

**Town Board Meeting  
Town of Bergen  
November 9, 2021  
Town Hall- 10 Hunter Street, Bergen New York  
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 of October 26<sup>th</sup>, 2021; Regular Minutes of October 12<sup>th</sup>, 2021, and of September 14<sup>th</sup>, 2021

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

1. Supervisor Report for October 2021
2. Summary spreadsheets for October 2021
3. Town Clerk Report for October 2021
4. ZEO/CEO Report for October 2021
5. Charter Communications letter of 10/22/2021
6. Correspondence from Association of Towns in regard to 2022 Training School and Annual Meeting- in Feb. 2022
7. Correspondence from Harris, dated 10,29,2021 in regard to Tax Exempt/PILOT for Liberty Pumps- 7000 Appletree Ave and South Lake Road Property

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

**VI. Reports:**

Supervisor  
Clerk  
Board Members  
Highway

**Committees**

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

**VII. Old Business:**

- Town of Bergen Water Improvement Benefit Area #1 project- Update:

**VIII. New Business:**

- Discussion and possible cancelation of the 11/23 board meeting.
- Request of the supervisor to attend and seek reimbursement of \$25.00 the Genesee County Chamber of Commerce Annual/Luncheon meeting on 11/18/21

**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 11/23/2021 at 7 pm in the town hall.

**XI. Executive Session**

**XII. Adjournment**

**DRAFT**

**OCTOBER 26, 2021**

**BERGEN TOWN BOARD**

**REGULAR 2nd MEETING**

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

**PRESENT:**

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

**ALSO PRESENT:**

Mike Johnson, Highway Superintendent

**ABSENT:**

Councilman James Starowitz  
Michele M. Smith, Town Clerk

**OTHER ATTENDEES:**

Christian Yunker

**PRAYER**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**PUBLIC HEARINGS:**

*Councilwoman Grant made a motion to open the Public Hearing for Local Law #1-2021 to "Override the Tax Levy Limit Established in General Municipal Law Section 3-C for the Fiscal Year 2022 at 7:00 pm; seconded by Councilman Anderson and it carried by a vote 4-0. No Public Comments were made*

*Councilman Anderson made a motion to open the Public Hearing on the 2022 Fire Contract of \$202,532.83 at 7:15 pm; seconded by Councilwoman Grant and it carried by vote 4-0. No Public Comments were made*

*Councilwoman Grant made a motion to open the Public Hearing on the 2022 Town Budget at 7:30 pm; seconded by Councilman Anderson and it carried by a vote 4-0. Mike Johnson asked about the tax rates*

*Councilwoman Grant made a motion to close the Public Hearings on Local Law #1-2021, 2022 Fire Contract and 2022 Town Budget at 7:45pm; seconded by Councilman Anderson and it carried by a vote 4-0.*

**MINUTES:** minutes of September 14, 2021 and October 12, 2021 not approved no quorum. *Councilman Anderson made a motion to approve the minutes of September 28, 2021 minutes; seconded by Councilwoman Grant and carried by a vote 4-0.*

**COMMUNICATIONS:**

Mercy EMS Report September 2021  
Resolution for Net Interest and Land Rights-of-Way Budget modification for WIBA#1  
Letter of interest from Robert R. Zickl, Esq. regarding Town Prosecutor position  
Updated Municipal Advisor Services Agreement with Bernard Donegan for WIBA#1  
Resolution for Intermunicipal Agreement with Genesee County for WIBA#1

**REPORTS:**

**SUPERVISOR:** mileage charges by Code Enforcement are correct; Engineering services billing- letters sent to Hank Parker Tent and Liberty Pumps for reimbursement.

HIGHWAY/SOLID WASTE: Town Hall parking lot paved 10/20/21 waiting for striping; County Snow & Ice Contract. *Councilwoman Sapienza made a motion for Supervisor Haywood to sign the Genesee County Snow & Ice Contract for 2021-2022; seconded by Councilwoman Grant and carried by a vote 4-0.*

**COMMITTEES:**

BUILDINGS: RG&E gas meters eventually will be moved to outside of historian office.

PARKS: nothing to report

LOCAL HISTORY AND MUSEUM: nothing to report

POLICY AND PERSONNEL: nothing to report

**OLD BUSINESS:**

Water improvement Benefit Area #1: application still with State Comptroller

Harassment Complaint Follow up to complaint filed by clerk Smith on 6/25/2021

1. The Town received the harassment complaint from clerk M. Smith on 6/25/21
2. Consistent with the Town's policy the Town Board ordered an independent investigation of the facts of the harassment complaint at its Board Meeting on 7/13/2021 and retained the services of retired NY State Supreme Court Judge Richard Rosenbloom to investigate the matter
3. Mr. Rosenbloom completed his investigation which consisted of interviewing the two involved parties and submitted his findings of fact in a Report dated 10/12/2021.

The Board has had the opportunity to review the Report and in follow up to the complaint the board

1- Has implemented the policy of board members not texting The Town Clerk on her personal phone for town business and that they call her on her town phone or email her on her town email account

2-Request both parties involved in the complaint follow the town policy on Employee Relationships Philosophy and Non-Harassment, as outlined in the employee handbook to guide them in future communications. And that the board request both parties to refrain from negative comments to each other. With these actions the board considers this matter closed.

**NEW BUSINESS:**

Village Recreation Program *Councilwoman Sapienza made a motion to give \$600 to the Village of Bergen Recreation program; seconded by Councilman Anderson and it carried by a vote 4-0.*

Invitation to Liberty Pumps Ground Breaking October 27th

Adoption of Local Law #1-2021 *Councilwoman Grant made a motion to adopt Local Law #1-2020 to Override the Tax Cap Limit; seconded by Councilman Anderson and it carried by a vote 4-0.*

**LOCAL LAW # 1-2021**

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED  
IN GENERAL MUNICIPAL LAW SECTION 3-C FOR THE FISCAL YEAR 2021**

**Section 1. Legislative Intent.**

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Bergen, County of Genesee pursuant to General Municipal Law Section 3-c and to allow the Town of Bergen, County of Genesee to adopt a town budget for the fiscal year 2022 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Section 3-c.

