

**Town Board Meeting  
Town of Bergen- Town Hall  
Preliminary  
May 8th, 2018**

Agenda

**I Audit of the 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. Privilege of the floor- Rhonda- Assessor contract**

**IV. Approval of meeting Minutes for-4/24/18 meeting**

**V. Communications included with this agenda:**

1. Supervisors Report for April- if available
2. Revenue/Appropriation Analysis Report for General Fund A, General Fund B, Highway outside village, Library- as of April 2018
3. Town Clerk's report for April 2018
4. ZEO/CEO Report for April 2018
5. Proposal from La Bella for USDA Rural Development Application for loan and grants for the proposed water district #4
6. Proposal from La Bella for environmental review for the proposed water district #4
7. 2019 Budget Development
8. Town of Byron Refuse and Garbage fee schedule
9. Proposal from Chatfield Engineers for Preliminary Engineering Services for preparation of a Map, Plan and Report related to Water District No. 4.
10. Draft Investment Policy
11. Resolution for setting public hearing for new local law to amend local law 1 of 2018 in relation to extend real property tax exemption for cold war veterans, and Draft local law.

**VI. Board Members' items for addition to the agenda**

**VII. Reports:**

- Supervisor
- Clerk
- Board Members
- Zoning / Code Enforcement
- Highway

**Committees**

- Building, Grounds, and Facilities-Triple OOO estimate for HVAC repairs at Library Building
- Update on United Way Day of Caring
- Parks - SEQR determination

- Brittany Hernon- work in Drew's Nature Center.-Survey of Species on 5/14/18
- Meeting with Chatfield 5/22
- Local History & Museum-
- Policy and Personnel-
- Village /Town- Update on Emergency Preparedness Book-

**VIII. Old Business:**

- Proposed Water District 4 - Update on Permissive Referendum -
- Update on Solar –Exemption for Renewable Energy Systems- Solar Systems- Discussion on potential proposed moratorium- local law
- Cold War Vet's exemption- draft resolution to amend local law
- Transfer Station- Discussion-
- Request from the American Legion for donation of \$1500.00 towards memorial in Hickory Park- Update
- Motion to approve the Amended Towns of Batavia and Bergen Assessment Service Agreement

**IX. New Business:**

- Motion to authorize the supervisor to sign contract with Chatfield Engineering for Preliminary Engineering Services to prepare a map, plan and report related to the proposed town of Bergen Water District No. 4. in the amount of \$4,975 . Contingent upon no request for Permissive Referendum as of 5/11/18
- Motion to authorize the supervisor to sign contract with LeBella for the completion of the environmental review for the proposed town of Bergen Water District No. 4. in the amount of \$9,500 . Contingent upon no request for Permissive Referendum as of 5/11/18.
- Motion to authorize the supervisor to sign contract with LeBella for the completion of a grant application for loan and grant funding from the USDA Rural Development for the proposed town of Bergen Water District No. 4. in the amount of \$1,900. Contingent upon no request for Permissive Referendum as of 5/11/18.
- Draft Investment Policy- discussion
- Motion for lead status and Negative Declaration for SEQR for Robins Brook and Drew's Nature Center proposed upgrades.
- Motion to set a public hearing for local law one of 2018, amending local law number 1 of 2008 to extend property tax exemption for cold war veterans.

**X. Reports and Bills:**

- Actions to file Town Clerks report
- Action to file Supervisors report- if available
- Approval of payment of bills

**XI. Meeting Dates:**

- Regular Meeting Tuesday, May 22nd, 2018 at 7 pm in the Courtroom
- GAM- 5/17- 7pm -County Building #2 3837 West Main Street Road, Batavia.
- Tour of town buildings and grounds- 7/28/18 at 9 am.

**XII. Adjournment**

**DRAFT**

**April 24, 2018**

**BERGEN TOWN BOARD**

**REGULAR 2nd MEETING**

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

**PRESENT:**

Supervisor Ernest Haywood  
Councilwoman Belinda Grant  
Councilwoman Anne Sapienza  
Councilman James Starowitz  
Councilman Mark Anderson

**ALSO PRESENT:**

Aimee Maurer, Deputy Town Clerk  
Mike Johnson, Highway Superintendent  
Dave Mason, ZEO/CEO  
Joe Nenni, Justice  
Charlie Redinger, Zoning Chairman

**ABSENT:**

Michele Smith, Town Clerk

**OTHERS ATTENDEES:**

Tina DeNigro                      Jeff Maurer  
Carolyn Redinger                Tim Donovan

**PRAYER**

**Moment of Silence for former Town Supervisor John Specht**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**Public Information meeting for Transfer Station:** information was given about the cost of running the transfer station there were approximately 75 attendees.

