

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

**March 24th, 2020
Via Teleconferencing**

Agenda

I. Call to Order: 7 pm
Pledge to the flag

II. Approval of meeting Minutes for- March 10, 2020 meeting

III. Communications included with this agenda:

1. Supervisor Report for Jan. 2020
2. Town of Bergen- State of Emergency Declaration
3. Mercy EMS report for Feb. 2020
4. Updated Investment Policy- 3/24/20-
5. Communication from Charter- 3/9/2020
6. Information for NYS Association of Towns- on COVID-19
7. Resolution and policy for the calling of and cancelling of Town Board Meetings During Emergencies

IV. Board Members' items for addition to the agenda

V. Reports:

- Supervisor -State of Emergency Update
- Clerk
- Board Members
- Zoning / Code Enforcement -Actions in follow up to owner at 6558 N. Lake Road- Court
- Highway

Committees

- Building, Grounds, Facilities and Cemeteries-
- Parks-
- Local History & Museum
- Policy and Personnel
- Transfer Station

VI. Old Business:

- Water Benefit Improvement Area #1

VII. New Business:

- Discussion of Response to COVID-19- Office/Town Barns, State of Emergency –coordination with School/Village/Town and County
- Resolution and adoption of policy amending Town Law 63 and 64, authorizing the Supervisor to cancel or scheduled board meetings in response to emergency
- Agenda items for Joint Town/Village meeting on 4/14.- and Change of Time of meeting

IX. Meeting and Other Upcoming Dates

- Next Town Board Meeting: April 14, 7 pm Audits of Bills at 6:45 pm- subject to any time change discussed at town board meeting on 3/24/20

X. Adjournment

**TOWN OF BERGEN
JANUARY 2020
EXECUTIVE SUMMARY**

BALANCE SHEET

- Bank accounts were reconciled as of 1/31/20.
- The Town has \$1,392,392.48 in the bank.

REVENUES AND EXPENSES

• **REVENUES**

- Total receipts for the month were: \$206,912.50
- Major receipts were:
 - Town Clerk Report (Dec) - \$2,817.01
 - Justice Fees (Dec) - \$11,765.00
 - Beep Rebate - \$1,725.00
 - Sales Tax (4th Qtr 2019) - \$177,608.62
 - Town of Bergen Library Contract - \$5,628.00
 - Library Donations - \$6,812.35
 - Other - \$556.52

• **EXPENSES**

Expenditures through January on average should equal 8.33% of the annual budget.

General Fund Townwide (A):

- Year to date expenses are \$105,311.99 compared to the annual budget of \$895,210.00 or 11.76% of the budget.
 - NYS Retirement paid in full
 - Fire Hall Lease paid in full
 - Workers Compensation paid in full

General Fund Outside Village (B):

- Year to date expenses are \$11,122.62 compared to the annual budget of \$546,050.00 or 2.04% of the budget.
 - NYS Retirement paid in full
 - Workers Compensation paid in full

Highway Outside Village (DB):

- Year to date expenses are \$70,330.34 compared to the annual budget of \$778,355.00 or 9.04% of the budget.
 - NYS Retirement paid in full
 - Workers Compensation paid in full

Eugene J. 3/21/2020

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 1/31/2020

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
AA.1001.000.000 Real Property Taxes	\$ 0.00	\$ 0.00	\$ 381,389.00	\$(381,389.00)	0.00
AA.1081.000.000 Other Payments in Lieu of Taxes	0.00	0.00	3,746.00	(3,746.00)	0.00
AA.1090.000.000 Interest & Penalties on Real Property Taxes	0.00	0.00	2,500.00	(2,500.00)	0.00
AA.1120.000.000 County Sales Tax Distribution	0.00	0.00	100,000.00	(100,000.00)	0.00
AA.1255.000.000 Clerk Fees	980.01	980.01	1,500.00	(519.99)	65.33
AA.2130.000.000 Landfill Host Revenue	0.00	0.00	50,000.00	(50,000.00)	0.00
AA.2401.000.000 Interest & Earnings	39.46	39.46	400.00	(360.54)	9.87
AA.2410.000.000 Rental of Real Property	0.00	0.00	1,200.00	(1,200.00)	0.00
AA.2530.000.000 Games of Chance	10.00	10.00	0.00	10.00	0.00
AA.2544.000.000 Dog Licenses	202.00	202.00	2,200.00	(1,998.00)	9.18
AA.2610.000.000 Fines and Forfeited Bail	4,188.00	4,188.00	65,000.00	(60,812.00)	6.44
AA.2770.000.000 Unclassified Revenues	1,725.00	1,725.00	0.00	1,725.00	0.00
AA.3001.000.000 State Aid, Revenue Sharing	0.00	0.00	10,000.00	(10,000.00)	0.00
AA.3005.000.000 State Aid, Mortgage Tax	0.00	0.00	20,000.00	(20,000.00)	0.00
AA.5031.000.000 Interfund Transfer	0.00	0.00	20,000.00	(20,000.00)	0.00
AA.5999.000.000 Unexpended Balance	0.00	0.00	237,275.00	(237,275.00)	0.00
Total Revenues	7,144.47	7,144.47	895,210.00	(888,065.53)	0.80
Expenses					
AA.1010.100.000 Town Board Personal Services	1,219.32	1,219.32	14,632.00	13,412.68	8.33
AA.1010.400.000 Town Board Contractual	102.80	102.80	1,500.00	1,397.20	6.85
AA.1110.100.000 Justices Personal Services	2,333.34	2,333.34	27,258.00	24,924.66	8.56
AA.1110.102.000 Justice Pers Svc, Clerk	1,428.07	1,428.07	21,792.00	20,363.93	6.55
AA.1110.200.000 Justice Equipment	0.00	0.00	600.00	600.00	0.00
AA.1110.400.000 Justices Contractual	50.00	50.00	14,150.00	14,100.00	0.35
AA.1220.100.000 Supervisor Personal Services	947.75	947.75	11,373.00	10,425.25	8.33
AA.1220.102.000 Deputy Supervisor Personal Services	120.83	120.83	1,450.00	1,329.17	8.33
AA.1220.103.000 Supervisor's Secretary Personal Services	829.60	829.60	13,789.00	12,959.40	6.02
AA.1220.400.000 Supervisor Contractual	100.00	100.00	8,350.00	8,250.00	1.20
AA.1320.400.000 Auditors Contractual	0.00	0.00	15,000.00	15,000.00	0.00
AA.1355.200.000 Assessor Equipment	0.00	0.00	300.00	300.00	0.00
AA.1355.400.000 Assessor Contractual	12,875.00	12,875.00	34,150.00	21,275.00	37.70
AA.1410.100.000 Town Clerk Personal Services	3,295.70	3,295.70	42,844.00	39,548.30	7.69
AA.1410.102.000 Deputy Town Clerk Personal Services	207.55	207.55	5,524.00	5,316.45	3.76
AA.1410.200.000 Town Clerk Equipment	0.00	0.00	3,600.00	3,600.00	0.00
AA.1410.400.000 Town Clerk Contractual	25.00	25.00	4,000.00	3,975.00	0.63
AA.1420.400.000 Attorney Contractual	0.00	0.00	8,000.00	8,000.00	0.00
AA.1420.401.000 Court Prosecutor	0.00	0.00	9,800.00	9,800.00	0.00
AA.1440.400.000 Engineer Contractual	0.00	0.00	7,100.00	7,100.00	0.00
AA.1450.400.000 Elections Contractual	2,739.56	2,739.56	6,000.00	3,260.44	45.66

