

**Town Board Meeting
Town of Bergen
May 25th, 2021
Town Hall- 10 Hunter Street, Bergen New York
Agenda**

I. 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 5/11/2021

IV. Communications included with this agenda:

- 1- Mercy Flight report for April 2021
- 2- May 11th, 2021 correspondence from Timothy McGill, bond council in regard to issuance of BAN renewal for WIBA #1
- 3- Copies of Bids for Transfer Station -Refuge and Garbage removal services
- 4- Charter Communication correspondence of 5/2/2021

V. Board Members' items for addition to the agenda

VI. Reports:

Supervisor

Clerk

Board Members

Zoning / Code Enforcement

Highway

Committees

- Building, Grounds, and Facilities (cemeteries)
- Parks
- Local History & Museum
- Policy and Personnel
- Transfer station

VII. Old Business:

- Town of Bergen Water Improvement Benefit Area #1 project- Update
- ATV's on Town property

VIII. New Business:

- Review and approval of Transfer Station Refuse and Garbage removal service
- Request of Clerk for purchase of Docking station for computer
- Discussion and approval for discreet back up servers for Assessor/CEO and Town Barns and upgrade to software for Highway department.

IX. Meeting and Other Upcoming Dates:

- Town Board Meeting: 5/11/2021: 6:45 pm Audit of Bills, 7:00 pm Town Board Meeting

X. Adjournment

DRAFT

May 11, 2021

BERGEN TOWN BOARD

REGULAR MEETING

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

PRESENT:

Supervisor Ernie Haywood
Councilwoman Belinda Grant
Councilwoman Anne Sapienza
Councilman Jim Starowitz

ALSO PRESENT:

Michele M. Smith, Town Clerk
Mike Johnson, Highway Superintendent

ABSENT:

Councilman Mark Anderson

OTHER ATTENDEES:

Paul Chatfield
Tim Donovan

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

Paul Chatfield of MRB Group gave updates on the WIBA#1 Water District and bids for Contracts A & B came in over budget due to COVID, hurricanes and other events with supply and demand of PVC pipe. Paul presented options on how to handle the approximately \$1,422,717 over budget as bid. *Councilwoman Sapienza made a motion to proceed to file an application with USDA Rural Development for additional funding to increase project cost for WIBA#1; seconded by Councilman Starowitz and carried by a vote 4-0.*

Tim Donovan complaints of cars on property at 6558 N. Lake Rd. on a residential property and ATV traffic from out-of-town users on West Shore Trail.

MINUTES: *Councilwoman Sapienza made a motion to approve the minutes of April 13, 2021; seconded by Councilwoman Grant and carried by a vote 4-0.*

COMMUNICATIONS:

Supervisor Report for April 2021
Summary Spreadsheet for April 2021
Town Clerk Report for April 2021
ZEO/CEO Report for April 2021
Charter Communications Correspondence
Updated Financial Services Agreement with BPD for WIBA#1
Mercy EMS report for March 2021

REPORTS:

SUPERVISOR: evaluating upgrade Server and internet issues with Time Warner for offices outside Town Hall; GAM - sales tax revenue distribution; renewed insurance policies; new signs for cemeteries; Water District #2 paid off in tonight's meeting; Transfer station RFP for waste disposal; audit preparation.

TOWN CLERK: Nothing to report

HIGHWAY: 2005 Sterling truck auctioned for \$21000; CHIPS money increase and receiving 20% back from last year; in discussion with the village on their storage needs; the old garage should be torn down by the end of the year.

TOWN CLERK'S REPORTS: *Councilman Starowitz made a motion to file the Town Clerk's April 2021 Report seconded by Councilwoman Grant and it carried by a vote 4-0.*

SUPERVISOR REPORT *Councilwoman Sapienza made a motion to file the Supervisor's April 2021 Report; seconded by Councilwoman Grant and it carried by a vote 4-0.*

COMMITTEES:

Building and Grounds:

Parks: Rugby groups all set with certificates of insurance

Local History & Museum: Nothing to report

Policy and Personnel: Union Contract negotiation commencing

OLD BUSINESS:

Water improvement Benefit Area #1: meetings to figure out options how to move forward with bids over budget.

