to Kircher Construction Inc., in the amount of $18,000.00. Councilperson Grant made a motion to award the bid installation of a metal roof, gutters, sofit and fascia to the bathroom at Robins Brook Park to Kircher Construction Inc., in the amount of $18,000.00; Seconded by Councilperson Swanson.

AYES: Grant, Ely, Swanson
NAYS:
ABSTAINED: Haywood
Approved by Vote (3-0)

-Motion to file the Town Clerk's Report for Sept 2026. Councilperson Ely made a Motion to file the Clerks Sept. 2026 report; seconded by Councilperson Swanson.

AYES: Haywood, Grant, Ely, Swanson
NAYS:
Approved by Vote (4-0)

-Motion to File the Supervisor's September 2026 report. Councilperson Grant made a Motion to file the Supervisor's September 2026 report; seconded by Councilperson Swanson.

AYES: Haywood, Grant, Ely, Swanson
NAYS:
Approved by 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 $ 32,073.88; General A Fund $ 26,111.91; General B $ 499.91; Highway DA $ 4,157.63; Highway DB $ 1,204.43.

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

AYES: Haywood, Grant, Ely, Swanson
NAYS:
Approved by Vote (4-0)

MEETING AND OTHER UPCOMING DATES –

- Town Board Meeting: 11/17/ 2026-- 6:45 audit of bills, 7 pm Town Board meeting

ADJOURNMENT Was at 7:47 pm on a motion made by Councilperson Ely; seconded by Councilperson Swanson.

AYES: Haywood, Grant, Ely, Swanson
NAYS:
Approved by Vote (4-0)

Respectfully submitted

Teresa Robinson

Teresa Robinson, Town Clerk

Town Clerk Monthly Report
October 01, 2026 - October 31, 2026

(7)

Account#	Account Description	Fee Description	Qty	Local Share
	Marriage License	Marriage License	3	52.50
	One Day Officiant License	One Day Officiant License	1	25.00
			Sub-Total:	**$77.50**
A1255	Clerk Fees	Certified Copies	15	150.00
	Conservation	Conservation	4	5.63
			Sub-Total:	**$155.63**
A2544	Dog Licensing	Female, Spayed	11	55.00
		Male, Neutered	11	55.00
		Male, Unneutered	1	18.00
	Senior Discount	Senior Discount	1	-3.00
			Sub-Total:	**$125.00**
B2110	Building & Zoning	Building Permit	3	300.00
		Zoning	1	300.00
			Sub-Total:	**$600.00**
			Total Local Shares Remitted:	**$958.13**

Amount paid to:	N Y State Department Of Health	67.50
Amount paid to:	NYS Ag. & Markets for spay/neuter program	25.00
Amount paid to:	NYS Environmental Conservation	96.37

Total State, County & Local Revenues: **$1,147.00**

Total Non-Local Revenues: **$188.87**

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Michele M. Smith, Town Clerk, Town of Bergen during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

Supervisor — 11/12/2026 (Date) — Teresa Robinson (Town Clerk) — 11-12-2026 (Date)

Town of Bergen

Permit Monthly Report

10/01/2026 - 10/31/2026

Permit #	Issue Date	Owner	Permit Type	Property Location	Valuation	Amount
October	**2026**					
BP-0042-2026	10/01/2026	Richard Hann	Other	7934 Buffalo Street Ext **SBL#:** 12.-1-54.211		$25.00
BP-0043-2026	10/01/2026	lauren burke	Res-Deck	7560 dublin rd (dennis burke) **SBL#:** 14.-1-16.12		$50.00
BP-0044-2026	10/01/2026	Gary Cooper	Other	8302 Peachey Rd **SBL#:** 7.-1-45	$20,000.00	$25.00
SP-2026-003	10/07/2026	Richard Alexyn	Site Plan	7685 West Bergen Rd **SBL#:** 16.-1-18.112		$300.00
BP-0046-2026	10/07/2026	Timothy Victor Bowman	Other	5934 North Lake Rd **SBL#:** 8.-1-8	$27,000.00	$25.00
BP-0047-2026	10/28/2026	alexander ogden	Res-Acc Structure	6970 West Bergen Rd **SBL#:** 10.-2-32.2		$75.00
BP-0048-2026	10/28/2026	justin keating	Res-Remodel	5906 North Lake Rd **SBL#:** 8.-1-6.211		$225.00
				October 2026 Total:	**$47,000.00**	**$725.00**
				Reporting Period Total:	**$47,000.00**	**$725.00**

(8)

Genesee County 911
Response Times Report
GEN BERGEN FIRE
Report Date Range from: 9/1/2026 to 9/30/2026

Mercy Flight EMS

Report includes Emergent First On Scene Responses.

Response Time Minutes	Call Count	Cumulative Call Count	Percentage of Total Calls	Cumulative Percentage
Response Zone: GEN BERG 17				
17:00 - 17:59	1	1	16.67%	16.67%
18:00 - 18:59	1	2	16.67%	33.33%
19:00 - 19:59	1	3	16.67%	50.00%
21:00 - 21:59	1	4	16.67%	66.67%
22:00 - 22:59	2	6	33.33%	100.00%
Total Calls:	**6**	**6**	**100%**	
Response Zone: GEN BERG 22				
13:00 - 13:59	1	1	25.00%	25.00%
19:00 - 19:59	1	2	25.00%	50.00%
22:00 - 22:59	1	3	25.00%	75.00%
28:00 - 28:59	1	4	25.00%	100.00%
Total Calls:	**4**	**4**	**100%**	

Call Source Total Calls: **10**

TOWN OF BERGEN

* Established April 2, 1813 *

P.O. Box 249
10 Hunter Street
Bergen, NY 14416

Phone: (585) 494-1121 * Fax: (585) 494-1372 * NYS TDD 1-800-662-1220

(10)

Supervisor
Ernest Haywood

Councilpersons
Belinda Grant, Deputy Supervisor
Cindy Anderson
Karen E. Ely
Mark Swanson

Superintendent of Highways
Joel Pocock

Town Clerk/Tax Collector
Teresa Robinson

Justices
Robert Swapceinski
Vincent Pulcini

Zoning & Code Enforcement Officer
Gerald Wood

Assessor
Rhonda Saulsbury

2027 Town of Bergen Holiday Schedule

January 1	New Years Day
February 15	Presidents Day
March 26	Good Friday
May 31	Memorial Day
July 5	Independence Day
September 6	Labor Day
October 11	Columbus Day
November 11	Veterans Day
November 25	Thanksgiving
December 25	Christmas

- Per the Teamsters Union Contract, eligible highway crew members will receive two floating holidays to be determined by the Highway Superintendent.

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* ESTABLISHED APRIL 2, 1813 *

BERGEN, NY 14416

PHONE: (585) 494-1121 * FAX: (585) 494-1372 * NYS TDD 1-800-662-1220

SUPERVISOR
ERNEST HAYWOOD

COUNCILPERSONS
BELINDA GRANT, DEPUTY SUPERVISOR
CINDY ANDERSON
MARK SWANSON
KAREN E. ELY

SUPERINTENDENT OF HIGHWAYS
JOEL POCOCK

TOWN CLERK/TAX COLLECTOR
TERESA ROBINSON

JUSTICES
ROBERT SWAPCEINSKI
VINCENT PULCINI

ZONING & CODE ENFORCEMENT OFFICER
GERALD WOOD

ASSESSOR
RHONDA SAULSBURY

SUPERVISORS REPORT FOR OCTOBER-NOVEMBER 2026

1) *2027 Budget- Increase Request*

- Building Operational Capital Increase Request

Due to timing, will not be able to complete the Town Hall renovations this year. As such I am proposing that we increase the 2027 budget line itemA1620.2 Building Operation Capital by $100,000.00 to cover the anticipated cost to complete security work, replace lighting with LED and add record storage space. The funds to cover would be taken from the Fund Balance and increase A5999 Appropriated Fund Balance by $100,000.00. Doing this does not affect the proposed tax rate. We will have the funds in the fund balance as we didn't spend approximately $40,000.00 from the Building Operation Capital budget line; and because of the unexpected/unbudgeted voluntary contribution from the County of $60,000 we received this year.

2) Capital Projects

- Renovations- Town Hall-

We have the specifications to complete renovations at the Town Hall. The bidding document will break the project down into three components. First will be the security improvements (movement of clerk's window, new controlled entry on the lobby door, wind break). Second will create storage space/records room in the hallway where the cabinets are currently located. Third will be to install LED lighting throughout the building. We will be bidding the job indicating lighting and records storage space as alternatives. That way if they are deemed to be too expensive, we will not complete these phases. Given it is Tax season from Jan-March, and while we plan to go to bid and award bid ats the 12/28/2026 board meeting, work will not start until March. I have included a resolution to go to bid in the board packet for the 11/17 meeting. I have also shared the plans with the Fire Department, and they have approved the renovations.

- Installation of Mini-Split Unit- 13 S. Lake Road

I completed the scope of work and sought proposals for the installation of a mini- split unit for the second-floor room at 13 South Lake Ave. Request for Quotes were sent to 11 companies. I will

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present the Bid Tally sheet and resolution to approve the bid at the 11/17 board meeting. Based upon availability of supplies the intent is to have the work completed by year end.

- Air Handler Units- Town Hall
  The contractor began work on the replacement of the two air handler units the week of 11/9.

3) ***Parks***

- Robins Brook Park-
  a) Playground- Belinda, Teresa, Joel and I met with two playground equipment companies to discuss options and pricing for a small playground behind the new bathrooms and pavilion. We would like to use budgeted funds to purchase a playground and then approach businesses in the area for donations to assist with the total cost. We anticipate having a discussion at the 11/17 board meeting on next steps.
  b) Bathroom- The BOCES Students continue to work on the bathroom as time permits. The roof and sofit have been completed by the company hired to do so.
  c) Pathway- As previously shared, given that DEC would not approve the trail work that we received funding from Genesee County Soil and Water at Drews, we are now requesting to use the funds for the construction of a handicapped accessible walkway and trail improvements at the park. Joel provided the estimated costs, and we have submitted them for approval.

- ***Drew's Nature Center***.
  a) Genesee County Soil and Water Grant: We continue to await approval from DEC for the installation of boulders to deter ATV and other recreational vehicle traffic. The Genesee County Soil and Water staff had to submit a plan including details, provided by Joel and myself on the boulders to be installed (size, location, etc.), a map showing the locations, pictures of where the boulders will be placed and an Encounter Plan for the Eastern Massasauga Rattlesnake.
  b) Invasive Species Study: We received the Invasive Species Survey Report that was completed by the Western New York Partnership for Regional Invasive Species Management (PRISM). The study identified and mapped over 19 invasive species and provided recommendations for management for 5 of the major invasive species. The strategies for eradication/management include herbicide treatment and manual removal. As DEC will not permit use of herbicides in wetlands, our only option is manual removal. We will continue to work with BOCES Conservation Class to assist with this effort. I provided a copy of the survey to board members in September, and it is attached to the board packet for the 11/17 meeting.

4) ***Local Laws***

a) Battery Energy Storage System (BESS) and Data/Cryptocurrency Facilities:
The public hearing is 11/17 for this proposed law. I am currently awaiting approval from the County Planning Department on the proposed law. I have also drafted an application for Battery

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Energy Storage Systems and have ask Teresa to work on finalizing so we are set when the law is passed to provide to applicants.

(b) Data and Cryptocurrency Facilities

I received extensive comments and feedback from Kelly Hallenbeck, member of the work group on the final draft of the proposed Data Center and Cryptocurrency Facilities. Her feedback was incorporated in the proposed local law and was submitted to the town engineer for comments. I anticipate presenting it to the board at the December meeting for consideration of holding the public hearing in Jan. As our current Comprehensive Plan does not include references to Data and or Cryptocurrency Facilities, a requirement to have a local law, Leisa drafted the Town of Bergen's Goals and Policy on Data and Cryptocurrency Facilities for consideration and approval at the board meeting on 11/17. I also received and forwarded information to the Planning Board and Zoning Board Chairs on training that is being offered on Data Centers on 12/1. I plan on attending this training.

(c) Parks Local law and Rules and Regulations

Based upon the feedback and comments provided by Karen and Belinda and in follow up to our meeting last month, I have finalized the Parks Local Law, Rules and Regulations and Application. We have made the local law and rules for Parks and have delaminated within each document the specific rules for each park (Drew's Nature Center, Robins Brook and West Shore). I am requesting the board set the public hearing date for the December Board meeting.

5) *Proposed Updates to Fee Schedule*

I have updated the Town's Fee Schedule for Permits to include new permit fees for Solar, Flood Management Development, Data Centers/Cryptocurrency Facilities and Battery Energy Storage Systems. This item is on the agenda for approval at the 11/17 board meeting.

6) Counties Emergency Notification System- IPAWS

I continue to work with the Mayor and Tim Yeager from Genesee County Emergency Management on a test for the Emergency Notification System. We have a meeting scheduled for 11/20 and anticipate testing the Counties notification system sometime during the week of Dec. 8th.

If you have any questions, please reach out to me.

Respectfully Submitted,

Ernie Haywood, Supervisor
Town of Bergen

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(11)

PARTNERSHIP FOR REGIONAL INVASIVE SPECIES MANAGEMENT WESTERN NEW YORK

Partnering to Protect Western New York from Invasive Species

WNY PRISM Invasive Species Survey Summary

Prepared by Whitney Pierrot, WNY PRISM Invasive Species Management Assistant

September 17, 2026

Drew's Nature Center

The Western New York Partnership for Regional Invasive Species Management (WNY PRISM) is one of eight regional partnerships within New York State that were created to address invasive species issues. Our mission is to proactively identify, evaluate and address invasive species priorities in western New York using a coordinated partnership of local professionals, organizations and community members to improve, restore and protect local aquatic and terrestrial resources. As part of this mission, we work with our partners to survey for the presence and distribution of invasive species on their properties and assist with invasive species management and planning. The following summary is intended to give you a broad idea of the species found at Drew's Nature Center, offer general guidance for prioritization of those species and provide some Best Management Practices for treatment. If you have questions about anything presented in this summary or wish to discuss things further, please contact Catherine Eaton, WNY PRISM Terrestrial Invasive Species Program Manager at eatonc@buffalostate.edu or 716-878-3290.

The WNY PRISM Crew (Crew) conducted a general invasive species inventory survey at Drew's Nature Center on July 29 and 30, 2026. This survey represents a general assessment of invasive species found on the property and does not include every individual plant observed. Polygon data and observation points for corresponding species are outlined in the attached maps, the GIS files of which can be shared with the Town of Bergen upon request. Alternatively, observation and assessment data for all species can be accessed at www.nyimapinvasives.org. To access this data, you will need to log in to iMapInvasives via a user account. If you do not have an account, you may create one on the iMapInvasives website. The data was entered into the project "WNY PRISM Drew's Nature Center 2026."