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 1/31/2020

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
AA.1460.400.000 Records Management Contractual	0.00	0.00	2,500.00	2,500.00	0.00
AA.1480.400.000 Public Info Services OARS Contractual	0.00	0.00	1,200.00	1,200.00	0.00
AA.1620.100.000 Buildings Personal Services	250.61	250.61	4,800.00	4,549.39	5.22
AA.1620.400.000 Building Operation Contractual	3,133.21	3,133.21	65,000.00	61,866.79	4.82
AA.1620.401.000 Building Operation Lease Fire Hall	18,650.62	18,650.62	18,651.00	0.38	100.00
AA.1660.400.000 Central Storeroom Contractual	0.00	0.00	500.00	500.00	0.00
AA.1670.400.000 Central Printing & Mailing Contractual	987.85	987.85	5,000.00	4,012.15	19.76
AA.1680.200.000 Computers Equipment	0.00	0.00	4,000.00	4,000.00	0.00
AA.1680.400.000 Computers Contractual	547.00	547.00	7,000.00	6,453.00	7.81
AA.1910.400.000 Unallocated Insurance	(517.06)	(517.06)	34,000.00	34,517.06	(1.52)
AA.1920.400.000 Municipal Association Dues	900.00	900.00	900.00	0.00	100.00
AA.1950.400.000 Taxes and Assessments on Property	6,015.59	6,015.59	6,500.00	484.41	92.55
AA.1990.400.000 Contingency	0.00	0.00	13,153.00	13,153.00	0.00
AA.3120.100.000 Constables Personnel Services	72.32	72.32	4,225.00	4,152.68	1.71
AA.3120.400.000 Constables Contractual	0.00	0.00	400.00	400.00	0.00
AA.3310.400.000 Traffic Control Contractual	0.00	0.00	8,000.00	8,000.00	0.00
AA.3510.400.000 Control of Dogs Contractual	0.00	0.00	250.00	250.00	0.00
AA.5010.100.000 Supt. of Highways Personal Services	4,880.30	4,880.30	63,444.00	58,563.70	7.69
AA.5010.102.000 Supt. of Highways, Pers Svc, Deputy	115.38	115.38	1,500.00	1,384.62	7.69
AA.5010.103.000 Supt. of Highways, Pers Svc, Clerk	0.00	0.00	7,800.00	7,800.00	0.00
AA.5010.200.000 Superintendent of Highways Equipment	0.00	0.00	1,200.00	1,200.00	0.00
AA.5010.400.000 Superintendent of Highways Contractual	200.00	200.00	1,000.00	800.00	20.00
AA.5132.400.000 Garage Contractual	1,224.42	1,224.42	68,000.00	66,775.58	1.80
AA.5182.400.000 Street Lighting Contractual	163.16	163.16	7,500.00	7,336.84	2.18
AA.6420.400.000 Promotion of Industry Contractual	0.00	0.00	8,000.00	8,000.00	0.00
AA.7410.400.000 Library Contractual	4,234.38	4,234.38	82,600.00	78,365.62	5.13
AA.7510.100.000 Historian Personal Services	0.00	0.00	2,930.00	2,930.00	0.00
AA.7510.200.000 Historian Equipment	0.00	0.00	1,500.00	1,500.00	0.00
AA.7510.400.000 Historian Contractual	0.00	0.00	500.00	500.00	0.00
AA.7550.400.000 Celebrations Contractual	0.00	0.00	3,000.00	3,000.00	0.00
AA.8810.100.000 Cemetery Services	0.00	0.00	1,000.00	1,000.00	0.00
AA.8810.400.000 Cemetery Contractual	0.00	0.00	6,000.00	6,000.00	0.00
AA.9010.800.000 NYS Retirement	23,340.00	23,340.00	23,340.00	0.00	100.00
AA.9030.800.000 Social Security & Medicare	1,505.17	1,505.17	17,000.00	15,494.83	8.85
AA.9040.800.000 Worker's Compensation	11,170.00	11,170.00	13,086.00	1,916.00	85.36
AA.9055.800.000 Disability Insurance	0.00	0.00	150.00	150.00	0.00
AA.9060.800.000 Medical Insurance	2,164.52	2,164.52	23,434.00	21,269.48	9.24
AA.9720.600.000 Debt Principal Highway Garage	0.00	0.00	75,000.00	75,000.00	0.00
AA.9720.601.000 Debt Principal on Court/Town Offices	0.00	0.00	35,000.00	35,000.00	0.00
AA.9720.700.000 Interest on Debt Highway Garage	0.00	0.00	19,125.00	19,125.00	0.00
AA.9720.701.000 Interest on Debt Court/Town Offices	0.00	0.00	5,810.00	5,810.00	0.00

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 1/31/2020

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Total Expenses	105,311.99	105,311.99	895,210.00	789,898.01	11.76
Excess Revenue Over (Under) Expenditures	\$ 98,167.52	\$ 98,167.52	0.00	\$ 1,677,963.54	0.00

