

**Town Board Meeting
Town of Bergen
Bergen NY
April 14, 2020
Meeting to be conducted via Teleconferencing**

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:

III. Approval of meeting Minutes for: Regular Meeting 3/24/2020

IV. Communications included with this agenda:

1. Supervisor Report for March 2020
2. Summary spreadsheets for March. 2020
3. Town Clerk Report for March 2020
4. ZEO/CEO Report for March., 2020
5. Proposal from Whitney East, Inc. For replacement of Sewer line at the Library building
6. Fifth Amended Towns of Batavia and Bergen Assessment Services Agreement
7. E-mail from Dawn Kuras,, from Rural Development dated 4/6/2020 to confirm funding availability for Water Improvement Benefit Area
8. MRB Monthly Status Report of Activities
9. Summary of 2020 NYS Budget and impact on Towns- Association of Town's Legislative Newsletter
10. E-mail of 4/9/2020 from Mr. Brian Zielinski in regards to re-evaluation and request to suspend

V. Board Members' items for addition to the agenda

VI. Reports:

Supervisor-

Clerk

-Office closed due to COVID-19, Clerk working ½ days in office

Board Members

Zoning / Code Enforcement:

-Lake road property, notice to property Owner

-COVID-19- Code Enforcement

-Highway

-Alternate Work Schedule

Committees

-Building, Grounds, and Facilities (cemeteries) -Updates: Library/ Town Office's renovation Project-

-Parks

-Local History & Museum- inventory

-Policy and Personnel

-Transfer Station

VII. Old Business:

- Town of Bergen Water Improvement Benefit Area #1 project- Update:
 - o Confirmation from Rural Development that the funds have been locked in and are secure, contingent upon project, contingent upon completion in five years.
 - o Engineer's report – MRB- dated 4/9/2020
 - o Updated Financing Time Line

VIII. New Business:

- Approval of proposal for the repair/replacement of the sewer line from the building to the tank at the Library Building. Contractor Whitney East, Inc., Amount: \$4,450.00
- . -Resolution authorizing the Supervisor to execute the Fifth Amended Towns of Batavia and Bergen Assessment Services Agreement.
- Discussion of 2020 budget in response to COVID-19 and potential reductions in revenue
- Mr. Zielinski's request to consider suspension of 2020 property revaluation/assessment.

IX- Reports & Bills:

- Action to file Town Clerks Report
- Action to file Supervisors Report
- Approve payment of the bills

X. Meeting and Other Upcoming Dates:

- Town Board Meeting: NOTE DATE AND LOCATION CHANGE Monday 4/27/2020 at 7 pm at the Community room at the Byron -Bergen Library Building at 13 S. Lake Ave, Bergen, NY. OR via teleconference if so required due to COVID-19 pandemic.

XI. Adjournment

DRAFT

MARCH 24, 2020 BERGEN TOWN BOARD REGULAR 2nd MEETING-TELECONFERENCE

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

PRESENT:

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

ALSO PRESENT:

Michele M. Smith, Town Clerk
Mike Johnson, Highway Superintendent
Rhonda Saulsbury, Assessor

ABSENT:

Councilwoman Belinda Grant

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

MINUTES: *Councilman Anderson made a motion to approve the March 10, 2020 minutes; seconded by Councilwoman Sapienza and it carried by a vote 4-0.*

COMMUNICATIONS:

Supervisor Report for January 2020
Town of Bergen State of Emergency Declaration
Mercy EMS report for February 2020
Updated Investment Policy
Communication from Charter Communications
Information for NYS Association of Towns on COVID-19
Resolution and policy for the calling and cancelling of Town Board Meetings During Emergency

REPORTS:

SUPERVISOR: State of Emergency Update -- being prepared to make decisions working with State, County and local officials if the epidemic gets worse and being able to apply for FEMA funds if necessary.
Supervisor January 2020 Report *Councilwoman Sapienza made a motion to file the Supervisor's January 2020 Report; seconded by Councilman Anderson and it carried by a vote 4-0.*
CLERK: request to declare old laptop as surplus due to windows 10 upgrade. *Councilwoman Sapienza made a motion to declare the Town Clerk laptop as surplus due to windows 10 upgrade; seconded by Councilman Anderson and it carried by a vote 4 -0*
ZEO/CEO: 6558 N. Lake Rd letter being prepared to be sent to owner not in compliance with too many unregistered vehicles on property.

HIGHWAY/SOLID WASTE: Nothing to report

COMMITTEES:

BUILDINGS AND CEMETERIES: update on Library Renovations -- doors being installed and change orders
PARKS: Nothing to report
LOCAL HISTORY AND MUSEUM: Nothing to report
POLICY AND PERSONNEL: Nothing to report

OLD BUSINESS:

Water Benefit Improvement area #1 – moving forward with project, bonding in scheduled for May.

NEW BUSINESS:

Response to COVID-19 – Office/Town Barns, State of Emergency – coordination with School/ Village/Town and County- buildings are closed to the public, highway crew off the week of March 23rd; the library staff is working one person every other day to organize after renovation and empty book drop; the Town Clerk is in the office regular hours not open to public-possibly reducing hours after April 6th due to tax collecting; Assessor is working from home and discussed town wide assessment timeline and how to handle not meeting with the public.

Resolution and adoption of policy amending Town Law 63 and 64 Authorizing the Supervisor to cancel or schedule board meetings in response to emergency. *Councilwoman Sapienza made a motion to authorize Supervisor Haywood to cancel or schedule board meetings due to State of Emergency for COVID-19; seconded by Councilman Starowitz and it carried by a vote 4 -0*

Amend investment policy – *Councilman Sapienza made a motion to accept the amendment to the investment policy; seconded by Councilman Starowitz and carried by a vote 4-0.*

NEXT MEETING:

Regular – Tuesday, April 14, 2020 at 7:00 pm as Teleconference with the audit of the bills emailed on the 13th.

ADJOURNMENT was at 7:56— pm on a motion by Councilwoman Sapienza; seconded by Councilman Anderson and carried by a vote 4-0.

Respectfully submitted,

Michele M. Smith

Michele M. Smith,
Town Clerk

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

		2/29/2020		3/31/2020		#9970	#4277	#9988
FUND Account		BALANCES	Increases	Decreases	BALANCES	Joint Checking	Joint Savings	Trust & Agency
A	200.000	General TW Checking	247,662.27	81,612.98	82,388.07	246,887.18		
A	201.000	General TW Savings	445,297.11	16,629.99	112,022.08	349,905.02	349,905.02	
B	200.000	General OV Checking	4,531.19	1,677.15	1,677.15	4,531.19	4,531.19	
B	201.000	General OV Savings	248,100.25	1,525.00	5,546.96	244,078.29	244,078.29	
DB	200.000	Highway OV Checking	70,973.21	34,303.76	12,949.60	92,327.37	92,327.37	
DB	201.000	Highway OV Savings	212,686.42	37,961.23	62,662.34	187,985.31	187,985.31	
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	-	63,566.47	63,566.47	-		
HH	201.004	Water District #4 Savings	-	-	-	-		
HH	200.050	Nioga Grant Checking	-	38,751.60	38,751.60	-		
HH	201.050	Nioga Grant Savings	68,175.00	-	38,751.60	29,423.40	29,423.40	
HH	200.051	Library SAMS Grant Checking	-	-	-	-		
HH	201.051	Library SAMS Grant Savings	-	-	-	-		
LL	200.000	Library Checking	-	2,364.42	2,364.42	-		
LL	201.000	Library Savings	143,313.24	575.00	2,364.42	141,523.82	141,523.82	
SM	200.000	Special District Fire Checking	-	-	-	-		
SM	201.000	Special District Fire Savings	104,747.21	-	-	104,747.21	104,747.21	
SW	200.002	Water District Checking	-	-	-	-		
SW	201.002	Water District Savings	100,138.80	-	-	100,138.80	100,138.80	
SW	200.003	Water Peachey Rd Checking	-	-	-	-		
SW	201.003	Water Peachey Rd Savings	59,642.34	-	-	59,642.34	59,642.34	
TA	200.000	Trust & Agency	65,092.76	62,723.49	61,120.97	66,695.28		66,695.28
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	
			1,914,730.40	341,691.09	484,165.68	1,772,255.81	343,745.74	1,361,814.79
		Reconciliation						
		Bank Statement Balances				1,784,710.48	355,261.33	67,430.92
		Deposits In Transit				-	(203.44)	203.44
		Outstanding Checks				(12,454.67)	(11,515.59)	(939.08)
		Balance on General Ledger				1,772,255.81	343,745.74	66,695.28
		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:

3/31/2020

Evelyn August 4/11/2020

**TOWN OF BERGEN
MARCH 2020
EXECUTIVE SUMMARY**

BALANCE SHEET

- Bank accounts were reconciled as of 3/31/20.
- The Town has \$1,772,255.81 in the bank.