Drew's Nature Center is a 32.5-acre property owned by the Town of Bergen that is a mix of forested wetlands and open peatland. The property is accessed by an abandoned railroad bed that has been converted into the West Shore Trail. The Town of Bergen is partnering with Genesee Valley BOCES and Genesee County Soil and Water Conservation District to develop a management plan that prioritizes improvements to the property, including boardwalk repairs, improved signage and invasive species management. The Town of Bergen requested WNY PRISM's assistance to identify and assess the extent of invasive species at Drew's Nature Center to help inform development of the management plan.

The Crew surveyed all trails and accessible shoreline for invasive species, totaling 20.8 acres. The following species were observed during the survey: swallow-wort (*Vincetoxicum* spp.), mugwort (*Artemisia vulgaris*), Canada thistle (*Cirsium arvense*), reed canarygrass (*Phalaris arundinacea*), slender false brome (*Brachypodium sylvaticum*), Japanese barberry (*Berberis thunbergii*), common barberry *(Berberis vulgaris*), common buckthorn *(Rhamnus cathartica)*, glossy buckthorn (*Frangula alnus*), privet (*Lingustrum* spp.), autumn olive (*Elaeagnus umbellata*), bush honeysuckle (*Lonicera* spp.) and multiflora rose (*Rosa multiflora). Phragmites* (*Phragmites* spp.), purple loosestrife (*Lythrum salicaria*), knapweed *(Centaurea* spp.*),* bull thistle (*Cirsium vulgare*), narrowleaf cattail (*Typha angustifolia*) and common mullein (*Verbascum thapsus*) were also found on the preserve and mapped. Each of these species pose

significant harm and management prioritization will depend on your goals and capacity.

Swallow-wort was observed at the trailhead, along several trails to the east, and on the western edge of the property. Swallow-wort is a perennial vine-like plant that grows over and smothers native vegetation. Manual and mechanical removal are not often recommended for this species due to its robust root system and ability to resprout from fragments left in the soil. However, with the low numbers found within the property and potential to have students remove the plants and follow-up more regularly, manual removal may be an effective option at Drew's Nature Center. At a minimum, we recommend collecting the seed pods to reduce their rate of spread.

Mugwort, Canada thistle and reed canarygrass were found scattered throughout the property but remain in low abundance, making them solid priorities for management. These species are perennials with extensive root systems that allow them to form dense stands from rhizomes and root fragments, making manual and mechanical removal ineffective. An aminopyralid-based herbicide, such as Milestone, is very effective at controlling mugwort and Canada thistle and should be foliar sprayed in the summer after all plants have emerged, but before flower buds begin to form. Meanwhile, reed canarygrass can be foliar sprayed with a glyphosate-based herbicide throughout the spring or summer, but before plants begin to flower. It can also be treated in the fall, after the first frost when other plants have gone dormant. Plants may appear to be fully controlled after a single treatment, but even small populations should be monitored for at least 3-5 years to ensure complete control.

Slender false brome is found along trails throughout the property, however, we still consider it a management priority due to its negative impacts, limited regional distribution and relative ease of management. Slender false brome is a perennial bunch grass that can spread rapidly from seed to form monocultures that displace native vegetation. It spreads by attaching to wildlife, clothing, footwear and equipment, including mowers, so cleaning boots and equipment of seed and soil before entering and leaving an area is necessary to prevent spread. Dense or large populations are best treated with a glyphosate-based herbicide foliar sprayed in early summer prior to flowering, which typically begins in early July. Slender false brome responds well to herbicide treatment and after a year or two, previously dense infestations can be managed through follow-up manual removal of seedlings. Treatment areas will need at least five years of follow-up management to deplete the seed bank. Additionally, because Drew's Nature Center is positioned along the West Shore Trail, a main vector of spread for slender false brome in the area, we recommend extending management efforts along the town-owned trail to prevent re-establishment.

Invasive trees and shrubs are found throughout Drew's Nature Center and may represent lower priorities for management due to their widespread abundance. However, due to their wide-ranging negative impacts, they may still be a priority in support of specific goals including increasing trail access and enhancing both recreational value and wildlife habitat. Larger individuals are most effectively treated with cut-stump or basal bark treatment with an oil-based triclopyr, while smaller individuals may be foliar sprayed with a water-based triclopyr. Annual monitoring and manual removal of seedlings can help maintain long-term control.

Phragmites is common and widespread within the preserve, and the Crew was unable to map its full extent. It is also likely that additional reed canarygrass and invasive cattails are mixed in with the *Phragmites*. There are highly effective management strategies for *Phragmites* that involve the use of a glyphosate-based herbicide with either a foliar spray or clip-and-drip application method. For foliar applications, dense stands should be mowed or cut in summer, allowed to grow to a uniform height, and then foliar sprayed prior to flowering. This method is preferred for large stands of dense *Phragmites*. Alternatively, the clip-and-drip method may be used for treating populations of *Phragmites* that are smaller or more dispersed, or that contain rare plants or sensitive habitats, as it reduces overspray. Clip-and-drip is generally used in late summer to early fall and can be done after inflorescence has formed, as long as the cut plant material is properly bagged and disposed of to limit spread. While large amounts of biomass can be piled in a dry location on-site, seed heads should still be bagged and disposed of. *Phragmites* management at Drew's Nature Center will require significant investment over many years and as such, we recommend focusing initial management efforts on previously discussed species where you can have a greater impact more quickly and with fewer resources. *Phragmites*, reed canarygrass and invasive cattails should be addressed at some point due to negative impacts of these species on the pond and wetlands, however time may be better spent seeking funding to support the project.

Several other invasive species were observed within Drew's Nature Center including purple loosestrife, bull thistle, spotted knapweed and common mullein. These species could be managed manually, with consistent follow-up, and may be good projects for students to focus on alongside previously mentioned manual removal efforts. More information on Best Management Practices for species mentioned in this report can be found on WNY PRISM's website at https://www.wnyprism.org/management/best-management-practices/.

In total, twenty-one invasive species were identified and entered into iMapInvasives for Drew's Nature Center. Included in this summary you will find GIS maps and an iMapInvasives report that corresponds with the Crews' findings. Please note some species data points, polygons and polylines overlap in the GIS map. Refer to iMapInvasives to filter by species to see their true extent.

Species List By Geography

This report was generated by iMapInvasives

Report Type: Species List By Geography
Created By User: Catherine Eaton
Date Of Report Request: Wed Sep 16 2026
Layers Queried: Confirmed Present Species

Filter Parameters Specified:

Project: WNY PRISM Drew's Nature Center 2026

Report Results:

iMapinvasives Presence Records:

Scientific Name	Common Name	Confirmed Present Species Count
Artemisia vulgaris	Mugwort	14
Berberis thunbergii	Japanese Barberry	18
Berberis vulgaris	Common Barberry, European Barberry	15
Brachypodium sylvaticum ssp. sylvaticum	Slender Falsebrome	12
Centaurea spp. (species unknown)	Knapweed (species unknown)	7
Centaurea stoebe ssp. micranthos	Spotted Knapweed	1
Cirsium arvense	Canada Thistle, Creeping Thistle	4
Cirsium vulgare	Bull Thistle	3
Dipsacus fullonum	Fullers Teasel	2
Elaeagnus umbellata	Autumn Olive	10
Frangula alnus	Glossy Buckthorn, Smooth Buckthorn	12
Ligustrum spp. (species unknown)	Privet (species unknown)	12
Lonicera spp. (species unknown)	Honeysuckle (species unknown)	21
Lythrum salicaria	Purple Loosestrife	2
Phalaris arundinacea	Reed Canarygrass	1
Phragmites australis ssp. australis	Common Reed Grass, Phragmites	5
Rhamnus cathartica	Common Buckthorn	12
Rosa multiflora	Multiflora Rose	10
Typha angustifolia	Narrowleaf Cattail	3
Verbascum thapsus	Common mullein	1
Vincetoxicum spp. (species unknown)	Swallowwort (species unknown)	7
TOTAL		172

Selected Geometry:

Geography Used: Custom Drawn Boundary
Area of Selected Geometry: 0 Square Miles, or 1 Square Kilometers, or 136 Acres

Data Disclaimers:

Historian's Office Update: October 2026

Strong visitor interest continued. The museum hosted 2 more group tours. Both were new to the rotation. "The Villages", from the town of Gates and the Rustic Pioneer Museum of Brockport stopped by for a tour. Very positive feedback from both were received.

The Villages chaperone, Mariana Gonzales sent a message saying, "Hi Tom, thank you so much for a fantastic presentation yesterday. The seniors thoroughly enjoyed it and they're still talking about it today. I had no idea you were responsible for the creation of the displays. Amazing job! And, your stories were captivating. I don't normally do well with museum tours because all the dates and names and places are confusing, but you presented it in such a way that it was an easy timeline to follow. I guess my worries were personal lol. Thanks so much!"

Pioneer museum liaison, Marie Bell said that the tour was inspiring to the members and felt like our setup would also benefit their museum. These additional tours and other events have smashed previous year's attendance records. While the year isn't over yet, it will surely be the largest attendance record in the museum's history. The official numbers will be reflected in the year end report.

EXHIBITS:

The 250th Anniversary exhibit is winding down and will be removed by Halloween. Between the end of the "official" season and Halloween Night at the Museum, it's made things a bit congested in the space. We average about 200 visitors on Halloween night and we want everyone to have "room to move". The exhibit was a huge success, especially for our young visitors. Our plan is to get ready for Halloween and we have an abundance of vintage Halloween decorations to display. We will be open 5:30-8:30pm on Halloween night.

PRESENTATIONS/TALKS:

For the first time, I participated in the "Halloween Trunk or Treat" hosted by the BBCA. Ann Sapienza contacted me about some ideas for the Ghost Walk and also asked if I would be interested to participate.

I portrayed Lt. Thomas Dean of the Bergen Company H 8th NY Heavy Artillery at the ghost walk. I have a personal connection to Lt. Dean with owning his original homestead. Everything went great!

The event appeared to be a success as I must have given my speech to groups over a dozen times. I actually had a woman who's 3rd gen uncle fought alongside Thomas and was talking to me in character. She asked what happened to him and I actually knew that answer in detail through my research. Lt Dean had assisted him to a field hospital where he recovered and I told her about the correspondence between "us" in letters and what he said in first person with the period correct dialogue . She loved it! Lt Dean was with me in spirit as the sword on my side was the actual sword out of my private collection that he used during his service. It was back in a sword belt on the side of a "soldier" after a 161 years. My goal was to be as historically accurate and factual as possible. Right down to the sewn repair on his left shoulder after a shrapnel wound. It was fun to "re-enact" again after 25 years and give back to my community. Based on the interactions and compliments of the evening, this might be something worth exploring in the future for different programs.

This Thursday, I will be hosting a presentation at the Richmond Memorial Library in Batavia on the Housel Bank closure and scandal of 1929. This is hosted by the Holland Land Office Museum. I will be discussing the rise and fall of the Bergen bank and the impact that it had on the community.

The rest of the year will be focused on sorting and packing for the future relocation into the Library. As always, thank you for your support . The town board is an integral component of making our history department a success.

Respectfully Submitted,

Thomas Tiefel

Town Historian

Local Law No. 2026- 8 of the year 2026

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 2027 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 2027 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 Anderson
Councilperson Ely

(14)

RESOLUTION NO. Adopt 2027 Town of Bergen Budget

WHEREAS, the Town Board has met at the time and place specified in the notice of public hearing on the Preliminary Town Budget for 2027 and heard all persons desiring to be heard thereon; and

WHEREAS, the Town Board believes it is in the best interest of the Town to amend the following budget lines:

	2027 Preliminary	2027 Amended
A5999 Appropriated Fund Balance	$125,000	$225,000
A1620.2 Building Oper. Capital	$137,000	$237,000; and

WHEREAS, the proposed amendments do not change the 2027 Real Property Tax Levy nor the 2027 Tax Cap Calculations.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Preliminary Budget for 2027, 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, 2027, and ending December 31, 2027. 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 2027, and that salaries of elected officers as stated shall be fixed at the amounts shown effective January 1, 2027.

Sec. 2. That the Bergen Fire Services Contract as attached to the 2027 Bergen Town Budget is approved.

MOTION for adoption of this resolution
Seconded by
Discussion:

VOTE BY ROLL CALL AND RECORD:
Councilperson Anderson
Councilperson Ely
Councilperson Grant
Councilperson Swanson
Supervisor Haywood

Submitted – November 17, 2026

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 2027 out-of-district user fee for Town of Sweden Reed Road properties that access public water through the WIBA No. 1 Water District is $569.17.

Sec. 3. That the out-of-district fee will be billed in January 2027 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, 2026.

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 Anderson
Councilperson Ely
Councilperson Grant
Councilperson Swanson
Supervisor Haywood

Submitted – November 17, 2026

(16)

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 8097 Clinton Street 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 8097 Clinton Street Road (Tax Acct. No. 4.-1-49.1), which is owned by Kamaljit Sembhi; 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 8097 Clinton Street 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 8097 Clinton Street 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 8097 Clinton Street Road (Tax Acct. No. 4.-1-49.1), which is owned by Kamaljit Sembhi; 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 8097 Clinton Street 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. Goals and Policies for Data Centers and Cryptocurrency Facilities

WHEREAS, There is a requirement for municipalities adopting Data Center and Cryptocurrency Facilities regulations to either create or update its Comprehensive Plan defining the goals and policies regarding these systems or to issue a Board Resolution or Executive Order defining these goals and policies; and

WHEREAS, The Town Board of the Town of Bergen is in the early stages of updating its Comprehensive Plan and will not complete the plan prior to the expiration of the moratorium on Data Centers and Cryptocurrency Facilities; and

WHEREAS, The Town of Bergen does not address Executive Orders it in its Town Code; and

WHEREAS, the Town Board of the Town of Bergen has determined that a resolution setting the goals and policies for Data Centers and Cryptocurrency Facilities is the most appropriate option for compliance at this time: and

WHEREAS, the Town Board of the Town of Bergen defines the goals and policies of its Data Centers and Cryptocurrency Facilities proposed regulation as follows.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. The Bergen Town Board recognizes the emergence of data centers and cryptocurrency facilities as new technologies and economic activities evolve.

Sec. 2. The Bergen Town Board desires to create appropriate regulations governing data centers and cryptocurrency facilities that support other stated goals of Bergen pursuant to its Comprehensive Plan.

Sec. 3. The Bergen Town Board intends to permit the installation of data centers and cryptocurrency facilities, unless otherwise prohibited by higher governmental authorities, in designated zoning districts. However, the data center and cryptocurrency facilities project approval process will ensure compatible land uses in the vicinity of the areas affected by these facilities. The data center and cryptocurrency facilities projects will meet the underlying zoning requirements, planning board requirements and special permit requirements in order to ensure this compatibility and public input will be considered through the public hearing process.

