

The Bergen Town Board convened in a special session at 11:00 a.m. in the Town Hall with Supervisor John Specht presiding.

PRESENT:

Supervisor John Specht
Councilman Barry Miller
 “ Donald Cunningham
Councilman McCartney
Councilwoman Julie Baker

ALSO:

Michele M. Smith, Town Clerk
David Roggow, Highway Superintendent

The purpose of the special session is to pay bills, make transfers and take care of any unfinished business for 2007. The notice for special meeting was published in the *Daily News* and posted on the Clerk's bulletin board.

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

MINUTES: *Councilman Cunningham made a motion to approve the minutes from the special joint meeting with the Village of Bergen on December 10; Councilman McCartney seconded it and it carried by a vote 4-0 with Councilwoman Baker abstaining. Councilman McCartney made a motion to approve the minutes from November 27; Councilman Miller seconded it and it carried by a vote 5 -0. Councilman Cunningham made a motion to approve the minutes from December 11; Councilwoman Baker seconded it and it carried by a vote 4 -0 with Councilman McCartney abstaining.*

COMMUNICATIONS:

Letter of Resignation from Justice Kolmetz
Resume from Robert Swapceinski for Town Justice position
Resume from Julie Baker for Town Justice position
Resume from Brian Stone for Town Justice position
Letter from Justice Kunego returning petty cash to Town
Summary of End-of-Year Town finances

REPORTS:

HIGHWAY: Superintendent Roggow received the County Snow and Ice removal and Mowing contracts. *Councilman McCartney made a motion to accept and for Superintendent Roggow to sign the County's Snow and Ice removal and Mowing contracts; Councilwoman Baker seconded it and it carried by a vote 5-0.*

UNION CONTRACT: Councilman Miller said they are meeting with attorneys on January 3, 2008

BUILDING COMMITTEE: Bero Architecture gave an estimate for a full study of Town owned properties as \$14,300 and an abbreviated study as \$7,800.00. *Councilman Miller made a motion to have Bero Architecture do an abbreviated study of Town owned properties for \$7,800 to present at the January 22, 2008 public hearing for the Tulley Building, Councilman Cunningham seconded it and it carried by a vote 5-0.*

OLD BUSINESS:

The Town Hall building and offices have been re-keyed

The Alexander's on Townline Road have requested to be on the agenda for the January 8, 2008 Town Board meeting regarding the detention pond

PILOT DIVERSION CONSENT RESOLUTION: *Councilman Cunningham made a motion to accept the Pilot Diversion Consent Resolution; Councilman Miller seconded it and it carried by a vote 5-0.*

PILOT DIVERSION CONSENT RESOLUTION
(Village of Bergen Wastewater Treatment Facility Expansion Project)

A special meeting of the Town of Bergen convened on Saturday, December 29, 2007.

The following resolution was duly offered and seconded:

Resolution No. 6

RESOLUTION OF TOWN OF BERGEN CONSENTING TO THE DIVERSION OF CERTAIN PILOT PAYMENTS BY THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER WITH RESPECT TO CERTAIN PROJECTS (AS DESCRIBED BELOW) UNDERTAKEN BY [AD TECH-GRAPH, INC. and DANZIG, INC.] AND AUTHORIZING THE TOWN OF BERGEN SUPERVISOR TO EXECUTE AND DELIVER A CERTIFICATE IN FURTHERANCE OF SAME

WHEREAS, **AD TECH-GRAPH, INC. and DANZIG, INC.** (the "Companies"), have submitted applications to and received approval from the Genesee County Industrial Development Agency d/b/a the Genesee County Economic Development Center (the "Agency") requesting the Agency's assistance with certain projects (the "Projects") consisting of: [AD-TECH-GRAPH, INC.: The construction of an approximately 18,000-20,000 square foot building in the Appletree Acres Corporate Park in the Town of Bergen in Section 13: Block: 1 Lot: 58.1 and DANZIG, INC. the construction of an approximately 35,000 square foot expansion to the existing building located thereon at 8210 Buffalo Road in the Town of Bergen in Section 13: Block 1: Lot 33] (the "Facilities"); and