West Shore Trail out of town ATV traffic and accident 5/8/21 – looking into options on how to handle the influx of city riders and traffic, Councilwoman suggested shutting down the trail to all motorized vehicles until further notice, another suggestion to issue permits to use the trail.

NEW BUSINESS:

Revised Financial Agreement with BPD for WIBA#1 Councilwoman Sapienza made a motion to approve Supervisor Haywood to sign the revised Financial Agreement with Bernard P. Donegan for WIBA#1; seconded by Councilman Starowitz and carried by a vote 4-0.

BILLS: The bills were presented for audit and totaled General A Fund \$43,654.54; General B Fund \$11,358.83; Highway DA \$2,919.04; Highway DB \$364.14; HH (Water District) \$36,591.86; SM (Fire District) \$99,652.15; SW (Water District #2 final Bond Payment) \$80,000; PA-A \$4,085.61; PA-DA \$2,321.82 and PA-DB \$2,515.30. Councilman Starowitz made a motion to pay the May bills; seconded by Councilwoman Sapienza and it carried by a vote 4-0.

REGULAR MEETING -- Tuesday, May 25, 2021 at 7:00 pm in the Courtroom

ADJOURNMENT was at 8:14pm on a motion by Councilwoman Sapienza; seconded by Councilman Starowitz and carried by a vote 4-0.

Respectfully submitted
Michele M. Smith

Michele M. Smith, Town Clerk

Genesee County 911
Response Times Report

Mercy Flight EMS

Report includes Emergent First On Scene Responses.

GEN BERGEN FIRE

Report Date Range from: 4/1/2021 to 4/30/2021

Response Time Minutes	Call Count	Cumulative Call Count	Percentage of Total Calls	Cumulative Percentage
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Response Zone: GEN BERG 17

02:00 - 02:59	1	1	6.67%	6.67%
04:00 - 04:59	1	2	6.67%	13.33%
07:00 - 07:59	1	3	6.67%	20.00%
10:00 - 10:59	1	4	6.67%	26.67%
15:00 - 15:59	3	7	20.00%	46.67%
16:00 - 16:59	2	9	13.33%	60.00%
18:00 - 18:59	1	10	6.67%	66.67%
20:00 - 20:59	2	12	13.33%	80.00%
22:00 - 22:59	2	14	13.33%	93.33%
24:00 - 24:59	1	15	6.67%	100.00%
Total Calls:	15	15	100%	

Response Zone: GEN BERG 22

17:00 - 17:59	1	1	14.29%	14.29%
19:00 - 19:59	1	2	14.29%	28.57%
20:00 - 20:59	2	4	28.57%	57.14%
22:00 - 22:59	2	6	28.57%	85.71%
23:00 - 23:59	1	7	14.29%	100.00%
Total Calls:	7	7	100%	

Call Source Total Calls: 22

Town of Bergen

Refuse and Garbage Service Bid Tally

Bid Due date: Monday 5/17/2021

Item	Suburban			Waste Management			Casella		
	7/1/21-6/20/22	7/1/22-6/30/23	Total	7/1/21-6/20/22	7/1/22-6/30/23	Total	7/1/21-6/20/22	7/1/22-6/30/23	Total
1 a)-total bid for base service	590/month 7080/year	620/month 7440/year	14520	300/month 3600/year	300/month 3600/year	7200	290/month 3480/year	300/month 3600/year	7080
1 b). Monthly Rental	20	20		0	0		0	0	
1c) Additional container	70	70		47./lift	47./lift		50	50	
2.30-cubic open top including disposal	170/haul 65/ton	170/haul 68/ton		450/haul	450/haul		395	410	
3 a). Rental-recycling container	90/month 1080/year	90/month 1080/year	2160	0	0		25/month 300/year	25/month 300/year	600
3 b) per trip service recycling	170/mo. 90.ton/m 2040/year	170/mo. 90.ton/m 2040/year	4080	330/month 3960/year	330/haul 3960/year	7920	375/month 4500/year	390/month 4680	9180
Total 1 a) and ,3 Not including 1 b, 1c and 2	10200/year	10560/year	20760	7560	7560	15,120	8280/year	8580/year	16,860