Sec. 4. The Bergen Town Board is committed to the safe and effective operation of emerging technological facilities such as data centers and cryptocurrency facilities and will work with the owners/operators and other involved agencies, such as Genesee County, the Bergen Fire Department, the NYS Department of Environmental Conservation, and others to this end.

TOWN OF BERGEN

* ESTABLISHED APRIL 2, 1813 *

PO Box 249
10 Hunter Street
Bergen, NY 14416

PHONE: (585) 494-1121 * FAX: (585) 494-1372 * NYS TDD 1-800-662-1220

Supervisor
Ernest Haywood

Councilpersons
Belinda Grant, Deputy Supervisor
Cindy Anderson
Karen E. Ely
Mark Swanson

Justices
Robert Swapceinski
Vincent Pulcini

Town Clerk/Tax Collector
Teresa Robinson

Superintendent of Highways
Joel Pocock

Zoning & Code Enforcement Officer
Gerald Wood

Assessor
Rhonda Saulsbury

Genesee County Municipal S&I and Mowing Contract for 2027

Whereas, the Superintendent of Highways and the (Town of Bergen) have renewed the Genesee County S/I and Mowing contract for the 2027 Season.

Be it resolved that the (Town of Bergen) does hereby authorize Supervisor Ernie Haywood to sign said Snow & Ice Supplemental Agreement with Adjustment for 2026/2027

This institution is an equal opportunity provider, and employer. If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any UDSA office, or call (866)-632-9922 to request the form. You may also write a letter containing all of the information requested in the form . Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture,, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 2050-9410 or by fax (202)690-7742 or e-mail program.intake@usda.gov.

TOWN OF BERGEN

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(20)

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Town Clerk/Tax Collector
Teresa Robinson

Superintendent of Highways
Joel Pocock

Zoning & Code Enforcement Officer
Gerald Wood

Assessor
Rhonda Saulsbury

NYSDOT Municipal S&I 2026/27 Supplemental Agreement

Whereas, the Superintendent of Highways and the (Town of Bergen) have renewed the New York State Snow and Ice Adjustment for the 2026/2027 Season

Be it resolved that the (Town of Bergen) does hereby authorize Supervisor Ernie Haywood to sign said Snow & Ice Supplemental Agreement with Adjustment for 2026/2027

This institution is an equal opportunity provider, and employer. If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any UDSA office, or call (866)-632-9922 to request the form. You may also write a letter containing all of the information requested in the form . Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture,, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 2050-9410 or by fax (202)690-7742 or e-mail program.intake@usda.gov.

(21)

RESOLUTION NO.

SEQRA Determination – Local Law 1 of 2026
Adding Chapter 415 Battery Energy Storage Systems
to Bergen Town Code

WHEREAS, the Town Board of the Town of Bergen intends to adopt Chapter 415 Battery Energy Storage Systems to the Bergen Town Code; and

WHEREAS, such a Local Law is defined by 6 NYCRR §617.5 as a Type II action for which no environmental review is necessary.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Bergen Town Board does hereby designate this proposed Local Law as a Type II action.

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

MOTION for adoption of this resolution
Seconded by
Discussion:

VOTE BY ROLL CALL AND RECORD:
Councilperson Anderson
Councilperson Ely
Councilperson Grant
Councilman Swanson
Supervisor Haywood

Submitted – November 17, 2026

(221

RESOLUTION _____ Adopting Local Law 9 of 2026 Adding Chapter 415 Battery Energy Storage Systems to the Bergen Town Code

WHEREAS, on May 19, 2026, the Bergen Town Board placed a nine-month moratorium on the application, approval, permitting and installation of Battery Energy Storage Systems while developing a Town Code to regulate such systems; and

WHEREAS, the Bergen Town Board held a Public Hearing on Tuesday, November 17, 2026 at 7:30 pm regarding proposed Local Law ____ of 2026 to add Chapter 415 Battery Energy Storage Systems to the Bergen Town Code and all persons who desired to be heard were heard.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. That the Bergen Town Board hereby adopts Local Law ___ of 2026 adding Chapter 415 Battery Energy Storage Systems to the Bergen Town Code.

Sec. 2. That the Town Clerk is authorized and directed to file a complete copy of Local Law No. ___ of 2026 with the Secretary of State, as required by law.

Sec. 3. That the nine-month moratorium on the application, approval, permitting and installation of Battery Energy Storage Systems ceases upon the filing of this Local Law with the Secretary of State.

Sec. 4. 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 November 17, 2026

BERGEN TOWN CODE

Chapter 415 Battery Energy Storage Systems

§415-1 Authority.

This article is adopted pursuant to Article IX of the New York State Constitution, §2(c)(6) and (10), New York Statute of Local Governments, § 10 (1) and (7); sections 261-261 of the Town Law; and section 10 of the Municipal Home Rule Law of the State of New York, which authorizes the Town of Bergen to adopt zoning provisions that advance and protect the health, safety and welfare of the community.

§415-2 Purpose and intent; conflicts.

A. This chapter is adopted to advance and protect the public health, safety, welfare, and quality of life of the Town of Bergen by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

   (1) To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of battery energy storage systems.

   (2) To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems.

   (3) To mitigate the impacts of battery energy storage systems on environmental resources, such as important agricultural lands, forests, wildlife and other protected resources.

   (4) To create synergy between battery energy storage system development and other stated goals of Bergen pursuant to its Comprehensive Plan.

B. This zoning ordinance does not supersede any other state or federal regulation pertaining to electrical storage laws. Any conflict between this chapter and state law and federal law and/or utility regulation shall be resolved by application of state law and federal law and/or utility regulations.

§415-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ANSI

American National Standards Institute.

Battery Energy Storage Management System

An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

Battery Energy Storage System

(Also known as "electrical energy storage systems" in NYS Fire Code). One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a standalone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of one or more storage battery technology in a room or enclosed area.

Battery(ies)

A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this chapter, batteries utilized in consumer products are excluded from these requirements.

Behind the Meter (BTM)

Electric-generating and storage systems, such as battery energy storage systems, which are connected to the distribution system on the side of the energy consumer.

Cell

The basic electrochemical unit, characterized by an anode and a cathode used to receive, store, and deliver electrical energy.

Commissioning

A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

Decommissioning

A systematic process for the removal of the battery energy storage system from the property and the restoration of the property at abandonment or closure of the system, including financial responsibility for its removal.

Dedicated-Use Building

A building that is built for the primary intention of housing battery energy storage system equipment and is classified as Group F-1 occupancy as defined in the International Building Code, all in compliance with the following:

A. The building's only use is battery energy storage, energy generation and other electrical grid-related operations.

B. No other occupancy types are permitted in the building.

C. Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage systems and other energy systems.

D. Administrative and support personnel are permitted in areas within the buildings that do not contain a batter energy storage system, provided with the following:

(1) The areas do not occupy more than 10% of the building area of the store in which they are located.

(2) A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

Emergency Operations Plan

Required site-specific compliance document detailing all safety protocols and first-responder coordination. An emergency response plan shall be required for the special use permit approval process for any Tier 2 Battery Energy Storage System.

Energy Code

The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

Front of the Meter (FTM)

Electric-generating and storage systems, such as battery energy storage systems, which are connected to the distribution system on the side of the utility network.

Fire Code

The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

Hazard Mitigation Analysis (HMA)

Required engineering evaluation assessing the potential failure modes, worst-case consequences, and mitigation measures that are in place to reduce potential impacts. An HMA shall be required for the special use permit approval process for any Tier 2 Battery Energy Storage System.

Nationally Recognized Testing Laboratory (NRTL)

A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

kWh

Abbreviation for kilowatt-hour, which is a measure of the energy capacity of a battery and a battery energy storage system.

Lead-Acid Battery

A battery that is comprised of lead electrodes immersed in sulfuric acid electrolyte. These batteries may be flooded, vented, sealed, or may come in other configurations. They may produce hazardous gases during normal operations.

Lithium-Ion Battery

A battery with lithium ions serving as the charge carriers of the battery. The electrolyte is typically a mixture of organic solvents with an inorganic salt and can be in a liquid or a gelled polymer form.

NEC

National Electrical Code.

NFPA 855

The National Fire Protection Association's standard for the installation of stationary energy storage systems.

Nickel-Cadmium Battery

A rechargeable Battery in which the positive active material is nickel oxide and the negative active material contains cadmium (referred to as a Nickel-cadmium or Ni-Cd battery), and the electrolyte is potassium hydroxide.

Nickel Metal Hydride Battery

A rechargeable Battery in which the positive active material is nickel oxide and the negative active material contains hydrogen ions stored in a metal-hydride structure (referred to as a Nickel-metal hydride or Ni-MH battery), and the electrolyte is potassium hydroxide.

Nickel Zinc Battery

A rechargeable Battery in which the positive active material is nickel oxide and the negative active material contains zinc (referred to as a Nickel-zinc or Ni-Zn batter) as the electrode, and the electrolyte is potassium hydroxide. A Nickel-zinc battery is considered an "other battery technology" for the purposes of Table 1.

Non-Dedicated-Use Building

All buildings that contain a Battery Energy Storage System and do not comply with the dedicated-use building requirements.

Non-Participating Property

Any property that is not a participating property.

Non-Participating Residence

Any residence located on non-participating property.

Occupied Community Building

Any building in Occupancy Group A, B, E, I, R as defined in the International Building Code, including but not limited to schools, colleges, day-care facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels and houses of worship.

Participating Property

A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate), regardless of whether any part of a battery energy storage system is constructed on the property.

Thermal Runaway

An unstoppable chain reaction where an increase in temperature changes conditions to generate even more heat. This process can occur in lithium-ion batteries.

UL

Underwriters Laboratory, an accredited standards developer in the United States.

UL 9540A

The official test method used to evaluate thermal runaway and fire propagation in battery energy storage systems.

Uniform Code

The New York State Uniform Fire Prevention and Building Code adopted pursuant to Executive Law Article 18, as currently in effect and as may be amended from time to time.

§415-4 Applicability.

A. The requirements of this chapter shall apply to all battery energy storage systems permitted, installed or modified in Bergen after the effective date of this chapter.

§415-5 General Requirements.

A. A building permit issued by the Bergen Code Enforcement Officer shall be required for installation of all battery energy storage systems. An electrical inspection must be conducted by an approved electrical inspection agency for Bergen.

B. Issuance of approvals by the Bergen Planning Board for Tier 2 systems shall include review pursuant to the State Environmental Quality Review Act, including ECL Article 8 and its implementing regulations at NYCRR Part 617 ("SEQRA).

C. All battery energy storage systems, all dedicated-use buildings, and all other buildings or structures that 1) contain or are otherwise associated with a battery energy storage system and 2) are subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the Town of Bergen Town Code.

D. All battery energy storage systems, all dedicated-use buildings, and all other buildings or structures shall comply with the International Fire Code, NFPA 70, NFPA 855, and other relevant State and Federal codes and regulations.

§415-6 Permitting requirements to Tier 1 Battery Energy Storage Systems.

A. Tier 1 battery energy storage systems which are less than 100 kWh shall be permitted in all zoning districts, subject to the Uniform Code and the battery energy storage system permit. Tier 1 battery energy storage systems less than 100 kWh shall be exempt from site plan review. Permits shall be issued by the Bergen Code Enforcement Officer.

B. Tier 1 battery energy storage systems which are between 100-599 kWh shall be permitted in the Residential-Agricultural (RA-40), Industrial (I), Industrial Processing (I-P), Interchange Industry

(INT-I), and Interchange Retail (INT-R) Districts and shall require site plan review and approval through the Town Planning Board.

C. Tier 1 battery energy storage systems shall satisfy all requirements of current New York State Residential Code, the New York State Fire Code, and all other relevant New York State code requirements.

§415-7 Permitting requirements for Tier 2 Battery Energy Storage Systems.

A. Application for any Tier 2 energy storage system must be made to and approved by the Bergen Planning Board, where it must meet the guidelines for a Tier 2 battery energy storage system as defined herein.

B. Tier 2 battery energy storage systems shall be specially permitted within the Residential-Agricultural (RA-40), Industrial (I), Industrial Processing (I-P), Interchange Industry (INT-I), Interchange Retail (INT-R), and Land Conservation (LC) Districts, subject to the requirements set forth in this chapter, site plan approval pursuant to Chapter 475, Article VI of the Town Code and the issuance of a special use permit pursuant to Chapter 475, Article IV of the Town Code.

C. Tier 2 battery energy storage systems are permitted through the issuance of a special use permit and shall be subject to the Uniform Code and the site plan application requirements set forth herein.

D. Applications.

(1) Applications for the installation of a Tier 2 energy storage system shall be:

(a) Reviewed by the Bergen Planning Board for completeness. An application shall be complete when it addresses all matters listed herein, including, but not limited to, compliance with the Uniform Code, the Energy Code, addressing matters relating to floodplain, utility lines, electrical circuitry, signage, lighting, vegetation, tree cutting, noise, decommissioning, site plan considerations, special use considerations, ownership changes, safety, emergency operation plan, easements, permit time frame and abandonment. Applicants shall be advised within 15 business days as to the status of the application.

(b) Subject to a public hearing to hear all comments for and against the application. The Bergen Planning Board shall have a notice printed in a newspaper of general circulation in Bergen at least five days in advance of such hearing. Applicants shall deliver the notice by first class mail to adjoining landowners or landowners within 250 feet of the property at least 10 days prior to such hearing. Proof of mailing shall be provided to the Bergen Planning Board at the public hearing.

(c) Referred to the Genesee County Planning Department pursuant to General Municipal Law § 239-m if required.

(2) Upon closing of the public hearing, the Bergen Planning Board shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The sixty-two-day period may be extended upon consent of both the Bergen Planning Board and the applicant.

(3) Upon approval of the Bergen Planning Board, an application for a building permit is to be made to the Bergen Code Enforcement Officer.

E. Utility Line and Electrical Circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and/or any new interconnection equipment, including poles with new easements and right-of-way.

F. Signage.

(1) The signage shall be incompliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, special hazards, the type of suppression system installed in the area of battery energy storage systems and twenty-four-hour emergency contact information, including a reach-back phone number.

(2) As required by the NEC, disconnect and other emergency shutoff information should be clearly displayed on a light-reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

G. Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety purposes, operational purposes and shall be reasonably shielded and downcast from abutting properties.

H. Vegetation and tree cutting. Areas within 10 feet on each side of Tier 2 battery energy storage systems shall be cleared of combustible vegetation and combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground covers, shall be exempt, provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

I. Noise. The one-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 60dBA as measured at the outside wall of any non-participating residence or occupied community building. Applicants may submit equipment and component manufacturer's noise ratings to demonstrate compliance. The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

J. Site plan application is to be made to the Bergen Planning Board. For a Tier 2 Battery Energy Storage System requiring a special use permit, site plan approval shall be required. Any site plan application shall include the following information:

(1) Property lines and physical features, including roads, for the project site.

