

**Town Board Meeting  
Town of Bergen  
Town Hall- 10 Hunter Street, Bergen New York**

**February 25, 2020**

Agenda

**I. Call to Order: 7 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. Approval of meeting Minutes for- February 11<sup>th</sup>, 2020 meeting**

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

1. Annual Checklist of Justice Court Records for year ending 2019- if available
2. Press release from Genesee County-Public Information session
3. Letter to Mark Gerhardy in regards to EDU.

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

**V. Reports:**

- Supervisor
- Clerk
- Board Members
- Zoning / Code Enforcement
- Highway
- Update on Vinyl flooring for Town Hall
- Actions in follow up to owner at 6558 N. Lake Road- Court
- Annual Report

**Committees**

- Building, Grounds, Facilities and Cemeteries- Update on Library Renovation Project- Ribbon Cutting
- Parks-
- Local History & Museum
- Policy and Personnel
- Transfer Station

**VI. Old Business:**

- Water Benefit Improvement Area #1

**VII. New Business:**

- Resolution approving the Annual Checklist of Justice Court Records for year ending 2019- if available
- Board member to represent the board at the Fire Dept. Banquet on 4/4/2020 in the place of town supervisor
- Request to hire grant consultant – Anne S.
- 

**IX. Meeting and Other Upcoming Dates**

- Next Town Board Meeting: March 10<sup>th</sup>, 7 pm Audits of Bills at 6:45 pm

**X. Adjournment**

**DRAFT**

**FEBRUARY 14, 2020**

**BERGEN TOWN BOARD**

**REGULAR MEETING**

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

**PRESENT:**

Supervisor Ernie Haywood  
Councilwoman Belinda Grant  
Councilwoman Anne Sapienza  
Councilman Jim Starowitz (arriv.7:07)  
Councilman Mark Anderson

**ALSO PRESENT:**

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

**OTHER ATTENDEES:**

Tim Donovan

**PRAYER**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**Tim Donovan** presented CAB Report for the Millseat Landfill

**MINUTES:** *Councilwoman Sapienza made a motion to approve the minutes of January 14, 2020; seconded by Councilwoman Grant and carried by a vote 4-0.*

**COMMUNICATIONS:**

Supervisor Report for January 2020  
Town Clerk's Report for January 2020  
ZEO/CEO Reports for January 2020  
Mercy Flight Report for January 2020  
Order establishing Water Benefit Improvement Area #1 Pursuant to Article 12 of Town Law  
Bond Resolution authorizing general obligation serial bonds to finance water system capital improvements with in the town  
Notice pursuant to local finance law section 81.00 – Estoppel Notice  
Legal services agreement – Lucy Katzen for Water Improvement Benefit Area #1

**REPORTS:**

**SUPERVISOR:** RFP for LED lights; Working with USDA to complete the 2020 Management report for the Water districts and on paperwork for the funding for the new district

**Town Clerk:** Town Hall vinyl flooring to be installed Thursday February 13-15 – Town Hall will be closed; new financial software with a few glitches.

**ZEO/CEO:** response to zoning complaint for 6558 N. Lake certified letter was sent- no response yet

**HIGHWAY:** surplus items at auction approximately \$9,000; backhoe will be delivered in the next week- 5 yr lease; new dump truck is being built this week, new pickup scheduled to be built.

**SUPERVISORS REPORT** *Councilman Anderson made a motion to file the January 2020 Supervisors Report; seconded by Councilman Starowitz and it carried by a vote 5-0.*

**TOWN CLERK'S REPORTS:** *Councilwoman Grant made a motion to file the Town Clerk's January 2020 Report; seconded by Councilwoman Sapienza and it carried by a vote 5-0.*

**COMMITTEES:**

**Building and Grounds:** update of Library renovations-final walk through 2/24; historian windows installed; West Bergen cemetery information received from the Cook family.

**Parks:** Nothing to report

**Local History & Museum:** Nothing to report

**Transfer Station:** Nothing to report

**OLD BUSINESS:**

**Water improvement Benefit Area #1:** working on forming the District

**NEW BUSINESS:**

Library Board Appointment Councilwoman Sapienza made a motion to appoint Katie Rumble to the Library Board of Trustees as requested by the Library Board; seconded by Councilman Starowitz and it carried by a vote 5-0.

Resolution Establishing Water District Councilwoman Sapienza offered Resolution #7 to Establish Water Improvement Benefit Area #1; seconded by Councilman Starowitz and it carried by a vote 5-0.