**Section 2. Authority.**

This Local Law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

### **Section 3. Tax Levy Limit Override.**

The Town Board of the Town of Bergen, County of Genesee is hereby authorized to adopt a budget for the fiscal year 2022 that requires a real property tax levy in excess of the limit specified in General Municipal Law Section 3-c.

### **Section 4. Severability.**

If any clause, sentence, paragraph, subdivision or part of the Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined to its operation to the clause, sentence, paragraph or part of this Local Law or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

### **Section 5. Effective Date.**

This Local Law shall take effect immediately upon filing with the Secretary of State.

Approve 2022 Fire Protection Contract Councilwoman Grant made a motion to approve the 2021 Fire Contract of \$202,532.83; seconded by Councilman Anderson and it carried by a vote 4-0.

Adopt 2021 Town Budget Councilwoman Grant made a motion to adopt the preliminary budget as the Final 2022 Budget; seconded by Councilwoman Sapienza and it carried by a vote of 4-0.

2022 Health Insurance renewal Councilwoman Grant made a motion to accept the 2022 Excellus insurance plan and rates; seconded by Councilman Andersson and it carried by a vote 4-0.

Approval to Appoint Robert Zickl as Town Prosecutor Councilwoman Sapienza made a motion to appoint Robert Zickl as Town of Bergen Prosecutor effective January 1, 2022 for \$800.00 a month; seconded by Councilman Anderson and it carried by a vote 4-0.

Amendment to the Municipal Advisory Services Agreement Councilwoman Sapienza made a motion to approve Supervisor Haywood to sign the amendment Municipal Services Agreement with Bernard P. Donegan for WIBA#1 up to \$115,000; seconded by Councilman Anderson and carried by a vote 4-0.

Resolution Net Interest and Land and Right-of-Ways budget modification for WIBA#1 Councilman Anderson offered Resolution #24-2021 for WIBA#1 Budget Modification; seconded by Councilwoman Grant and it carried by a vote 4-0.

## **RESOLUTION # 24-2021 WATER IMPROVEMENT BENEFIT AREA (WIBA) NO. 1 BUDGET MODIFICATION**

**Whereas**, the Town of Bergen developed the budget for the WIBA No. 1 project based on estimates for the costs for the Net Interest Expense and Land & Rights-of-Way, and

**Whereas**, the actual costs for the Net Interest Expense and Land & Rights-of-Way will be more than the budgeted amount.

**Be it resolved**, that the Town Board hereby authorizes the follow increases in the budgets for the Net Interest Expense and Land & Rights-of-Way, with a corresponding decrease in the Contingency:

Budget Item	Current Budget	Increase (Decrease)	Revised Budget
Net Interest	\$145,000.00	\$40,000.00	\$185,000.00
Land & Rights-of-Way	\$10,000.00	\$15,000.00	\$25,000.00

yes Ernest Haywood, Supervisor

yes Mark Anderson, Councilman

yes Belinda Grant, Councilwomen

yes Anne Sapienza, Councilwomen

Absent James Starowitz, Councilman

Intermunicipal Agreement with Genesee County for WIBA#1 Councilman Anderson offered Resolution #25-2021 to authorize the Supervisor of the Town of Bergen to execute an intermunicipal Agreement between the County of Genesee and the Town of Bergen; seconded by Councilwoman Grant and it carried by a vote -0.

### RESOLUTION #25-2021

#### EXECUTE AN INTERMUNICIPAL AGREEMENT BETWEEN THE COUNTY OF GENESEE AND THE TOWN OF BERGEN FOR WATER IMPROVEMENT BENEFIT AREA #1

**WHEREAS**, The Town of Bergen has prepared plans and specifications and received bids for the Construction of the Town of Bergen Water Improvement Benefit Area No. 1 and;

**WHEREAS**, at the request of the County certain water main improvements have been upsized as follows:

**1. Buffalo Road Water Main Size Increase:**

Approximately 416 linear feet of water main was increased from 8" to 12" diameter along Buffalo Road (NYS Route 33). **The additional cost of upsizing the water main in this area is \$3,100.00.**

**1. North Lake Road Water Main Size Increase:**

Approximately 2,545 linear feet of water main was increased from 8" to 12" diameter along North Lake Road (NYS Route 19). **The additional cost of upsizing the water main in this area is \$44,021.00.** and;

**WHEREAS**, the increase in water main size in both locations is beneficial to Genesee County by increasing domestic water flow and fire flow and:

**WHEREAS**, as a result of this mutually beneficial arrangement Genesee County wishes to contribute to the cost of the project by paying for the water main pipe size increase and;

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

1. Genesee County will pay Forty-Seven Thousand One Hundred and Twenty-One Dollars and no/100 (\$47,121.00) towards the increase in pipe size as identified above, which shall be paid to the Town of Bergen within forty-five (45) days after completion of the certification in Paragraph three (3) below.

2. The Town of Bergen's Engineering Firm, MRB Group will provide Resident Project Representative Services during construction of the improvements and will provide certification of the water main improvements.
3. The Genesee County Highway Superintendent or his designated representative will confirm the installation of the water main improvements.

**Be it THEREFOR Further Resolved**, that the Town Board of the Town of Bergen hereby authorizes the Supervisor of the Town of Bergen to execute an intermunicipal Agreement between the County of Genesee and the Town of Bergen addressing the terms as outlined in this resolution.

**NEXT MEETING:**

Regular Meeting – Tuesday, November 9, 2021 at 7:00 pm in the Courtroom with the audit of the bills at 6:45pm

**ADJOURNMENT** *was at 7:52 pm on a motion by Councilman Anderson seconded by Councilwoman Grant and it carried by a vote 4-0.*

Respectfully submitted,

*Anne Sapienza*

Anne Sapienza,  
Town Councilwoman

DRAFT

OCTOBER 12, 2021

BERGEN TOWN BOARD

REGULAR MEETING

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

PRESENT:

Supervisor Ernie Haywood  
Councilwoman Belinda Grant  
Councilman Jim Starowitz (arr. 7:33)

ALSO PRESENT:

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

ABSENT:

Councilman Mark Anderson  
Councilwoman Anne Sapienza

OTHER ATTENDEES:

Kelly Husted

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

Complaint about 6558 S. Lake Rd. Kelly Husted representing her father Tim Donovan complaint of owner of property at 6558 S. Lake Rd. has pushed down trees and blocked a ditch and flooding pasture and fence line knocked down on Donovan's property, 19 cars some with out of state plates, lift in barn, motors on lifts leaking oil on the ground. Supervisor will contact CEO Wood.