(2) Proposed changes to the landscape of the site, grading, vegetation clearing, planting, exterior lighting and screening vegetation or structures.

(3) A one or three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over-current devices.

(4) A preliminary equipment specification sheet that documents the propped battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a building permit.

(5) Name, address and contact information of the proposed or potential system installer and the owner/operator of the battery energy storage system. Information on the final system installer shall be submitted prior to the issuance of a building permit.

(6) Name, address, phone number and signature of the project applicant, as well as all property owners, demonstrating consent to the application and use of the property for the battery energy storage system.

(7) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including submission of easements, leases, and other agreements.

(8) Zoning district designation for the parcel(s) of land comprising the project site.

(9) Commissioning plan. Such plan shall document and verify that the system, its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, battery energy storage system commissioning shall be conducted by a New York State (NYS) licensed professional engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning, including the results of the initial acceptance testing required in the Uniform Code, shall be provided to the Bergen Planning Board and Bergen Code Enforcement Officer prior to final inspection and approval and thereafter maintained at an approved on-site location.

(10) Fire safety compliance plan. Such plan shall satisfactorily verify that the system, associated controls and safety systems are incompliance with the Uniform Code.

(11) Erosion and sediment control and stormwater management plans prepared by the New York State Department of Environmental Conservation standards, if applicable, and also prepared for such standards as may be established by the Bergen Planning Board.

(12) Prior to the issuance of a building permit or final approval by the Planning Board, but not required as part of the application, engineering documents must be signed and sealed by a NYS licensed professional engineer.

(13) An operating permit must be issued by the Code Enforcement Officer.

K. Operation and Maintenance Manual

(1) The plan shall describe continuing battery energy storage system maintenance, property upkeep, design, construction, installation, testing and commissioning information all in conformity with the Uniform Code.

(2) Tier 2 battery energy storage systems require an Operation and Maintenance (O&M) Manual which includes the following:

(a) Routine inspections to be carried out annually.

(b) Battery replacement procedures.

(c) Alarm testing procedures;

(d) Regular thermal imaging inspections to be carried out annually; and

(e) Requirements and procedures for incident reporting.

L. Emergency Operations Plan.

(1) The Bergen Fire Department and the Bergen Code Enforcement Officer shall review and approve the provided Emergency Operations Plan.

(2) A copy of the approved emergency operations plan shall be given to the system owner, the Bergen Fire Department and the Bergen Code Enforcement Officer. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials and emergency responders. The emergency operations plan shall include the following information:

(a) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, all to also ensure safe start-up following cessation of emergency conditions.

(b) Procedures for inspection and testing of associated alarms, interlocks and controls.

(c) Procedures to be followed in response to notifications from the battery energy storage management system, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service personnel and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

(d) Emergency procedures are to be followed in case of fire, explosion, release of liquids, vapor or damage to critical moving parts or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment and/or controlling or extinguishing the fire.

(e) Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

(f) Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.

(g) Other procedures as determined necessary by Bergen to provide for the safety of occupants, neighboring properties and emergency responders.

(h) Procedures and schedules for conducting drills of all procedures and for training local first responders on the contents of the plan and appropriate response procedures.

M. Hazard Mitigation Analysis (HMA)

(1) The applicant shall provide a Hazard Mitigation Analysis (HMA) which includes an evaluation of the following:

(a) Thermal runaway initiation;

(b) Fire propagation between battery modules;

(c) Toxic and flammable gas generation;

(d) Smoke production;

(e) Explosion/deflagration potential;

(f) Impact on adjacent properties;

(g) Failure of cooling systems; and

(h) Utility shutdown procedures.

(i) All other state and/or federal HMA requirements such as those contained within the 2025 NYS Fire Code.

(2) The HMA shall comply with all relevant manufacturer-specific information.

(3) Thermal Runaway Protection

(a) All Tier 2 battery energy storage systems shall be designed to minimize the probability of thermal runaway and to prevent propagation between battery cells, modules, racks, and enclosures. All Tier 2 BESS shall comply with the current New York State Fire Code, NFPA 855, UL 9540, UL 9540A, UL 1973, and all other applicable codes and standards.

(b) The site-specific HMA shall demonstrate that thermal runaway, off-gassing, fire, explosion, smoke generation, and emergency response measures have been evaluated and appropriately mitigated.

(4) Third-Party Review

(a) An independent third-party review shall be conducted at the applicant's expense. This review shall consider the provided HMA, UL 9540A testing reports, the operation and maintenance (O&M) manual, the emergency response plan, electrical one-line diagrams, site plans, and all fire protection reports and compliance documentation.

N. Decommissioning Plan

(1) To ensure the proper removal of a Tier 2 battery energy storage system, after such improvements are no longer reasonably operable or have been abandoned, a decommissioning plan shall be submitted as part of the application.

(2) The decommissioning plan must specify that after the battery energy storage system is no longer operational or has been abandoned, it shall be removed by the applicant or any subsequent owner of the improvements.

(3) The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction.

(4) The plan shall also include an expected timeline for execution and a cost estimate detailing the projected cost of executing the decommissioning plan, which is to be prepared by a professional engineer and shall be stamped and certified.

(5) If the battery energy storage system is not decommissioned after being considered abandoned, the Town or the Town's duly appointed representative or agent(s) may remove the system and restore the property and the Town may impose a lien on the property to cover these costs to the municipality, in addition to any other remedies available to the Town.

(6) The decommissioning plan shall be developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall include:

(a) A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers and transmission lines form the site.

(b) Disposal of all solid and hazardous waste in accordance with all local, state and federal waste disposal regulations.

(c) The anticipated life of the battery energy storage system.

(d) The estimated decommissioning costs and how said estimate was determined.

(e) The method of ensuring that funds will be available for decommissioning and restoration.

(f) The method by which the decommissioning cost will be kept current.

(g) The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during the decommissioning and confirmed as being acceptable after the system is removed, and

(h) A listing of any contingencies for removing an inactive operational energy storage system for service that has been damaged by a fire or other event.

(7) Decommissioning Surety

(a) A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a professional engineer, stamped, signed and submitted as part of the application with the Town of Bergen as the designated assignee. A decommissioning surety shall be issued to the Town of Bergen in that amount and shall remain in effect for as long as the battery energy storage system is in existence.

(b) The surety amount shall equal the decommissioning, and reclamation costs equal to 110% of the estimated removal cost for the entire system and be approved by the Planning Board.

(c) Cost estimations should take into account inflation and should be based on the operating life expectancy of the system.

(d) The surety bond shall remain valid until the decommissioning obligations have been met. A twenty-year bond will be required for all battery energy storage systems, which will require renewal after 15 years, for an additional 20 years.

(e) The cost estimate shall be reviewed by the Town Engineer and approved by the Town Attorney.

(f) The Planning Board shall perform an initial review of the decommissioning plan and surety and refer both to the Town Engineer for further review and recommendation.

(g) The Planning Board may engage technical, engineering, and legal consultants, at the applicant's expense, to assist in its review.

(8) Filing, Form, and Maintenance of Surety

(a) The approved surety shall be maintained on file in the Town Clerk's office and shall remain in effect for the full operational life of the Tier 2 BESS, including the decommissioning and post-removal restoration period.

(b) The surety shall:

[1] Be in the form of an irrevocable financial instrument approved by the Town Board;

[2] Include an automatic renewal (auto-extension) clause to ensure continuous coverage;

[3] Be issued by a financial institution rated at least "A" by a nationally recognized rating agency;

[4] Be for the sole benefit of the Town, with no rights granted to the BESS owner, operator, or landowner to access or control the funds.

(c) The Town shall be entitled to draw on the surety in the event the BESS owner and/or landowner fails to timely commence or complete decommissioning.

(d) Upon successful completion of decommissioning and site restoration, the BESS owner, operator, or landowner may petition the Town Board to reduce or terminate the surety.

O. Building plan (permit) application is to be made to the Bergen Code Enforcement Officer after Planning Board approval. For a Tier 2 Battery Energy Storage System, building plan approval shall be required.

P. Special use permit standards.

No special use permit for Tier 2 Battery Energy Storage Systems shall be issued unless the Planning Board specifically finds that the proposed project is in compliance with each of the following.

(1) Setbacks. Tier 2 Battery Energy Storage Systems shall be sited to create a front setback of no less than 200 feet from the right-of-way line of the road and setbacks of 100 feet from all side and rear property lines. In addition, no Tier 2 Battery Energy Storage System shall be located closer than 500 feet from any residential structure located on another parcel.

(2) Height. Tier 2 Battery Energy Storage Systems shall comply with the building height limitations for principal structures of the underlying zoning district.

(3) Fencing requirements. Tier 2 Battery Energy Storage Systems including all mechanical equipment, shall be enclosed by an eight-foot-high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports. Tier 2 Battery Energy Storage Systems including all mechanical equipment, shall be enclosed by an eight-foot-high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.

(4) Screening and visibility. Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping or other screening methods that will harmonize with the character of the property and surrounding areas so as not to interfere with ventilation or exhaust ports.

(5) The Planning Board may impose conditions on the approval of any special use permit under this section in order to enforce the standards referred to in this section, or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

Q. Ownership changes.

(1) If any owner of a battery energy storage system changes, or if the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval and decommissioning plan.

(2) A new owner or operator of the battery energy storage system shall notify the Bergen Code Enforcement Officer of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the Bergen Code Enforcement Officer in writing. The special use permit and all other local approvals for the battery energy storage system will become void if a new owner or operator fails to provide written notification to the Bergen Code Enforcement Officer in the required time

frame. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this chapter.

(3) In the event of a change in ownership, the new system owner (transferee) shall file with the Town Board a new or reissued acceptable decommissioning surety at the time of transfer, and every three (3) years thereafter.

§415-8 Safety requirements for Tier 2 Battery Energy Storage Systems.

(A) System certification. battery energy storage systems and equipment shall be listed by a nationally recognized testing laboratory to UL 9540 (standard for battery energy storage systems and equipment), with subcomponents meeting each of the following standards as applicable:

(1) UL 2973 (standard for batteries for use in stationery, vehicle auxiliary power, and light electric rail applications).

(2) UL 1642 (standard for lithium batteries).

(3) UL 1741 or UL 62109 (inverters and power converters).

(4) Certified under the applicable electrical, building, and fire prevention codes as required.

(5) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 and applicable codes, regulations and safety standards may be used to meet system certification requirements.

(B) Site access. Battery energy storage systems should be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal, at a level acceptable to the Bergen Fire Department and, if the Tier 2 battery energy storage system is located in an ambulance district, the local ambulance corps.

(C) Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearance and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA70.

(D) Warning signs with the property owner's contact information shall be placed at the entrance at locations acceptable to the Planning Board.

§415-9 Permit Time Frame and Abandonment.

The special use permit and site plan approval for a battery energy storage system shall be valid for a period of 18 months. In the event construction is not completed in accordance with final site plan approval within 18 months of said approval, an extension of 180 days can be granted to complete construction. If the owner/operator fails to complete construction within the aforesaid 24 months, the approval shall expire.

The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than one year. If the owner and /or operator fails to comply with decommissioning upon abandonment, the town may at its discretion, enter the property and utilize the available bond and/or security for the removal of a Tier 2 Battery Energy Storage System and restoration of the site in accordance with the decommissioning plan.

§415-10 Inspection and Enforcement.

Any violation of this chapter shall be subject to the same civil and criminal penalties provided for in the Town of Bergen Town Code (including any applicable zoning regulations) and/or the laws of New York State.

(A) The Code Enforcement Officer is hereby authorized to make inspections to determine compliance with the provisions of this chapter. When the Code Enforcement Officer determines that there is a violation, he shall cause a written notice thereof to be served upon the owner of the property in violation. Such notice shall include a statement of the conditions that violate the provision of this chapter and the action required to correct such violations.

(B) The Code Enforcement Officer will specify the time and nature of work to be done to correct such violation.

(C) Upon failure to comply with said notice, the Code Enforcement Officer may prepare an appearance ticket returnable to the Town of Bergen Court.

(D) Whenever such notice has been legally served upon the owner of a noncompliant premises, and such owner shall neglect or fail to comply with the requirements of such notice within the time period provided therein, the Town Board may authorize the work to be done and pay the cost thereof out of general Town funds to be appropriated by the Town Board for such purposes.

(E) The Town shall be reimbursed by the owner for the cost of work performed or services rendered. Said costs may be secured by a line placed upon the premises.

§415-11 Penalties for Offenses.

(A) Any person who violates or knowingly permits the violation of this chapter shall be deemed to have committed an offense against this chapter and shall be subject to the penalties provided in Chapter 1, General Provisions. Each separate violation shall constitute a separate additional offense. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors, and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Every day of such violation after the thirty-day period for compliance shall be deemed to constitute a separate additional offense. Notwithstanding the foregoing, any person violating any provision of this chapter or any article, section or subdivision thereof shall be subject to a civil penalty in the sum of $350 for the first such violation, $700 for the second such violation and $1,000 for any subsequent violation, said penalties to be recoverable in a civil action in the name of the Town of Bergen.

(B) Any person who violates this chapter may be enjoined from a continuing violation hereof in an action in any court of competent jurisdiction, and in the event that an injunction is granted enjoining said violation, the party seeking said injunction shall be entitled to recover the costs, disbursements and reasonable attorney fees incurred in connection with bringing and prosecuting said action.

§415-12 Severability.

If any clause, sentence, paragraph, subsection, section or part of this chapter, or the application thereof to any person, individual, firm or corporation, or circumstance shall be adjudged by a 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, subsection,

section or part of this chapter, or in its application to the person, individual, firm or corporation, or circumstance directly involved in the controversy in which said order or judgment shall be rendered.

§415-13 When Effective.

This chapter shall take effect upon the date it is filed in the Office of the New York State Secretary of State in accordance with Municipal Home Rule Law § 27.

(23)

RESOLUTION NO. Authorize Bids for Renovations Bergen Town Hall, 10 Hunter Street

WHEREAS, Registered Architect David Strabel has prepared specifications for work pertaining to renovations at the Bergen Town Hall, 10 Hunter Street.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Bergen Town Board hereby authorizes the bidding of the renovations per specifications prepared by the Architect.

Sec. 2. That a Bid Date will be established in the Bid Notice.

Sec. 3. That the Bid Notice will be advertised as required by law.

Sec. 4. That the Town Board of the Town of Bergen reserves the right to reject any and all bids.