**MINUTES:** *Councilwoman Sapienza made a motion to approve the April 10, 2018 minutes; seconded by Councilwoman Grant and it carried by a vote 5-0.*

**COMMUNICATIONS:**

Supervisor Report for March 2018  
Revenue/appropriation Analysis Report  
Estimate from Triple-O for HVAC repairs for Town Hall  
Transfer Station information sheet  
Mercy EMS Report for March  
Email from John Prospero, Chairman of Gillam Grant-clarifying transportation is proved for day camp  
Email from Rhonda Saulsbury, Assessor providing update on activities  
Byron-Bergen School 2018-19 Proposed Budget presentation

**REPORTS:**

**SUPERVISOR:** Met with Mayor and Superintendent of school to review budget.

**SUPERVISOR MARCH REPORT:** *Councilwoman Grant made a motion to file the March 2018 Supervisors Report; seconded by Councilman Anderson and it carried by a vote 5-0.*

**Town Clerk:** Is attending 2018 Town Clerk's Conference in Albany April 22-25.

**HIGHWAY/SOLID WASTE:** Started removing plows off trucks, except one. Started rolling parks. Roadside cleanup in progress. Pocock Rd scheduled to be closed May 7<sup>th</sup> to be resurfaced. Genesee County Soil & Water bought a new hydro-seeder and they requested the Town of Bergen enter into a Shared Services Agreement (SSA) so it would be available for our use when needed. *Councilwoman Sapienza made a motion to allow Highway Superintendent Johnson to enter into the SSA; seconded by Councilman Starowitz and it carried by a vote 5-0.*

**ZEO/CEO:** Nothing new to report.

**COMMITTEES:**

**BUILDINGS:** Day of Caring-no update. HVAC repairs at Town Hall *Councilwoman Grant made a motion to approve the HVAC maintenance repairs with Triple-O for \$328.75; seconded by Councilman Anderson and it carried by a vote 5-0.* Glass blocks in the Historical Building scheduled to be replaced second week of May. Board to review who has key(s) for access to Historical Building. Town Clerk Smith to update key inventory. Furnace in Library was repaired by Triple-O. Fan relay was broke.

**PARKS:** Update on meeting with Engineer regarding Robins Brook/Drews Nature Center improvement Plan – met with LaBella and Chatfield on steps forward for SEQR process. Should be done by May 8<sup>th</sup>. To meet again on May 22. Tour of Town properties scheduled for Saturday July 28<sup>th</sup>, 9:00 am, meet at Library.

**LOCAL HISTORY AND MUSEUM:** Nothing to report.

**VILLAGE RELATIONS:** Update on Emergency Preparedness Book – 4 books have been taken to Village for update.

ZEO/CEO Mason to return his red book to village office.

**POLICY AND PERSONNEL:** Nothing to report.

**OLD BUSINESS:**

**Proposed Water District #4:** Discussions occurred regarding filing legal paperwork. Supervisor Haywood to bring contracts to May 22 meeting and follow-up with legal.

**Cold War Exemption** - no new action.

**Transfer Station** Information collected from public and tabled for more discussion at next meeting.

**American Legion request for donation of \$1,500 toward memorial in Hickory Park** update-waiting for more information.

**Amended town of Batavia and Bergen Assessment Service Agreement**-on hold.

**NEW BUSINESS:**

**Appointment of a Solar/Renewable Energy workgroup** –Councilman Starowitz agreed to work with ZEO/CEO Mason to engage Zoning and Planning boards, and community member(s) to form a committee to look into and recommend local laws for commercial solar and to report on recommendations to opt out of exemption, or not.

**Highway funds Transfer:** *Councilwoman Sapienza made a motion to transfer \$400,000 from B fund (outside village) into DB fund (Highway Outside); seconded by Councilman Starowitz and it carried by a vote 5-0.*

**Justice Court Records:** *Councilwoman Sapienza made a motion to approve Justice Court Records as submitted and reviewed by Tina DeNigro; seconded by Councilman Starowitz and it carried by a vote 5-0.*

**EXECUTIVE SESSION:** *Councilman Anderson made a motion to enter into Executive Session to discuss pending contract negotiation matter at 9:01 pm; seconded by Councilman Starowitz and it carried by a vote 5-0. Councilwoman Grant made a motion to exit Executive Session at 9:10 pm; seconded by Councilman Anderson and it carried by a vote 5-0.*

**NEXT MEETING:**

Regular Meeting – Tuesday, May 8, 2018 at 7:00 pm in the Courtroom with the audit of the bills at 6:45 p.m.

Calendar of Upcoming Events:

\*Save the date: Tentative Meeting –County Wide on Solar- 5/8 6:30-8:30 -Location to be determined.