REVENUES AND EXPENSES

• **REVENUES**

- Total receipts for the month were: \$56,691.22
- Major receipts were:
 - Town Clerk Report (February) - \$1,925.50
 - Justice Fees (February) – \$15,347.00
 - Sale of Equipment - \$10,814.00
 - NYS Snow & Ice - \$27,147.23
 - Other - \$1,457.49

• **EXPENSES**

Expenditures through March on average should equal 25% of the annual budget.

General Fund Townwide:

- Year to date expenses are \$185,131.73 compared to the annual budget of \$895,210.00 or 20.68% of the budget.

General Fund Outside Village:

- Year to date expenses are \$20,932.58 compared to the annual budget of \$546,050.00 or 3.83% of the budget.

Highway Outside Village:

- Year to date expenses are \$184,663.92 compared to the annual budget of \$778,355.00 or 23.72% of the budget.

Eery Angel 4/11/2020

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 3/31/2020

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
AA.1001.000.000 Real Property Taxes	\$ 0.00	\$ 381,389.00	\$ 381,389.00	\$ 0.00	100.00
AA.1081.000.000 Other Payments in Lieu of Taxes	0.00	3,804.94	3,746.00	58.94	101.57
AA.1090.000.000 Interest & Penalties on Real Property Taxes	818.24	818.24	2,500.00	(1,681.76)	32.73
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	103.50	1,391.01	1,500.00	(108.99)	92.73
AA.2130.000.000 Landfill Host Revenue	0.00	14,924.48	50,000.00	(35,075.52)	29.85
AA.2401.000.000 Interest & Earnings	46.22	142.80	400.00	(257.20)	35.70
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	0.00	10.00	0.00	10.00	0.00
AA.2544.000.000 Dog Licenses	297.00	746.00	2,200.00	(1,454.00)	33.91
AA.2610.000.000 Fines and Forfeited Bail	9,976.00	20,184.00	65,000.00	(44,816.00)	31.05
AA.2770.000.000 Unclassified Revenues	18.03	1,743.03	0.00	1,743.03	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	11,258.99	425,153.50	895,210.00	(470,056.50)	47.49
Expenses					
AA.1010.100.000 Town Board Personal Services	1,219.32	3,657.96	14,632.00	(10,974.04)	25.00
AA.1010.400.000 Town Board Contractual	0.00	477.80	1,500.00	(1,022.20)	31.85
AA.1110.100.000 Justices Personal Services	2,333.34	7,000.02	27,258.00	(20,257.98)	25.68
AA.1110.102.000 Justice Pers Svc. Clerk	1,910.86	5,328.18	21,792.00	(16,463.82)	24.45
AA.1110.200.000 Justice Equipment	0.00	0.00	600.00	600.00	0.00
AA.1110.400.000 Justices Contractual	811.80	1,458.57	14,150.00	(12,691.43)	10.31
AA.1220.100.000 Supervisor Personal Services	947.75	2,843.25	11,373.00	(8,529.75)	25.00
AA.1220.102.000 Deputy Supervisor Personal Services	0.00	120.83	1,450.00	(1,329.17)	8.33
AA.1220.103.000 Supervisor's Secretary Personal Services	1,186.60	2,917.20	13,789.00	(10,871.80)	21.16
AA.1220.400.000 Supervisor Contractual	239.85	668.00	8,350.00	(7,682.00)	8.00
AA.1320.400.000 Auditors Contractual	1,250.00	2,500.00	15,000.00	(12,500.00)	16.67
AA.1355.200.000 Assessor Equipment	0.00	0.00	300.00	300.00	0.00
AA.1355.400.000 Assessor Contractual	0.00	12,875.00	34,150.00	(21,275.00)	37.70
AA.1410.100.000 Town Clerk Personal Services	4,943.55	11,534.95	42,844.00	(31,309.05)	26.92
AA.1410.102.000 Deputy Town Clerk Personal Services	117.16	1,020.99	5,524.00	(4,503.01)	18.48
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	463.22	692.62	4,000.00	(3,307.38)	17.32
AA.1420.400.000 Attorney Contractual	750.00	750.00	8,000.00	(7,250.00)	9.38
AA.1420.401.000 Court Prosecutor	800.00	1,600.00	9,800.00	(8,200.00)	16.33
AA.1440.400.000 Engineer Contractual	0.00	0.00	7,100.00	(7,100.00)	0.00
AA.1450.400.000 Elections Contractual	0.00	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 3/31/2020

	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	981.75	981.75	1,200.00	218.25	81.81
AA.1620.100.000 Buildings Personal Services	418.78	1,005.74	4,800.00	3,794.26	20.95
AA.1620.400.000 Building Operation Contractual	3,741.76	10,080.86	65,000.00	54,919.14	15.51
AA.1620.401.000 Building Operation Lease Fire Hall	0.00	18,650.62	18,651.00	0.38	100.00
AA.1660.400.000 Central Storeroom Contractual	7.99	49.09	500.00	450.91	9.82
AA.1670.400.000 Central Printing & Mailing Contractual	253.81	1,878.45	5,000.00	3,121.55	37.57
AA.1680.200.000 Computers Equipment	0.00	0.00	4,000.00	4,000.00	0.00
AA.1680.400.000 Computers Contractual	695.72	1,455.06	7,000.00	5,544.94	20.79
AA.1910.400.000 Unallocated Insurance	0.00	240.94	34,000.00	33,759.06	0.71
AA.1920.400.000 Municipal Association Dues	0.00	900.00	900.00	0.00	100.00
AA.1950.400.000 Taxes and Assessments on Property	0.00	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	176.77	369.62	4,225.00	3,855.38	8.75
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	7,320.45	17,081.05	63,444.00	46,362.95	26.92
AA.5010.102.000 Supt. of Highways, Pers Svc, Deputy	173.07	403.83	1,500.00	1,096.17	26.92
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	0.00	200.00	1,000.00	800.00	20.00
AA.5132.400.000 Garage Contractual	1,337.87	4,712.61	68,000.00	63,287.39	6.93
AA.5182.400.000 Street Lighting Contractual	411.03	1,027.15	7,500.00	6,472.85	13.70
AA.6420.400.000 Promotion of Industry Contractual	0.00	275.24	8,000.00	7,724.76	3.44
AA.7410.400.000 Library Contractual	6,413.52	14,740.18	82,600.00	67,859.82	17.85
AA.7510.100.000 Historian Personal Services	688.50	688.50	2,930.00	2,241.50	23.50
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 Cemeterly Services	0.00	0.00	1,000.00	1,000.00	0.00
AA.8810.400.000 Cemeterly Contractual	0.00	0.00	6,000.00	6,000.00	0.00
AA.9010.800.000 NYS Retirement	0.00	23,340.00	23,340.00	0.00	100.00
AA.9030.800.000 Social Security & Medicare	2,100.71	5,186.96	17,000.00	11,813.04	30.51
AA.9040.800.000 Worker's Compensation	0.00	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	6,493.56	23,434.00	16,940.44	27.71
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 3/31/2020

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Total Expenses	43,859.70	185,131.73	895,210.00	710,078.27	20.68
Excess Revenue Over (Under) Expenditures	\$ 32,600.71	\$ (240,021.77)		0.00	\$ 1,180,134.77
					0.00

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 3/31/2020

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
BB.1120.000.000 County Sales Tax Distribution	0.00	177,608.62	500,000.00	(\$322,391.38)	35.52
BB.1170.000.000 Franchise Fees	0.00	6,421.84	18,000.00	(11,578.16)	35.68
BB.1560.000.000 Safety Inspection Fees	0.00	0.00	50.00	(50.00)	0.00
BB.2110.000.000 Zoning Fees	100.00	450.00	1,800.00	(1,350.00)	25.00
BB.2115.000.000 Planning Board Fees	0.00	0.00	200.00	(200.00)	0.00
BB.2130.000.000 Refuse & Garbage Charges	1,425.00	4,865.00	21,000.00	(16,135.00)	23.17
BB.5999.000.000 Unexpended Balance	0.00	0.00	5,000.00	(5,000.00)	0.00
Total Revenues	1,525.00	189,345.46	546,050.00	(356,704.54)	34.68
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	0.00	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	167.49	836.00	668.51	20.03
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	818.76	4,000.00	3,181.24	20.47
BB.8020.400.000 Planning Contractual	0.00	270.00	4,000.00	3,730.00	6.75
BB.8160.100.000 Refuse & Garbage Personnel Services	1,153.80	2,689.20	11,715.00	9,025.80	22.96
BB.8160.400.000 Refuse & Garbage Contractual	1,639.74	2,981.93	22,500.00	19,518.07	13.25
BB.8664.100.000 Code Enforcement Personnel Services	2,112.81	4,929.89	18,311.00	13,381.11	26.92
BB.8664.400.000 Code Enforcement Contractual	37.41	520.38	4,000.00	3,479.62	13.01
BB.9010.800.000 NYS Retirement	0.00	2,585.00	2,585.00	0.00	100.00
BB.9030.800.000 Social Security & Medicare	274.45	656.93	2,745.00	2,088.07	23.93
BB.9040.800.000 Workers Compensation	0.00	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	5,546.96	20,932.58	546,050.00	525,117.42	3.83
Excess Revenue Over (Under) Expenditures	\$ 4,021.96	\$ (168,412.88)	\$ 0.00	\$ 881,821.96	0.00