MOTION for adoption of this resolution by
Seconded by

Discussion:

VOTE BY ROLL CALL AND RECORD:
Councilperson Anderson
Councilperson Ely
Councilperson Grant
Councilman Swanson
Supervisor Haywood

Submitted – Nov. 17, 2026

bergen town hall renovation

10 HUNTER STREET
BERGEN, NEW YORK

INDEX

01 SPECIFICATION
02 FLOOR PLAN & ELEVATIONS
03 ELEVATIONS, CEILING PLANS & DETAIL

GENERAL

1. CODE CONFORMANCE: These drawings have been prepared in accordance w/the 2025 BCNYS, ECCCNYS & NEC. To the best of the Architect's knowledge, belief & judgment these plans & specs are in compliance w/these codes.
   - A) Scope: Relocate copier & transaction window, remove &/or relocate certain millwork, create store room & lighting upgrades.
   - B) Renovations: Alteration Level 2 §603.1 EBCNYS
   - C) Occupancy: B-Business §304.1 BCNYS.
   - D) Construction: 3B Masonry Shell §601 BCNYS.
   - E) Occupant Load: 4,018 SF/150 = 28 People §1004.5 BCNYS.
   - F) Sprinkler: Not Required <9,000 SF §506.2 & §903.2.2 BCNYS.
   - G) Fire Alarm: Existing.
2. WORKMANSHIP: The drawings indicate finished structure. Builder is responsible for all materials, construction methods & workmanship.
3. MINIMUM REQUIREMENTS: The Builder shall provide each item mentioned, indicated or implied to achieve the intended building according to the methods of best construction practice. Products listed in [brackets] are basis of design.
4. VERIFICATION: Builder shall verify all requirements, notes & dimensions prior to construction. All colors & textures to be selected by owner.
5. CHANGES: No regular site visits will be made by the Architect. The Builder shall assume all responsibility for changes to these drawings.
6. JOB SITE: The Builder shall keep the premises & surrounding area free from accumulation of waste & disposed of in accordance w/local law.

STEEL

1. STEEL ANGLES: L6"X4"X3/8" ASTM A36, shop prime & paint to match wall.

FINISHES

1. Studs; Framing to be S4S 2X4 studs interior @ 16" on center typical. Align accurately according to partition layout. Attach sill plates 24" OC to concrete slabs w/power driven anchors & top plates securely to structure above. Provide blocking as required for fixtures & cabinets.
2. GYPSUM WALLBOARD:
   - A) Wallboard; 5/8" standard, bevel edged gypsum wallboard complying w/ASTM C36 for walls including taping, casing beads & trim. Installation to comply w/ANSI A97.1 "Specifications for Finishing Wallboard".
   - B) Screws; Type W, 1 1/4" GWB screws.
3. ACOUSTICAL CEILING:
   - A) Mineral-Base Tile; 24"X24"X3/4" wet-formed mineral base white finish tegular ceiling tile w/flame spread <25 & smoke development <50 per ASTM E84 to match.
   - B) Direct-Hung Inverted Tee Steel Suspension System: White runners roll-formed pre-painted or electrolytic zinc-coated cold-rolled steel sheet to match existing.
4. FLOORING: 0.080" non-slip, granite pattern, ASTM F1913 resilient homogeneous vinyl sheet flooring [Tarkett Johnsonite Granit Safe-T], color to be selected.
   - A) Adhesive; Industrial-high traffic, isocyanate adhesive, ASTM F-2170, 12#/1,000 SF vapor transmission per ASTM F-1869 calcium chloride test [Magellan XPA].
5. RESILIENT BASE: 6"X1/8" vinyl composition cove base job molded at exterior corners & cut/mitered at interior corners.
6. MILLWORK & TRIM: Comply w/AWI Quality Standards for modifications & workmanship. Custom grade solid lumber & 3/4" Medium Density Fiberboard (MDF) for plastic laminate finish to match existing. Wood trim to be clear maple to match existing, smoothly machines & sanded on exposed surfaces. Jambs & heads shall be butt jointed to match existing. Set work in place, scribe plumb, square & level, & secure in position indicated w/required fastenings, clips, braces, anchors, blocking, shimming & other fittings required to properly secure.
7. PAINTING: Only one paint brand & one stain brand shall be used throughout the project. Paint & stain colors to be selected. Paint all areas that have been disturbed, wall to wall.
   - A) Interior Drywall:
     1. 1 coat latex wall primer, &
     2. 2 coats alkyd semi-gloss, eggshell enamel to match existing.
   - B) Wood Doors:
     1. 2 coats clear sealer to match existing.

DOORS & WINDOWS

1. DOORS & FRAMES: Comply w/ANSI/SDI-100 & ANSI 117.1 (ADA/handicap accessibility). Fit doors to frames & floors w/clearances specified in SDI-100. Set units plumb, level true to line, without warp or rack in frames or panels. Door finish & hardware to match existing.
   - A) Wood Slider Doors (40" SLD); 1 3/4" X 40" X 84" leaves clear maple veneer NWMA & AWI quality standards w/stain finish to match existing.
     - .1 Overhead Track & Hangers: Heavy-duty extruded aluminum I-beam design track w/400# door capacity each & fully adjustable nylon encapsulated ball bearing 4-wheel door hanger trolleys for 1 3/4" doors. Trolley release from inside only.
     - .2 Pulls: 2"ϕ recessed aluminum flush pulls.
     - .3 Guides: Full length extruded aluminum channels w/bot of door brass roller guide.
     - .4 Locks: Keyed 3/4"ϕ by-pass door lock w/3/8" throw.
   - B) Aluminum Door (40" AL); 1 3/4" narrow stiles (2" nominal) door w/thermoset fluorocarbon finish dark bronze to match existing comply w/ANSI Z97.1 & 16 CFR installed w/1/4" tempered clear glass & snap-in aluminum glazing stops.
     - .1 Framing System; 2" X 4" extruded aluminum, complying w/ASTM B 221, concealed fasteners & reinforcing.
     - .2 Hinges: 5 knuckle, 2-ball bearing butts, sized to comply w/ANSI A156.1.
     - .3 Electric Strike: Mortise style retractable strike, wire to Clerk's office.
     - .4 Exit Device: Rim device panic bar comply w/NFPA 101 Section 5-2.1.7, lockable lever handle outside. Key to match building.
     - .5 Threshold: Mill finish extruded aluminum.
     - .6 Door Operator: Reuse existing. Door operator only active when strike open. Strike open or closed by switch in Clerk's office.
2. ALUMINUM STOREFRONT SYSTEM (Wind Screen): Comply w/AAMA 101 & ASTM E330 structural requirements.
   - A) Framing System; Nominal 2" X 4" X 0.08" ASTM B 221 extruded aluminum w/baked-on 2 coat 'dark bronze' (to match exterior doors) fluorocarbon finish.
   - B) Glass; 1/4" clear safety glass.

ELECTRICAL

1. COMPLIANCE: All work per National Electric Code (NEC).
   - A. Underwriter's Certificate; The Contractor shall secure a certificate of final inspection & approval from the local board of fire underwriters.
2. WIRE & CONDUIT: All conductors shall be U.L. listed, insulated for 600 volts & marked in accordance w/NEC. Provide type "THW" service lateral cables, otherwise provide dual rated type "THHN/THWN" Copper Conductors. Aluminum conductors are not acceptable. Wire sizes #10 & smaller shall be solid. Wire sizes #8 & larger shall be stranded. Minimum size wire shall be #12.
   - A) Type MC Cable; All wiring shall be MC cable or shall be installed in EMT or rigid steel conduit unless otherwise allowed. MC cable to be insulated conductors, type XHHW w/flexible metal armor conforming to U.L. requirements for type MC metal-clad cables.
   - B) Connectors; Malleable iron set screw or 2 screw clamp type, & anti-short bushing.
   - C) Wire Size; Unless otherwise noted or required, all branch circuits shall be 2-#12AWG + #12GRD to a 20A/1P circuit breaker.
3. OUTLET BOXES: Provide boxes of the proper size, type, shape, class & construction to suit specific conditions & in accordance w/code requirements. All junction & outlet boxes shall be galvanized steel, U.L. listed, sized for device.
4. DEVICES & PLATES: All devices to be U.L. listed, to match existing.
   - A) Switches; 20 AMP, 125 V, silent type, toggle switch w/side & back clamp type wiring & grounded mounting strap.
   - B) Receptacles; 20 AMP, 125 V, two pole, three wire grounding type duplex w/double-wipe, polarized, parallel slots, side & back clamp type wiring w/grounded mounting strap. Face to match existing.
   - C) Occupancy Sensors: Wall-switch type, 120V/1000W, passive infra-red w/adjustable time delay from 30 seconds to 30 minutes, adjustable sensitivity, manual off switch.
   - D) Data & Phone Jacks: Cat6E or higher, 4 pair/24 AWG 100 Ω unshielded cable & RJ45 (8P8C) jacks (match existing).
   - E) Plates for Boxes, Outlets & Devices; Match existing.
5. MOUNTING: Mount switches 42" AFF. Mount receptacles 18" AFF unless to be mounted above counter or as otherwise noted. Mount receptacles above counter horizontally.
6. LIGHTING: Replace all fluorescent bulbs w/LED bulbs.
   - A) Linear LED bulbs: Replace 24"/36"/48" T8 bulbs.
     - .1 24"-8W LED linear tube 800 lumen.
     - .2 36"-12W LED linear tube 1,350 lumen.
     - .3 48"-18W LED linear tube 2,250 lumens
   - B) 6"ϕ Downlight LED bulbs: 26W LED 1,350 lumen to fit 4 Pin G24q base.
7. FIRE ALARM SYSTEM: Relocate ceiling devices as required & test system at completion to complying w/NFPA-72.

DATE: 11/26 SHEET: 01 OF 03

BERGEN TOWN HALL RENOVATIONS

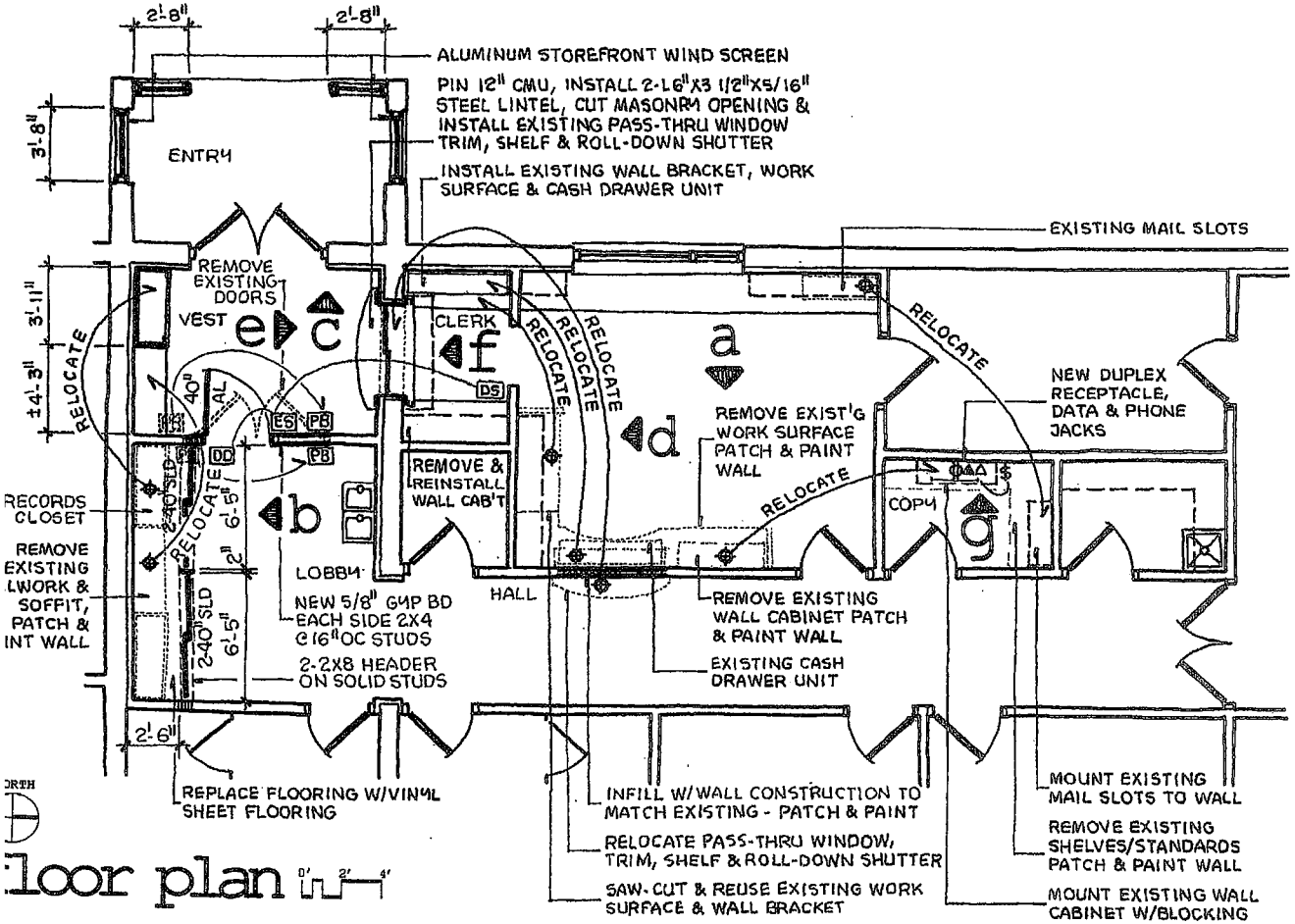
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Bergen, New York

project

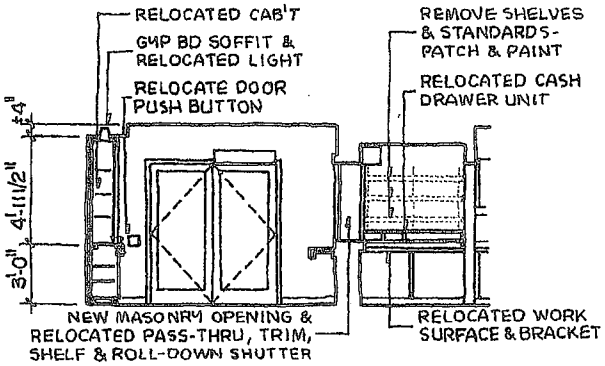
DAVID STRABEL R.A.