GAM – May 17<sup>th</sup> at 7:00 pm County Building #2 3837 W. Main St. Rd. Batavia.

**ADJOURNMENT** *was at 9:25 pm on a motion by Councilman Starowitz; seconded by Councilman Anderson and it carried by a vote 5-0.*

Respectfully submitted,

*Aimee Maurer*

Aimee Maurer,  
Deputy Town Clerk

# Cash Receipts Report

04/30/2018  
3:53:33PM

From: 04/03/2018 To: 04/30/2018

For User: All

Payment Date: 04/09/2018

Module: Permit

Transaction: BP-0009-2018

Type: Permit App

Payor: Oatka Habitat

Payment Amount: \$75.00

Payment Type:

Payment #:

Payment Detail:

Check #1099

00000209

\$75.00

Fee Type	Fee Amount
Zoning Permit	\$30.00
Deck	\$45.00

Transaction: BP-0010-2018

Type: Permit App

Payor: Geoffry Christian

Payment Amount: \$277.00

Payment Type:

Payment #:

Payment Detail:

Check #1126

00000210

\$277.00

Fee Type	Fee Amount
1-2 Family Dwelling	\$225.00
Zoning Permit	\$52.00

Permit Group Totals: \$352.00

04/09/2018 Group Totals: \$352.00

Payment Date: 04/24/2018

Module: Permit

Transaction: BP-0011-2018

Type: Permit App

Payor: Anderson water

Payment Amount: \$45.00

Payment Type:

Payment #:

Payment Detail:

Check #36104

00000211

\$45.00

Fee Type	Fee Amount
res generator	\$45.00

Permit Group Totals: \$45.00

04/24/2018 Group Totals: \$45.00

Payment Date: 04/25/2018

Module: Permit

Transaction: BP-0012-2018

Type: Permit App

Payor: Don Cunningham

Payment Amount: \$295.00

Payment Type:

Payment #:

Payment Detail:

Check #1783

00000212

\$295.00

Fee Type	Fee Amount
1-2 Family Dwelling	\$225.00
Zoning Permit	\$70.00

Permit Group Totals: \$295.00

04/25/2018 Group Totals: \$295.00

<b>Totals:</b>	
Check	\$692.00
<b>Grand Total:</b>	<u>\$692.00</u>

# Permit Status Report

April 03, 2018 - April 30, 2018  
For Permit Type : All

Permit #	Applicant	Parcel Location	SBL#	Permit Type	Issued	Status
BP-0009-2018	Roger Dilcher	7228 Old State Rd	16.-1-44	Res-Deck	4/9/2018	Open
BP-0010-2018	Douglas Cullum	7735 Creamery Rd	9.-1-33.2	Res.1-2 Family Dwelling	4/9/2018	Open
BP-0011-2018	Leanne Lacy	7248 West Bergen Rd	15.-1-17.1	Res-Generator	4/24/2018	Open
BP-0012-2018	Don Cunningham	Warboys Rd	10.-1-2.11	Res.1-2 Family Dwelling	4/25/2018	Open

Total # Permits : 4



February 8, 2018

Ernie Haywood, Supervisor  
Town of Bergen  
P.O. Box 249  
10 Hunter Street  
Bergen, NY 14416

Re: Proposal for Services  
Funding Application to USDA Rural Development for improvements to Water District No. #4

Dear Supervisor Haywood and Town Board Members:

Based upon the determination by USDA that the Town is eligible to receive loan and grant funding from USDA Rural Development for water and sewer projects, I am submitting this letter form of proposal/agreement to prepare an Application for funding for water system improvements in proposed Water District #4.

The recommended service areas will be defined in the Preliminary Engineer's Report (PER) to be prepared by Chatfield Engineers.

Our fee to prepare the RD Funding Application will be \$1,900. Payment of the fee will be due within 30 days of filing the application.

If the proposal is acceptable please have it authorized by the Town Board. Following authorization, please sign below and return one signed copy of the agreement to me for our records.

If you have questions or would like to discuss details associated with this engagement, please call me at your earliest convenience. We look forward to assisting the Town of Bergen in meeting its goal of improving public water service to its residents.

Respectfully submitted,

LaBella Associates

Barbara Johnston, AICP, LEED AP ND  
Grants Coordinator

Accepted by the Town of Bergen

By: \_\_\_\_\_



February 8, 2018

Ernie Haywood, Supervisor  
Town of Bergen  
P.O. Box 249  
10 Hunter Street  
Bergen, NY 14416

RE: Proposal for Environmental Review Services  
USDA Rural Development Funding Application, Town of Bergen Water District No. 4

Dear Supervisor Haywood and Town Board Members:

We are pleased to submit the following proposal to assist the Town of Bergen to complete the environmental review for the proposed Town of Bergen Water District #4. We understand that the service area is being designed to include nearly all parcels in the Town that do not currently have public water service. The precise service area for this project will be identified in a Preliminary Engineers Report to be prepared by Chatfield Engineers.