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
 For 3/31/2020

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
DB.2300.000.000 Service to Other gov't	\$ 27,147.23	\$ 27,147.23	\$ 137,909.00	\$ (110,761.77)	19.68
DB.2665.000.000 Sale of Equipment	10,814.00	10,814.00	0.00	10,814.00	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 Intertfund 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	37,961.23	37,961.23	778,355.00	(740,393.77)	4.88
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	793.35	2,262.33	40,000.00	37,737.67	5.66
DB.5140.100.000 Brush & Weeds, Contr	4,131.20	4,131.20	11,860.00	7,728.80	34.83
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	22,272.98	60,072.59	123,340.00	63,267.41	48.70
DB.5142.400.000 Snow & Ice Control Contractual	7,538.61	31,672.09	120,120.00	88,447.91	26.37
DB.9010.800.000 NYS Retirement	0.00	33,382.00	33,382.00	0.00	100.00
DB.9030.800.000 Social Security & Medicare	1,954.40	4,742.73	17,572.00	12,829.27	26.99
DB.9040.800.000 Workers Compensation	0.00	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	13,852.92	49,871.00	36,018.08	27.78
DB.9785.600.000 Installment Purchase Debt, Principal	0.00	20,325.45	0.00	(20,325.45)	0.00
DB.9785.700.000 Installment Purchase Debt, Interest	0.00	1,528.61	0.00	(1,528.61)	0.00
Total Expenses	41,308.18	184,663.92	778,355.00	593,691.08	23.72
Excess Revenue Over (Under) Expenditures	\$ 3,346.95	\$ 146,702.69	\$ 0.00	\$ 1,334,084.85	0.00

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 3/31/2020

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
Total Revenues	0.00	0.00		0.00	0.00
Expenses					
HH.1380.200.004 Fiscal Agents Capital Outlay	2,793.37	2,793.37		0.00	0.00
HH.1440.200.004 Engineering Cap Outlay, Water #4	60,562.50	86,062.50		0.00	0.00
HH.8310.200.004 Water Administration	210.60	210.60		0.00	0.00
Total Expenses	63,566.47	89,066.47		0.00	0.00
Excess Revenue Over (Under) Expenditures	\$ 63,566.47	\$ 89,066.47		\$ 0.00	\$ (89,066.47)

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
 For 3/31/2020

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
Total Revenues	0.00	0.00		0.00	0.00
Expenses					
HH.1620.200.050 Building Cap Outlay, Library	38,751.60	38,751.60		0.00	(38,751.60)
Total Expenses	38,751.60	38,751.60		0.00	(38,751.60)
Excess Revenue Over (Under) Expenditures	\$ 38,751.60	\$ 38,751.60		0.00	\$ (38,751.60)
					0.00

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
 For 3/31/2020

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
Total Revenues	0.00	0.00	0.00	0.00	0.00
Expenses					
HH.1620.200.051 Building Cap Outlay, Library	0.00	53,535.85	0.00	(53,535.85)	0.00
Total Expenses	0.00	53,535.85	0.00	(53,535.85)	0.00
Excess Revenue Over (Under) Expenditures	\$ 0.00	\$ 53,535.85	\$ 0.00	\$ (53,535.85)	0.00

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
 For 3/31/2020

	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	0.00	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	0.00	6,812.35	2,000.00	4,812.35	340.62
LL.3840,000.000 LLSA Grant NIOG	575.00	575.00	500.00	75.00	115.00
LL.5999,000.000 Unexpended Fund Balance	0.00	0.00	47,229.00	(47,229.00)	0.00
Total Revenues	575.00	13,015.35	152,454.00	(139,438.65)	8.54
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	269.73	506.73	30,000.00	29,493.27	1.69
LL.7410,205.000 Library AV Materials	489.51	726.11	3,500.00	2,773.89	20.75
LL.7410,210.000 Library Books	140.89	1,234.49	19,000.00	17,765.51	6.50
LL.7410,211.000 Library Books-Electronic	220.42	897.89	5,300.00	4,402.11	16.94
LL.7410,213.000 Library Serials	363.68	776.19	1,600.00	823.81	48.51
LL.7410,230.000 Library Office & Library	83.44	92.62	1,500.00	1,407.38	6.17
LL.7410,231.000 Library Telephone	206.12	244.37	550.00	305.63	44.43
LL.7410,232.000 Library Internet	0.00	75.00	250.00	175.00	30.00
LL.7410,233.000 Library Postage & Freight	0.00	25.27	251.00	225.73	10.07
LL.7410,234.000 Library Publicity	0.00	0.00	130.00	130.00	0.00
LL.7410,235.000 Library Mileage	71.30	177.28	500.00	322.72	35.46
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	419.00	484.00	6,000.00	5,516.00	8.07
LL.7410,291.000 Library Program Supplies	100.33	162.14	1,500.00	1,337.86	10.81
LL.7410,435.000 Library Membership Fees	0.00	10.00	75.00	65.00	13.33
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	2,364.42	5,412.09	152,454.00	147,041.91	3.55
Excess Revenue Over (Under) Expenditures	\$ 1,789.42	\$ (7,603.26)	\$ 0.00	\$ 286,480.56	0.00

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 3/31/2020

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
SM.1001.000.000 Real Property Taxes	\$ 0.00	\$ 205,600.00	\$ 205,600.00	\$ 0.00	100.00
SM.5999.000.000 Unexpended Balance	0.00	0.00	400.00	(400.00)	0.00
Total Revenues	0.00	205,600.00	206,000.00	(400.00)	99.81
Expenses					
SM.3410.400.000 Fire Contract Contractual	0.00	102,943.79	206,000.00	103,056.21	49.97
Total Expenses	0.00	102,943.79	206,000.00	103,056.21	49.97
Excess Revenue Over (Under) Expenditures	\$ 0.00	\$ (102,656.21)	\$ 0.00	\$ 103,456.21	0.00

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
 For 3/31/2020

	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	\$ 59,200.00	\$ 59,200.00	\$ 0.00	100.00
SW.5999.000.002 Unexpended Balance - District 2	0.00	0.00	20,800.00	(20,800.00)	0.00
Total Revenues	0.00	59,200.00	80,000.00	(20,800.00)	74.00
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	\$ (59,200.00)	\$ 0.00	\$ 100,800.00	\$ 0.00

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 3/31/2020

	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	\$ 48,860.00	\$ 48,860.00	\$ 0.00	100.00
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	48,860.00	49,860.00	(1,000.00)	97.99
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	\$ (48,860.00)	\$ 0.00	\$ 50,860.00	0.00

Account#	Account Description	Fee Description	Qty	Local Share
A1255	Clerk Fees	Certified Copies	2	20.00
		Conservation	1	1.38
	Sub-Total:			\$21.38
A2544	Dog Licensing	Female, Spayed	12	60.00
		Male, Neutered	10	50.00
		Replacement Tags	1	3.00
	Late Fees	Late Fees	2	10.00
		Senior Discount	3	-9.00
	Sub-Total:			\$114.00
B2110	Building & Zoning	Building Permit	4	165.00
		Zoning	1	30.00
	Sub-Total:			\$195.00
B2130	Solid Waste	Garbage Bag	293	1,465.00
		Transfer Sta. 10.00	6	60.00
		Transfer Sta. 20.00	15	300.00
		Sub-Total:		

Total Local Shares Remitted: \$2,155.38

Amount paid to: NYS Ag. & Markets for spay/neuter program _____ 22.00

Amount paid to: NYS Environmental Conservation _____ 23.62

Total State, County & Local Revenues: \$2,201.00

Total Non-Local Revenues: \$45.62

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Michele M. Smith, Town Clerk, Town of Bergen during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

Supervisor

Date

Michele M. Smith 4/1/20

Town Clerk

Date

Printed : April 04, 2020

Town of Bergen Permit Monthly Report

From : March 01, 2020 To : March 31, 2020

<u>Document #</u>	<u>Issue Date</u>	<u>Owner</u>	<u>Document Type</u>	<u>Property Location</u> <u>SBL</u>	<u>Valuation</u>	<u>Amount</u>
March						
10-2020	3/28/2020	Charles Redinger	Res-Generator	8045 Creamery Rd 8.-1-9.11	\$0.00	\$40.00
11-2020	3/28/2020	Thomas Family Wealth	Res-Generator	7926 Buffalo Street Ext 12.-1-54.113	\$0.00	\$40.00
8-2020	3/13/2020	Kamajit Sembhi	Res-Remodel	6685 West Sweden Rd 12.-1-69.2	\$0.00	\$75.00
9-2020	3/14/2020	Brian Frew	Res-Generator	7232 Clinton St Rd 16.-1-31.1	\$0.00	\$40.00
				March Total :	\$0.00	\$195.00
				Reporting Period Total:	\$0.00	\$195.00
				Year-to-Date :	\$0.00	\$560.00

Whitney East Inc.