MINUTES: No Quorum to approve September 14 & 28, 2021 minutes tabled until next meeting. *Councilwoman Grant made a motion to approve the Budget Workshop minutes of October 9, 2021; seconded by Councilman Starowitz and carried by a vote 3-0.*

COMMUNICATIONS:

Supervisor Report for September 2021

Summary Spread sheets for September 2021

Town Clerk Report for September 2021

ZEO/CEO Report for September 2021

Preliminary 2022 Town Budget

Proposed Local Law for overriding the tax cap for 2021 Budget

Legal Services agreement with Lacy Katzen and the Town of Bergen for WIBA#1

Budget Transfers

REPORTS:

SUPERVISOR: Chris Suozzi of GCEDC contacted supervisor about growing cannabis at Apple Tree business park on vacant parcel with no access-will get more information; executed Union Contract; cleaner contract to return to regular amount of \$500; county is reducing sales tax reduced by \$7,000 per total assessed value

HIGHWAY: Town crew finished drainage work at Town Hall parking lot waiting on County for paving; plows will be set up for snow soon.

TOWN CLERK'S REPORT: *Councilwoman Grant made a motion to file the Town Clerk's September 2021 Report; seconded by Councilman Starowitz and it carried by a vote 3-0.*

SUPERVISOR REPORT *Councilwoman Grant made a motion to file the Supervisors September Report 2021; seconded by Councilman Starowitz and carried by a vote 3-0.*

OMMITTEES:

Building, Grounds and Cemeteries: Nothing to report

Parks: Nothing to report

Local History & Museum: Nothing to report

Transfer Station: Nothing to report

**OLD BUSINESS:**

Water improvement Benefit Area #1 Update: waiting to hear from State Comptroller's Office for approval

**NEW BUSINESS:**

Adoption of 2022 Preliminary Budget Councilwoman Grant made a motion to adopt the 2022 Town of Bergen Preliminary Budget; seconded by Councilman Starowitz and carried by a vote 3-0

Budget/Local Law Public Hearings Councilwoman Grant made a motion to set Public Hearings for October 26, 2021 with the 2022 Tax Cap Local Law at 7:00 pm; Fire Contract at 7:15 pm and 2022 Town Budget Hearing 7:30 pm at the Town Hall; seconded by Councilman Starowitz and it carried by a vote 3-0.

Junkyard Permits: Councilwoman Grant made a motion to approve Junkyard permits for Metalico, Demo's and John Cole per CEO Gerry Wood; seconded by Councilman Starowitz and it carried by a vote 3-0

Approval of updated Legal Services for WIBA#1: Councilman Starowitz made amotion to approve updated Legal Services Agreement between the Town of Bergen and Lacy Katzen LLP for legal services associated with WIBA#1; seconded by Councilwoman Grant and it carried by a vote 3-0.

Budget Transfers: Councilwoman Grant made a motion to approve Budget Transfers as follows; seconded by Councilman Starowitz and it carried by a vote 0-3.

**GENERAL FUND - TOWNWIDE**

Transfer			
From:	AA.1620.400	Building Operation Contractual	\$ 4,994.00
			<u>\$ 4,994.00</u>
Transfer To:	AA.1680.400	Computers Contractual	\$ 4,994.00
			<u>\$ 4,994.00</u>

**HIGHWAY FUND - OUTSIDE VILLAGE**

Transfer			
From:	DB.9785.600	Installment Purchase Debt, Principal	\$ 1,474.00
	DB.5999.000	Unexpended Fund Balance	\$61,094.00
			<u>\$62,568.00</u>
Transfer To:	DB.5110.100	General Repairs Services	\$ 1,844.00
	DB.5110.400	General Repairs Contractual	\$30,288.00
	DB.5112.200	Permanent Highway Improvements	\$28,933.00
	DB.9785.700	Installment Purchase Debt, Interest	\$ 1,503.00
			<u>\$62,568.00</u>

**BILLS:** The bills were presented for audit and totaled General A Fund \$19,008.77; General B Fund \$2,315.44; Highway DA \$1,625.94; Highway DB \$9,950.38; Water District \$13,667.53; PA-A \$3,998.89; PA-DA \$2,321.82; PA-DB \$2,515.30. Councilwoman Grant made a motion to pay the October bills; seconded by Councilman Starowitz carried by a vote 3-0.

**REGULAR MEETING** – Tuesday, October 28, 2021 at 7:00 pm at the Town Hall

**ADJOURNMENT** was at 7:43 pm on a motion by Councilwoman Grant; seconded by Councilman Starowitz and carried by a vote 3-0.

Respectfully submitted  
  
Michele M. Smith  
Michele M. Smith,  
Town Clerk



DRAFT

BERGEN TOWN BOARD

REGULAR MEETING

SEPTEMBER 14, 2021

The Bergen Town Board convened in a regular session at 7:03 pm in the Town Hall with Supervisor Haywood presiding.

PRESENT:

Supervisor Ernest Haywood  
Councilwoman Anne Sapienza  
Councilman Jim Starowitz

ALSO PRESENT:

Mike Johnson, Highway Superintendent  
Michele Smith, Town Clerk

ABSENT:

Councilman Mark Anderson  
Councilwoman Belinda Grant

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

MINUTES: Councilwoman Sapienza made a motion to approve the minutes of August 24, 2021; seconded by Councilman Starowitz and carried by a vote 3-0.

COMMUNICATIONS:

Supervisor Report for August 2021  
Summary Spreadsheet for August 2021  
Town Clerk Report for August 2021  
ZEO/CEO Report  
Charter Communications  
Bergen Fire Department Budget Report for 2022  
Supplemental Fee letter form Timothy R. McGill, bond Council for WIBA#1

REPORTS:

SUPERVISOR: County sales tax update; federal stimulus webinar update on use of funds; 2021 budget; shared services agreement the fire department filed with the county for fuel tank.

