

APRIL 1, 2009

BERGEN TOWN BOARD

SPECIAL MEETING

PRESENT:

Deputy Supervisor Donald Cunningham
Councilman Hugh McCartney
Councilman Barry Miller
Councilwoman Rachael Millspaugh

ALSO PRESENT:

Michele Smith, Town Clerk
David Roggow, Highway Superintendent
Chuck Dodson, Fire Department President

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

At a special meeting of the Town Board of the Town of Bergen, Genesee County, New York, held at the Town Offices in Bergen, New York, on the 1st day of April, 2009 with notices posted on Town Clerk's, Post Office, Village Office bulletin boards and the Daily News. Deputy Supervisor Cunningham opened the meeting at 6:00 pm.

Councilman McCartney presented the following resolution and moved that it be adopted and it was seconded by Councilman Miller and it carried by a vote 4-0.

RESOLUTION #9- 2009

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

WHEREAS, on April 1, 2009, the Town Board of the Town of Bergen, New York shall consider a bond resolution to finance certain capital improvements consisting of rebuilding the interior (approximately 7,600 square feet) of the Bergen Fire Department building at 10 Hunter Street, Bergen, New York to create offices for the Town of Bergen and a new courtroom/town meeting hall for the Town of Bergen, together with various site and incidental improvements thereto (the "Project"); and

WHEREAS, the Town Board of the Town of Bergen ("Board") is principally responsible for undertaking, funding or approving the foregoing Project and its anticipated impact is primarily of local significance; and

WHEREAS, to aid the Board in determining whether such Project and financing and other actions of the Board in connection therewith (the "action") may have a significant effect on the environment, the board has caused to be prepared an environmental assessment form or similar information ("EAF"), a copy of which is attached hereto; and

WHEREAS, the Board has duly reviewed the EAF and related documents with respect to the above-referenced capital project and duly considered the impacts which may be expected to result from the proposed action with the criteria set forth in the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"); and

WHEREAS, the Board had determined that the Project is an Unlisted Action pursuant to SEQRA; and

WHEREAS, the Board has determined that the Project involves one or more involved agencies, mandating a coordinated review; and

WHEREAS, the Board has duly notified the other involved agencies pursuant to 6 NYCRR 617.6(3)(i) indicating its willingness to be designated Lead Agency status; and

WHEREAS, all of the involved agencies have consented to the Board's request to be designated Lead Agency status;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF BERGEN, BERGEN, NEW YORK AS FOLLOWS:

1. The Board hereby declares itself and is hereby designated as Lead Agency for the proposed action and therefore responsible for determining whether an environmental impact statement is required in connection therewith and otherwise complying with the procedural and substantive requirements of SEQRA.
2. Based upon the review by the Board of the EAF and other necessary criteria, the Board hereby finds and determines that the proposed action is an "unlisted action" under SEQRA and will result in no significant impacts and therefore, such action is not one which "may include the potential for at least one significant adverse environmental impact," (b) "there will be no significant adverse environmental impacts," and (c) no "environmental impact statement" need be prepared, as such quoted terms are defined in SEQRA. Reasons supporting this determination are attached hereto and hereby made a part of this resolution for the purposes of SEQRA. This determination constitutes a negative declaration for purposes of SEQRA and it has been prepared in accordance with Article 8 of the Environmental Conservation Law.
3. A copy of this resolution shall be placed on file in the office of the Town Clerk where the same shall be available for public inspection during business hours and such notice of negative declaration shall be filed in such offices, posted in such places and published in such manner as shall be necessary to conform to the requirements of SEQRA.

This resolution shall take effect immediately. Duly put to a vote as follows:

AYES

NAYS

Deputy Supervisor Cunningham
Councilman McCartney
Councilman Miller
Councilwoman Millspaugh

NONE

Councilman McCartney presented the following resolution and duly moved that it be adopted and was seconded by Councilwoman Millspaugh and carried by a vote 4-0.

RESOLUTION #8- 2009

BOND RESOLUTION DATED APRIL 1, 2009 OF THE TOWN BOARD OF THE TOWN OF BERGEN, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE CERTAIN CAPITAL IMPROVEMENTS CONSISTING OF BUILDING RECONSTRUCTION, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”), has completed its environmental review and, on April 1, 2009, has duly issued a negative declaration and has determined that the implementation of the unlisted action as proposed will not result in any significant adverse environmental impacts; now therefor, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF BERGEN, NEW YORK (hereinafter referred to as the “Town”), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Bergen shall undertake certain capital improvements consisting of rebuilding the interior (approximately 7,600 square feet) of the existing Bergen Fire Department building at 10 Hunter Street, Bergen, New York, to create offices for the Town of Bergen and a new Courtroom/Town Meeting Hall for the Town of Bergen Court System, various site and other incidental improvements in connection therewith and the acquisition of original furnishings, equipment, machinery or apparatus that may be required in connection therewith for such construction and Town use (hereinafter referred to as “purpose”), and general obligation serial bonds in an aggregate principal amount not to exceed \$447,240 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated maximum aggregate cost of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$622,240 and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide (i) \$175,000 to be provided from current funds to be made available by the Board, and (ii) up to \$447,240 of such maximum cost by issuance of obligations as herein authorized.

Section 3. It is hereby determined and declared that (a) such building shall be a class “B” (fire resistant) building as defined in Subdivision 11 of Paragraph a of Section 11.00 of the Local Finance Law, and said purpose is one of the class of objects or purposes described in Subdivision 12 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen (15) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to

Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are not issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Bergen.

Section 7. The faith and credit of the Town of Bergen, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. After compliance with Section 9 hereof, this resolution shall be published in full by the Town Clerk of the Town of Bergen together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution is subject to a permissive referendum of the qualified electors of the Town of Bergen, pursuant to Section 35.00 of the Local Finance Law.

The motion having been duly seconded, it was adopted and the following votes were cast:

AYES

Deputy Supervisor Cunningham
Councilman McCartney
Councilman Miller
Councilwoman Millspaugh

NAYS

NONE

HIGHWAY: Dave Roggow wants the board to think about the Local Law #2 of 2008 for parking restrictions on Townline and Pocock Roads and how the signs should be posted. The Town Board authorized Highway Superintendent to post no parking, stopping, standing zone on Townline Road from Byron-Bergen Central School West property line to 400' East of School East property line and on Pocock Road Northerly from Townline Road for 600' at this time.

NEXT MEETING - April 14, 2009 at 7:30 PM at the Town Hall in the Courtroom with the audit of the bills at 7:15 pm.

ADJOURNMENT *was at 6:21 PM on a motion by Councilman McCartney; seconded by Councilwoman Millspaugh and carried by a vote 4-0.*

Respectfully Submitted,

Michele M. Smith,
Town Clerk