**RESOLUTION #7-2020**  
**IN THE MATTER OF THE ESTABLISHMENT OF THE WATER**  
**IMPROVEMENT BENEFIT AREA NO. 1 IN THE TOWN OF BERGEN,**  
**IN THE COUNTY OF GENESEE, IN THE STATE OF NEW YORK**

WHEREAS, on or about August 5, 2019, the Town Board of the Town of Bergen (the "Town Board" and "Town" respectively) was presented with a petition relating to the establishment of a proposed water district, to be known and designated as Water Improvement Benefit Area No. 1 (the "District"), and

WHEREAS, the Town Board has heretofore reviewed the map, plan and report regarding the proposed District prepared by Chatfield Engineering n/k/a MRB Group ("MRB"), an engineer duly licensed by the state of New York, in such detail as theretofore determined by the Town Board and filed in the Office of the Town Clerk of the Town for public inspection, providing for the establishment in the territory in the Town hereinafter described the construction of a water system to serve the District, and

WHEREAS, on August 13, 2019, the Town Board determined to proceed with the proposed establishment of the District and the construction of such water system, and in pursuance thereof, adopted the order calling a public hearing reciting in general terms the preparation of such map, plan and report and the filing thereof on the Town Clerk's Office, a description of the boundaries of the District, the improvements proposed consisting of the construction of such water system, the maximum amount proposed to be expended for such improvements as stated in the petition, the proposed method of financing to be employed, the fact that a map and plan describing the same are on file in the Town Clerk's Office for public inspection and specifying September 5, 2019, at 7:00 p.m. at the Byron-Bergen High School Auditorium, in the Town, as the place where, the Town Board would meet to consider the establishment of the District and the construction of such water system therefore, including the environmental significance thereof and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board as may be required by Law; and

WHEREAS, following publication and posting of certified copies of said order calling a public hearing pursuant to Article 12 of the Town Law and after a public hearing duly held by the Town Board on September 5, 2019 by resolution duly adopted September 5, 2019, the Town Board determined that the petition seeking to establish the District was duly signed and acknowledged as by law required and is otherwise sufficient, that all the property and property owners within the limits of the proposed District are benefited thereby, that all the property and property owners benefited are included within the limits of the proposed District, that the establishment of the District is in the public interest, that the expenses shall be assessed, levied and collected on a benefit basis from the several lots and parcels of land within said District and approved the establishment of the District and the construction of said water system therefore at a cost not to exceed \$8,958,000.00 to be offset by a United States Department of Agriculture Grant of \$3,058,000.00 and thereafter further, following review of a Long Form Environmental Assessment Form prepared by LaBella Associates and after due deliberation thereon, the Town Board acting in the role of the Lead Agency, issued a Negative Declaration (Determination of Non-Significance), including a determination that the proposed action is a Type I pursuant to the provisions of Article 8 of the New York Environmental Conservation Law; and

WHEREAS, following submission of an application by the Town Board, the State Comptroller granted permission to establish the District, by Order dated January 29, 2020, which Order was duly filed with the Town Clerk of the Town and presented to the Town Board by said Town Clerk at the next meeting held after said Order was filed with said Town Clerk;

Now, therefore be it

ORDERED, that the establishment of the District is hereby approved, and the District shall be designated and known as Water Improvement Benefit Area No. 1, in the Town of Bergen, situate wholly outside of any incorporated village or city, and bounded and described pursuant to Exhibit "A" attached hereto.  
and be it further

ORDERED, that the water system hereinabove referred to shall be constructed as set forth in the said order calling a public hearing, at a cost not to exceed \$8,958,000.00, which is planned to be financed by the issuance of serial bonds of the Town, to be offset by a United States Department of Agriculture Grant of \$3,058,000.00, and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefit conferred upon the same, to pay the principal of and interest on said bonds; and be it further

ORDERED, that within ten (10) days after adoption of this order, the Town Clerk shall record with the Clerk of the County of Genesee and file with the Office of the State Comptroller in Albany, New York, copies of this order, certified by said Town Clerk

Bond Resolution for Water District Councilwoman Sapienza offered Resolution # 8-2020 authorizing the issuance of Bond Anticipation Note for Water Improvement Benefit Area #1; seconded by Councilman Starowitz and it carried by a vote 5-0.

**RESOLUTION #8-2020**

**THE TOWN BOARD OF THE TOWN OF BERGEN, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE WATER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE TOWN, 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 of Bergen Water Improvement Benefit Area No. 1 is a Water District of the Town of Bergen, New York, duly established by the Town Board pursuant to the Town Law; and

WHEREAS, the Comptroller of the State of New York has duly made an Order, dated January 29, 2020, granting permission for the establishment of said Town of Bergen Water Improvement Benefit Area No. 1; and

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 January 22, 2019, has duly adopted a negative declaration and has determined that the implementation of the type I 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 the acquisition and construction of the Town of Bergen Water Improvement Benefit Area No. 1, to include the installation of approximately 163,720 linear feet of water main, valves, hydrants, services, appurtenances along various roads in the Town, and the acquisition of land or rights in land necessary therefor, if any, and the acquisition of original furnishings, equipment, machinery or apparatus and other incidental improvements that may be required in connection therewith for such construction and district use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$8,958,000 of the Town are hereby authorized to be issued to finance said purpose, 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 to the Town of Bergen of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$8,958,000, and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized, to be offset and reduced dollar for dollar by the amount of grants received, presently estimated to be \$3,058,000 from United State Department of Agriculture, Rural Development.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 1 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) 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 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, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes.