TOWN CLERK: Gary Fink needs to be reappointed to BAR for new term

HIGHWAY: Jerico Rd. paving is complete waiting for striping; start work on Town Hall parking lot

TOWN CLERK'S REPORTS: Councilwoman Sapienza made a motion to file the Town Clerk's August 2021 Report seconded by Councilman Starowitz and it carried by a vote 3-0.

SUPERVISOR REPORT: Councilman Starowitz made a motion to file the Supervisor's August 2021 Report; seconded by Councilwoman Sapienza and it carried by a vote 3-0.

COMMITTEES:

Building and Grounds: tree removal at historian building  
Parks: Rugby team starts on 9/18/21  
Local History & Museum: nothing to report  
Policy and Personnel: nothing to report  
Transfer Station: nothing to report

OLD BUSINESS:

Water improvement Benefit Area #1: revised schedule, nothing from State Comptroller

NEW BUSINESS:

BAR Appointment: Gary Fink reappointment to BAR. Councilwoman Sapienza made a motion to appoint Gary Fink to the Board of Assessment Review for a new term; seconded by Councilman Starowitz and it carried by a vote 3-0.  
Tree Removal Approval for tree at Historian Office Councilwoman Sapienza made a motion to have a tree removed at 5 S. Lake Ave. (Historian Office) for \$575; seconded by Councilman Starowitz and it carried by a vote 3-0.

Supplemental Fee for Timothy McGill Bond Council for WIBA#1 Councilman Starowitz made a motion to accept the Supplement fee of for Timothy McGill Bond Council for WIBA#1 \$10,485; seconded by Councilwoman Sapienza and it is carried by a vote 3-0.

BILLS: The bills were presented for audit and totaled General A Fund \$7,438.67; General B Fund \$4,756.04; Highway DA \$5,852.03; Highway DB \$91,212.33; HH (Water District) \$8,631.53; PA-A \$4,485.33; PA-DA \$2,321.82 and PA-DB \$2,515.30. Councilman Starowitz made a motion to pay the September bills; seconded by Councilwoman Sapienza and it carried by a vote 3 -0.

REGULAR MEETING – Tuesday, September 28, 2021 at 7:00 pm in the Courtroom.  
Budget Workshop – Saturday, September 18, 2021 at 9:00 am in the Courtroom

EXECUTIVE SESSION: Councilwoman Sapienza made a motion to enter into executive session at 7:35 pm to discuss Union Negotiations; seconded by Councilman Starowitz and it carried by a vote 3-0. Councilwoman Sapienza made a motion to exit executive session at 7:40 pm; seconded by Councilman Starowitz and carried by a vote 3-0.

ADJOURNMENT was at 7:41 pm on a motion by Councilman Starowitz; seconded by Councilwoman Sapienza and carried by a vote 3-0.

Respectfully submitted

*Michele M. Smith*

Michele M. Smith, Town Clerk

**TOWN OF BERGEN  
OCTOBER 2021  
EXECUTIVE SUMMARY**

**BALANCE SHEET**

- Bank accounts were reconciled as of 10/31/21.
- The Town has \$2,273,520.92 in the bank.

**REVENUES AND EXPENSES**

• **REVENUES**

- Total receipts for the month were: \$163,108.90
- Major receipts were:
  - Town Clerk Report (Sept) - \$3,141.21
  - Justice Fees (Sept) - \$8,782.00
  - Sales Tax (3<sup>rd</sup> Qtr) - \$127,166.50
  - Monroe Cty Solid Waste Tonnage - \$15,477.21
  - Library Donations (Barley & Books) - \$8,031.00
  - Library Fines - \$93.60
  - Other - \$417.38

• **EXPENSES**

Expenditures through October on average should equal 83.33% of the annual budget.

General Fund Townwide (A):

- Year to date expenses are \$509,161.98 compared to the revised annual budget of \$797,205 or 63.87% of the budget.

General Fund Outside Village (B):


- Year to date expenses are \$61,238.15 compared to the annual budget of \$103,289 or 59.29% of the budget.

Highway Townwide (DA):

- Year to date expenses are \$262,462.68 compared to the annual budget of \$420,116 or 62.47% of the budget.

Highway Outside Village (DB):

- Year to date expenses are \$358,688.02 compared to the revised annual budget of \$298,294 or 120.25% of the budget.