1 b, 1c and 2 not included as it is an as needed price

TOWN OF BERGEN - BID FORM

REFUSE AND GARBAGE SERVICE

	<u>1st 12 months</u>	<u>2nd 12 months</u>
	7/1/21-6/30/22	7/1/22-6/30/23
ITEM 1. Total bid for base service as requested:		
Monthly rate for a minimum of sixteen cubic yards of enclosed containers with weekly service (Specify number, type and capacity of containers) Example: 2 eight cubic yard containers serviced weekly		
2 - 8yds @ 1x/week	\$ <u>9080</u> 590./month	\$ <u>620./month</u>

Monthly RENTAL for providing the additional container to bring capacity up to a total of at least twenty-four cubic yards (with no weekly dumping fees) and any additional containers requested by the Town (Specify number, type and capacity of containers)
Example: 1 eight cubic yard containers

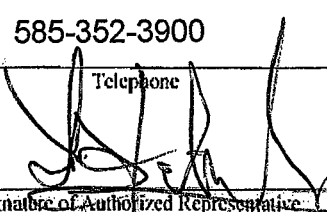
Rental: 1 - 8yd	\$ <u>20.</u>	\$ <u>20.</u>
Per trip SERVICE of each of the additional containers.	\$ <u>\$70./extra pickup</u>	\$ <u>\$70./extra pickup</u>

ITEM 2. Cost per each thirty cubic yard open top container including disposal	\$ <u>170./haul</u> 65./ton	\$ <u>170./haul</u> 68./ton
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ITEM 3. Monthly RENTAL of contractor-owned recycling container. Capacity: <u>30</u> cu. yards.	\$ <u>90./month</u>	\$ <u>90./month</u>
Per trip SERVICE of contractor owned recycling container	\$ <u>170./haul</u> 90./ton	\$ <u>170./haul</u> 90./ton

Note any exceptions to specifications: NONE

All above charges to include any and all fees for the complete collection, hauling and disposal operations. There shall be not other charges if not explained fully with the bid.

SUBURBAN DISPOSAL CORP	22 TURNER DR
Company Name	Street Address
585-352-3900	SPENCERPORT, NY 14559
Telephone	City, State, Zip
	5/13/2021
Signature of Authorized Representative	Date

Les Hoeflich
Sales Manager

TOWN OF BERGEN - BID FORM

REFUSE AND GARBAGE SERVICE

1st 12 months
7/1/21-6/30/22

2nd 12 months
7/1/22-6/30/23

ITEM 1. Total bid for base service as requested:

Monthly rate for a minimum of sixteen cubic yards of enclosed containers with weekly service (Specify number, type and capacity of containers)
Example: 2 eight cubic yard containers serviced weekly

3480.-

\$ 290⁰⁰

\$ 300⁰⁰

Monthly RENTAL for providing the additional container to bring capacity up to a total of at least twenty-four cubic yards (with no weekly dumping fees) and any additional containers requested by the Town (Specify number, type and capacity of containers)
Example: 1 eight cubic yard containers

\$ 0

\$ 0

\$ 50⁰⁰

\$ 50⁰⁰

Per trip SERVICE of each of the additional containers.

ITEM 2. Cost per each thirty cubic yard open top container including disposal

\$ 395⁰⁰

\$ 410⁰⁰

ITEM 3.