As compliance with State and Federal environmental laws, including completion of the State Environmental Quality Review (SEQR) and National Environmental Policy Act (NEPA) environmental review processes is required for these projects, our Scope of Work includes the following work tasks:

- Completing the full SEQR Environmental Assessment Forms, including assembling the information needed for the form;
- Overseeing and managing the SEQR coordinated review process and corresponding with Involved and Interested Agencies;
- Preparing the documentation supporting the Declaration of Environmental Non-Significance (a/k/a Negative Declaration) for the action of the Town Board and arranging for publication in the Environmental Notice Bulletin;
- Completing the Rural Development Environmental Reports in accordance with RD regulations in order to comply with Federal NEPA regulations, including assembling the information needed to prepare the report.
- Complying with the NYS Agriculture & Markets Law which involves the submission of a Notice of Intent for the project areas;
- Complying with Section 14.09 and Section 106 Historic Preservation Regulations, including coordination with the State Historic Preservation Office (SHPO); and,
- Complying with the federal Endangered Species Act and corresponding regulations at the State level with regard to protection of rare, threatened and endangered species.

Please note that the project's geographic area is exceptionally large and non-contiguous.

Fee: Our fee to complete the work described above will be \$9,500. The fee includes all costs and payment is typically due within 30 days following the completion of the work.

**300 State Street, Suite 201 | Rochester, NY 14614 | p 585-454-6110 | f 585-454-3066**

**www.labellapc.com**





This proposal excludes the following services (if needed):

- Cultural resource survey, if required by SHPO, and coordination with archeological firms.
- Publication of notices in the official town newspaper.

If this proposal is acceptable to the Town, please have it authorized by the Town Board and sign on the signature line below. Following authorization, please sign both copies of the proposal and return them to us. We will send one signed original back to you and retain one for our records.

We appreciate the opportunity to serve the Town Bergen and look forward to the successful completion of the project.

Sincerely,

LABELLA ASSOCIATES, D.P.C.

Kathy Spencer, CEP  
Principal Environmental Analyst

**Accepted by the TOWN OF BERGEN**

By \_\_\_\_\_

Date: \_\_\_\_\_

LABELLA ASSOCIATES, D.P.C.

By Kathy Spencer

Date: 2/8/18

# TOWN OF BERGEN

\* ESTABLISHED APRIL 2, 1813 \*

P.O. Box 249  
10 HUNTER  
STREET  
.....

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



## SUPERVISOR

ERNEST HAYWOOD  
DONALD CUNNINGHAM, DEPUTY SUPERVISOR

## COUNCILMEN

JAMES STAROWITZ  
MARK ANDERSON

## COUNCILWOMEN

BELINDA GRANT  
ANNE SAPIENZA

## SUPERINTENDENT OF HIGHWAYS

MIKE JOHNSON

## TOWN CLERK/TAX COLLECTOR

MICHELE M. SMITH

## JUSTICES

JOSEPH NENNI  
ROBERT SWAPCEINSKI

## ZONING & CODE ENFORCEMENT OFFICER

DAVID MASON

## ASSESSOR

RHONDA SAULSBURY

## TOWN OF BERGEN

### 2019 BUDGET DEVELOPMENT TIMELINE

<u>DATE</u>	<u>ACTIVITY</u>
MAY 22 <sup>TH</sup>	ADOPTION OF BUDGET TIMELINE
JULY 15 <sup>TH</sup>	BUDGET REQUEST FORMS TO DEPARTMENT HEADS AND BOARD MEMBERS
JULY 28 <sup>TH</sup>	9 AM STARTING AT LIBRARY – TOUR OF TOWN BUILDINGS/PARKS
AUGUST 15 <sup>TH</sup>	BUDGET REQUEST FORMS DUE TO SUPERVISOR
SEPTEMBER 22 <sup>ND</sup>	BOARD BUDGET WORKSHOP
SEPTEMBER 24 <sup>TH</sup>	SUPERVISOR FILES TENTATIVE BUDGET WITH TOWN CLERK TO PRESENT TO BOARD
OCTOBER 6 <sup>TH</sup>	BOARD BUDGET WORKSHOP
OCTOBER 9 <sup>TH</sup>	PREPARATION OF PRELIMINARY BUDGET TO BOARD AND SETTING OF PUBLIC HEARING FOR
	OCTOBER 23 <sup>RD</sup>
OCTOBER 23 <sup>RD</sup>	PUBLIC HEARING AND FINAL REVISION TO THE PRELIMINARY BUDGET
NOVEMBER 13 <sup>TH</sup>	ADOPTION OF 2019 BUDGET ( MUST BE BY 11 /20)