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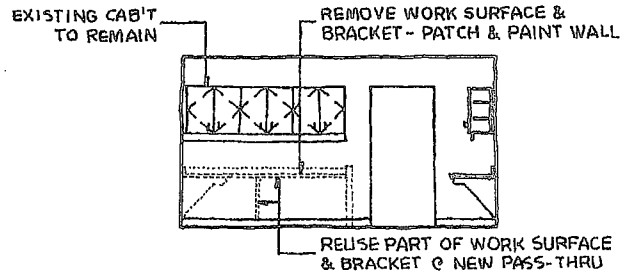
architect



floor plan 0' 2' 4'



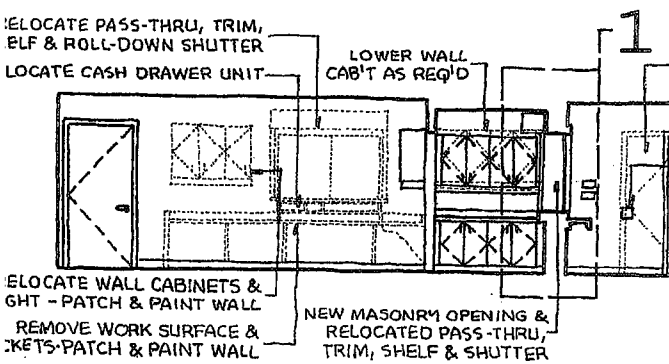
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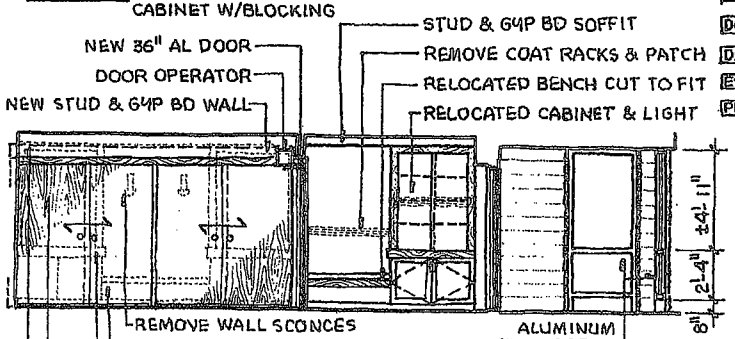
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SYMBOLS

- ⊕ DUPLEX RECEPTACLE
- ▽ PHONE JACK (WIRE TO DATA RM
- ▽ DATA JACK (WIRE TO DATA RM
- $ LIGHT SWITCH
- ⊢⊣ UNDERCABINET LIGHT
- DO DOOR OPERATOR (EXISTING)
- DS DOOR SWITCH (TO STRIKE)
- ES ELECTRIC DOOR STRIKE
- PB DOOR PUSH BUTTON



elevation a 0' 2' 4'



elevation b 0' 2' 4'

DATE: 11/26 SHEET: 02 OF 03

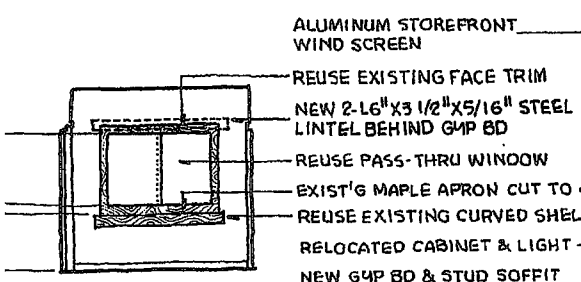
RENOVATIONS

Bergen Town Hall
10 Hunter Street
Bergen, New York

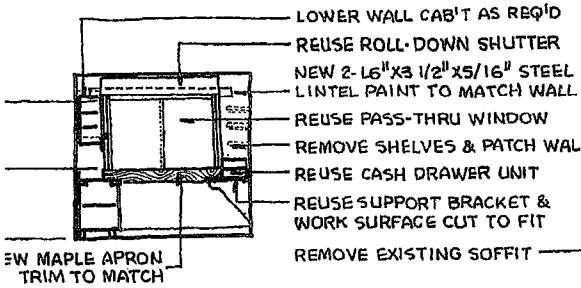
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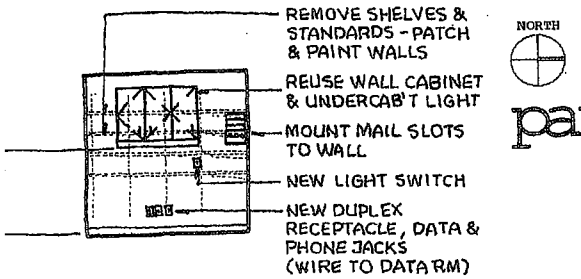
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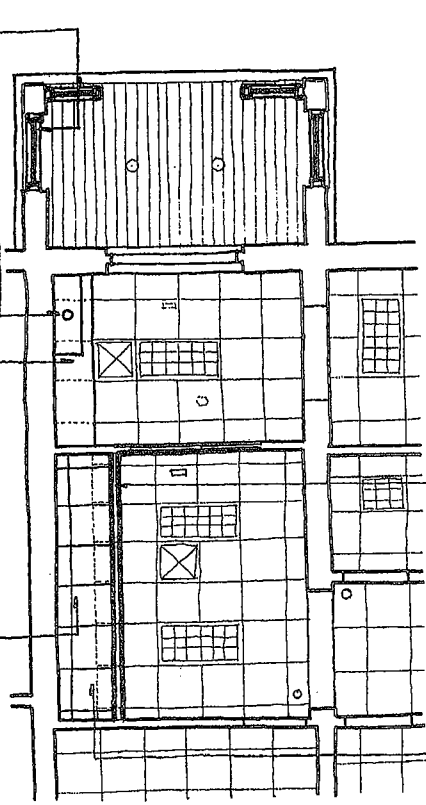
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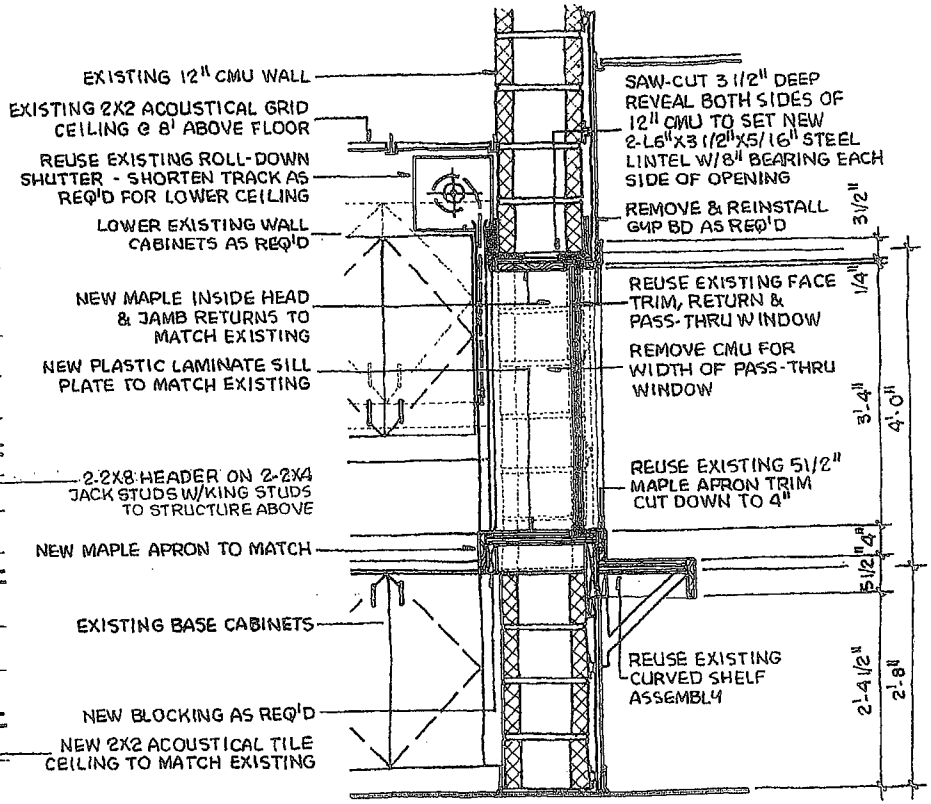
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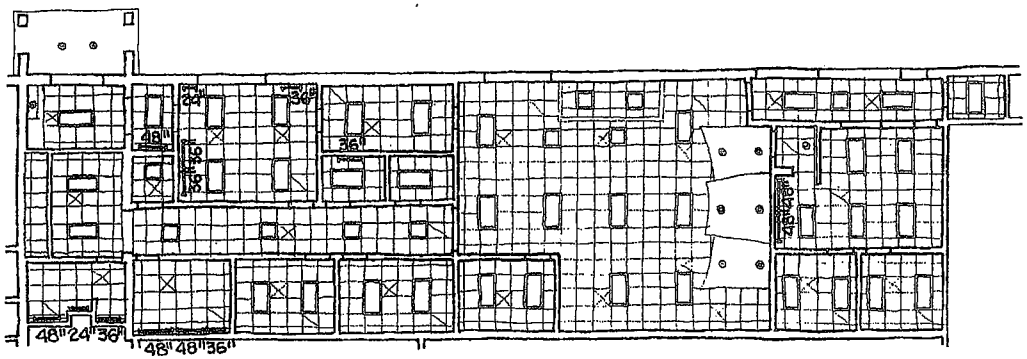
elevation g



partial ceiling plan



detail 1



ceiling plan

SYMBOLS

- 2X4 LAY-IN TROFFER (3-TUBE)
- 2X2 LAY-IN TROFFER (3-TUBE)
- LINEAR OR UNDERCOUNTER LIGHT (24"/36"/48" SINGLE TUBE)
- 6"ϕ DOWN LIGHT (4-PIN)

DATE: 11/26 SHEET: 03 OF 03

RENOVATIONS

Bergen Town Hall
10 Hunter Street
Bergen, New York

project

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architect

(24)

RESOLUTION _____ Authorizing Public Hearing on Local Law 10 of 2026 Amending Chapter 137 Parks of the Bergen Town Code

WHEREAS, the Bergen Town Board is desirous of amending Chapter 137 Parks 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 10 of 2026 amending Chapter 137 Parks on Tuesday, December 15, 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 November 17, 2026

PROPOSED

Chapter 137

PARKS

§ 137-1.	Title.	§ 137-10.	Regulations.
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[HISTORY: Adopted by the Town Board of the Town of Bergen _____

GENERAL REFERENCES

Town Property- 447.

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§ 137-1. Title.

This chapter shall be known as the "Parks Ordinance for the Town of Bergen. This ordinance currently applies to Robins Brook Park, the Drews Nature Center and the West Shore. If in the future the Town of Bergen opens additional park this ordinance shall be applicable to these town properties as well.

§ 137-2. Purpose.

The purpose of this chapter shall be to preserve the public peace and good order on lands operated as public parks by the Town of Bergen and to contribute to the safety and enjoyment of the users of such property by regulating the hours of use and the use of motorized vehicles and by prohibiting certain activities inimical to customary parks.

§ 137-3. Administration; jurisdiction.

A. The Town of Bergen is charged with the administration of this chapter and the posting of signs designating parks within the Town of Bergen.

B. The rules and regulations set forth herein shall apply to and be in effect in all parks under the control, supervision, and jurisdiction of the Town of Bergen.

§ 137-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

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PARK, NATURE CENTER, RECREATION AREA — The grounds, buildings thereon, waters therein and any other property necessary for the operation thereof and constituting a part thereof which are now or hereafter will be maintained, operated, and controlled by the Town of Bergen for public parks purposes. This includes Robins Brook Park, the Drew's Nature Center and the West Shore, and any future parks the Town of Bergen may establish.

PERSON — Any individual, firm, partnership, corporation or association of persons, and the singular number shall include the plural.

VEHICLE — Every device in, upon or by which a person or property is or may be transported.

§ 137-5. Hours.

The hours of operation are established at the discretion of the Town Board. No person shall be permitted to remain, stop or park within the confines of any park outside the hours designated by the Town of Bergen, except in an emergency or with special permit from the Bergen Town Board, or its designee In case of an emergency or when, in the judgment of the Bergen Town Board, or its designee, the public interest demands it, any portion or all of a park may be closed to the public or to designated persons until permission is given to reopen. Nonobservance of § 137-5 shall constitute a violation.

§ 137-6. Permits.

A. A permit must be obtained from the Bergen Town Clerk for the following uses and activities:

(1) The use of pavilions, any playing fields or other facilities by groups of more than nine (9) people.

(2) Vending food and drink (including beer, wine and alcohol but excluding other nonalcoholic beverages).

(3) Those acts prohibited without a written permit as set forth in § 137-9 of this chapter.

(4) Facility Alcohol Beverage Permit as defined and set forth in §137.10. G of this chapter.

B. Permits shall be issued by the Bergen Town Clerk at the Town of Bergen office.

C. All permit applicants must be 18 years of age or older and 21 years of age or older for alcohol permits. All permits must be signed prior to use of a park prior to the activities for which a permit is obtained. The signer of a permit shall be responsible for all damage to park facilities or contents thereof and shall agree to indemnify the Town of Bergen for such damage.

D. All permits issued shall be in writing by the Bergen Town Clerk and shall be subject to park rules and regulations. A permit to do any act shall authorize the same only insofar as it may be performed in strict accordance with the written terms and conditions thereof and not in violation of any law, ordinance or rule or regulation governing parks. Any violation of any term or condition thereof or any law or ordinance or rule or regulation governing parks shall constitute grounds for revocation of said permit by the Town of Bergen, whose action therein shall be final. No permit for the same purpose shall be issued to those people whose permit has been revoked during the year in which such revocation is made.

E. Upon obtaining a permit, the applicant shall pay a permit fee to the Town of Bergen in an amount established by the Town Board of the Town of Bergen. Such fee may vary according to the activity permitted and the facilities used. The Town of Bergen reserves the right to waive fees.

F. The Bergen Town Board reserves the right to request a certificate of insurance, naming the Town of Bergen as additional insured, said certificate amount to be determined at the discretion of the Bergen Town Board.

§ 137-7. Pavilions, Playing Fields or Other Facilities

The use of pavilions, playing fields, or other facilities within parks for groups of nine (9) or more may only be used upon the obtaining of a permit as provided herein.

A. Rules and regulations particular to the use of parks shall be established by the Town of Bergen and posted within the park. Nonobservance of such rules and regulations shall constitute a violation.

B. All permits for pavilions, playing fields or other facilities must obtained at the Bergen Town Clerk's office at least 72 hours prior to use.

C. Use of pavilions, playing fields or other facilities, for groups of nine (9) or more, not already reserved may be arranged for with the Bergen Town Clerk or an authorized representative of the Town of Bergen on a first come, first served basis, upon payment of a permit fee.

D. Use of pavilions, playing fields or other facilities for individuals or groups of less than nine (9) do not require a permit, however they cannot be used if already reserved. If not reserved the pavilions. or playing fields are available on a first come first serve basis.

§ 137-8. Camping.

A. Camping within parks is not permitted.

§ 137-9. Acts requiring permit/written permission from the Town of Bergen.

A. No person shall commit any of the following acts without a written permit from the Town of Bergen:

(1) Post or display any sign, banner, or advertisement of any kind within any park.