 11/3/2021

**Town of Bergen  
Cash Summary Report  
October 2021**

FUND Account		9/30/2021 BALANCES	Increases	Decreases	10/31/2021 BALANCES	#9970 Joint Checking	#5616 Library Checking	#4277 Joint Savings	#1040-0001 NYCLASS Savings	#1040-0002 NYCLASS WIBA	#1040-0002 NYCLASS ARPA	#9988 Trust & Agency	
A	200.000	General TW Checking	103,129.30	36,414.21	36,414.21	103,129.30							
A	201.000	General TW Savings	12,740.65	161,558.36	57,752.04	116,546.97		116,546.97					
A	230.000	NYS Class Savings	482,398.35	13.97	482,412.32				482,412.32				
A	230.001	NYS Class ARPA	95,132.23	2.73	95,134.96						95,134.96		
B	200.000	General OV Checking	41,054.70	2,315.44	2,315.44	41,054.70							
B	201.000	General OV Savings	3,914.76	1,645.00	4,729.75	830.01		830.01					
B	230.000	NYS Class Savings	200,230.67	5.80	200,236.47				200,236.47				
DA	200.000	Highway TW Checking	150,781.79	3,947.76	3,947.76	150,781.79							
DA	201.000	Highway TW Savings	57,578.70		21,700.18	35,878.52		35,878.52					
DB	200.000	Highway OV Checking	93,949.90	12,465.68	12,465.68	93,949.90							
DB	201.000	Highway OV Savings	9,427.81		12,465.68	(3,037.87)		(3,037.87)					
DB	230.000	NYS Class Savings	150,006.28	4.35	150,010.63				150,010.63				
HH	200.004	Water District #4 Checking	36,595.46	13,667.53	13,667.53	36,595.46							
HH	201.004	Water District #4 Savings	-										
HH	230.004	Water District #4 NY Class	374,490.19	10.62	8,631.53	365,869.28				365,869.28			
HH	231.000	Water District #4 NY Class	-										
HH	200.051	Library SAMS Grant Checking	-										
HH	201.051	Library SAMS Grant Savings	-										
LL	200.000	Library Checking	-										
LL	200.001	Library Checking (NEW)	171,041.27	8,124.60	4,502.85	174,663.02		174,663.02					
LL	201.000	Library Savings	-										
SM	200.000	Special District Fire Checking	-										
SM	201.000	Special District Fire Savings	1,804.12		1,804.12			1,804.12					
SW	200.002	Water District Checking	-										
SW	201.002	Water District Savings	(0.20)					(0.20)					
SW	200.003	Water Peachey Rd Checking	-										
SW	201.003	Water Peachey Rd Savings	36,409.09		36,409.09			36,409.09					
SW	200.004	Water WIBA#1 Checking	-										
SW	201.004	Water WIBA#1 Savings	140,140.00		140,140.00			140,140.00					
TA	200.000	Trust & Agency	15,435.28	41,504.56	40,703.15	16,236.69						16,236.69	
VV	200.005	Peachey Water Checking	-										
VV	201.005	Peachey Water Savings	34,875.76		34,875.76			34,875.76					
			2,211,136.11	281,680.61	219,295.80	2,273,520.92	425,511.15	174,663.02	363,446.40	832,659.42	365,869.28	95,134.96	16,236.69
		Reconciliation											
		Bank Statement Balances			2,287,571.34	435,035.00	174,690.10	363,649.84	832,659.42	365,869.28	95,134.96	20,532.74	
		Outstanding Transfer			-	-	-	-	-	-	-	-	
		Deposits In Transit			-	-	-	(203.44)				203.44	
		Outstanding Checks			(14,050.42)	(9,523.85)	(27.08)					(4,499.49)	
		Balance on General Ledger			2,273,520.92	425,511.15	174,663.02	363,446.40	832,659.42	365,869.28	95,134.96	16,236.69	
		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:

10/31/2021

**Statement of Activity - MTD and YTD by Fund w/ Variance**  
**Town of Bergen**  
 For 10/31/2021

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
<b>Revenues</b>					
AA.1081.000.000 Other Payments in Lieu of Taxes	0.00	6,424.30	6,095.00	329.30	105.40
AA.1090.000.000 Interest & Penalties on Real Property Taxes	0.00	2,996.18	0.00	2,996.18	0.00
AA.1120.000.000 County Sales Tax Distribution	127,166.50	127,166.50	0.00	127,166.50	0.00
AA.1255.000.000 Clerk Fees	308.21	2,930.65	2,000.00	930.65	146.53
AA.2130.000.000 Landfill Host Revenue	15,477.21	62,309.59	55,000.00	7,309.59	113.29
AA.2192.000.000 Cemetery Services	700.00	700.00	0.00	700.00	0.00
AA.2401.000.000 Interest & Earnings	21.61	278.54	300.00	(21.46)	92.85
AA.2410.000.000 Rental of Real Property	375.00	1,125.00	1,220.00	(95.00)	92.21
AA.2530.000.000 Games of Chance	0.00	10.00	10.00	0.00	100.00
AA.2544.000.000 Dog Licenses	488.00	2,833.00	2,500.00	333.00	113.32
AA.2610.000.000 Fines and Forfeited Bail	8,782.00	80,712.00	65,000.00	15,712.00	124.17
AA.2701.000.000 Refund of Prior Year Expense	0.00	13,061.62	0.00	13,061.62	0.00
AA.2770.000.000 Voluntary Distribution	0.00	256,143.65	360,000.00	(103,856.35)	71.15
AA.2770.001.000 Miscellaneous	0.00	1,105.00	0.00	1,105.00	0.00
AA.3001.000.000 State Aid, Revenue Sharing	0.00	0.00	8,000.00	(8,000.00)	0.00
AA.3005.000.000 State Aid, Mortgage Tax	0.00	24,236.58	25,000.00	(763.42)	96.95
AA.4089.000.000 Federal Aid- Other	0.00	95,127.93	0.00	95,127.93	0.00
AA.5999.000.000 Unexpended Balance	0.00	0.00	272,080.00	(272,080.00)	0.00
<b>Total Revenues</b>	<b>153,318.53</b>	<b>677,160.54</b>	<b>797,205.00</b>	<b>(120,044.46)</b>	<b>84.94</b>
<b>Expenses</b>					
AA.1010.100.000 Town Board Personal Services	1,219.32	12,193.20	14,632.00	2,438.80	83.33
AA.1010.400.000 Town Board Contractual	5.93	687.48	1,200.00	512.52	57.29
AA.1110.100.000 Justices Personal Services	2,333.34	23,333.40	28,000.00	4,666.60	83.33
AA.1110.102.000 Justice Pers Svc, Clerk	1,330.68	17,980.89	21,792.00	3,811.11	82.51
AA.1110.200.000 Justice Equipment	0.00	0.00	600.00	600.00	0.00
AA.1110.400.000 Justices Contractual	723.95	5,800.34	14,150.00	8,349.66	40.99
AA.1220.100.000 Supervisor Personal Services	947.75	9,477.50	11,373.00	1,895.50	83.33
AA.1220.102.000 Deputy Supervisor Personal Services	120.83	1,208.30	1,450.00	241.70	83.33
AA.1220.103.000 Supervisor's Secretary Personal Services	550.80	6,303.60	8,320.00	2,016.40	75.76
AA.1220.400.000 Supervisor Contractual	182.38	3,410.31	8,500.00	5,089.69	40.12
AA.1310.400.000 Bookkeeper, Contr Expend	1,400.00	5,600.00	24,300.00	18,700.00	23.05
AA.1320.400.000 Auditors Contractual	0.00	6,850.00	6,850.00	0.00	100.00
AA.1355.400.000 Assessor Contractual	10,875.00	24,800.12	32,801.00	8,000.88	75.61
AA.1410.100.000 Town Clerk Personal Services	3,295.70	36,252.70	42,844.00	6,591.30	84.62
AA.1410.102.000 Deputy Town Clerk Personal Services	80.34	2,249.53	2,785.00	535.47	80.77
AA.1410.200.000 Town Clerk Equipment	0.00	449.95	500.00	50.05	89.99
AA.1410.400.000 Town Clerk Contractual	213.72	2,644.49	4,000.00	1,355.51	66.11
AA.1420.400.000 Attorney Contractual	0.00	1,500.00	6,000.00	4,500.00	25.00
AA.1420.401.000 Court Prosecutor	0.00	5,600.00	10,100.00	4,500.00	55.45