**TOWN OF BYRON**  
**REFUSE AND GARBAGE FEE SCHEDULE**  
*(Updated September 2016)*

**\*\*STICKERS MAY NOT BE USED AS CASH FOR OTHER NON-BAG ITEMS\*\***

**\*\*\*BAGS LARGER THAN 30 GALLONS ARE \$7.50/BAG\*\*\***

**GARBAGE BAGS:**      10 Stickers for Bags that are 30 gallons or Less ....10/sheet \$25.00  
 May be purchased at Transfer Station or Town Clerk's Office

Larger than 30 gallon (Contractor Bags).....\$7.50/bg.  
 30 gallon black bags without sticker (store bought).....\$4.00/bg.  
 White tall kitchen garbage bags w/o sticker (store bought)..\$2.00/bg.

**TIRES:**

Car Tire..... 3.00  
 Light Truck Tire..... 7.00  
 Large Truck or Tractor Tire..... 18.00

**FURNITURE:**

Stuffed Chair ..... 10.00  
 Stuffed Sofa ..... 20.00  
 Mattress - single or full ..... 10.00  
 Mattress - queen or king ..... 15.00  
 Box Spring - single or full ..... 10.00  
 Box Spring - queen or king ..... 15.00  
 Flat Screen TV.....5.00  
 Box Bubble Faced (CRT) TV.....20.00

**ROLLED CARPET** - 10 ft. long, 1 ft. diameter ..... 15.00

**REFRIGERATION UNITS:**.....No Charge

**TRUCK LOAD REFUSE:**

Compact Pick-up Truck - level full, minivan or equivalent ..... 30.00  
 Full Size Pick-up Truck - level full or equivalent trailer, etc. .... 40.00  
 Full Size Pick-up With Rack..... 50.00

*(No larger quantities will be accepted)*

**METAL ITEMS (ex. hot water heaters, metal shelving, file cabinets).....No Charge**  
**\*\*\*\*washers, stoves, dryers, etc.\*\*\*\***

**RECYCLABLES – Need to be separated, washed and flattened: glass, plastic, tin cans, paper**

**BRUSH – up to 3” in diameter can be brought in to be chipped**

# **Recyclables and Refuse Program**

Town of Byron=s  
Transfer Station

Rt. #237

Byron, NY 14422

**\*Saturdays - 8am to 2pm\***

Byron Town Clerk=s Office

585 - 548 - 7123 x 10

Monday, Tuesday, Wednesday, & Friday  
9:00am to 12 noon and 1:00 to 4:00pm

Saturday 9:00am to 12 noon



**CHATFIELD ENGINEERS, P.C.** • 2800 Dewey Avenue • Rochester, New York 14616  
(585) 227-6040 • Fax (585) 227-4233

December 11, 2017 (*Re-sent April 9, 2018*)

CE Proposal #17-570

Supervisor Ernie Haywood  
and Town Board Members  
Town of Bergen  
10 Hunter Street, PO Box 249  
Bergen, NY 14416

RE: Town of Bergen Water District No. 4  
Preliminary Engineering Service Proposal

Dear Ernie and Town Board Members:

We are pleased to provide you with a Proposal for the preparation of a Map, Plan, & Report related to the Town of Bergen Water District No. 4.

**Background:** Chatfield Engineers has worked with representatives of the Bergen Town Board to evaluate potential areas of service for public water. As part of this investigation, we have identified the remaining areas that will make up the Town of Bergen Water District No. 4.

The area of service for this project are shown on the attached map and Preliminary Cost Estimate dated October 20, 2017, **and also as presented at the March 27, 2018 Public Information Meeting.**

**Scope of Work:** We propose to complete the following Scope of Services on your behalf:

1. Preparation of the Boundary Map and Description.
2. Preparation of the Preliminary Engineering Report, including Cost Estimates & a Hydraulic Analysis.
3. Coordination with the Town, Town Attorney, and the Grant Administrator.
4. Attendance at a Public Hearing.

**Deliverables:** The following represents the deliverables that are intended for this phase of the project:

- Preparation of the Boundary Map and Description.
- Preparation of the Preliminary Engineering Report, including Cost Estimates & a Hydraulic Analysis.
- Attendance at a Public Hearing.

**Assumptions:** The Town has undertaken an Income Survey which indicates that they will be able to apply for "poverty funding" from USDA Rural Development.

**Project Schedule:** We are in a position to begin this Project immediately upon your authorization and will provide the deliverables within 90 days from your authorization.