Monthly RENTAL of contractor-owned recycling container.
Capacity 30 cu. yards.

\$ 25⁰⁰

\$ 25⁰⁰

Per trip SERVICE of contractor owned recycling container

\$ 375⁰⁰

\$ 390⁰⁰

Note any exceptions to specifications: _____

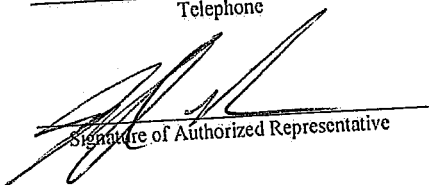
All above charges to include any and all fees for the complete collection, hauling and disposal operations. There shall be not other charges if not explained fully with the bid.

CASELLA WASTE MANAGEMENT OF N.Y. INC. 58 CLIFTON COUNTRY RD., #208
Company Name Street Address

585-308-0662
Telephone

CLIFTON PARK N.Y. 12065
City, State, Zip

5-6-21
Date


Signature of Authorized Representative

TOWN OF BERGEN - BID FORM

REFUSE AND GARBAGE SERVICE

1st 12 months
7/1/21-6/30/22

2nd 12 months
7/1/22-6/30/23

ITEM 1. Total bid for base service as requested:

Monthly rate for a minimum of sixteen cubic yards of enclosed containers with weekly service (Specify number, type and capacity of containers)
Example: 2 eight cubic yard containers serviced weekly

2-8 cubic yard Dumpsters serviced weekly

\$ 3,600 annual
\$300/Month

\$ 3600 annual
\$300/Month

Monthly RENTAL for providing the additional container to bring capacity up to a total of at least twenty-four cubic yards (with no weekly dumping fees) and any additional containers requested by the Town (Specify number, type and capacity of containers)
Example: 1 eight cubic yard containers

1-8 cubic yard dumpster for trash

\$ NA

\$ NA

Per trip SERVICE of each of the additional containers.

\$ 47.00/lift

\$ 47.00/lift

ITEM 2. Cost per each thirty cubic yard open top container including disposal

\$ 450.00/Haul

\$ 450.00/Haul

ITEM 3.

Monthly RENTAL of contractor-owned recycling container.
Capacity 40 cu. yards.

\$ 0

\$ 0

Per trip SERVICE of contractor owned recycling container

\$ 330.00/Haul

\$ 330.00/Haul

Note any exceptions to specifications: _____

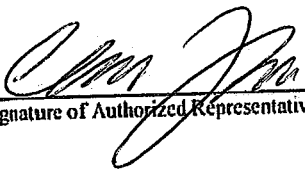
All above charges to include any and all fees for the complete collection, hauling and disposal operations. There shall be not other charges if not explained fully with the bid.

Waste Managment of New York, LLC
Company Name

100 Ransier Drive
Street Address

716-342-7907
Telephone

Weste Seneca, NY 14224
City, State, Zip


Signature of Authorized Representative

5/17/2021
Date

LAW OFFICES
OF
Timothy R. McGill

248 WILLOWBROOK OFFICE PARK
FAIRPORT, NEW YORK 14450

Kristine M. Bryant
Paralegal

Tel: (585) 381-7470
Fax: (585) 381-7498

May 11, 2021

Ernest Haywood, Town Supervisor
Town of Bergen
10 Hunter Street, PO Box 249
Bergen, New York 14416

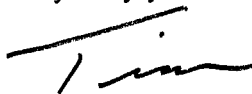
Re: **Town of Bergen, New York**
\$1,000,000 Bond Anticipation Note, 2021 (Renewal)
Closing: January 26, 2021

Dear Ernie:

I have reviewed a record of proceedings for the captioned financing and found everything to be in order. I am enclosing my duplicate original legal opinion, as Bond Counsel for the Town.

Also enclosed is my statement for legal services rendered. Please feel free to contact me at your convenience if you need anything further at this time.