WHEREAS, in connection with the Projects, and in furtherance of the Projects' positive financial impact within the Town of Bergen, Genesee County, New York (the "County") and the proposed infrastructure expansion, proposed by the Village of Bergen, to support the doubling of capacity to the Village of Bergen Wastewater Treatment Plant and this infrastructure Project's critical role in expanding needed infrastructure within the Town and Village of Bergen inclusive of the Appletree Acres Corporate Park, the Village of Bergen has requested the Agency's consideration to allow for the payment-in-lieu-of-tax agreements ("PILOT Agreements") from the **AD TECH-GRAPH, INC. and DANZIG, INC.** projects to be utilized as partial funding for the Village of Bergen Wastewater Treatment Plant expansion [The proposed diversion of PILOT payments related to the aforementioned projects is considered a PILOT deviation from the Agency's Uniform Tax Exemption Policy] (the "PILOT Deviation"); and

WHEREAS, the Village of Bergen has also requested the Agency's support in establishing a PILOT Increment Financing ("PIF") structure in connection with the PILOT Agreements described above whereby the Agency, in accordance with Section 858(15) of the Act and with the consent of the [ATJ's] (the "Affected Taxing Jurisdictions"), requests the diversion of a negotiated balance, requested to be 100% from each ATJ, of the PILOT Payments made by the Companies to a trust or fund established for purposes of financing or reimbursing costs associated with the Village of Bergen Wastewater Treatment Plant expansion, the "PIF Project", or to pay for related administrative, legal or engineering purposes of the Agency (collectively, the "PILOT Diversion"); and

WHEREAS, in furtherance of the PILOT Diversion, the Village of Bergen and the Agency have requested the consent of the Town of Bergen prior to final review and consent by the Town of Bergen pursuant to and in accordance with General Municipal Law Section 858(15).

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

Section 1. The Town of Bergen hereby authorizes the Agency and the Village of Bergen to undertake the PILOT Diversion in connection with the PIF Project.

Section 2. The Town of Bergen Supervisor is hereby authorized to execute and deliver a consent certificate (the "Certificate") upon final agreement and consent by the Town of Bergen, such Certificate to be delivered to the Agency as evidence of the Town of Bergen's consent to undertake the PILOT Diversion of the Town of Bergen portion of said PILOT Agreements referenced therein.

Section 3. These Resolutions shall take effect immediately.

NEW BUSINESS:

BUDGET TRANSFERS: *Councilman McCartney made a motion to approve the following transfers, Councilman Cunningham seconded it and it carried by a vote 5-0.*

2007 Budget Transfers

FUND A

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
A1990.4	\$2.00	A1010.1
A1990.4	\$150.00	A1010.4
A1990.4	\$800.00	A1410.4
A1990.4	\$2,500.00	A1620.4
A1990.4	\$2,700.00	A3310.4
A1990.4	\$600.00	A3510.4
A1990.4	\$250.00	A9030.8

FUND B

<u>FROM</u>	<u>AMOUNT</u>	<u>TO</u>
B8010.4	\$25.00	B8664.4
B7110.1	\$700.00	B8160.1

FUND DB

NO TRANSFERS REQUIRED

BILLS: The bills were presented for audit and totaled General A Fund \$12,274.45 vouchers #384-411, General B Fund \$4,288.99 vouchers #50 & 51, Capital \$359.14 voucher # 23, Highway \$33,762.22 vouchers #186- 202, PA- General A Fund \$1,180.74 vouchers #19 & 20; PA - General A Fund \$29,492.50 voucher # 21. *Councilwoman Baker made a motion to pay the remaining 2007 bills, Councilman Cunningham seconded it and it carried by a vote 5 -0.*

ORGANIZATIONAL MEETING: Wednesday, January 2, 2008 at 7:00 PM in the Town Clerk's Office

NEXT REGULAR MEETING: Tuesday, January 8, 2008 with audit of the bills at 7:20 PM in the Courtroom

ADJOURNMENT *was at 12:05 PM on a motion by Councilman McCartney; Councilman Baker seconded it and it carried by a vote of 5-0.*

Respectfully submitted,

Michele M. Smith,
Town Clerk