(2) Make any public speech, oration or harangue; hold any public meeting or engage in any marching, drilling or driving as a member of a military, political or other organization; conduct any funeral procession or vehicle containing the body of a deceased person; or use any loudspeaker or other sound-amplifying equipment.

(3) Picnic or cook in any area not designated by the Town of Bergen for that purpose or make or kindle any fire, except in places provided therefor, and then subject to such regulations as may be prescribed.

(4) Ascend or land with any aircraft, drones, including gliders, drones and parachutes, or engage in stunt flying or parachute landing.

B. Nonobservance of any part of this § 137-9 shall constitute a violation.

§ 137-10. Regulations.

Nonobservance of the following park regulations shall constitute a violation:

A. Disorderly Conduct.

(1) No person shall disturb the peace and good order in any park by fighting, quarreling, or wrangling with loud voices or shouts, threatening by violence to the person or property of others or engaging in riotous clamor or tumult.

(2) No person shall congregate with others in a public place and refuse to comply with a lawful order of a law enforcement officer or the Bergen Town Board, or any other duly authorized representative of the Town of Bergen (Supervisor, Clerk, Code Enforcement Officer, Highway Superintendent) to disperse or leave the park.

(3) No person shall beg, hawk, or peddle, or solicit within any park.

(4) No person shall play or bet at or against any game which is played, conducted, dealt or carried on with cards, dice or other devices for money, chips, credit or any other representative of value, nor shall any person be allowed to maintain or exhibit any gaming table or other instrument of gambling or gaming.

(5) Within parks no person, except law enforcement officers, shall have or carry weapons of any kind. Under New York State's Concealed Carry Improvement Act (NY Penal Law 265.01-e) public park buildings are generally designated as sensitive locations where firearms are prohibited.

(6) No person shall use obscene, profane, or abusive language while in the park.

(7) No person shall appear in a state of nudity or commit, perform, or engage in lewd, lascivious, obscene, illicit, carnal, or indecent act or behavior, and no person shall make any indecent exposure of his or her person.

(8) No person or group of people shall engage in loitering conduct that will clearly cause an immediate, actual physical violent reaction from any person or person, which violent action will cause a threat to the peace and order of the public. Nor shall any person or group of people engage in such loitering conduct which shall:

(a) disturb a person of ordinary sensibilities as to cause such person to react immediately is such a way as to threaten by physical violence the peach and order to the public; or
(b) obstruct the free passage of pedestrians at, in or near any bathroom walkway, building, parking lot or vehicle or the free passage of vehicles or the free passage of vehicles at, in or near any building, parking lot or vehicle.
(c) Obstruct or interfere with any person lawfully in or enjoying the park.

B. **Games Regulated.**

(1) No one shall engage in potentially dangerous games involving thrown or propelled objects, such as footballs, horseshoes, golf balls or similar objects, except in areas designated for such usage and then only subject to such rules as may be prescribed by the Town of Bergen. All games of any description must be conducted in a safe and orderly manner, and no rough or boisterous practice will be allowed.

C. **Tobogganing and Sledding.**

(1) Tobogganing and sledding are permitted within the parks.

D. **Hunting, Fishing, and Disturbing Wildlife.**

(1) No person shall throw any animal or anything into a pond or any of the waters of the park.

(2) Fishing is not permitted within Robins Brook Park. Fishing, with required license is permitted in season at the Drew's Nature Center.

(3) No person shall feed any animal, waterfowl, or fish any food or other substances.

(4) No person shall kill, injure, or unnecessarily disturb any waterfowl, birds, or animals.

(5) No person within the confines of a park shall hunt, pursue with dogs, traps or in any other way disturb any wild bird or animal found within the confines of a park or rob or molest any bird nest or take eggs of any bird.

(6) There shall be no hunting or trapping.

E. **Preservation of Property and Natural Features.**

(1) No person shall injure, deface, disturb, or befoul any part of a park or any buildings, signs, equipment, or other property found therein, nor shall any tree, flower, shrub, rock, or other mineral be removed, injured, or destroyed.

(2) No person shall pick flowers, foliage, berries, or fruit or cut, break, dig up or in any way mutilate or injure any tree, shrub, plant, fern, grass, turf, railing, seat, picnic bench, fence, structure, or any other object.

(3) No person shall bring into the park any tree, shrub or plant or any newly plucked branch of portion of a tree, shrub, or plant, unless permission has been granted by the Town of Bergen.

(4) No person shall dig up or remove any dirt, stone, rock, or other substance.

(5) No person shall remove or cut firewood, regardless of whether the tree or wood is dead, fallen, diseased or otherwise.

F. **Littering, rubbish, garbage, sewage, and noxious material.**

(1) No person shall bring them into, leave behind or dump any material of any kind in the parks. The Town of Bergen's parks are "carry in and carry out" areas for the purpose of rubbish and garbage removal. People and groups using the parks are required to take all the rubbish and garbage they generated out of the park when they leave. Refuse is not to be dropped, thrown or scattered on town property.

(2) No person shall, either within or outside of a park discharge into, throw, cast, lay, drop or leave in any river, brook, stream, storm sewer or drain flowing into or through a park any substance, matter or thing, either liquid or solid, which may or shall result in the pollution of said river, brook or stream within a park or interfere with the conservation of the natural resources of a park or endanger the health of visitors.

(3) No glass containers are allowed.

G. Al**coholic Beverages.**

The following rules pertain to the use, sale, distribution or consumption of alcoholic beverages in Robins Brook Park. Alcoholic beverages are not allowed in the Drew's Nature Cener or West Shore;

a. "Alcoholic Beverage(s)" is defined for this chapter as including alcohol spirits, liquor, wine, beer, cider and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being.

b. No person shall become intoxicated. No person shall bring into or drink any alcoholic beverages in any park except in such areas/pavilions as designated by the Town of Bergen at the Bergen Town Board. Alcoholic beverages may be brought into the Robins Brook Park for consumption at private family or social picnics, parties, in pavilions or otherwise specified area, but may not be dispensed, distributed, sold or displayed in any other manner unless a facility alcohol beverage permit as defined herein is issued from the Town of Bergen and prior to obtaining a temporary liquor license per New York State law.

c. Drinking alcoholic beverages is prohibited in the parking lots and right-of-way within any park.

d. All alcoholic consumption shall conform with New York State law.

e. "Alcohol Beverage Permit" is defined for this chapter as a permit authorized by the Town of Bergen for a specific event, and such permit is issued by the Town Clerk. Any person making application for an Alcohol Beverage Permit shall provide:

1. Proof of liability insurance for their organization or associated with their event to the Town.

2. A completed Alcohol Beverage Permit application including the area identified where participants are proposed to consume alcoholic beverages.

3. Proof of compliance with New York State alcoholic beverage laws such as a licensed operator/caterer providing for and serving or receipt of a NYS Liquor Authority license for the event. The permitted principal contact or recipient of the Alcohol Beverage Permit shall

be in the Town park or facility designated associated with the permit at all times while alcoholic beverages are being distributed, sold, and/or consumed.

4. The permitted contact or recipient of the Alcohol Beverage Permit shall be responsible for any and all damages associated with people consuming alcohol associated with the Alcohol Beverage Permit.

5. Nonobservance of this section shall constitute a violation.

H. **Dogs, Cats, and other Household Pets.**

(1) No person shall bring into, permit, have or keep in parks, nature centers or recreation areas, any dog, cat, household pet or other animal destructive to birds and other wildlife, except that dogs or cats are permitted if held in control by a leash or under verbal control as to not interfere with the use of the area by others. Persons accompanying pets are responsible for the clean up after their pets.

I. **Horseback Riding.**

(1) Horseback riding is not permitted at the Robins Brook Park and Drew's Nature Center and is permitted at the West Shore. No person shall ride horseback after dark or before daybreak.

J. **Swimming.**

(1) No person shall bathe, wade or swim within any park unless otherwise posted as permitted.

K. **Bicycles, Snow vehicles, All-Terrain Vehicles (ATVs) and Motorbikes.**

(1) No recreational motorized vehicles (snowmobiles, motorbikes, ATV, Electric Bikes, etc.) are permitted within Robins Brook Park and Drew's Nature Center. Such vehicles are permitted at the West Shore. Automobiles are permitted on roadways and parking lots as posted and shall remain in designated areas.

(2) No unlicensed recreational vehicles (snowmobiles, motorbikes, ATV, Electric Bikes, etc.) or other unlicensed vehicles shall be permitted on the West Shore

(3) Riders of bicycles, including e-bikes, shall comply with the rules for the regulation of other vehicles.

(4) Motorized vehicles are only permitted on designated roadways and parking areas.

L. **Use of THC- Containing Products, Tobacco, Vaping, and/or E-Cigarettes**

(1) All usage of THC-Containing products is prohibited. All usage of tobacco, vaping and/or e-cigarettes are restricted in accordance with all federals, state and county laws and regulations governing same. All parties will comply with Chapter 447 Town Property of the Town of Bergen Code, Article 1 Tobacco, Vaping, E-Cigarette, and THC-Containing Products.

§ 137-11. Traffic rules.

A. No person shall drive any licensed automobile, motorcycle, motorized bike or other vehicle of traffic or burden upon any part of the park except on the proper drives and parking areas or permit the same to stand upon the drives or any part thereof to congest traffic or obstruct the drive. Paths established as bridle paths, footpaths, skate parks, BMX bike trails, e-bikes or bicycle paths shall not be used for vehicular traffic.

B. No taxi, bus, limousine, Lift/Uber or other vehicle for hire may solicit riders within any part of the park for the purpose of soliciting or taking in passengers or persons other than those carried to the park by said vehicle.

C. No person shall cause any bus, with or without passengers, nor any cart, wagon, truck or trailer or other vehicle carrying goods, merchandise, manure, soil, or other articles, or solely in use for the carriage of goods, merchandise, manure, or other articles, to enter or to be driven in any part of the park. This section shall not apply to vehicles engaged in the construction or maintenance of operation of the parks or parkways.

D. It shall be the duty of every person operating an automobile, motorcycle, e-bikes or other vehicle of traffic or burden within the parks to comply with the Vehicle and Traffic Law of the State of New York and with all orders, directions and regulations issued by traffic officers or officially displayed on any post, standard, sign or device installed for the regulation of traffic.

E. No vehicle shall be operated on any road or drive at Robins Brook at a speed exceeding 5 miles per hour, unless otherwise posted.

F. Signs indicating one-way traffic must be obeyed.

G. All stop signs and other traffic control devices must be obeyed.

H. No person shall park any vehicle or permit any vehicle to remain standing on any highway or roadway within the boundaries of a park more than the length of time and between the hours as hereinafter specified. Except for the West Shore, no parking shall be allowed on any of the roads or parking lots between the hours of 10:00 p.m. and 6:00 a.m. No parking shall be allowed on the major roads, which will be designated by signs, during the hours the park is open. Parking areas in the parks are established for the convenience of patrons while using the facilities. It shall be unlawful for any person to park, stop, or leave any vehicle standing in any parking area except during the time they remain in the park. The term "parking" shall mean the standing of any vehicle, whether occupied or not, upon any highway, other than temporarily or while actively engaged in loading or unloading or while standing in obedience to traffic regulations or traffic signals.

I. No person shall operate a vehicle along or over any road or drive within a park in a reckless manner or without due regard for the safety and the rights of pedestrians and drivers and occupants of all other vehicles to endanger the life, limb, or property of any person while in the lawful use of said park, drive or road.

J. No person shall participate in a drag race upon any park drive or park property. "Drag racing" is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course from the same point to the same point wherein timing is made of the participating vehicles involving competitive accelerations or speeds. The operation of two or more vehicles side by side, either at speeds more than permitted speeds on park drives or rapidly accelerating from a common starting point to speeds more than such permitted speeds, shall be prima facie evidence of drag racing.

K. No person who is under the influence of intoxicating liquor, narcotic drugs or opiates shall operate any vehicle within the park. All usage of THC-Containing products is prohibited. All usage of tobacco, vaping and/or e-cigarettes are restricted in accordance with all federals, state and county laws and regulations governing same. All parties will comply with Chapter 447 Town Property of the Town of Bergen Code, Article 1 Tobacco, Vaping, E-Cigarette, and THC-Containing Products.

L. No person shall drive or move or cause or knowingly permit to be driven or moved within the park any vehicle or combination of vehicles which is in an unsafe condition to endanger any person.

M. No person shall use or shine spotlights or unnecessarily or continuously shine automobile headlights except under the direction of a police officer or park employee, or except where necessary for the preservation of life or property.

§ 137-12. Parental responsibility.

(1) No parents, guardians or custodians of any minor child shall permit or allow him or her to do any act that would constitute a violation of this chapter.

§ 137-13. Compliance with police or official agency.

(1) No person shall fail or refuse to comply with any reasonable order relating to the regulation, direction or control of traffic or with any other order lawfully given by any police officer or Town official in the execution of his office or willfully resist, obstruct or abuse any police officer or Town official in the execution of his office or duties. Nonobservance of this § 137-13 shall be a violation.

§ 137-14. Enforcement; appearance tickets.

(1) This chapter shall be enforced as it pertains to the issuance of parking tickets for violation of § 137-11H and littering under § 137-10E by the designated personnel, and in all other cases by the Bergen Town Board, the Genesee County Sheriff's Department, and any other police agency having jurisdiction within the Town of Bergen.

(2) Any officer of the law or, in the case of a violation of the parking regulations set forth in § 137-11H or a littering violation under § 137-10E, the Town Bergen Town Board or other designated personnel may issue an appearance ticket pursuant to Article 150 of the Criminal Procedure Law of the State of New York to any person when he has reasonable cause to believe that such person has committed a violation of this chapter. Said appearance ticket shall direct the designated person to appear in the Justice Court of the Town of Bergen at a designated future time, not later than 30 days from the date of the issuance of the appearance ticket, in connection with the alleged violation. Any officer of the

law may, without a warrant, arrest any person in violation of any park rules or regulations as set forth in this chapter or as posted within such park and take such person so arrested forthwith before a Judge having competent jurisdiction. Said officer or the law shall always have the right to enter the premises of any building, structure or enclosure or any park including such grounds, buildings or structures which may be leased or set aside for the private or exclusive use of any individuals or group of individuals, for the purpose of arresting violators hereof, and he may use all necessary means to attain that end.

§ 137-15. Penalties for offenses; liability for damages.

(1) Any person convicted of an offense of this chapter shall be guilty of a violation and shall be subject to a fine not to exceed $250 or imprisonment for a term not to exceed 15 days, or both such fine and imprisonment.

(2) Any person damaging any park property shall be liable for any damage incurred.