General Contractor Construction Manager

1504 Scottsville Road

Rochester, NY 14623

585.328.7100 (ph)

585.328.4956 (fax)

WhitneyEast.com

Builders@WhitneyEast.com

3/11/2020

Town of Bergen

Re: Sewer Line Replacement

Dear Ernie,

Below you will find the cost to fix and replace the current sewer line from the building to the tank. This will include the removal of sidewalk to find the sewer line, excavation back to the tank, and replacement of the pipe from the building into the tank. We will also remove one riser ring on each of the tank openings to bury the lids under 4-5" of topsoil. We have only included replacing the 5' side walk because of where we think the sewer line is, if the line is further under the large slab in will incur more cost.

The cost to provide the sewer line replacement:

WEI Concrete Replacement	\$ 845.00
<u>AD Call Excavation</u>	<u>\$ 3,200.00</u>
Subtotal	\$ 4,045.00
<u>WEI O & P (10%)</u>	<u>405.00</u>
Total Cost of Replacement	\$ 4,450.00

Thanks,

Zac Condidorio

Zac Condidorio

A.D. CALL & SONS EXCAVATING & TRUCKING, INC.
6400 MAIN ROAD PO BOX 60
STAFFORD, N.Y. 14143-0060

ADC Change Order #1
March 6, 2020

Whitney East Inc.
Attn; Zac Condidorio
1504 Scottsville Rd
Rochester, NY 14623

Re: Library and Municipal Building Renovations Bergen NY-Site Work

Dear Zac;

A.D. Call & Sons Excavating & Trucking, Inc. proposes to complete the site work for the above stated job as listed below:

- Demolition-including demolish and remove 9 Sq. Ft. of concrete sidewalk
(If additional concrete has to be demolished, additional expenses will be incurred)
- Sanitary sewer-including pump existing septic tank so we can perform our work, replace approximately 35 Lf. of 4 inch SDR-21 pipe from outside the foundation wall to the existing septic tank, remove riser rings, and provide (2) new concrete covers below grade
- Sidewalk-including 9 Sq. Ft. x 6 inches deep of boxout and compacted imported structural fill
(Concrete and reinforcement by others)
- Site restoration-including areas disturbed by our work

Total for C.O. #1 \$ 3,200.00 (Three thousand two hundred and 00/100 dollars)

***The following exclusions are not included in the price(s) listed above:

- | | |
|---|---|
| Rock excavation and/or removal | Unknown concrete excavation and/or removal |
| Running sand excavation and/or removal | Unknown buried debris excavation and/or removal |
| High ground water conditions | Unknown utilities encountered |
| Contaminated soil excavation and/or removal | Compaction testing |
| Concrete testing | Bonding, permits, and fees |
| Fencing | Survey of the building |
| Concrete | Concrete reinforcement |
| Landscaping | Sales tax |

***Notes:

Due to the inherent danger of Confined Space, A.D. Call & Sons Excavating and Trucking Inc. recommends locking steel frames and covers. Per your direction A.D. Call & Sons Excavating and Trucking Inc. has included new concrete covers at approximately 12 inches below grade for Pre-Cast Concrete Structures. These Concrete Covers must be maintained (Below grade) as installed. A.D. Call & Sons Excavating and Trucking Inc. has no liability for this maintenance or consequences of someone entering this Confined Space intentionally or by accident.

We have included Prevailing Wages in our proposal

We have not included NYS Sales Tax

We have not included allowances in this proposal

We have not included alternates in this proposal

We have not included any time or materials for rock excavation and/or removal
(Soil boring reports not provided)

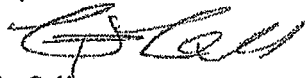
We have not included any time or materials for unsuitable material excavation and/or removal
(Soil boring reports not provided)

Items not specifically included are excluded

This proposal is contingent on executing a subcontract with terms and conditions agreeable to A.D. Call & Sons Excavating & Trucking, Inc. If work begins without an executed subcontract it is assumed all terms and conditions herewith are acceptable

Should you have any questions regarding the above quote please feel free to contact me at the number listed above.

Sincerely,



Quentin Call
President
Qc:ml

All work is to be completed in a workmanlike manner according to standard practices. Any alterations or deviations from the specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above this estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. This quote may be withdrawn if not accepted within 30 days.

ACCEPTANCE OF PROPOSAL - The prices, specifications and conditions listed above are satisfactory and are hereby accepted. A.D. Call & Sons Excavating & Trucking, Inc. is hereby authorized to complete the work as specified.
Signature: _____ Title: _____

**FIFTH AMENDED
TOWNS OF BATAVIA AND BERGEN
ASSESSMENT SERVICES AGREEMENT**

THIS AGREEMENT made the _____ day of _____, 2020, by and between the **TOWN OF BERGEN**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 10 Hunter Street, Bergen, New York 14416, (hereinafter referred to as "Bergen"), and the **TOWN OF BATAVIA**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 3833 West Main Street Road, Batavia, New York 14020, (hereinafter referred to as "Batavia").

WHEREAS, pursuant to Article 5-G of the General Municipal Law, Bergen and Batavia are authorized to enter into an inter-municipal cooperative agreement for the provision of tax assessment services, and

WHEREAS, Batavia currently is employing an Assessor fully qualified to provide all assessment services as required by law, and

WHEREAS, Batavia intends to continue to maintain the position of Assessor and to provide any support staff necessary to assist her/him to perform assessment duties in both the Towns of Batavia and Bergen.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, it is agreed as follows:

1. Batavia agrees to provide assessment services to Bergen and shall provide a qualified individual to perform said duties outlined herein. The person appointed as Assessor must satisfy the minimum qualification standards for real property assessors established by the State Board of Real Property Services.
2. The Assessor provided by Batavia shall be responsible for assessing all parcels of real property located in Bergen and in Batavia for the purposes of taxation and special ad valorem levies for town, county, special district and school district. The Assessor shall also oversee all other duties as required for assessors by the Real Property Tax Law and the rules of the State Board of Real Property Services. All real property shall be assessed at the same uniform percentage of market value in all of the assessing units participating in the Agreement throughout the term of the Agreement. Such percentage of market value shall be annually printed on the tentative assessment rolls for the participating assessing units.
3. The dates applicable to the assessment process in each municipality, including taxable status date, and the dates for the filing of the tentative and final assessment rolls, shall be the same.

4. The Assessor personally and/or by employees under his/her direction shall be present for office hours in the Bergen Town Assessors Office for a total of four (4) hours per week. The days and times of these office hours shall be mutually agreed. Additionally the Assessor can be available by appointment or during regular office hours at the City or Town of Batavia offices.

5. The Assessor and any support staff shall for all purposes be deemed employees of Batavia. The Assessor and any support staff shall not in any way be construed as employees of Bergen. Batavia shall pay the salary and make employer's contributions for retirement, social security, health insurance, worker's compensation, unemployment and other similar benefits for the Assessor, as well as for any other individuals employed by Batavia to fulfill the terms and conditions of this Agreement as support staff.

6. Batavia shall indemnify and hold Bergen harmless from any claims made against Bergen by the Assessor, or any third party, arising out of any acts of misfeasance, malfeasance, or non-feasance by the Assessor in the performance of his/her duties while working for Batavia, including costs of settling any action and reasonable attorney's fees for defense. Bergen shall indemnify and hold Batavia harmless from any claims made against Batavia by the Assessor, or any third party, arising out of any acts of misfeasance, malfeasance, or non-feasance by the Assessor in the performance of his/her duties while working for Bergen, including costs of settling any action and reasonable attorney's fees for defense. Each party will provide the other with timely notice of any claims and shall fully cooperate with each other to defend the same.