Very truly yours,



Timothy R. McGill

TRM:kmb
Encl.

LAW OFFICES
OF
Timothy R. McGill

248 WILLOWBROOK OFFICE PARK
FAIRPORT, NEW YORK 14450

Kristine M. Bryant
Paralegal

Tel: (585) 381-7470
Fax: (585) 381-7498

January 26, 2021

Town Board of the
Town of Bergen in the
County of Genesee, New York

Re: **Town of Bergen, New York**
\$1,000,000 Bond Anticipation Note, 2021 (Renewal)

Dear Board Members:

I have examined a record of proceedings relating to the issuance of a \$1,000,000 principal amount Bond Anticipation Note, 2021 (Renewal) of the Town of Bergen, a municipal corporation of the State of New York, situate in the County of Genesee. The Note is registered to Greene County Commercial Bank, is dated January 26, 2021, is numbered 2021A-1, bears interest at the rate of forty-nine hundredths of one per centum (0.49%) per annum payable at maturity, matures December 22, 2021, and is issued pursuant to the Local Finance Law of the State of New York and a bond resolution adopted February 11, 2020. The Note is not subject to redemption prior to maturity. The Note is a temporary obligation issued in anticipation of the issuance of bonds.

In my opinion, except insofar as the enforcement thereof may be limited by any applicable bankruptcy, moratorium or similar laws relating to the enforcement of creditors' rights, the Note is a valid and legally binding obligation of the Town of Bergen, payable in the first instance from the proceeds of the sale of the bonds in anticipation of which the Note is issued, but, if not so paid, payable ultimately from *ad valorem* taxes levied upon all the taxable real property within the Town without limitation as to rate or amount, subject to applicable statutory limitations.

The Town has covenanted to comply with any requirements of the Internal Revenue Code of 1986, as amended (the "Code"), that must be met subsequent to the issuance of the Note in order that interest thereon be and remain excludable from gross income under the Code. In my opinion, under the existing statute, regulations and court decisions, interest on the Note is excludable from gross income for Federal income tax purposes under Section 103 of the Code and will continue to be so excluded if the Town continuously complies with such covenant; and under the Code, interest on the Note is not a specific preference item for purposes of the federal alternative minimum tax. I express

LAW OFFICES

OF

Timothy R. McGill

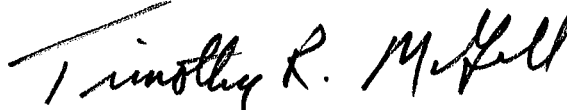
Town Board
Town of Bergen
January 26, 2021

Page 2

no opinion regarding other Federal income tax consequences caused by the receipt or accrual of interest on the Note. Further, in my opinion, interest on the Note is exempt from New York State and New York City personal income taxes under existing statutes.

In rendering the opinions expressed herein, I have assumed the accuracy and truthfulness of all public records, documents and proceedings examined by me which have been executed or certified by public officials acting within the scope of their official capacities, and have not verified the accuracy or truthfulness thereof, and I also have assumed the genuineness of the signatures appearing upon such public records, documents and proceedings, and such certifications. The scope of my engagement in relation to the issuance of the Note has extended solely to the examination of the facts and law incident to rendering the opinions expressed herein. Such opinions are not intended and should not be construed to express or imply any conclusion that the amount of real property subject to taxation within the boundaries of the Town, together with other legally available sources of revenue, if any, will be sufficient to enable the Town to pay the principal of and interest on the Note as the same respectively become due and payable. Reference should be made to the Official Statement prepared by the Town in relation to the Note for factual information which, in the judgment of the Town, could materially affect the ability of the Town to pay such principal and interest. While I have participated in the preparation of such Official Statement, I have not verified the accuracy, sufficiency, completeness or fairness of the Official Statement or any factual information contained therein or any additional proceedings, reports, correspondence, financial statements or other documents containing financial or other information relative to the Town or the financed project and, accordingly, I express no opinion as to whether the Town, in connection with the sale of the Note, has made any untrue statement of a material fact or omitted to state a material fact necessary in order to make any statements made, in the light of the circumstances under which they were made, not misleading. In particular, no opinion is expressed, or may be inferred, with respect to the direct or indirect effect of the COVID-19 pandemic and the federal, state and local government and private industry responses thereto (i) on the financial condition of the Town, or (ii) on the market price and fair market value of the Note at initial issuance or at any time thereafter.

