

April 8, 2014

BERGEN TOWN BOARD

REGULAR MEETING

The Bergen Town Board convened in a regular session at 7:00 p.m. in the Town Hall with Supervisor Cunningham presiding.

PRESENT:

Supervisor Donald Cunningham
Councilman Joe Nenni
Councilman Brian Stone
Councilwoman Belinda Grant

ALSO PRESENT:

Michele M. Smith, Town Clerk
Mike Johnson, Highway Superintendent
David Mason, ZEO/CEO

ABSENT

Councilman Hugh McCartney

OTHER ATTENDEES:

Ray MacConnell
Tom Tiefel
Noah Foster
Grace Gallivan

Lisa Teremy
Charlie Redinger
John Murray

Ray MacConnell - Historical Society President – discussed sign plans and access for Harford Barn; the Town Board approved signage as long as it is in compliance with the State ZEO/CEO Mason will advise.

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

MINUTES: *Councilman Stone made a motion to approve the minutes of March 25, 2014; seconded by Councilman Nenni and it carried by a vote 4-0.*

COMMUNICATIONS:

Town Clerk's Report for March 2014

ZEO/CEO Report for March 2014

Information on High Speed Rail

Invitation to Black Creek Watershed Presentation

2013 Closing Budget Modifications

Sample Resolution Supporting Yogurt as NYS Snack

Sample Resolution for consent of PILOT Increment Financing ("PIF") for R.J. Properties LLC & Liberty Pumps

Supervisors Report for January 2014

Summary Spreadsheet for January 2014

Water Questionnaire

REPORTS:

HIGHWAY: Paint issue with new truck; CHIPS report is out; Emergency Management Plates not necessary

ZEO/CEO: Nothing to report

TOWN CLERK'S MARCH 2014 & SUPERVISORS JANUARY 2014 REPORTS: *Councilman Nenni made a motion to file the Town Clerk's March 2014 report; seconded by Councilman Stone and it carried by a vote 4-0.*

COMMITTEES:

BUILDINGS: Next meeting scheduled for April 21th – 13 S. Lake Ave. signage discussed

HIGHWAY & PARKS: Next meeting Scheduled for April 14th

VILLAGE RELATIONS: Next meeting Scheduled for April 14th

NEW BUSINESS:

Water Questionnaire Councilman Nenni made a motion to send out the Water Questionnaires to residents of North Bergen & South West area which will be determined by Assessor and Town Engineer; seconded by Councilwoman Grant and it carried by a vote 4-0.

Robins Brook Byron-Bergen Sting is requesting permission to place an 8x10 shed for storage. Councilman Stone made a motion granting Byron – Bergen Sting permission, contingent no liability to the Town and discretion of the Highway Superintendent on placement; seconded by Councilman Nenni and it carried by a vote 4-0.

2013 Closing Budget Modifications Councilman Stone made a motion to accept the 2013 Closing Budget Modification; seconded by Councilman Nenni and it carried by a vote 4 -0.

Resolution Supporting Yogurt as NYS Snack Councilman Stone offered Resolution #9 -2014 Supporting Yogurt as NYS Snack; seconded by Councilwoman Grant and it carried by a vote 4-0.

**2014 RESOLUTION #9-2014
RESOLUTION SUPPORTING YOGURT AS NEW YORK STATE SNACK**

WHEREAS, the State of New York does not have a designated “State Snack”, and

WHEREAS, the students of the Byron-Bergen Elementary School recognize the health benefit and positive economic impact of yogurt in New York State, and

WHEREAS, the Byron-Bergen Elementary School Student Council and represented student body support yogurt as the official snack of New York State, and

WHEREAS, the New York State Assembly has introduced Assembly Bill A8994 to designate yogurt as the official snack of the State of New York, and

WHEREAS, the New York State Senate has introduced Senate Bill S6695 to designate yogurt as the official snack of the State of New York, and

WHEREAS, the Town Board of the Town of Bergen commends the fourth grade class of the Byron-Bergen Elementary School for their research and devotion to this effort, **NOW, THEREFORE BE IT**

RESOLVED, that the Town Board of the Town of Bergen supports the designation of yogurt as the official snack of the State of New York, **AND BE IT FURTHER**

RESOLVED, that the Town Board of the Town of Bergen encourages the Senate, Assembly, and Governor of the State of New York to pass legislation designating yogurt as the official snack of the State of New York, **AND BE IT FURTHER**

RESOLVED, that copies of this resolution be sent to Governor Andrew Cuomo, Senator Michael Ranzenhofer, Assemblyman Stephen Hawley, Speaker Sheldon Silver, and Senate Majority Leader Dean Skelos.

The following is a true and accurate record of votes cast for this resolution.