**Statement of Activity - MTD and YTD by Fund w/ Variance**  
**Town of Bergen**  
**For 10/31/2021**

	M-T-D		Y-T-D		Annual Budget	Variance	Variance Percentage
	Actual		Actual				
AA.1440.400.000 Engineer Contractual	0.00		0.00		4,000.00	4,000.00	0.00
AA.1450.400.000 Elections Contractual	0.00		2,887.00		5,000.00	2,113.00	57.74
AA.1460.400.000 Records Management Contractual	0.00		1,195.00		2,500.00	1,305.00	47.80
AA.1480.400.000 Public Info Services OARS Contractual	0.00		981.75		1,200.00	1,218.25	81.81
AA.1620.100.000 Buildings Personal Services	316.56		3,376.64		4,800.00	1,423.36	70.35
AA.1620.400.000 Building Operation Contractual	4,207.86		30,443.05		47,800.00	17,356.95	63.69
AA.1620.401.000 Building Operation Lease Fire Hall	0.00		19,023.63		19,024.00	0.37	100.00
AA.1660.400.000 Central Storeroom Contractual	0.00		122.85		500.00	377.15	24.57
AA.1670.400.000 Central Printing & Mailing Contractual	1,324.48		4,069.74		4,100.00	30.26	99.26
AA.1680.200.000 Computers Equipment	0.00		0.00		2,000.00	2,000.00	0.00
AA.1680.400.000 Computers Contractual	260.00		6,767.64		1,514.00	(5,253.64)	447.00
AA.1910.400.000 Unallocated Insurance	0.00		36,952.69		36,953.00	0.31	100.00
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		6,000.94		6,500.00	499.06	92.32
AA.1990.400.000 Contingency	0.00		42.75		3,197.00	3,154.25	1.34
AA.3120.100.000 Constables Personnel Services	148.65		924.04		4,225.00	3,300.96	21.87
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		6,000.00	6,000.00	0.00
AA.3510.400.000 Control of Dogs Contractual	0.00		862.80		1,200.00	337.20	71.90
AA.5010.100.000 Supt. of Highways Personal Services	4,880.30		53,683.30		63,444.00	9,760.70	84.62
AA.5010.102.000 Supt. of Highways, Pers Svc, Deputy	115.50		1,270.50		1,500.00	229.50	84.70
AA.5010.200.000 Superintendent of Highways Equipment	0.00		771.60		772.00	0.40	99.95
AA.5010.400.000 Superintendent of Highways Contractual	0.00		0.00		750.00	750.00	0.00
AA.5132.400.000 Garage Contractual	896.60		12,290.39		37,500.00	25,209.61	32.77
AA.5182.400.000 Street Lighting Contractual	334.49		4,323.28		5,500.00	1,176.72	78.61
AA.6410.400.000 Publicity - Newsletter Contractual	0.00		0.00		2,500.00	2,500.00	0.00
AA.6420.400.000 Promotion of Industry Contractual	0.00		1,160.37		2,000.00	839.63	58.02
AA.7410.400.000 Library Contractual	(11,337.95)		70,487.58		66,080.00	(4,407.58)	106.67
AA.7510.100.000 Historian Personal Services	0.00		2,065.50		2,930.00	864.50	70.49
AA.7510.200.000 Historian Equipment	0.00		0.00		500.00	500.00	0.00
AA.7510.400.000 Historian Contractual	0.00		539.62		540.00	0.38	99.93
AA.7550.400.000 Celebrations Contractual	0.00		672.20		1,000.00	327.80	67.22
AA.8810.400.000 Cemetery Contractual	54.87		54.87		5,000.00	4,945.13	1.10
AA.9010.800.000 NYS Retirement	0.00		25,347.00		25,347.00	0.00	100.00
AA.9030.800.000 Social Security & Medicare	385.88		14,797.74		16,000.00	1,202.26	92.49
AA.9040.800.000 Worker's Compensation	0.00		7,833.00		7,833.00	0.00	100.00
AA.9055.800.000 Disability Insurance	0.00		151.20		227.00	75.80	66.61
AA.9060.800.000 Medical Insurance	2,267.40		22,674.00		27,209.00	4,535.00	83.33
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		7,968.75		15,938.00	7,969.25	50.00
AA.9720.701.000 Interest on Debt Court/Town Offices	0.00		2,178.75		4,358.00	2,179.25	49.99

**Statement of Activity - MTD and YTD by Fund w/ Variance**  
**Town of Bergen**  
 For 10/31/2021

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
AA.9950.900.000 Transfer to Capital Project	0.00	0.00	8,267.00	8,267.00	0.00
Total Expenses	<u>27,134.38</u>	<u>509,161.98</u>	<u>797,205.00</u>	<u>288,043.02</u>	<u>63.87</u>
Excess Revenue Over (Under) Expenditures	<u>\$ (126,184.15)\$</u>	<u>(167,998.56)\$</u>	<u>0.00</u>	<u>\$ 408,087.48</u>	<u>\$ 0.00</u>