7. Batavia shall pay all costs and expenses relating to defending any assessment challenge brought in its jurisdiction and Bergen shall pay all costs and expenses related to defending any assessment challenge brought in its jurisdiction.

8. The terms and conditions of this Agreement shall begin on July 1, 2020 and shall end on June 30, 2021. In order to allow both municipalities to make alternative arrangements for assessment duties, if necessary, the rights and duties of both parties shall not extend beyond the termination date, unless on or before April 30, 2020, Bergen and Batavia enter into an additional Agreement to renew or extend this contractual arrangement upon mutually agreed upon terms and conditions.

9. In consideration and for compensation for the services set forth herein, Bergen shall pay to Batavia the total sum of twenty-five thousand, seven-hundred, fifty dollars (\$25,750.00) for this Agreement. This sum shall be paid in two equal installments of twelve thousand, eight hundred, seventy-five dollars. The first payment due on or before October 1, 2020 and the second payment due on or before March 1, 2021.

10. In the event that the current Town of Batavia Assessor shall resign or otherwise is no longer able to provide assessment services to Batavia, then Bergen, at its sole option and discretion, may terminate this Agreement with at least thirty (30) days prior written notice to Batavia and thereafter, this Agreement shall be null and void.

11. There are no other agreements or understandings, either oral or written, between the parties affecting this Agreement. No changes, additions or deletions of any portions of this Agreement shall be valid or binding upon the parties hereto unless the same is approved in writing by the parties.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

TOWN OF BATAVIA

By: Gregory H. Post, Town Supervisor

TOWN OF BERGEN

By: Ernest Haywood, Town Supervisor

State of New York}
County of Genesee}ss.

On this _____ day of _____, 2020, before me, the undersigned, personally appeared Gregory H. Post, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

State of New York}
County of Genesee}ss.

On this _____ day of _____, 2020, before me, the undersigned, personally appeared Ernest Haywood, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

supervisor@bergenny.org

From: Kuras, Dawn - RD, Batavia, NY <dawn.kuras@usda.gov>
Sent: Monday, April 6, 2020 7:13 AM
To: supervisor@bergenny.org
Cc: Johnston, Barbara
Subject: Town of Bergen WIBA #1

Ernie,

I want to let you know that USDA Rural Development is still open for business as usual. All our staff is working remotely but again business as usual.

The funds for your WIBA #1 have been locked in for the Town of Bergen since 05/13/19. As long as the Town gets the project complete within 5 years there is not concern that we will take the funds away.

Water infrastructure is considered essential and all projects are going forward as normal other than we are doing remote construction meetings.

Please feel free to reach out to me if any questions or concerns.

I hope you are stay safe and healthy.

Dawn K Kuras
Team Lead
Batavia Field Office, Rural Development
United States Department of Agriculture
29 Liberty Street, Suite 2 Batavia, NY 14020
Phone 585-201-5628 | TDD 315-477-6447
Fax 855-889-1627
www.rd.usda.gov/ny

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To: Supervisor Ernie Haywood and Town Board Members

COPY: Mike Johnson, Town Highway Superintendent
Michele Smith, Town Clerk
Dave Mason, Code Enforcement Officer
Gary Fink, Planning Board Chairman
Rhonda Saulsbury, Town Assessor
Dan Bryson, Town Attorney
Leisa Strabel, Supervisor's Assistant
Scott Mattison, MRB Group

FROM: Paul R. Chatfield, P.E.

DATE: April 9, 2020 **MRB GROUP PROJECT No:** 0202.18000.000

RE: MRB MONTHLY STATUS REPORT

The following is a summary of the status of the projects that MRB Group is completing on your behalf during the time period indicated above:

1. General Engineering, MRB # 0202.18000.000

Nothing new to report this month.

2. Robins Brook Park Improvements, MRB# 0202.18002.000

We have completed our work associated with the Robins Brook Park Pavilion. We will have a 11 month walk thru around July 29, 2020. The one (1) year warranty period ends on August 29, 2020.

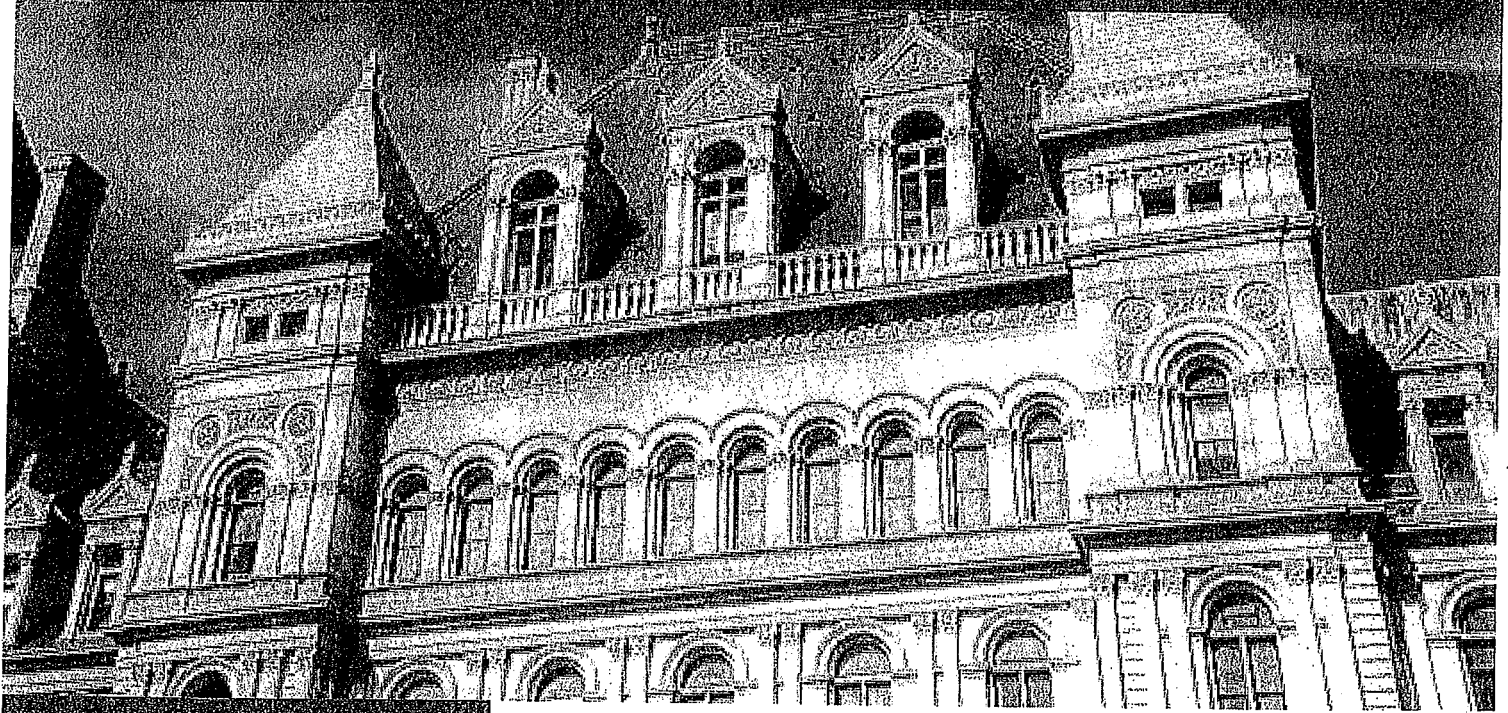
3. Water Improvement Benefit Area No. 1, MRB# 0202.18003.000

- We have completed preparation of the base maps for the project and we have completed the necessary initial field work for the entire project area.

- We are in the process of reviewing the Contract No. 1 plans and are putting the finishing touches on the preliminary plans for Contract No. 2. Once we finish our internal review and preparation of the plans for each contract, we will be forwarding a PDF of the plans and specifications to the MCWA. Under the current Covid-19 Social Distancing restrictions, our onsite meetings with the MCWA are on hold which will impact the schedule.
- We will be communicating closely with the MCWA Representatives to help facilitating the review process. Once we receive initial comments and suggestions from the MCWA we will then submit plans to other agencies for review.
- We have prepared the draft Contract Specifications for Contract No. 1. We anticipate the Project will be broken down into two contracts, generally split near the old railroad bed. Our goal will be to split the contracts as evenly as possible relating to the length of the water main.
- We have held a monthly conference call with Ernie Haywood, Donegan's office, Labella's office and Dan Bryson to review the project status and various other topics. Our next conference call is scheduled for Tuesday April 14, 2020 at 1:00 pm.
- We have updated the estimated cash flow summary dated March 5, 2020.
- We have updated the Tentative Schedule dated March 5, 2020. The completion date of December 2021 has remained unchanged at this point. The time for the agencies to review and approve the plans and specifications will dictate the final schedule.