**Fees and Terms:** We propose to complete the Preliminary Map, Plan, & Report for a Lump Sum Amount of \$4,975.

These fees include direct expenses such as first-class mailing, local mileage and internal printing costs.

**Items Excluded in this Proposal:** The following items are excluded from this proposal:

- Permit fees, approval fees or license fees.
- Laboratory testing fees.
- Printing of Preliminary Engineering Reports

Upon your review, should you have any questions, please do not hesitate to call.

Sincerely,  


Paul R. Chatfield, P.E.

**Acceptance/Authorization:**

Chatfield Engineers, P.C. is hereby authorized to proceed with the services described herein.

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

**Print Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Title:** \_\_\_\_\_

Copies by Email Only to:  
Michele Smith, Town Clerk  
Dan Bryson, Town Attorney



DRAFT  
2017 Investment Policy  
Town of Bergen  
Approved by Town  
Board on  
\_\_\_\_\_, 2018

I. Scope

This investment policy applies to all monies and other financial resources available on its own behalf or on behalf of any other entity or individual.

II. Objectives

The primary objectives of the local government's investment activities are, in priority order:

- To conform with all applicable federal, state and other legal requirements (legal);
- To adequately safeguard principal (safety);
- To provide sufficient liquidity to meet all operating requirements (liquidity), and
- To obtain a reasonable rate of return (yield).

III. Delegation of Authority

The governing board's responsibility for administration of the investment program is delegated to the Supervisor who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporation description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees

IV. Prudence

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Town to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence discretion and intelligence exercise in the management of their own affairs, not speculation, but investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. Diversification

It is policy of the Town to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

VI. Internal Controls

It is the policy of the Town for all monies collected by any officer or employee of the government to transfer those funds to the supervisor within ten days of deposit or within the time period specified by law whichever is shorter.

The Supervisor is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. Designation of Depositories

The Banks and trust companies authorized for the deposit of monies up to the maximum amounts are:

<u>Depository Name</u>	<u>Maximum Amount</u>	<u>Officer</u>
Tompkins -Bank of Castile	\$5,000,000	

VIII. Collateralized of Deposits

In accordance with the provisions of General Municipal Law, Section 10, all deposits of the Town including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured.

1. By a pledge of "eligible securities" with an aggregate "market value" as provided by GML Section 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with deposits in favor of the government for a term not to exceed 90 days with the aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims – paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.



IX. Safekeeping and Collateralization

Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in securities.

X. Permitted Investments

As authorized by General Municipal Law, Section 11, the Town authorizes the Supervisor to invest monies not required for immediate expenditures for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts;
- Certificate of deposit;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;
- Obligations issued pursuant to LFL Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Town;
- Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments;

- Certificates of Participation (COPs) issued pursuant to GML Section 109-b;
- Obligations of this local government, but only with any monies in a reserve fund established pursuant to GML Sections 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, 6-n.

All investment obligation shall be payable or redeemable at the option of the Town within such times as the proceeds will be needed to meet expenditures for purposes for which the monies were provided and in the case of obligations purchased with proceeds of bonds or notes, shall be payable or redeemable at the option of the Town within two years of the date of purchase.

#### XI. Authorized Financial Institutions and Dealers

The Town shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Town. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Supervisor is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

#### XII. Purchase of Investments

The Supervisor is authorized to contact for the purpose of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to or held in custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town by the bank or trust company. Any obligation held in custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Section 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The

agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in securities.

### XIII. Repurchase Agreements

Repurchase agreements are authorized subject to the following restrictions:

- All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- No substitution of securities will be allowed.
- The custodian shall be a party other than the trading partner.

Appendix A  
Schedule of Eligible Securities

- \_\_\_\_\_ (i) Obligations issued, fully insured or guaranteed as to the payment of principal and interest by the United States of America, an agency thereof or a United States government sponsored corporation.
- \_\_\_\_\_ (ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank and the African Development Bank.
- \_\_\_\_\_ (iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market value of the obligation that represents the amount of the insurance or guaranty.
- \_\_\_\_\_ (iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public monies.
- \_\_\_\_\_ (v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- \_\_\_\_\_ (vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- \_\_\_\_\_ (vii) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- \_\_\_\_\_ (viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- \_\_\_\_\_ (ix) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
- \_\_\_\_\_ (x) Commercial paper and bankers' acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and have maturities of no longer than 60 days from the date they are pledged.
- \_\_\_\_\_ (xi) Zero coupon obligations of the United States government marketed as "Treasury strips".