**Statement of Activity - MTD and YTD by Fund w/ Variance**  
**Town of Bergen**  
**For 10/31/2021**

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
<b>Revenues</b>					
BB.1001.000.000 Property Taxes	0.00	8,239.00	8,239.00	0.00	100.00
BB.1170.000.000 Franchise Fees	0.00	18,486.34	23,000.00	(4,513.66)	80.38
BB.1560.000.000 Safety Inspection Fees	0.00	0.00	50.00	(50.00)	0.00
BB.2110.000.000 Zoning Fees	275.00	3,320.00	1,800.00	1,520.00	184.44
BB.2115.000.000 Planning Board Fees	0.00	800.00	200.00	600.00	400.00
BB.2130.000.000 Refuse & Garbage Charges	1,370.00	14,880.00	20,000.00	(5,120.00)	74.40
BB.2401.000.000 Interest & Earnings	5.80	67.87	0.00	67.87	0.00
BB.2590.000.000 Permits, Others	0.00	190.00	0.00	190.00	0.00
BB.5999.000.000 Unexpended Balance	0.00	0.00	50,000.00	(50,000.00)	0.00
<b>Total Revenues</b>	<b>1,650.80</b>	<b>45,983.21</b>	<b>103,289.00</b>	<b>(57,305.79)</b>	<b>44.52</b>
<b>Expenses</b>					
BB.1355.400.000 Board of Assessment Review, Contr	0.00	260.00	450.00	190.00	57.78
BB.1420.400.000 Attorney, Contractual	0.00	0.00	2,000.00	2,000.00	0.00
BB.1440.400.000 Engineer Contractual	140.00	1,434.00	2,000.00	566.00	71.70
BB.1990.400.000 Contingency	0.00	0.00	20,000.00	20,000.00	0.00
BB.6772.400.000 Programs for the Aging Contractual	0.00	4,000.00	4,000.00	0.00	100.00
BB.7110.400.000 Parks Contractual	160.00	2,735.00	6,000.00	3,265.00	45.58
BB.7310.400.000 Youth Programs Contractual	0.00	4,000.00	4,000.00	0.00	100.00
BB.8010.100.000 Zoning Pers Svc	55.83	640.30	836.00	195.70	76.59
BB.8010.400.000 Zoning Contractual	0.00	273.60	1,250.00	976.40	21.89
BB.8020.100.000 Planning Personal Services	272.92	2,729.20	4,500.00	1,770.80	60.65
BB.8020.400.000 Planning Contractual	0.00	1,039.20	3,000.00	1,960.80	34.64
BB.8160.100.000 Refuse & Garbage Personnel Services	616.92	7,576.07	10,000.00	2,423.93	75.76
BB.8160.400.000 Refuse & Garbage Contractual	1,866.08	13,414.65	17,500.00	4,085.35	76.66
BB.8664.100.000 Code Enforcement Personnel Services	1,408.54	15,493.94	18,311.00	2,817.06	84.62
BB.8664.400.000 Code Enforcement Contractual	149.36	2,997.59	3,000.00	2.41	99.92
BB.9010.800.000 NYS Retirement	0.00	2,671.00	2,671.00	0.00	100.00
BB.9030.800.000 Social Security & Medicare	60.10	702.60	2,500.00	1,797.40	28.10
BB.9040.800.000 Workers Compensation	0.00	1,271.00	1,271.00	0.00	100.00
<b>Total Expenses</b>	<b>4,729.75</b>	<b>61,238.15</b>	<b>103,289.00</b>	<b>42,050.85</b>	<b>59.29</b>
<b>Excess Revenue Over (Under) Expenditures</b>	<b>\$ 3,078.95</b>	<b>\$ 15,254.94</b>	<b>\$ 0.00</b>	<b>\$ 99,356.64</b>	<b>0.00</b>



**Statement of Activity - MTD and YTD by Fund w/ Variance**  
**Town of Bergen**  
 For 10/31/2021

	M-T-D	Y-T-D	Annual	Variance	Variance
	Actual	Actual	Budget		Percentage
<b>Revenues</b>					
DA.1001.000.000 Property Taxes	0.00	285,068.00	285,068.00	0.00	100.00
DA.2300.000.000 Services to Other Gov't	0.00	142,066.05	126,781.00	15,285.05	112.06
DA.2650.000.000 Sale of Scrap Material	0.00	988.94	0.00	988.94	0.00
DA.2665.000.000 Sale of Equipment	0.00	21,000.00	0.00	21,000.00	0.00
DA.5031.000.000 Interfund Transfers	0.00	0.00	8,267.00	(8,267.00)	0.00
<b>Total Revenues</b>	0.00	449,122.99	420,116.00	29,006.99	106.90
<b>Expenses</b>					
DA.5130.100.000 Machinery, Pers Serv	3,098.40	11,360.80	11,860.00	499.20	95.79
DA.5130.200.000 Machinery, Equip & Cap Outlay	0.00	48,335.52	85,000.00	36,664.48	56.87
DA.5130.400.000 Machinery, Contr Expend	116.83	23,865.76	30,000.00	6,134.24	79.55
DA.5140.100.000 Brush & Weeds, Pers Serv	11,360.80	11,360.80	11,860.00	499.20	95.79
DA.5140.400.000 Brush & Weeds, Contr Expend	1,433.51	1,469.39	1,500.00	30.61	97.96
DA.5142.100.000 Snow & Ice, Pers Serv	2,065.60	75,178.16	123,037.00	47,858.84	61.10
DA.5142.400.000 Snow & Ice, Contr Expend	0.00	35,355.82	90,000.00	54,644.18	39.28
DA.9010.800.000 NYS Retirement, Empl Bnfts	0.00	19,541.00	19,541.00	0.00	100.00
DA.9030.800.000 Social Security & Medicare, Empl Bnfts	1,227.62	7,255.89	10,508.00	3,252.11	69.05
DA.9040.800.000 Workers Compensation, Empl Bnfts	0.00	5,220.00	5,220.00	0.00	100.00
DA.9055.800.000 Disability Insurance, Empl Bnfts	75.60	117.75	110.00	(7.75)	107.05
DA.9060.800.000 Hospital & Medical (Dental) Ins, Empl Bnfts	2,321.82	23,401.79	31,480.00	8,078.21	74.34
<b>Total Expenses</b>	21,700.18	262,462.68	420,116.00	157,653.32	62.47
<b>Excess Revenue Over (Under) Expenditures</b>	\$ 21,700.18	\$ (186,660.31)	\$ 0.00	\$ 128,646.33	0.00