IN SESSION

Association Of Towns' Legislative Newsletter



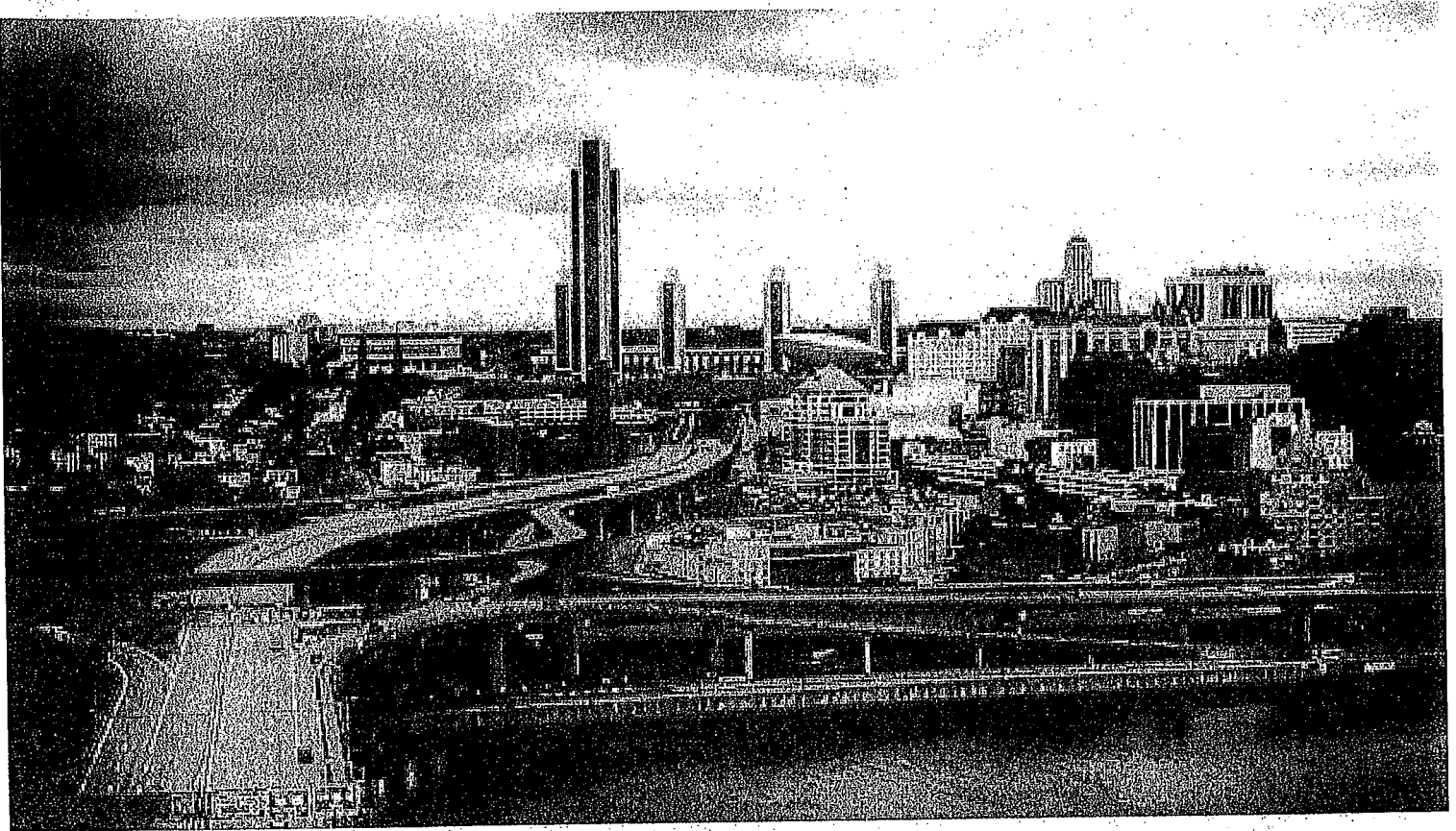
In this Issue

- **A Note to our Members during COVID-19**
- **Budget Items Affecting Towns**
- **Items Omitted from State Budget**

On April 2, the New York State Budget was adopted for state fiscal year 2020-2021. To say this year's budget and budget process has been unusual would be an understatement. From the time the Executive Budget was released through mid-March, AOT was meeting with lawmakers and their staffs, conferencing with interested parties, and preparing for the one-house budget bills to be released. Then the world turned upside down.

With the ongoing health crisis and an uncertain financial future, this year's budget leaves more questions than answers. The priority right now is, and should be, public health and safety. The Division of Budget will periodically review state revenue and expenditures and may adjust or reduce appropriations accordingly (see Balanced Budget Amendment below). This, combined with reduced sales tax revenue, permitting fees, mortgage recording tax etc., undoubtedly stresses your ability to budget, particularly as you continue to provide essential services and help your community. While there are many unknowns at this point, we continue to have ongoing contact with the Governor's office, Comptroller DiNapoli, lawmakers, and various state agencies letting them know the impact COVID-19 is having on local governments. As we receive clarification or guidance on issues related to or impacting local governments, we will update you. Meanwhile, we encourage you to reach out to our office with your concerns and questions so that we may help where we can and relay other issues to the state.

What follows is a summary of some key provisions in the final state budget



impacting local governments. We, and by extension our members, are proud to have achieved some victories for local government with this budget; small cell wireless being permitted to the detriment of home rule is OUT; get discovery and bail reform, along with funding and changes to the list of excepted crimes is IN; and we are proud to have achieved some significant compromises to the siting of renewable energy legislation. However, we suspect that our work is far from over. The Legislature passed a resolution allowing members to vote remotely if needed, and we anticipate the Legislature will conduct a special session later this year. We will continue our advocacy and make sure our members have the information and tools needed to speak with your individual representatives.

[The Balanced Budget Amendment] combined with reduced sales tax revenue, permitting fees, mortgage recording tax etc., undoubtedly stresses your ability to budget, particularly as you continue to provide essential services and help your community.

Seeing the response by local governments during this unprecedented time makes us proud to work with and represent towns. Though we are working from home for the foreseeable future, AOT's commitment to helping towns remains unwavering. We encourage you follow us on Facebook and Twitter, where we post up-to-date information, check our website nytowns.org for additional informational postings, and to contact us via e-mail (info@nytowns.org) with any questions or areas of need where we can provide a resource (chances are, if one of our members has a question, other members do too!). You may also call our office at (518)465-7933 and leave a voicemail; someone will get back to you.

You may also call our office at (518)465-7933 and leave a voicemail; someone will get back to you. We hope you and your loved ones stay safe and healthy.

Balanced Budget Amendment (S7506-B/ A 9506-B ELFA Part JJ)

- Requires the state budget director to review state revenues and expenditures during three measurement periods to determine whether the state budget is balanced
 - Three measurement periods are (1) April 1 to April 30, 2020, (2) May 1 to June 30, 2020, and (3) July 1 to Dec. 31, 2020
- Authorizes the state budget director to "adjust or reduce any general fund and/or state special revenue fund appropriation and related cash disbursement by any amount needed to maintain a balanced budget" for state fiscal year 2020-2021. There are certain exceptions, and cuts should be as uniform as possible.
- Legislature has 10 days to adopt its own balanced budget plan. The state budget director may implement his or her own plan if the Legislature fails to adopt its own plan within the designated time

Highway Funding Remains Flat (Capital Funding Appropriation Bill S7504-c/A9504-c) *

- \$438.1 million for Consolidated Highway Improvement Program (CHIPS) (p. 607)
- \$39.7 million for the Marchiselli program (p. 606)
- \$100 million for the PAVE-NY program
- \$100 million for the BridgeNY program
- Extreme Winter Recovery Funding \$65 million *

NOTE – these funds are subject to the Balanced Budget Amendment (see above), and the Division of Budget must first certify that the state can distribute/spend this money without adversely impacting state funding for capital projects deemed essential to public health and safety or essential government services.