**RESOLUTION NO.**

**SET PUBLIC HEARING – LOCAL LAW  
INTRODUCTORY NO. ONE YEAR 2018,  
AMENDING LOCAL LAW NUMBER ONE OF  
YEAR 2008 - “A LOCAL LAW IN RELATION TO  
EXTEND A REAL PROPERTY TAX EXEMPTION  
FOR COLD WAR VETERANS” – APPROVAL OF**

Councilperson \_\_\_\_\_ offered the following resolution:

**WHEREAS**, There is hereby introduced to the Bergen Town Board a proposed Local Law Introductory No. 1, Year 2018 entitled “**LOCAL LAW INTRODUCTORY NO. ONE YEAR 2018, AMENDING LOCAL LAW NUMBER 1 OF YEAR 2008 - “A LOCAL LAW IN RELATION TO EXTENDING A REAL PROPERTY TAX EXEMPTION FOR COLD WAR VETERANS”**”, and

**WHEREAS**, Subdivision 5 of Section 20 of the Municipal Home Rule Law requires a public hearing to be held on such Local Law. Now, therefore, Be it

**RESOLVED**, That a public hearing shall be held on proposed Local Law Introductory No. 1 , Year 2018, by the Bergen Town Board on the \_\_\_\_\_ day of \_\_\_\_\_, 2018 at 7:00 p.m. at the Bergen Town Hall, 10 Hunter Street, Bergen, New York.

DRAFT

**RESOLUTION NO. LOCAL LAW INTRODUCTORY NO. ONE YEAR 2018, AMENDING LOCAL LAW NO. ONE OF YEAR 2008 - "A LOCAL LAW IN RELATION TO EXTENDING A REAL PROPERTY TAX EXEMPTION FOR COLD WAR VETERANS" - ADOPTION OF**

Council person \_\_\_\_\_ offered the following resolution:

**WHEREAS**, on September 29<sup>th</sup>, 2008, the Bergen Town Board adopted Local Law No. 1, Year 2008, granting a certain partial real property tax exemption to Cold War Veteran property owners, pursuant to Section 458-b of the Real Property Tax Law, for the ten year period allowed by said Section, and

**WHEREAS**, in 2017, the New York Legislature amended section 458-b(2)(c)(iii) to allow town to adopt a Local Law to grant or extend this exemption as long as a Cold War Veteran real property owner qualifies, without regard to such ten year limitation. Now, therefore, **BE IT ENACTED** by the Bergen Town Board as follows:

**SECTION 1: EXEMPTION EXTENSION**

That Section 2 of Local Law No. 1 of the year 2008 is amended by adding a subparagraph as follows:

- a. Pursuant to subsection 2(c)(iii) of §458-b of the NYS Real Property Tax Law, the exemption authorized shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners, without regard to such ten year limitation.

**SECTION 2: EFFECTIVE DATE**

This Local Law shall take effect immediately upon its filing with the Secretary of State and shall be applicable to all assessment rolls prepared pursuant to the first taxable status date occurring on or after the effective date of this Local Law, and

**WHEREAS**, The Bergen Town Clerk did post a certified notice of the Public Hearing on said proposed Local Law on the bulletin board in the Bergen Town Hall, and

**WHEREAS**, The Bergen Town Clerk did cause to be published in the Batavia Daily News, the official newspaper of the County of Genesee, the notice of Public Hearing on Local Law Introductory Number One, Year 2018 and

**WHEREAS**, A Public Hearing was held at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 2018 Bergen, New York, at which time all interested persons who wished to speak were heard. Now, therefore, Be it

**RESOLVED**, That "A LOCAL LAW IN RELATION TO EXTENDING A REAL PROPERTY TAX EXEMPTION FOR COLD WAR VETERANS" to be known as Local Law Number One, Year 2018, for the Town of Bergen as introduced on \_\_\_\_\_, be and hereby is adopted, and Be it further

**RESOLVED**, Within twenty (20) days after the final adoption by this Town Board of Bergen New York of said Town of Bergen, Local Law No. One for the Year 2018, the Town Clerk shall cause one certified copy thereof to be filed in the Office of the Bergen Town Clerk, and one certified copy in the Office of the Secretary of State of the State of New York; and Be it further

**RESOLVED**, The Town Clerk, in accordance with County Law Section 214, shall cause a true copy of said Local Law to be published in the County official newspaper within ten (10) days after such Local Law has become effective; and Be it further

**RESOLVED**, Certified copies of this resolution shall be forwarded to the County Treasurer; the Director of Real Property Tax Services Agency; and the Genesee County Veterans Service Director.