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, including without limitation, the authority to determine whether to accept bids electronically and the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, if applicable, to the extent allowed by 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. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefor, in the manner provided by law, but if not paid from such source, 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, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. 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. This resolution, or a summary hereof, 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 or of any bond anticipation notes issued in anticipation of the sale of said 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 shall take effect immediately upon its adoption.

Water District Legal Services Councilman Anderson authorized Supervisor Haywood to sign the Legal Services Agreement with Lacy Katzen for Water Improvement Benefit Area #1 not to exceed \$35,000; seconded by Councilwoman Grant and it carried by a vote 5-0.

Building space needs workshop Councilwoman Sapienza made a motion to set a workshop for March 7, 2020 at 10:00 am at the Town Hall for space needs of town properties; seconded by Councilwoman Grant and carried by a vote 5-0.

**BILLS:** The bills were presented for audit and totaled General A Fund \$26,161.49; General B Fund \$1,565.16; Highway DB \$25,191.57; HH-Water District \$25,500.00; HH-Library \$53,535.85; PA-A \$4,145.32; PA-DB \$4,617.64. Councilman Starowitz made a motion to pay the February bills; seconded by Councilwoman Sapienza and it carried by a vote 5-0.

**REGULAR MEETING** – Tuesday, January 28, 2020 at 7:00 pm in the Courtroom  
Building workshop – Saturday, March 7, 2020 at 10:00 am at the Town Hall

**ADJOURNMENT** was at 7:40 pm on a motion by Councilman Anderson; seconded by Councilwoman Sapienza and carried by a vote 5-0.

Respectfully submitted

*Michele M. Smith*

Michele M. Smith,  
Town Clerk

# GENESEE COUNTY

**JAY A. GSELL**  
County Manager  
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**COUNTY COURTHOUSE**  
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Batavia, New York 14020  
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## PRESS RELEASE

For Immediate Release

Contact: Matt Landers, Assistant County Manager; William Sheron, Sheriff

Genesee County will hold a Public Information Session regarding the Jail Construction Project on Wednesday, February 19, 2020, at 6:00pm at the Old County Courthouse Chambers, 7 Main Street, Batavia, New York.

The purpose of the informational session is to update the public on the process taken by the County in the design of the proposed new County Jail and where we are in the project time line. The County invites citizen questions and inquiries on the jail design process, and looks to provide County justification and rationale for the steps taken to date and planned into the future. We welcome any and all citizen views regarding any aspect of the project's scope, purpose and implementation. The County will provide project information including, but not limited to project timeline, bed need analysis, jail site and projected costs. County staff along with SMRT, the County's Architect and Engineer consultants will be on hand to answer questions and receive feedback. The session will last until approximately 8:00pm and the public is encouraged to drop by at any time to speak with County and SMRT representatives.

The County has also created a page on its website dedicated to the jail project that we encourage citizens to check on over time for updates on the progress of the jail construction project, the site is [http://www.co.genesee.ny.us/genesee\\_county\\_jail\\_project/index.php](http://www.co.genesee.ny.us/genesee_county_jail_project/index.php)

# 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



SUPERVISOR  
ERNEST HAYWOOD

COUNCILMEN  
JAMES STAROWITZ  
MARK ANDERSON

COUNCILWOMEN  
BELINDA GRANT, DEPUTY SUPERVISOR  
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

2/17/20

Mr. Mark Gerhardy  
8550 Peachey Road  
Churchville, NY, 14428

Dear Mark;

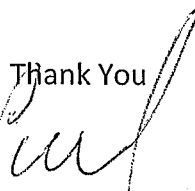
Thank you for speaking to me regarding your concern with the proposed EDU charges for your property at 8550 Peachey Road.

I have reviewed your concern with our town engineer and at this time your tax assessment code is 283 which is incidental commercial use. Under this classification your property will be assessed 2 EDU units.

It is the town's position at this time to assess your property at 2 EDUs.

If you have questions, you are welcome to submit your request for consideration of your EDU charges to the entire town board.

Thank You

  
Ernest Haywood,  
Supervisor

XC: Town Board members  
Rhonda Saulsbury, Assessor

*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](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](mailto:program.intake@usda.gov).*