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 1/31/2020

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
BB.1120.000.000 County Sales Tax Distribution	\$ 177,608.62	\$ 177,608.62	\$ 500,000.00	\$ (322,391.38)	35.52
BB.1170.000.000 Franchise Fees	0.00	0.00	18,000.00	(18,000.00)	0.00
BB.1560.000.000 Safety Inspection Fees	0.00	0.00	50.00	(50.00)	0.00
BB.2110.000.000 Zoning Fees	85.00	85.00	1,800.00	(1,715.00)	4.72
BB.2115.000.000 Planning Board Fees	0.00	0.00	200.00	(200.00)	0.00
BB.2130.000.000 Refuse & Garbage Charges	1,540.00	1,540.00	21,000.00	(19,460.00)	7.33
BB.5999.000.000 Unexpended Balance	0.00	0.00	5,000.00	(5,000.00)	0.00
Total Revenues	179,233.62	179,233.62	546,050.00	(366,816.38)	32.82
Expenses					
BB.1355.400.000 Board of Assessment Review, Contr	0.00	0.00	450.00	450.00	0.00
BB.1420.400.000 Attorney, Contractual	0.00	0.00	2,000.00	2,000.00	0.00
BB.1440.400.000 Engineer Contractual	0.00	0.00	5,000.00	5,000.00	0.00
BB.1990.400.000 Contingency	0.00	0.00	20,645.00	20,645.00	0.00
BB.6772.400.000 Programs for the Aging Contractual	0.00	0.00	5,000.00	5,000.00	0.00
BB.7110.400.000 Parks Contractual	3,400.00	3,400.00	10,000.00	6,600.00	34.00
BB.7310.400.000 Youth Programs Contractual	0.00	0.00	5,000.00	5,000.00	0.00
BB.8010.100.000 Zoning Pers Svc	55.83	55.83	836.00	780.17	6.68
BB.8010.400.000 Zoning Contractual	0.00	0.00	2,500.00	2,500.00	0.00
BB.8020.100.000 Planning Personal Services	272.92	272.92	4,000.00	3,727.08	6.82
BB.8020.400.000 Planning Contractual	270.00	270.00	4,000.00	3,730.00	6.75
BB.8160.100.000 Refuse & Garbage Personnel Services	766.20	766.20	11,715.00	10,948.80	6.54
BB.8160.400.000 Refuse & Garbage Contractual	260.00	260.00	22,500.00	22,240.00	1.16
BB.8664.100.000 Code Enforcement Personnel Services	1,408.54	1,408.54	18,311.00	16,902.46	7.69
BB.8664.400.000 Code Enforcement Contractual	0.00	0.00	4,000.00	4,000.00	0.00
BB.9010.800.000 NYS Retirement	2,585.00	2,585.00	2,585.00	0.00	100.00
BB.9030.800.000 Social Security & Medicare	191.13	191.13	2,745.00	2,553.87	6.96
BB.9040.800.000 Workers Compensation	1,913.00	1,913.00	2,241.00	328.00	85.36
BB.9901.900.000 Interfund Transfers	0.00	0.00	422,522.00	422,522.00	0.00
Total Expenses	11,122.62	11,122.62	546,050.00	534,927.38	2.04
Excess Revenue Over (Under) Expenditures	\$ (168,111.00)	\$ (168,111.00)	0.00	\$ 901,743.76	0.00

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 1/31/2020

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
DB.2300.000.000 Service to Other gov't	\$ 0.00	\$ 0.00	\$ 137,909.00	\$ (137,909.00)	0.00
DB.3501.000.000 Consolidated Highway Aid	0.00	0.00	55,275.00	(55,275.00)	0.00
DB.5031.000.000 Interfund Transfers	0.00	0.00	422,522.00	(422,522.00)	0.00
DB.5999.000.000 Unexpended Balance	0.00	0.00	162,649.00	(162,649.00)	0.00
Total Revenues	0.00	0.00	778,355.00	(778,355.00)	0.00
Expenses					
DB.5110.100.000 General Highway Repairs Personal Services	0.00	0.00	90,134.00	90,134.00	0.00
DB.5110.400.000 General Highway Repairs Contractual	0.00	0.00	122,270.00	122,270.00	0.00
DB.5112.200.000 Permanent Highway Improvements	0.00	0.00	55,275.00	55,275.00	0.00
DB.5130.100.000 Machinery Personal Services	0.00	0.00	11,860.00	11,860.00	0.00
DB.5130.200.000 Machinery Equipment	0.00	0.00	85,000.00	85,000.00	0.00
DB.5130.400.000 Machinery Contractual	410.89	410.89	40,000.00	39,589.11	1.03
DB.5140.100.000 Brush & Weeds, Pers Serv	0.00	0.00	11,860.00	11,860.00	0.00
DB.5140.400.000 Brush & Weeds, Contr	0.00	0.00	2,500.00	2,500.00	0.00
DB.5142.100.000 Snow and Ice Control Personal Services	17,914.98	17,914.98	123,340.00	105,425.02	14.52
DB.5142.400.000 Snow & Ice Control Contractual	0.00	0.00	120,120.00	120,120.00	0.00
DB.9010.800.000 NYS Retirement	33,382.00	33,382.00	33,382.00	0.00	100.00
DB.9030.800.000 Social Security & Medicare	1,310.83	1,310.83	17,572.00	16,261.17	7.46
DB.9040.800.000 Workers Compensation	12,694.00	12,694.00	14,871.00	2,177.00	85.36
DB.9055.800.000 Disability Insurance	0.00	0.00	300.00	300.00	0.00
DB.9060.800.000 Medical Insurance	4,617.64	4,617.64	49,871.00	45,253.36	9.26
Total Expenses	70,330.34	70,330.34	778,355.00	708,024.66	9.04
Excess Revenue Over (Under) Expenditures	\$ 70,330.34	\$ 70,330.34	\$ 0.00	\$ 1,486,379.66	0.00