Renewable Energy Siting (S7508-B/ A 9508-B TED Part JJJ) *

- Creates the Office of Renewable Energy Siting to permit renewable energy projects with a capacity of 20KW or more
- Establishes a new process to site renewable energy projects
- Authorizes NYSERDA to facilitate build-ready sites with an emphasis on brownfields and other underutilized properties

NOTE – The Association of Towns will be sending out a separate informational sheet outlining the new process and providing more details

Aid and Incentives to Municipalities (AIM) General Purpose Revenue Sharing *

- AIM and AIM-related payments remain the same as last year (Aid to Localities Budget Appropriation, page 942)
- Addresses the authority for the financial control boards in Erie and Nassau counties to turn over sales taxes to the state comptroller in order to meet their AIM-related sales tax payments (S7505-B/ A9505-B, PPGG Part NN)

NOTE - AIM payments, and potentially AIM-related payments, are subject to the Balance Budget Amendment (see above)

Increase in mandatory competitive bidding threshold for CHIPS funded projects (S7508-B/ A 9508-B TED Bill Part A)

- Amends Highway Law § 10-c (4) to increase the monetary threshold from \$250,000 to \$350,000 before a town will be required to competitively bid a public works project funded by CHIPS
- Please note that public works projects that exceed \$35,000 are still subject to competitive bidding if the town decides to contract for the project instead of using the town highway department employees

Restore Mother Nature Bond Act (S7508-B/ A 9508-B, TED Part QQ and RR)

- Allows an aggregate of \$3 billion in state debt to be created and used as follows
 - \$1 billion for restoration and flood risk reduction
 - \$550 for open space conservation and recreation
 - Up to \$700 million for climate change mitigation
 - Not less than \$550 million for water quality improvement and resilient infrastructure
- Subject to voter approval at the November 2020 elections; however, it will not be submitted unless the Division of Budget certifies to the Secretary of State that the debt can be issued within the state's financial plan without adversely affecting funding available for capital projects essential to the health and safety of the public or essential government services
- If the act does not get submitted to voters in November, it will be deemed expired
- If approved, the DEC will distribute funds and promulgate regulations on how municipalities can apply for funds

Prevailing Wage Expansion (S7508-B/ A 9508-B TED Part FFF)

- Amends Labor Law to expand prevailing wage requirements to more projects
- Creates a state subsidy board made up of agency heads, industry groups and labor groups that can clarify application of \ new prevailing wage requirements and determine exemptions
- Prevailing wage now required for private construction projects when the project costs over \$5 million and at least 30 percent of it is paid by public funds
 - exceptions for certain affordable housing projects and renewable energy projects

E-Scooters and Bikes

- Authorizes electronic scooters and electronic bicycles on municipal roadways and grants localities the ability to further regulate or prohibit electronic scooters and bicycles within their jurisdictions
- Towns in Westchester, Nassau and Suffolk counties may prohibit e-scooters and e-bikes but cannot further regulate them without county authorization

Removal of STAR Benefit for Past-Due Taxes (ELFA Part W)

- Removes the STAR benefit for any taxpayer that has past-due taxes
- Town officials will be required to implement this policy and notify the state of any delinquent taxpayers.

Election Recounts (S7505-B/ A9505-B, PPGG Part JJ)

- Requires an automatic manual recount of election results when there is a slim margin of victory (0.2 percent or less in elections for statewide offices and 0.5 percent or less in non-state wide elections)
- Goes into effect January 1, 2021 and applies to any election held 120 days or more after the effective date

Add "E Pluribus Unum" (Out of Many, One) to the State Arms (S7508-B/ A 9508-B TED Part U)

- Adds state motto "E Pluribus Unum" to the word "Excelsior" on the scroll beneath the shield agent which appears on the state seal and the state flag. Effective 180 days after April 2, 2020, and within 60 days any electronic depiction of the arms of the state must be updated.
- Local governments are not required to replace a flag solely because it contains the former arms of the state.

Notaries (S7508-B/ A 9508-B TED Part V)

- Notary publics no longer need to be U.S. citizens. They must still be either a resident of New York or have an office or place of business in New York. Effective immediately.

Water Funding (S7508-B/ A 9508-B TED Part KK)

- Amends Public Authorities Law § 1285-j (4) to allow the Environmental Facilities Corporation to offer municipalities 40-year financing through the Clean Water State Revolving Fund and/or Drinking Water State Revolving Fund for projects which qualify for zero-percent interest rates due to financial hardship.

Effective immediately.

Bans Styrofoam Container and Packing Peanuts (S7508-B/ A 9508-B TED Part PP)

- Bans food service providers and stores from selling, distributing or using Styrofoam and packing peanuts to hold food or beverage
- Towns are pre-empted from adopting local laws on the issue

Optional Exemption from Special Ad Valorem Levies (PPGG Part XX Subpart E)

- Provides towns with the ability to provide taxpayers with a real property tax exemption for any improvements to residential real property that facilitates accessibility for a physically disabled owner

Union Access to Employee Orientation Training PPGG Part W:

- Requires public employers to provide unions access to new employee orientations if the public employer conducts such orientations

Prison Closures (PPGG Part F)

- Provides the Governor with the authority to close correctional facilities in Fiscal Year 2020-2021 as he determines necessary for cost-saving measures, so long as he provides 90 days' notice to the temporary president of the senate and the speaker of the assembly

Establishes the District Attorney Discovery Compensation Fund (PPGG Part E)

- Creates the District Attorney Discovery Compensation Fund (funded at \$40 million) to support expenses related to digital evidence transmission technology, administrative support, computers, hardware and operating software, data connectivity, development of training materials, staff training, overtime costs, litigation readiness, and pretrial services.
- Counties, cities with populations less than 1 million, and law enforcement and prosecutorial entities within towns and villages are eligible for these funds

Discovery and Bail Reform (ELFA Parts UU and HHH)

- Expands list of crimes are eligible for bail
- Extends timeline for discovery
 - 20 days from arraignment if defendant is in custody while criminal case is pending
 - 35 days from arraignment if defendant is not in custody while criminal case is pending
 - As soon as possible but no later than 15 days before trial for a vehicle and traffic infraction or a petty offense (as defined in a municipal code) that does not carry a sentence of imprisonment

Omitted from the Final Budget

- Legalizing recreational use cannabis
- Proposal on permitting of small cell wireless facilities
- Proposal to eliminate video lottery terminal aid
- Proposed amendment to allow more flexibility in projects eligible for state matching funds under the county-wide shared services matching savings grant program
- Proposal on the disclosure of tax returns for certain local elected officials
- Court restructuring proposal
- Amending interest rates on judgments

An Announcement Re: Our 2020 Finance Schools

Unfortunately, due to COVID-19, we are forced to postpone our original training event. We will announce the new dates and locations as soon as we have them, and we sincerely hope you will be able to join us. We hope you and yours are staying safe during these uncertain times.

As always, please stay tuned to our website, nytowns.org, and our social media, as well as your inbox and your mailbox, for important communications.

supervisor@bergenny.org

From: supervisor@bergenny.org
Sent: Thursday, April 9, 2020 11:22 AM
To: Brian Zielinski
Cc: Rhonda Saulsbury; asapienza@bergenny.org; manderson@bergenny.org; jstarowitz@bergenny.org; supervisor@bergenny.org
Subject: Re: 2020 assessments

Thank you for your concern onto the board, The board did discuss this matter with the assessor at our last meeting and the decision was to proceed. I have copied in the board members in this e-mail so they are aware of your concerns. Please be assured the town and the assessor is aware of the social distancing concerns and provisions have been made to account for all recommended social distancing actions.