Very truly yours,



Timothy R. McGill, Esq.

TRM:mmn

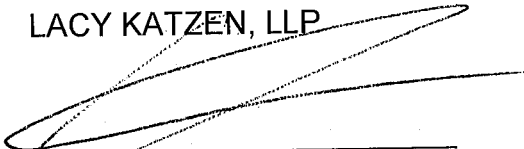
ATTORNEY'S CERTIFICATE

I, Daniel S. Bryson, Esq., HEREBY CERTIFY that I am a practicing attorney-at-law admitted within the State of New York and am the duly chosen, qualified and acting attorney for the Town of Bergen, a municipality of the State of New York (hereinafter called the "Issuer"), that I am familiar with the acts and the proceedings heretofore had or taken in or by the Issuer or by its officers relative to the authorization, the sale and the issuance of a \$1,000,000 principal amount Bond Anticipation Note, 2021 (Renewal) dated January 26, 2021, maturing December 22, 2021, bearing interest at a rate of 0.49% per annum payable at maturity and numbered 2021A-1 (the "Obligation"), that the Water Improvement Benefit Area #1 was duly formed pursuant to the laws of the State of New York and that no litigation of any nature is now pending or, to the best of my knowledge, threatened to restrain or enjoin the issuance or the delivery of the Obligation or the levy or the collection of any taxes to pay the interest on or the principal of the Obligation, or in any manner questioning or affecting, directly or indirectly, the validity of the Obligation or the authority or the proceedings for the issuance of the Obligation, or that would have a material adverse effect on the financial condition of the Issuer if adversely decided, that neither the corporate existence or boundaries of the Issuer nor the title of any of the present officers thereof to their respective offices is being contested, and that no authority or proceedings for the issuance of the Obligation has or have been repealed, revoked or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand as of the 26th day of January, 2021.

LACY KATZEN, LLP

By:


Daniel S. Bryson, Esq.
Attorney for the
Town of Bergen, New York



Mark Meyerhofer
Senior Director
Government Affairs

May 2, 2021

Re: Charter Communications – Upcoming Changes

Dear Municipal Official:

At Spectrum Northeast, LLC (“Spectrum”), we continue to enhance our services in order to offer more entertainment and communication choices, and to deliver the best value to our customers. We are committed to offering our customers products and services we are sure they will enjoy.

Programming fees charged by TV networks we carry are the greatest single factor in higher cable prices, and continue to rise. Despite our best efforts to control these costs, this has resulted in a change in the rates we charge our customers.

Effective on or after May 2, 2021, customers are being noticed via bill message of the following monthly pricing changes, which will take effect on or after June 2, 2021. Customer promotional rates will not change until the end of the promotion period.

Services/Products/Equipment	Pricing Adjustment
Broadcast TV Surcharge	Will increase by \$1.54. This reflects the costs incurred from local Broadcast TV Stations.
Seasonal Broadcast TV Surcharge	Will reduce by \$6.45.
Spectrum Receiver/Digital Adapter	Will increase by \$1.00 per receiver/adapter.
Spectrum TV Select	Will increase by \$3.00.
Spectrum TV Silver	Will increase by \$8.00*.
Spectrum TV Gold	Will increase by \$8.00*.
Latino Tier	Will increase by \$1.00.

* Except certain grandfathered/Active packages where increase is \$3.00.