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 1/31/2020

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
LL.2082.000.000 Fines - Copier	0.00 \$	0.00 \$	1,400.00 \$	(1,400.00)\$	0.00
LL.2361.000.000 Genesee County	0.00	0.00	4,000.00	(4,000.00)	0.00
LL.2362.000.000 Bergen	0.00	0.00	82,600.00	(82,600.00)	0.00
LL.2363.000.000 Byron	5,628.00	5,628.00	5,500.00	128.00	102.33
LL.2364.000.000 Village of Bergen	0.00	0.00	1,500.00	(1,500.00)	0.00
LL.2704.000.000 Insurance Dividend	0.00	0.00	7,725.00	(7,725.00)	0.00
LL.2705.000.000 Gifts & Donations	6,812.35	6,812.35	2,000.00	4,812.35	340.62
LL.3840.000.000 LLSA Grant NIOG	0.00	0.00	500.00	(500.00)	0.00
LL.5999.000.000 Unexpended Fund Balance	0.00	0.00	47,229.00	(47,229.00)	0.00
Total Revenues	12,440.35	12,440.35	152,454.00	(140,013.65)	8.16
Expenses					
LL.1910.400.000 Unallocated Insurance, Contr	0.00	0.00	1,800.00	1,800.00	0.00
LL.7410.100.000 Library Director Wages	0.00	0.00	38,000.00	38,000.00	0.00
LL.7410.102.000 Library Substitute Wages	0.00	0.00	26,288.00	26,288.00	0.00
LL.7410.200.000 Library Capital Expenditure	104.00	104.00	30,000.00	29,896.00	0.35
LL.7410.205.000 Library AV Materials	101.20	101.20	3,500.00	3,398.80	2.89
LL.7410.210.000 Library Books	649.12	649.12	19,000.00	18,350.88	3.42
LL.7410.211.000 Library Books-Electronic	0.00	0.00	5,300.00	5,300.00	0.00
LL.7410.213.000 Library Serials	412.51	412.51	1,600.00	1,187.49	25.78
LL.7410.230.000 Library Office & Library	0.00	0.00	1,500.00	1,500.00	0.00
LL.7410.231.000 Library Telephone	38.25	38.25	550.00	511.75	6.95
LL.7410.232.000 Library Internet	75.00	75.00	250.00	175.00	30.00
LL.7410.233.000 Library Postage & Freight	0.00	0.00	251.00	251.00	0.00
LL.7410.234.000 Library Publicity	0.00	0.00	130.00	130.00	0.00
LL.7410.235.000 Library Mileage	0.00	0.00	500.00	500.00	0.00
LL.7410.236.000 Library Travel - Conventions	0.00	0.00	1,000.00	1,000.00	0.00
LL.7410.290.000 Library Programs	65.00	65.00	6,000.00	5,935.00	1.08
LL.7410.291.000 Library Program Supplies	0.00	0.00	1,500.00	1,500.00	0.00
LL.7410.435.000 Library Membership Fees	0.00	0.00	75.00	75.00	0.00
LL.7410.436.000 Library Contracts with Other Libraries	0.00	0.00	8,130.00	8,130.00	0.00
LL.7410.439.000 Library Repair-Maint. Equipment	0.00	0.00	250.00	250.00	0.00
LL.7410.453.000 Library Rent	0.00	0.00	1,200.00	1,200.00	0.00
LL.7410.454.000 Library Bookkeeper	0.00	0.00	300.00	300.00	0.00
LL.9030.800.000 Social Security	0.00	0.00	5,330.00	5,330.00	0.00
Total Expenses	1,445.08	1,445.08	152,454.00	151,008.92	0.95
Excess Revenue Over (Under) Expenditures	\$ (10,995.27)\$	(10,995.27)\$	0.00 \$	291,022.57 \$	0.00

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 1/31/2020

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
SM.1001.000.000 Real Property Taxes	\$ 0.00	\$ 0.00	\$ 205,600.00	\$ (205,600.00)	0.00
SM.5999.000.000 Unexpended Balance	0.00	0.00	400.00	(400.00)	0.00
Total Revenues	0.00	0.00	206,000.00	(206,000.00)	0.00
Expenses					
SM.3410.400.000 Fire Contract Contractual	102,943.79	102,943.79	206,000.00	103,056.21	49.97
Total Expenses	102,943.79	102,943.79	206,000.00	103,056.21	49.97
Excess Revenue Over (Under) Expenditures	\$ 102,943.79	\$ 102,943.79	0.00	\$ 309,056.21	0.00

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 1/31/2020

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
SW.1001.000.002 Real Property Taxes - District 2	\$ 0.00	\$ 0.00	\$ 59,200.00	\$ (59,200.00)	0.00
SW.5999.000.002 Unexpended Balance - District 2	0.00	0.00	20,800.00	(20,800.00)	0.00
Total Revenues	0.00	0.00	80,000.00	(80,000.00)	0.00
Expenses					
SW.9720.600.002 Debt Principal, Install Bonds Water Dist 2	0.00	0.00	80,000.00	80,000.00	0.00
Total Expenses	0.00	0.00	80,000.00	80,000.00	0.00
Excess Revenue Over (Under) Expenditures	\$ 0.00	\$ 0.00	\$ 0.00	\$ 160,000.00	\$ 0.00

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 1/31/2020

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
SW.1001.000.003 Real Property Taxes - Peachey Rd District 3	\$ 0.00	\$ 0.00	\$ 48,860.00	\$(48,860.00)	0.00
SW.5999.000.003 Unexpended Fund Balance - District 3	0.00	0.00	1,000.00	(1,000.00)	0.00
Total Revenues	0.00	0.00	49,860.00	(49,860.00)	0.00
Expenses					
SW.9720.600.003 Debt Principal, Install Bonds - Peachey Rd District 3	0.00	0.00	18,000.00	18,000.00	0.00
SW.9720.700.003 Debt Interest, Install Bonds - Peachey Rd District 3	0.00	0.00	31,860.00	31,860.00	0.00
Total Expenses	0.00	0.00	49,860.00	49,860.00	0.00
Excess Revenue Over (Under) Expenditures	\$ 0.00	\$ 0.00	\$ 0.00	\$ 99,720.00	\$ 0.00