Thank You

Ernie

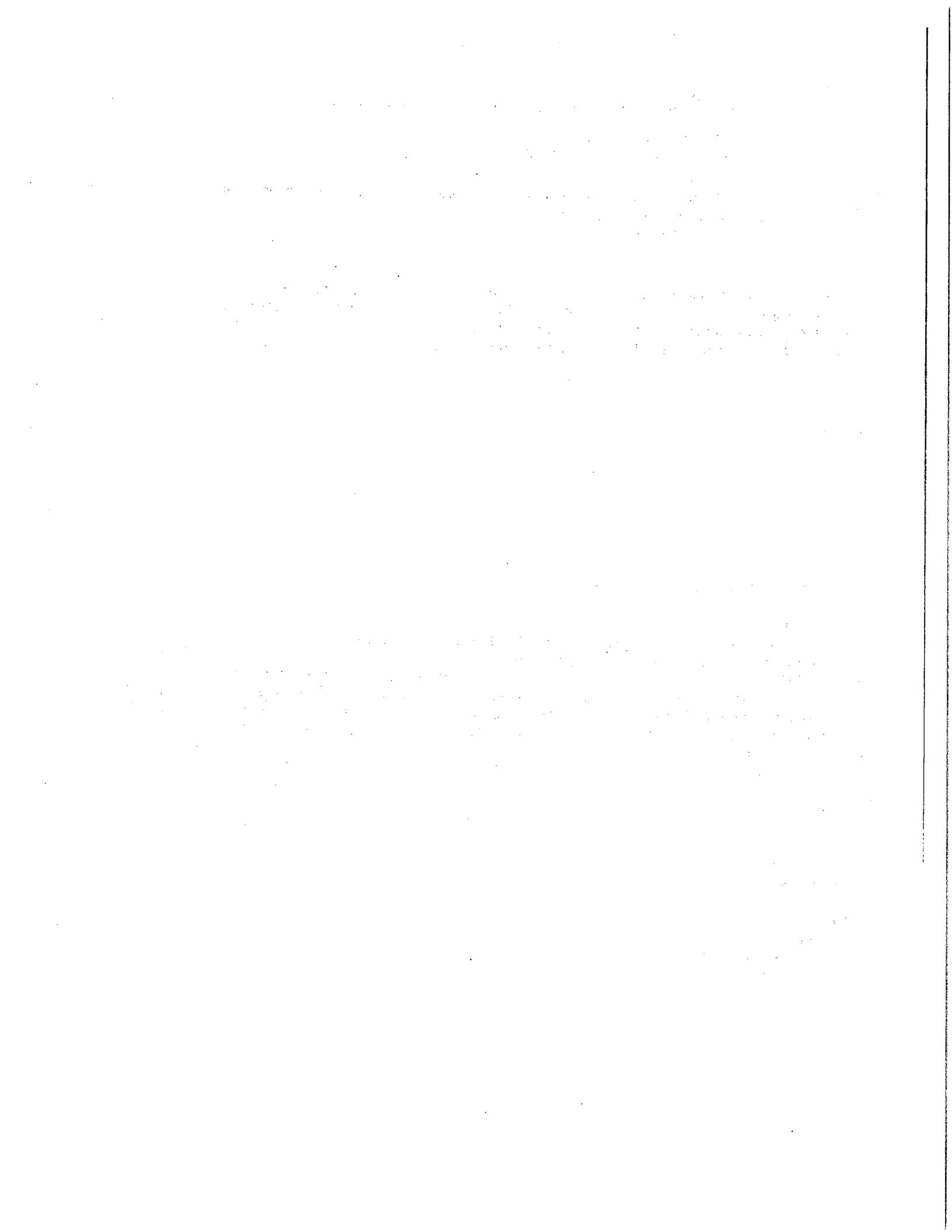
On 2020-04-09 09:52, Brian Zielinski wrote:

Dear Mr. Haywood,
I recently received a notice of change in my 2020 assessment from the town. I understand the "need" for re-evaluations however given the current medical crisis, I am writing in recommendation for the town to suspend the 2020 reval. My concern is that with the current unemployment rates and job uncertainties this could be detrimental to some residents of Bergen. Some are already struggling enough to make that mortgage payment or keep food on the table, let alone worry about their tax bill going up. With the current social distancing guidance from the CDC how can the town ensure residents safety on grievance day? The town had a reval in 2019, so delaying a reval in 2020 which has/will be economically challenging does not seem out of the question. Please pass my concerns along to your board members.

Sincerely,

Brian Zielinski
West Sweden Road
Bergen, NY

Brian Zielinski
1600 Main St
Java Center, NY 14082
Cell: 716-796-4240
Home: 585-457-3126



Estimated COVID revenue losses and possible areas to cut

	<u>Real \$\$</u>	<u>Per Budget</u>
Revenues		
Sales Tax	\$105,414	\$2,654
Court Fines	\$19,500	\$16,250
B & P fees	\$1,250	\$1,250
Total Loss	\$126,164	\$20,154

Possible cuts to reach \$20,154

- \$7,800 don't fill highway clerk position
- \$597 FICA on clerk position
- \$5,000 don't undertake cemetery project (\$6,000 budgeted)
- \$1,500 don't start delivery of newsletter
- \$5,257 Park contractual (\$10,000 budgeted; spent less than \$3,000 2019)
- \$20,154

Other possible areas

- \$ Don't take down pole barn
- \$ Prosecutor was raised from \$4,000 to \$9,800. Will this be necessary due to reduced court?
- \$ Street lighting update- LED- \$7,500
- Hold off Taking down old Town Barns
- Hold on Cleaning Town Hall/ Library and historian office currently once a week \$540.00 per month -

DANIEL S. BRYSON
Partner
▪ *Direct Line* 585.324.5714
▪ *Direct Fax* 585.269.3010
▪ *Email* dbryson@lacykatzen.com

April 7, 2020

Mr. Alex Kozlyuk
114 Olde Harbour Trail
Rochester, New York 14612

Re: 6558 North Lake Road, Bergen, New York

Dear Mr.Kozlyuk:

This firm represents the Town of Bergen as municipal counsel. It has been brought to our attention that you may be utilizing the above-referenced property in a manner inconsistent with the Town of Bergen Code and in violation of the New York State Property Maintenance Code. Specifically, section 302.8 of the New York State Property Maintenance Code states: "Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled."

By letter dated January 21, 2020, the Town Board of the Town of Bergen required you to remove certain vehicles on your property that were in violation of Section 302.8 within thirty days of said letter. You failed to remove the vehicles within the allotted thirty-day time period, and upon information and belief, the vehicles are still on your property.

Within fifteen (15) days of the date of this letter, you must remove the vehicles that are in violation of section 302.8 from your property. If you fail to comply, the Town reserves the right to bring an enforcement action against you pursuant to §256-15 of the Town of Bergen Code. Such enforcement may include, but is not limited to, civil penalties of up to \$250 per day and/or injunctive relief.

To avoid any further cost to you, it is recommended that you answer this letter within the 15-day time period referenced above. I look forward to your anticipated cooperation in this regard.

Very truly yours,

LACY KATZEN LLP

Daniel S. Bryson

DSB/cjd



MUNICIPAL FINANCE

LOC Letter	05-10-19	Engineer Est.	05-17-19
Loan	= \$5,900,000	\$5,900,000	
@	2.50% P / I / M	2.50%	
Grant	= \$3,058,000	\$3,058,000	
Total	= \$8,958,000	\$8,958,000	
	435 EDU'S	435 EDU'S	
DS	= \$557.04	\$557.04	
O&M	= 367.90	367.90	
Total	= \$924.94	\$924.94	

Water District Formation	09-05-19
Audit & Control Approval	01-29-20
FINALIZE FORMATION OF WATER DISTRICT	02-11-20
ADOPT BOND RESOLUTION	02-11-20
\$8,958,000 PPU=40 YRS	
NOTICE OF ESTOPPEL	02-13-20
PUBLISH	
NOTICE OF ESTOPPEL EXPIRES	03-10-20
LATEST CDU FILING	N/A

TOWN OF BERGEN
\$8,958,000 WATER IMPROVEMENT BENEFIT AREA (WIBA) No. 1 PROJECT

(\$3,058,000 RD Grant, \$5,900,000 RD Loan)

FINANCING TIMELINE - May 24, 2019

UPDATED - March 5, 2020

CONSTRUCTION	
Phase 1	Phase 2
Open Bids = Oct. 2020	Oct. 2020
Award Bids = Oct./Nov. 2020	Oct./Nov. 2020
Start Constr. = Nov. 2020	Nov. 2020
End Constr. = Dec. 2021	Dec. 2021
Est. per Engineer 03-05-20 email	

01-01-21
Tax bills go out

Spring, 2020 (or later?)
Establish tax rolls of District with County For 01-01-21

05-05-20	12-22-20	12-22-20	12-22-21	12-15-22
\$2,000,000 BAN Series 1.0	360/360 3.50% E	Cap 1 = \$44,139	\$5,900,000 BAN Series 1.1 Series 2.0 (Callable)	\$5,870,000 RD SB Series 1.2 Series 2.1 I = 2.50% E (Per. Engineer)
227/360	360/360		P = \$50,000 I = \$206,500	P = \$95,000 I = \$73,375

PHASE 1 CONSTRUCTION	PHASE 2 CONSTRUCTION	RESTORATION
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	2020			2021			2022																		
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	
	Budget	Projected	Budget	Projected	Budget	Projected	Budget	Projected	Budget	Projected	Budget	Projected	Budget	Projected	Budget	Projected	Budget	Projected	Budget	Projected	Budget	Projected	Budget	Projected	
BAN I	\$	\$44,139	\$	\$	\$	\$206,500	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	
BAN P		0				30,000																			
SB I		0				0																			
SB P		0				0																			
O&M		0				0																			
Gross DS		44,139				236,500																			
Less Cap I		Up to (145,000)				()																			
Net DS		\$ 0				\$236,500																			

/lmh
03-05-20
RD Town