(25)

RESOLUTION NO. Award Mini-Split 13 S. Lake Road

WHEREAS, The Town of Bergen solicited proposals for the installation of a mini-split at 13 South Lake Road; and

WHEREAS, The Town of Bergen received the following proposals:

Knaak Heating and Cooling	$8,100.00
AirServ	$8,842.96
Wolf Mechanical	$9,900.00
Pipitone Enterprises	$10,150.00
Emcor Services Betlem	$12,818.00
LMC Industrial Contract	$15,715.00; and

WHEREAS, The Town Board believes it is in the best interest of the Town of Bergen to award the low bid proposal.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Bergen Town Board hereby awards the mini-split replacement proposal to Knaak Heating and Cooling, 1445 Oak Orchard Road, Waterport, NY 14571 at a cost of eight thousand one hundred dollars ($8,100.00).

Sec. 2. That the Supervisor is authorized to sign the contract and any other necessary documents.

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

MOTION for adoption of this resolution by
Seconded by

Discussion:

VOTE BY ROLL CALL AND RECORD:
Councilperson Anderson
Councilperson Ely
Councilperson Grant
Councilman Swanson
Supervisor Haywood

Submitted – November 17, 2026

Knaak Heating & Cooling
Residential & light commercial
We have a "Knack" for doing things right!

knaakservice@gmail.com
1445 Oak Orchard Rd,
Waterport, NY 14571

per 11/3/2026

(25)

November 2, 2026

Town of Bergen
Records room 2nd floor
13 South Lake Ave
Bergen, NY 14416
Re: Mini split

Dear Joel,

We are pleased to submit our proposal for the referenced work. This scope of work would include the following:

- Install a Ameristar 18,000 BTU outdoor Heat pump condenser. **Model M5THS2318A11NA**
- Install an Ameristar 18,000 BTU High-Wall indoor coil. **Model M5MHWUN18A1N0A**
- Electrical PVC conduit ran from panel box on north wall on exterior wall to the east side and around to the south side of building. It will continue to a service disconnect at the outdoor unit.
- Outdoor unit mounted on south wall near existing AC condenser using a wall bracket.
- Drain to the outdoors
- Refrigerant lines, communication wire and drain to be enclosed on the south exterior wall from indoor unit to outdoor condenser using Line hide enclosure system.
- Indoor unit to operate using a remote control.
- Nitrogen added to refrigeration lines to check for leaks and then system put into a deep vacuum to ensure there is no moisture or contaminants.
- 10-year parts warranty
- **1 year workmanship warranty**
- **Free 2 year maintenance agreement ($400 value)**
- All work-related debris removed from the home.

All labor and materials for the above scope of work to be completed for the sum of **$8,100.00**

(Eight Thousand One Hundred Dollars) No tax capital improvement

If you have any questions, please let me know. **585-746-3107**

X_____ Sincerely,

Keith Knaak

Thank you for the opportunity to provide a proposal for your heating and cooling needs. At Knaak Heating and Cooling, we're committed to delivering reliable service, high- quality workmanship, and solutions tailored to your home and business comfort. Should you have any questions or need further details, please don't hesitate to contact us. We look forward to the opportunity to serve you and earn your trust.

RESOLUTION NO. Adoption of Amended Building Permit Fee Schedule

NOW, THEREFORE BE IT RESOLVED: That the Town Board of the Town of Bergen hereby adopts the attached amended Building Fee Schedule effective November 18, 2026.

MOTION for adoption of this resolution
Seconded by
Discussion:

VOTE BY ROLL CALL AND RECORD:
Councilperson Anderson
Councilperson Ely
Councilperson Grant
Councilperson Swanson
Supervisor Haywood

Submitted – November 17, 2026

-BUILDING PERMITS

Proposed 11/2026

PURPOSE: It is the intent of the Town in adopting the following fee schedule that a portion of the cost of enforcing the building Code of N.Y.S. Building Code is born by the user of this N.Y.5. mandated service.

**** A/1 Fees are to be paid at the time the Permit is issued****

A. **RESIDENTIAL BUILDING PERMIT FEES - (including the Certificate of Occupancy/Compliance)**

1. ONE- AND TWO-FAMILY DWELLINGS: *

$.065 per square foot - (3 visit maximum)	minimum $225.00
Mobile homes/Manufactured Homes and/or Modular Homes (2 visit maximum)	$145.00

2. MULTI-FAMILY DWELLING*

$.065 per square foot (3 visit maximum, $55.00/visit over 3)	minimum $ 265.00

3. DECKS with or without roofs — $50.00

4. ACCESSORY STRUCTURES

0-144 square feet over 5 feet from habitable dwelling	No Permit required
-Attached or less than 5 feet from habitable dwelling	No Permit required
145-600 square feet	$35.00
-Attached or less than 5 feet from habitable dwelling	$50.00
Over 600 square feet	$75.00

5. ADDITIONS TO DWELLINGS

One and two family	$.065 per square foot - (3 visit maximum)	minimum $225.00
Multi-family	$.065 per square foot - (3 visit maximum)	minimum $265.00

B. **MISCELLANEOUS PERMIT AND INSPECTION FEES - (includes the Certificate of Occupancy/Compliance)**

1. Chimney and Solid Fuel Permits	$35.00
2. Generator	$40.00
3. Solar Roof Panel	$50.00
4. Roof	$25.00
5. Fence	$25.00
6. Woodburning Stove/Fireplace/Furnace	$40.00
7. Mobile Home installation	$35.00
8. Pond	$50.00
9. Sign	$35.00
10. Hot tub/spa	**$50.00**
11. Swimming pools including decks	above $50.00 **in-ground $60.00**

Effective 1/1/2025

12. Remodeling to habitable space (i.e. garages, porches) (2 visit maximum)	$.065 per square foot (minimum	$70.00)
13. Demolition permit - if separate from Building Permit (permit required)		$50.00
14. Work Commenced without a Building Permit	permit fee plus	$100.00
15. Permit renewal (6 months each occurrence [max. 2] {New Permit after 2 occurrences})		$50.00
16. Temporary C.O. (6 months each occurrence [max. 2] {New Permit after 2 occurrences})		$50.00
17. Fire and/or Safety inspections (i.e. to sell or buy a dwelling, etc.)		$50.00
18. Flood Plain Development Fee		$100.00
19. Data Center/Cryptocurrency Facility		$100.00
20. Battery Energy Storage System		
• Tier 1 (less than 599 kWh)		$100.00
• Tier 2 (600 kWh or greater)		$300.00
21. Solar Permit Fee		
• Small Scale Energy Solar System (less than 25kw)		$100.00
• Large Scale Energy Solar System (greater than 25kw)		$300.00
22. Miscellaneous inspections (not included in above)		$50.00

NOTE: Agricultural buildings are not subject to the NYS Building Code. To be deemed an agricultural building, the applicant MUST BE a Bonafide farmer making their living from the farm.

C. **COMMERCIAL AND INDUSTRIAL - (includes the Certificate of Occupancy/Compliance)**
(non-habitable)

New Structures:

1. 1st 2,000 square feet	$.065 per square foot (minimum $150.00)
2. 2,001-10,000 square feet	plus $.055 per square foot
3. Each additional 1,00 square feet	$5.00 per 1,000 square feet

Renovations to Existing Structures

1. 1st 2,000 square feet	$.055 per square foot (minimum $110.00)
2. 2,001-10,000 square feet	plus $.035 per square foot
3. Each additional 1,000 square feet	$4.00 per 1,000 square feet

NOTES: Measurements will be made on the outside of the structure. Totals WILL include the 1st floor and 2nd floor. Totals will NOT include a crawl space of attic, no part to exceed 5 feet in height. Renovations equaling 50% of the value will be considered a new structure. All fees are a minimum charge.
(Each visit thereafter $40.00 per visit)

Any costs incurred through professional services provided by the Town Engineer, Town Attorney or other Planning Consultant, shall be reimbursed by the Applicant. Applicants will be provided with a copy of the consultant's invoice as soon as it is received by the Town. The Applicant must pay the professional services fee prior to the Town completion of any inspections and issuance of a certificate of compliance.)

Zoning Permits shall be issued upon the payment of $2.00 per 100 square feet of building construction, but the minimum in any event shall be $30.

Application for Any Variance	$100.00
(includes but not limited to such Variance requests as: swimming pool, fence, pond, solar system, sign, generator, roof, woodstove, fireplace, furnace, hot tub/spa, mobile home installation)	
Application for Special Use Permit	$100.00
Application for Amendments	$50.00
Public Hearing Fee	$100.00
Site Plan Review	$100.00
Application for Certificate of Compliance	$50.00
Consulting Fees	As incurred for a site plan approval
Mobile Home Park License	$150.00
Plus $5.00 per site (Occupied or non-occupied)	
(If application and site is in compliance by December 31, the fee is reduced by $50. Minimum fee is $200)	
Junkyard License Application Fee - due by August 31	$150.00
Late fee - per month	$50.00
Additional inspection fee	$50.00
(Required if license is not granted at the time of the application for each inspection)	
Stormwater Management and Erosion Fees	
Application Fee	$50.00
Permit Fee	$100.00

Town Engineering and/or inspections incurred as a result of reviewing Subdivision Developments or Stormwater management plans are to be borne by the developer.

Minor Subdivision Fee	$125.00
Plus **$25.00** per lot	
Major Subdivision Fee	**$125.00**
Plus **$25.00** per lot	
Major Subdivision - Final Plat Fee	$100.00
Bulk Land Transfer	$100.00
Recreation Site Waiver Fee	$100.00

(per each dwelling parcel or equivalent non-residential unit)

Returned Check Fee	$35.00
Work commenced with a permit (+ permit fee)	$25.00*

RESOLUTION _____ Approve Official Undertaking 2027 Tax Collector

NOW THEREFORE, BE IT RESOLVED:

Section 1. The Town Board of the Town of Bergen does hereby approve the attached undertaking or bond as to its form, execution, amount and sufficiency of, and to the sureties named thereon. Said undertaking or bond shall be conditioned that the collector of taxes shall well and truly keep, pay over and account for all money and property coming into the Tax Collector Teresa F. Robinson's hand as such collector.

Section 2. That this resolution takes effect immediately.

Discussion:

Moved by Councilperson

Seconded by Councilperson

VOTE BY ROLL CALL AND RECORD:

Councilperson Anderson
Councilperson Ely
Councilperson Grant
Councilperson Swanson
Supervisor Haywood

Submitted November 17, 2026

CERTIFICATE OF PROPERTY INSURANCE

DATE (MM/DD/YYYY): 11/12/2026

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

PRODUCER Tompkins Insurance Agencies, Inc. 113 Main Street Batavia NY 14020	**CONTACT NAME:** Ann VanCott **PHONE (A/C, No, Ext):** (888) 261-2688 **FAX (A/C, No):** (888) 339-8337 **E-MAIL ADDRESS:** Ann_VanCott@ajg.com **PRODUCER CUSTOMER ID:** 00020311
INSURED TOWN OF BERGEN 10 Hunter Street PO Box 249 Bergen NY 14416	**INSURER(S) AFFORDING COVERAGE** / **NAIC #** **INSURER A :** NYMIR / 0010 **INSURER B :** **INSURER C :** **INSURER D :** **INSURER E :** **INSURER F :**

COVERAGES **CERTIFICATE NUMBER:** CP26111203280 **REVISION NUMBER:**

LOCATION OF PREMISES / DESCRIPTION OF PROPERTY (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	COVERED PROPERTY	LIMITS
	☐ PROPERTY CAUSES OF LOSS / DEDUCTIBLES ☐ BASIC / BUILDING ☐ BROAD / CONTENTS ☐ SPECIAL ☐ EARTHQUAKE ☐ WIND ☐ FLOOD				☐ BUILDING ☐ PERSONAL PROPERTY ☐ BUSINESS INCOME ☐ EXTRA EXPENSE ☐ RENTAL VALUE ☐ BLANKET BUILDING ☐ BLANKET PERS PROP ☐ BLANKET BLDG & PP	$ $ $ $ $ $ $ $
	☐ INLAND MARINE CAUSES OF LOSS ☐ NAMED PERILS	TYPE OF POLICY POLICY NUMBER				$ $ $ $
A	☒ CRIME TYPE OF POLICY	MPK-TBRG-0000001-26	05/12/2026	05/12/2027	Employee Theft Deductible Town Supervisor	$ 250,000 $ 500.00 $ 3,000,000
	☐ BOILER & MACHINERY / EQUIPMENT BREAKDOWN					$ $
	Crime	MPK-TBRG-0000001-26	05/12/2026	05/12/2027	Chief Budget Town Clerk	$ 3,000,000 $ 1,000,000

SPECIAL CONDITIONS / OTHER COVERAGES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

Genesee County's Treasurer's Office
Attn: Kevin Andrews
County Building 15 Main Street
Batavia NY 14020

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

David S. Boyce

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Town of Bergen

Accounting Adjustments/Corrections

Activity Date	Account Number	Account Description	Amount	Description
09/30/2026	DB.2300.000.000	Services to Other Governments	10,840.69	To reclass September Cash Receipts for Mowing
09/30/2026	DA.2300.000.000	Services to Other Governments	(10,840.69)	To reclass September Cash Receipts for Mowing
09/15/2026	DB.5110.400.000	General Highway Repairs Contractual	981.68	To reclass Culvert Work Supplies
09/15/2026	AA.7110.200.000	Parks Equipment and Capital Outlay	(981.68)	To reclass Culvert Work Supplies

Submitted October 20, 2026

Approved by: _____ Date: _____

Ernest Haywood, Supervisor

_____ Date: _____

Karen Ely, Councilperson

_____ Date: _____

Belinda Grant, Councilperson

_____ Date: _____

Cindy Anderson, Councilperson

_____ Date: _____

Mark Swanson, Councilperson

(25)

Bergen Business and Civic Association
Box 24
Bergen, NY 14416

Town Board of Bergen New York
10 Hunter Street,
P.O. Box 249,
Bergen, NY 14416

October 24, 2026

To members of the Bergen Town Board:

Ther Bergen Business and Civic Association (BBCA) is requesting to install a storage shed on the Town of Bergen Highway Garage Property located at 18 Gate Street in Bergen. The shed is being built by Joe A. Miller (Amish Contractor) and will be delivered to the site by October 31, 2026 by a delivery service. The shed will be located at a site determined and agreed upon by Town DPW Supervisor Joel Pocock. The delivery service will set the shed in place.

The 10ft by 14 ft by 9 foot high shed will be used for the purpose of storage of items used by the BBCA for their community events. (A photo of similarly designed shed is attached.)

The BBCA assumes complete responsibility of the shed and will not hold the town of Bergen liable or seek reimbursement for any damage or losses associated with the shed or the contents therein.

Upon acceptance of this request by the Town of Bergen Board, the BBCA will submit a building permit to the Village of Bergen to ensure compliance with Village of Bergen rules and regulations associated with installation of the shed.

Thank you for considering our request.

Sincerely,

Kimberlie Donley
Vice – President
Bergen Business and Civic Association