# TOWN OF BERGEN

\* ESTABLISHED APRIL 2, 1813 \*

PO Box 249

13 S. LAKE AVE.

BERGEN, NY 14416

PHONE: (585) 494-1121 \* FAX: (585) 494-1488



## **SUPERVISOR**

JOHN A. SPECHT

## **COUNCILMEN**

DONALD S. CUNNINGHAM, DEPUTY SUPERVISOR

HUGH F. MCCARTNEY

BARRY G. MILLER

## **COUNCILWOMAN**

RACHAEL MILLSPAUGH

## **SUPERINTENDENT OF HIGHWAYS**

DAVID C. ROGGOW

## **TOWN CLERK/TAX COLLECTOR**

MICHELE M. SMITH

## **JUSTICES**

DONALD KUNEGO

ROBERT SWAPCEINSKI

## **ZONING & CODE ENFORCEMENT OFFICER**

ROBERT W. PATTERSON

## **ASSESSOR**

ANNE SAPIENZA

**SEPTEMBER 29, 2008**

## **LOCAL LAW #1 OF 2008**

COUNCILMAN MCCARTNEY MADE A MOTION TO ADOPT LOCAL LAW #1 TO ENACT A REAL PROPERTY TAX EXEMPTION FOR COLD WAR VETERANS; COUNCILMAN MILLER SECONDED IT AND IT CARRIED BY A VOTE 5-0.

### **SECTION 1: TITLE**

*A LOCAL LAW TO ENACT A REAL PROPERTY TAX EXEMPTION FOR COLD WAR VETERANS TO BE KNOWN AS "REAL PROPERTY TAX EXEMPTION FOR COLD WAR VETERANS."*

### **SECTION 2: LEGISLATIVE INTENT**

*THE PURPOSE OF THIS LOCAL LAW IS TO PROVIDE QUALIFYING COLD WAR VETERANS AN EXEMPTION FOR QUALIFYING RESIDENTIAL REAL PROPERTY FROM TAXATION TO THE EXTENT OF THE REDUCED TEN PERCENT OF THE ASSESSED VALUE OF SUCH PROPERTY WHICH EXEMPTION SHALL NOT EXCEED SIX THOUSAND DOLLARS AND IN ADDITION TO PROVIDE A DISABILITY EXEMPTION TO THE MULTIPLE OF FIFTY PERCENT OF THE DISABILITY RATING NOT TO EXCEED THIRTY THOUSAND DOLLARS, ALL AS SET FORTH IN REAL PROPERTY TAX LAW SECTION 458-B.*

### **SECTION 3: COLD WAR VETERANS EXEMPTION**

- (A) *AS IS AUTHORIZED BY REAL PROPERTY TAX LAW SECTION 458-B, THE TOWN OF BERGEN DOES HEREBY PROVIDE THAT QUALIFYING RESIDENTIAL REAL PROPERTY SHALL BE EXEMPT FROM TAXATION TO THE EXTENT OF TEN PERCENT OF THE ASSESSED VALUE OF SUCH PROPERTY; PROVIDED, HOWEVER, THAT SUCH EXEMPTION SHALL NOT EXCEED SIX THOUSAND DOLLARS OR THE PRODUCT OF SIX THOUSAND DOLLARS MULTIPLIED BY THE LATEST STATE EQUALIZATION RATE OF THE ASSESSING UNIT, OR, IN THE CASE OF A SPECIAL ASSESSING UNIT, THE LATEST CLASS RATION, WHICHEVER IS LESS.*



(B) *IN ADDITION, AS IS AUTHORIZED BY REAL PROPERTY TAX LAW SECTION 458-B, TO THE EXEMPTION PROVIDED BY PARAGRAPH (A) OF THIS SUBDIVISION, WHERE THE COLD WAR VETERAN RECEIVED A COMPENSATION RATING FROM THE UNITED STATES VETERANS AFFAIRS OR FROM THE UNITED STATES DEPARTMENT OF DEFENSE BECAUSE OF A SERVICE CONNECTED DISABILITY, QUALIFYING RESIDENTIAL REAL PROPERTY SHALL BE EXEMPT FROM TAXATION TO THE EXTENT OF THE PRODUCT OF THE ASSESSED VALUE OF SUCH PROPERTY, MULTIPLIED BY FIFTY PERCENT OF THE COLD WAR VETERAN DISABILITY RATING; PROVIDED, HOWEVER, THAT SUCH EXEMPTION SHALL NOT EXCEED THIRTY THOUSAND DOLLARS, OR THE PRODUCT OF THIRTY THOUSAND DOLLARS MULTIPLIED BY THE LATEST STATE EQUALIZATION RATE FOR THE ASSESSING UNIT, OR, IN THE CASE OF A SPECIAL ASSESSING UNIT, THE LATEST CLASS RATIO, WHICHEVER IS LESS.*

**SECTION 4: EFFECTIVE DATE**

*THIS LOCAL LAW SHALL TAKE EFFECT IMMEDIATELY UPON PASSAGE SUBJECT TO REAL PROPERTY TAX LAW SECTION 458-B, AND FILING WITH THE SECRETARY OF STATE.*