Supervisor Donald Cunningham	<u> Aye </u>
Deputy Supervisor / Councilman Joseph Nenni	<u> Aye </u>
Councilman Hugh McCartney	<u> Absent </u>
Councilman Brian Stone	<u> Aye </u>
Councilwoman Belinda Grant	<u> Aye </u>

Resolution for consent of PILOT Increment Financing *Councilman Nenni offered Resolution #10-2014 for consent of PILOT Increment Financing for R.J. Properties LLC and Liberty Pumps, Inc.; seconded by Councilwoman Grant and it carried by a vote 3-0. Supervisor Cunningham abstained*

RESOLUTION #10-2014
PILOT DIVERSION CONSENT RESOLUTION
(R.J. Properties, LLC / Liberty Pumps, Inc.)

RESOLUTION OF THE 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 ESTABLISHING AN INFRASTRUCTURE FUND FOR THE BENEFIT OF THE APPLE TREE ACRES CORPORATE PARK LOCATED IN THE TOWN OF BERGEN AND AUTHORIZING THE SUPERVISOR OF THE TOWN (OR OTHER AUTHORIZED REPRESENTATIVE) TO EXECUTE AND DELIVER A CERTIFICATE IN FURTHERANCE OF SUCH DIVERSION

WHEREAS, **R.J. PROPERTIES, L.L.C.** and **LIBERTY PUMPS, INC.** (together, the "Company") have jointly submitted an application (the "Application") to the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the acquisition or retention by the Agency a leasehold interest in certain property located at 7000 Apple Tree Avenue, Town of Bergen, Genesee County, New York (the "Land") and the existing improvements located thereon, if any, used for the manufacture of pumping products for ground water and wastewater removal (the "Existing Improvements"), (ii) the construction of an approximately 100,000 square-foot addition to the Existing Improvements consisting of approximately 81,400 square feet of production and warehouse space, approximately 7,600 square feet of research, development and test facilities and approximately 11,000 square feet of office, display, auditorium and training space, and related parking and grading improvements (the "Improvements"), and (iii) the acquisition in and around the Land, the Existing Improvements and the Improvements of certain items of equipment and other tangible personal property (the "Equipment," and collectively with the Land, the Existing Improvements and the Improvements, the "Facility"); and

WHEREAS, in connection with the Project and the continued and ongoing infrastructure needs at the Agency's Apple Tree Acres Corporate Park located in the Town of Bergen (the "Park"), it is necessary to acquire, construct, equip and maintain certain related infrastructure improvements to service the Project and the Park, including the replacement and rerouting of electrical utility poles and lines and any other necessary infrastructure improvements (the "Infrastructure Improvements"); and

WHEREAS, in furtherance of the anticipated significant positive financial impacts within Genesee County (the "County") associated with the Project and the development of the Park and the Project's and the Park's critical roles in expanding needed infrastructure (including the Infrastructure Improvements) within the Town of Bergen and the County, the Company has requested the Agency to establish a PILOT Increment Financing ("PIF") structure within a proposed payment-in-lieu-of-tax agreement, between the Agency and the Company (the "PILOT Agreement") pursuant to which the Agency, in accordance with General Municipal Law Section 858(15), and with the consent of each affected tax jurisdiction would utilize fifty percent (50%) of each PILOT payment made by the Company during the term of the PILOT Agreement to pay for or reimburse costs (including debt service) incurred by the Company or the Agency in connection with the Infrastructure Improvements and related costs (collectively, the "PILOT Diversion"); and

WHEREAS, in furtherance of the PILOT Diversion, the Company and the Agency have requested the consent of the Town pursuant to and in accordance with General Municipal Law Section 858(15).

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

Section 1. The Town hereby consents to and approves the PILOT Diversion and PILOT Agreement and directs the Agency to undertake the PILOT Diversion and utilize fifty percent (50%) paid under the PILOT Agreement to pay for the costs associated with the Infrastructure Improvements (including, but not limited to, any related debt service). The remaining balance of the PILOT payment paid under the PILOT Agreement shall be paid to the affected tax jurisdictions in accordance with the New York State General Municipal Law.

Section 2. The Supervisor of the Town (or other authorized representative) is hereby authorized to execute and deliver a consent certificate or other documentation, as may be necessary to evidence the Town's consent to undertake the PILOT Diversion.

Section 3. These Resolutions shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Donald Cunningham	[]	[]	[]	[X]
Joe Nenni	[X]	[]	[]	[]
Brian Stone	[X]	[]	[]	[]
Belinda Grant	[X]	[]	[]	[]
Hugh McCartney	[]	[]	[X]	[]

The Resolutions were thereupon duly adopted.

BILLS: The bills were presented for audit and totaled General A Fund \$13,807.39 vouchers #82-107, General B Fund \$2,146.33 vouchers #30-37; Highway DB \$130,851.77 vouchers #37-49; PA-A3 \$610.25 vouchers 5 & 6; PA-DB1 \$4,705.60 voucher # 1. *Councilwoman Grant made a motion to pay the April bills; seconded by Councilman Nenni and it carried by a vote 4 -0.*

REGULAR MEETING – Tuesday, April 22, 2014 – at 7:00 pm in the Courtroom

ADJOURNMENT was at 8:04 pm on a motion by Councilman Stone; seconded by Councilwoman Grant and carried by a vote 4-0.

Respectfully submitted

Michele M. Smith

Michele M. Smith,
Town Clerk