**Town of Bergen
Cash Summary Report
January 2020**

FUND Account		12/31/2019			1/31/2020	#9970	#4277	#9988
		BALANCES	Increases	Decreases	BALANCES	Joint Checking	Joint Savings	Trust & Agency
A	200.000	General TW Checking	256,883.06	87,892.56	96,655.52	248,120.10	248,120.10	
A	201.000	General TW Savings	261,017.41	15,447.60	109,879.88	166,585.13	166,585.13	
B	200.000	General OV Checking	4,531.19	9,352.89	9,352.89	4,531.19	4,531.19	
B	201.000	General OV Savings	76,590.30	179,233.62	12,047.51	243,776.41	243,776.41	
DB	200.000	Highway OV Checking	92,827.27	52,878.73	52,878.73	92,827.27	92,827.27	
DB	201.000	Highway OV Savings	335,962.30	-	72,104.54	263,857.76	263,857.76	
HH	200.001	Robins Brook Park Checking	-			-		
HH	201.001	Robins Brook Park Savings	94,479.35			94,479.35	94,479.35	
HH	200.004	Water District #4 Checking	-	2,846.60	2,846.60	-		
HH	201.004	Water District #4 Savings	-			-		
HH	200.050	Nioga Grant Checking	-			-		
HH	201.050	Nioga Grant Savings	68,175.00			68,175.00	68,175.00	
HH	200.051	Library SAMS Grant Checking	-			-		
HH	201.051	Library SAMS Grant Savings	-			-		
LL	200.000	Library Checking	-	1,445.08	1,445.08	-		
LL	201.000	Library Savings	133,920.56	12,440.35	1,445.08	144,915.83	144,915.83	
SM	200.000	Special District Fire Checking	-	102,943.79	102,943.79	-		
SM	201.000	Special District Fire Savings	2,091.00		102,943.79	(100,852.79)	(100,852.79)	
SW	200.002	Water District Checking	-			-		
SW	201.002	Water District Savings	40,938.80			40,938.80	40,938.80	
SW	200.003	Water Peachey Rd Checking	-			-		
SW	201.003	Water Peachey Rd Savings	10,782.34			10,782.34	10,782.34	
TA	200.000	Trust & Agency	63,732.68	43,907.75	43,275.59	64,364.84		64,364.84
VV	200.003	Town Hall Reloc Checking	-			-		
VV	201.003	Town Hall Reloc Savings	15,015.49			15,015.49	15,015.49	
VV	200.005	Peachey Water Checking	-			-		
VV	201.005	Peachey Water Savings	34,875.76			34,875.76	34,875.76	
			1,491,822.51	508,388.97	607,819.00	1,392,392.48	345,478.56	982,549.08
		Reconciliation						
		Bank Statement Balances				1,538,615.21	491,233.44	64,629.25
		Deposits In Transit				-	(203.44)	203.44
		Outstanding Checks				(146,222.73)	(145,754.88)	(467.85)
		Balance on General Ledger				1,392,392.48	982,549.08	64,364.84
		Difference				-	-	-

Pursuant to Section 125 of the Town Law, I hereby render the following detailed statement of all moneys received and disbursed by me during the month of:

1/31/2020

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



Town of Bergen

State of Emergency Proclamation

The County of Genesee and the State of New York have declared States of Emergency in response to the COVID-19 outbreak. The outbreak poses an immediate danger to public health and safety which endangers the residents and businesses of Town of Bergen. In consultation with the Village of Bergen and the Bergen Fire department, I believe it is in the best interest of the Town of Bergen and our residents/businesses for me to issue a State of Emergency in the Town of Bergen which will allow me the discretion to use any and all facilities, equipment, supplies, personnel and other resources of the Town of Bergen in such a manner as may be necessary or appropriate to cope with the disaster or emergency resulting therefrom. In particular, but with no limitation, I anticipate that it will be critical to have Town of Bergen personnel available to respond to specific, but current unforeseen, needs arising in the Town. Therefore, by the power vested in me, pursuant to Article 2B of the Executive Law of the State of New York, I hereby declare a state of emergency effective at 3 pm on 3/18/ 2020 in the Town of Bergen , Genesee County, New York. This state of emergency shall remain in effect for the next 30 days unless and until rescinded or extended by me for an additional 30 day period.

Any residents in need of special or emergency assistance are advised to contact 911. All residents are advised to monitor the town's web site, local media reports for continued updates and advisories.

Ernest Haywood
Supervisor Town of Bergen Genesee County

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, 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.

FD GEN BERGEN

Trip Date IS BETWEEN 02/01/2020 AND 02/29/2020; AND Call Types IS A-MEMS 911 Response 1st Unit OR A-MEMS Squad Resp 1st Unit; AND Initial Priorities IS 911 EMERGENCY

Response Time Minutes	Call Count	Cumulative Call Count	Percentage of Total Calls	Cumulative Percentage
FD GEN BERGEN		SIGNIFICANT WEATHER OR OTHER OCCURANCE		

Response Zone: GEN BERG 22

27:00 - 27:59	1	1	100%	100%
Total Calls	1	1	100%	
Call Source Total Calls		1		

FD GEN BERGEN

Trip Date IS BETWEEN 02/01/2020 AND 02/29/2020; AND Call Types IS A-MEMS 911 Response 1st Unit OR A-MEMS Squad Resp 1st Unit; AND Initial Priorities IS 911 EMERGENCY

Response Time Minutes	Call Count	Cumulative Call Count	Percentage of Total Calls	Cumulative Percentage
FD GEN BERGEN				
Response Zone:GEN BERG 17				
15:00 - 15:59	1	1	100%	100%
Total Calls	1	1	100%	
Response Zone:GEN BERG 22				
19:00 - 19:59	1	1	50%	50%
22:00 - 22:59	1	2	50%	100%
Total Calls	2	2	100%	
Call Source Total Calls		3		

Investment Policy
For
Town of Bergen
Update for March 24, 2020

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 Depositaries

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>
Tompkins -Bank of Castile	\$5,000,000
NYCLASS	\$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.

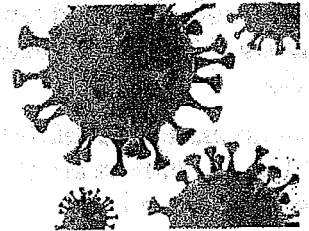
Appendix A
Schedule of Eligible Securities

- _____ (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".

Coronavirus (Covid-19) Update for Local Governments

UPDATE March 19, 2020 - Gov. Cuomo announced this morning that workplace density numbers have been cut in half again. 75 percent of workforce must work from home, says he expects to issue an executive order tonight. We'll pass on a direct link once it's available

COVID-19
2019-NCOV
NOVEL CORONAVIRUS
NCP



Both New York State and the federal government have adopted legislation on paid sick leave.

New York Paid Sick Leave Requirements

Who qualifies for paid sick leave?

Officers and employees who are subject to mandatory or precautionary orders of quarantine issued by New York State, the Department of Health, local board of health or any other government entity authorized to issue such order. This does not apply to employees and officers who are quarantined as a result of traveling to a country for which the CDC has a Level 2 or 3 health notice and who had notice of these limitations prior to travelling

How much leave are they entitled to?

At least 14 days during the period of quarantine or isolation. This cannot be counted against any sick days or leave that has already been accrued.

What level of pay are they entitled to?

Officers and employees should be compensated at their regular rate of pay while taking this sick leave.

Federal Paid Sick Leave Requirements

Does this apply to local government employees?

Yes

What Are They Eligible For?

- Full-time - Eligible full-time employees are entitled to two weeks (80 hours) of fully paid time off (up to \$511 per day) to self-quarantine, seek a diagnosis or preventive care, or receive treatment for COVID-19.

Eligible full-time employees are also entitled to two weeks (80 hours) paid time off at two-thirds of their regular pay (up to \$200 per day) to care for a family member or to care for a child whose school has closed, or if their child care provider is unavailable due to COVID-19.

- Part-time - Eligible part-time employees are entitled to fully paid time off (up to \$511 per day) for the typical number of hours that they work in a typical two-week period to self-quarantine to seek a diagnosis or preventive care, or receive treatment for COVID-19

Eligible part-time employees are also entitled to the typical number of hours that they work in a typical two-week period at two-thirds of their typical pay (up to \$200 per day) to care for a child whose school has closed, or if their child care provider is unavailable, due to COVID-19.

What about this payroll tax credit I'm hearing about?

You may have heard or read about paid sick leave being paid for by the federal government through

a payroll tax credit. This does not appear to apply to local governments and thus there does not appear to be any funding at this time.

Emergency Paid Family Leave

The federal government further adopted legislation on emergency paid family leave.

Does this apply to local governments?

Yes

What are they eligible for?

Eligible full-time employees and part-time employees are entitled to 12 weeks of job-protected leave to take care for their children in the event of a school closure or their child care provider is unavailable due to COVID-19. The 12 weeks of job-protected leave include two weeks of unpaid leave, followed by 10 weeks of paid leave. Eligible employees may elect or be required to overlap the initial two weeks of unpaid leave with two weeks of other paid leave they have available. Eligible employees will receive a benefit from their employers that will be no less than two-thirds of the employee's usual pay.

Executive Order No. 202.5 and Local States of Emergency: Last night, Gov. Cuomo issued Executive Order No. 202.5 continuing EC Order 202.

Link to the full order: <https://www.governor.ny.gov/news/no-2025-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

When considering a local state of emergency it is important to review what you would like to address against the Governor's various executive orders and directives. Many of his executive orders might already address what you are considering and he has also preempted local states of emergency that conflict with his executive orders (EO No 202.3). EO No 202.3 provides in relevant part - "No local government or political subdivision shall issue any local emergency order or declaration of emergency or disaster inconsistent with, conflicting with or superseding the foregoing directives, or any other executive order issued under Section 24 of the Executive Law and any local emergency order or any local administrative codes, charters, laws, rules or regulations, are hereby suspended with respect to any such order, issued under such authority different or in conflict with executive directives"

In addition, Executive Order No 202.5 issued on March 18, 2020 now requires local emergency

The Town as an Employer during a Public Health Emergency

The town has broad authority as an employer to adopt policies and procedures that address, among others, sick leave and leaves of absence for its employees (see General Municipal Law section 92). In the event of a public health emergency, the town should consider the following factors:

- **Determining Essential / Non-Essential Employees:** The town should determine what people and resources are required for the town to function effectively. Each town is different, and each town board will have to make a determination as to what employees and officials are considered essential vs. non-essential.

- **Telecommuting / Working Remotely:** As the employer, the town board may adopt a policy that authorizes telecommuting or working remotely for its employees. It may be prudent to proactively authorize employees and officials to work from home.

- **Evaluate Collective Bargaining Agreements:** Generally speaking, a collective bargaining agreement will supersede any town board determination. However, the town board should review the collective bargaining agreement and consult with the local bargaining unit to determine how to proceed in the event of an outbreak.

- **Review Town Policies / Provide for Sick / Extended Leave:** The town should review its policies currently in place and consider amending them to accommodate employees in the event they fall ill.

- **Educate Employees on Prevention and Treatment:** The town should actively encourage and require behaviors that will help prevent the spread of disease in the workplace, including following the guidelines established by the Centers for Disease Control. Additionally, the town should consider providing hand sanitizer and disinfectant wipe stations in the workplace and public spaces.

- **Communication:** Residents will be looking to the town for guidance on how to proceed during an outbreak. It is essential to keep the public informed in a manner that is not overwhelming and does not lead to widespread panic and misinformation. The town should determine how it will relay information about the outbreak to employees and the public. □

orders regarding COVID-19 that are issued in accordance with a locally declared state of emergency to be approved by the New York State Department of health. Please note, at this time, you do not need approval from the NYS Department of Health to declare a local state of emergency. The Executive Order only applies to local orders issued under a state of emergency that are in response to COVID. EO No 202.5 provides in relevant part - "Notwithstanding section 24 of the Executive Law, no locality or political subdivision shall issue any local emergency order or executive order with respect to response of COVID-19 without the approval of the State Department of Health."

You can find the all of the governor's executive orders on his website www.governor.ny.gov
We recommend working with the town attorney and the county and state health department if you are considering issuing a local state of emergency or have already done so and are trying to decide if portions have been preempted or need to be extended.

Additional Resource: Here is a link courtesy of ELGL.org that is a clearinghouse of COVID-19 information for local governments. If you have any resources to add, you may do so, just be careful not to remove any sources that already exist. This link includes a helpful chart of various types of remote meeting software options available to local governments.

https://docs.google.com/document/d/1N5I7n2GxobjY85BngGB7DdkKR_EuA9eHx-0TnmNfMS2s/mobilebasic

Below are some links with examples of how other municipal boards are meeting by conference call and online to keep local government operating during the crisis to serve the community and reduce economic impacts.

- https://www.lewisborogov.com/sites/default/files/fileattachments/planning_board/page/11141/web_announcement_for_pb_meeting_031720.pdf
- <https://www.hastingsgov.org/home/news/public-notice-regarding-hastings-hudson-board-education-meeting-tonight-march-16-2020>
- <https://www.imaginemonroe.org/wp-content/uploads/COMIDA-March-17-Meeting-Notice.pdf>

Please refer to our social media post on March 19 for a helpful chart outlining various remote meeting software options.

Warnings of Potential Scams and Other Concerns: You may want to communicate to your residents that the NYS Attorney General is hearing reports of scammers knocking on doors pretending to do Covid-19 testing on behalf of the CDC. If residents experience any such encounters, they are encouraged to contact the NYS AG's Office.

Additionally, residents are being reminded that wipes, paper towels, tissues and other such items are not to be flushed down the toilet (even if the packaging says flushable). There are instances of municipal systems becoming clogged.

UPDATE March 17, 2020 - Gov. Cuomo issued two executive orders last night after press briefings throughout the day regarding mass gatherings and local states of emergency.

- EC Order 202.3 – prohibits local states of emergencies that are inconsistent with the Governor's states of emergency. EO 202.3 also addresses mass gatherings and the operation of certain businesses.
- EC Order 202.4 directs local governments to allow nonessential employees to work remotely or take leave without charging accruals, except for those personnel essential to the locality's response to the COVID-19 emergency. Such non-essential personnel shall total no less than fifty-percent (50%) of the total number of employees across the entire workforce of such local

government or political subdivision. *(Per NYS Association of Cemeteries Legislative Counselor and Nassau Town Supervisor Dave Fleming, cemetery personnel should be considered essential in times of public health crisis.)*

**Links to both:
EC 202.3**

<https://www.governor.ny.gov/news/no-2023-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

EC 202.4

<https://www.governor.ny.gov/news/no-2024-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

In addition, the Governor also issued some directives during a press briefing yesterday -

- Local Government officials are asked to identify facilities in their borders that may be used for temporary hospitals.
- Local Governments are required to provide surficial face masks for police and EMTs.
- The Governor has also waived fees for state and local parks <https://www.governor.ny.gov/news/during-coronavirus-briefing-governor-cuomo-issues-executive-order-allowing-state-increase>

UPDATE March 16, 2020 - Gov. Cuomo issues Executive Order requiring local governments to excuse all non-essential employees from reporting to work to reduce workforce by at least 50 percent until March 31, 2020

READ THE ORDER IN FULL: <https://www.scribd.com/document/451910640/EXEC-COVID19-LocalGovtNonEssentialEmployeeMemo-031620>

**Local States of Emergency
(Executive Law Article 2B)**

This is the time to reference your emergency management plans for direction on how to proceed and/or review for potential updates.

CDC

- Interim Guidance for Community- and Faith-Based Organizations <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/guidance-community-faith-organizations.html>
- Cleaning and Disinfection Recommendations for Community- and Faith-Based Organizations <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html>
- Interim Guidance for Business and Employers <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>
- Environmental Cleaning and Disinfection Recommendations for Businesses and Employers <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html>

NYSDOH

- [Cleaning and Disinfection Guidance Public and Private Facilities \(PDF\)](#)
 - [Schools \(PDF\)](#)
 - [Non-Healthcare Settings \(PDF\)](#)
 - [Public Transportation \(PDF\)](#)
- [DEC List of Products to Disinfect COVID-19 \(PDF\)](#)

Information for Providers

- <https://www.health.ny.gov/diseases/>

When can a local state of emergency be declared?

When there is finding that public safety is imperiled by a disaster, rioting, catastrophe or similar public emergency (Executive Law § 24 [1]). A disaster is defined as the occurrence or imminent threat of wide spread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause including, but not limited to, fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, wave action, volcanic activity, epidemic, disease outbreak, air contamination, terrorism, cyber event, blight, drought, infestation, explosion, radiological accident, nuclear, chemical, biological, or bacteriological release, water contamination, bridge failure or bridge collapse (Executive Law § 20 [2][a]) (emphasis ours).

Who has the authority to declare a local state of emergency?

The statute refers to the "chief executive" of the town (Executive Law § 24 [1]). This has been interpreted to mean the town supervisor (see 2005 Ops Atty Gen No 5 [Feb. 11, 2005]).

How long can the state of emergency remain in effect?

Until it is rescinded by the supervisor or after 30 days, whichever comes first. The supervisor may extend the state of emergency proclamation for another 30 days (see Executive Law § 24 [1]). However, any local emergency order (see "What authority does the town have under a state of emergency?") may only be in effect for five days, and may be extended for another five (see Executive Law § 24[2]).

What emergency orders can be issued during a state of emergency?

The supervisor "may promulgate local emergency orders to protect life and property or to bring the emergency situation under control" such as:

- establishing a curfew and prohibiting and controlling pedestrian and vehicular traffic, except essential emergency vehicles and personnel;
- designating specific zones within which the occupancy and use of buildings and the ingress and egress of vehicles and persons may be prohibited or regulated;
- regulating and closing of places of amusement and assembly;
- suspending or limiting the sale, dispensing, use or transportation of alcoholic beverages, firearms, explosives, and flammable materials and liquids;
- prohibiting and controlling the presence of persons on public streets and places;
- establishing or designating emergency shelters, emergency medical shelters, and in consultation with the state commissioner of health, community based care centers;
- suspending town local laws, ordinances or regulations, or parts thereof subject to federal and state constitutional, statutory and regulatory limitations, which may prevent, hinder, or delay necessary action in coping with a disaster or recovery so long as:
 - the county chief executive determines that the disaster is beyond the capacity of local government to meet adequately and state assistance is necessary and requests state assistance from the governor; or whenever the governor has declared a state disaster emergency pursuant to Executive Law § 28.

Suspending a local law, ordinance or regulation is also subject to the following standards and limits:

- (i) the suspension may only last for five days. However, upon reconsideration of all the relevant facts and circumstances, the suspension can be extended for another five days each during the pendency of the state of emergency;
- (ii) no suspension shall be made that does not safeguard the health and welfare of the public and which is not reasonably necessary to the disaster effort;

(iii) any such suspension order shall specify the local law, ordinance or regulation, or part that is suspended and the terms and conditions of the suspension;

(iv) the order may provide for such suspension only under particular circumstances, and may provide for the alteration or modification of the requirements of such local law, ordinance or regulation suspended, and may include other terms and conditions;

(v) any such suspension order shall provide for the minimum deviation from the requirements of the local law, ordinance or regulation suspended consistent with the disaster action deemed necessary; and

(vi) when practicable, specialists shall be assigned to assist with the related emergency actions to avoid adverse effects resulting from such suspension.

What are the notification requirements for emergency orders?

A local emergency order shall be effective from the time and in the manner prescribed in the order and shall be published as soon as practicable in a newspaper of general circulation in the area affected by such order and transmitted to the radio and television media for publication and broadcast.

What other authority does the town have under a local state of emergency?

The supervisor is "authorized and empowered to and shall use any and all facilities, equipment, supplies, personnel and other resources of his [or her] political subdivision in such manner as may be necessary or appropriate to cope with the disaster or any emergency resulting from the disaster." The supervisor may also request and accept assistance from any other political subdivision and may use real property from other political subdivisions upon "terms and conditions as may be mutually agreed to by the chief executives of the requesting and assisting political subdivision" (Executive Law § 25).

Town Board Meetings and Coronavirus

Scheduling and Cancellation

The town board may schedule meetings by resolution and may cancel meetings by resolution (Town Law, §§63, 64). The town board should review its rules of procedure and other board resolutions and protocols regarding meeting cancellations. In the event the board does not have an established meeting cancellation procedure, the board could consider adopting such a meeting cancellation policy. In the event a meeting scheduled by the town board needs to be canceled but the town board is unable to convene to do so, the town board could consider adopting a resolution delegating to the supervisor the authority to cancel a town board scheduled meeting. The delegation must put forth the procedures and criteria for the supervisor to cancel a meeting scheduled by the town board. In addition, the supervisor may schedule and cancel special town board meetings (Town Law, §62). As with all board actions and protocols, we recommend working with the town attorney for guidance and advice.

Videoconferencing and Public Attendance

March 13 UPDATE

On March 13, Gov. Cuomo issued Executive Order No. 202.1, continuing Executive Order No. 202 declaring a state of emergency, to temporarily suspend Article 7 of the Public Officers Law (known as the Open Meetings Law) "to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that

the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed." This Executive Order is in effect for 30 days until April 11, 2020. To read the full order, please visit: <https://www.governor.ny.gov/news/no-2021-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.

Please reference our Legal FAQ in the March/April issue of our magazine, *Talk of the Town & Topics* for more information on videoconferencing.

Additional Guidance

When the public is gathering at a town meeting or public hearing, the town board should review and implement the recommended protocols from the Centers for Disease Control and the New York State Department of Health regarding prevention.

- NYS Dept of Health: <https://www.health.ny.gov/diseases/communicable/coronavirus/>
- Centers for Disease Control: <https://www.cdc.gov/coronavirus/2019-ncov/index.html>

In addition, the town board may review additional steps to mitigate exposure, such as accepting written comments via email, fax or the U.S. Postal Service to be included in the record of a public hearing and/or staggering the dates and times of public hearings to limit crowds, and where feasible, the town board may consider live streaming or broadcasting town meetings and hearings. According to the governor's office, local governments seeking to obtain additional stocks of hand sanitizer should work with their county emergency manager and local health department to submit requests directly into NY Responds, the state's web-based system that enables both local governments and state agencies to submit and share vital emergency-related information and resource requests. It looks like the county can log in here: <http://www.dhSES.ny.gov/ny-responds/> As always, our members are encouraged to call our office with any questions at (518)465-7933, Monday through Friday, 8:30 a.m. to 5 p.m.

Local Government Lobby Day Cancellation

In light of growing concerns about the spread of COVID-19, the Association of Towns and NYCOM have decided to cancel the joint Local Government Lobby Day originally scheduled for March 23, 2020 in Albany, NY. We remain committed to advocating for local government and providing our membership with the tools and information necessary when speaking with your representatives about the budget and other legislative issues. Please do not hesitate to call AOT's office with any questions or concerns. □

Charter

COMMUNICATIONS

March 9, 2020

Re: Charter Communications – Upcoming Changes

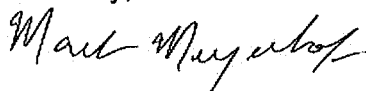
Dear Municipal Official:

This letter will serve as notice that on or after March 24, 2020, Charter Communications (“Charter”), locally known as Spectrum, will launch Bull Dog Shopping Network on Expanded Basic and Standard HD Tier on channels 195 and 475.

To view a current Spectrum channel lineup visit www.spectrum.com/channels.

If you have any questions about this change, please feel free to contact me at 716-686-4446 or via email at mark.meyerhofer@charter.com.

Sincerely,



Mark Meyerhofer
Director, Government Affairs
Charter Communications

WHEREAS: The Town Board of the Town of Bergen desires to establish a policy for the Calling and Cancelling of Town Board Meetings During Emergencies.

NOW THEREFORE BE RESOLVED:

Sec. 1. Whenever deemed an emergency, (as to when the health and safety of any town properties, services or the health and wellness of the citizenry may be imperiled), The Town Board of the Town of Bergen authorizes the Town Supervisor to call special meetings and to cancel pre-scheduled town meetings at any time when doing so is in the best interest of the health and safety needs of the citizens of the town.

Sec. 2. That Town Board Members and the Town Clerk will be notified electronically. That the Public will be notified by available means: on the Town website and Facebook; by notice to the official newspaper and by posting to the Town Hall door.

Sec. 3. That this resolution shall take effect immediately.

Motion by

Seconded by

VOTE BY ROLL CALL AND RECORD

Councilperson Anderson

Councilperson Grant

Councilperson Sapienza

Councilperson Starowitz

Supervisor Haywood

March 24, 2020