**Statement of Activity - MTD and YTD by Fund w/ Variance**  
**Town of Bergen**  
 For 10/31/2021

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
<b>Revenues</b>					
DB.1001.000.000 Property Taxes	0.00	100,579.00	100,579.00	0.00	100.00
DB.2401.000.000 Interest & Earnings	4.35	10.63	0.00	10.63	0.00
DB.3501.000.000 Consolidated Highway Aid	0.00	0.00	40,500.00	(40,500.00)	0.00
DB.5999.000.000 Unexpended Balance	0.00	0.00	157,215.00	(157,215.00)	0.00
<b>Total Revenues</b>	4.35	100,589.63	298,294.00	(197,704.37)	33.72
<b>Expenses</b>					
DB.5110.100.000 General Highway Repairs Personal Services	0.00	91,977.31	90,134.00	(1,843.31)	102.05
DB.5110.400.000 General Highway Repairs Contractual	9,759.56	124,950.46	84,903.00	(40,047.46)	147.17
DB.5112.200.000 Permanent Highway Improvements	0.00	69,432.53	40,500.00	(28,932.53)	171.44
DB.5130.400.000 Machinery Contractual	122.84	122.84	0.00	(122.84)	0.00
DB.9010.800.000 NYS Retirement	0.00	14,741.00	14,741.00	0.00	100.00
DB.9030.800.000 Social Security & Medicare	0.00	6,391.08	7,900.00	1,508.92	80.90
DB.9040.800.000 Workers Compensation	0.00	3,739.00	3,853.00	114.00	97.04
DB.9055.800.000 Disability Insurance	67.98	161.79	162.00	0.21	99.87
DB.9060.800.000 Medical Insurance	2,515.30	25,317.95	34,275.00	8,957.05	73.87
DB.9785.600.000 Installment Purchase Debt, Principal	0.00	18,851.87	20,326.00	1,474.13	92.75
DB.9785.700.000 Installment Purchase Debt, Interest	0.00	3,002.19	1,500.00	(1,502.19)	200.15
<b>Total Expenses</b>	12,465.68	358,688.02	298,294.00	(60,394.02)	120.25
<b>Excess Revenue Over (Under) Expenditures</b>	\$ 12,461.33	\$ 258,098.39	\$ 0.00	\$ 137,310.35	0.00

*Handwritten note:* 11/1/2021

Account#	Account Description	Fee Description	Qty	Local Share
	Marriage License	Marriage License	3	52.50
			<b>Sub-Total:</b>	<b>\$52.50</b>
A1255	Clerk Fees	Certified Copies	14	140.00
	Conservation	Conservation	8	53.13
			<b>Sub-Total:</b>	<b>\$193.13</b>
A2544	Dog Licensing	Female, Spayed	16	80.00
		Female, Unspayed	2	36.00
		Male, Neutered	15	75.00
		Male, Unneutered	2	36.00
		Replacement Tags	1	3.00
	Senior Discount	Senior Discount	3	-9.00
			<b>Sub-Total:</b>	<b>\$221.00</b>
B2110	Building & Zoning	Building Permit	5	810.00
			<b>Sub-Total:</b>	<b>\$810.00</b>
B2115	Building & Zoning	Major Subdivision Final Plat	2	200.00
			<b>Sub-Total:</b>	<b>\$200.00</b>
B2130	Solid Waste	Garbage Bag	184	920.00
		Transfer Sta. 20.00	8	160.00
		Transfer Sta. 5.00	7	35.00
			<b>Sub-Total:</b>	<b>\$1,115.00</b>

**Total Local Shares Remitted: \$2,591.63 + \$2.20**

Amount paid to: N Y State Department Of Health	67.50	<i>OFC Credit</i>
Amount paid to: NYS Ag. & Markets for spay/neuter program	43.00	<i>9/2021</i>
Amount paid to: NYS Environmental Conservation	1,898.87	<i>82593.88</i>

**Total State, County & Local Revenues: \$4,601.00**

**Total Non-Local Revenues: \$2,009.37**

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.

_____	_____	<i>Michele M. Smith</i>	<i>11/1/2021</i>
Supervisor	Date	Town Clerk	Date

# Permit Monthly Report

10/01/2021 - 10/31/2021

Permit #	Issue Date	Owner	Permit Type	Property Location	Valuation	Amount
<b>October</b>	<b>2021</b>					
BP-0035-2021	10/21/2021	Metalico Rochester, Inc.	Other	7652 Clinton St Rd SBL#: 17.-1-2		\$50.00
BP-0036-2021	10/21/2021	William Powell	Other	7199 Dublin Rd SBL#: 15.-1-24.112		\$25.00
BP-0037-2021	10/28/2021	Robert Whitehair	Res-Remodel	120 Hidden Meadows Dr SBL#: 17.-1-16.11/AJ		\$50.00
BP-0038-2021	10/28/2021	Appletree Acres LLC	Comm-Renovation	7001 Appletree Ave SBL#: 13.-1-59.221		\$660.00
BP-0039-2021	10/28/2021	Jack Higgins	Other	6660 North Lake Rd SBL#: 6.-1-35.12		\$25.00
BP-0040-2021	10/28/2021	Norman Pimm	Res-Acc Structure	7766 Townline Rd SBL#: 14.-1-12.21		\$50.00
<b>October 2021 Total:</b>					<b>\$0.00</b>	<b>\$860.00</b>
<b>Reporting Period Total:</b>					<b>\$0.00</b>	<b>\$860.00</b>



**Mark Meyerhofer**

Senior Director  
Government Affairs

October 22, 2021

Re: Charter Communications – Upcoming Changes

Dear Municipal Official:

This letter will serve as notice that on or around November 15, 2021, Spectrum Northeast, LLC, ("Spectrum"), will expand EPIX Drive-In, channel 599 to High Definition on the channel lineup serving your community.

To view a current Spectrum channel lineup visit [www.spectrum.com/channels](http://www.spectrum.com/channels).

If you have any questions, please feel free to contact me at 716-686-4446 or via email at [Mark.Meyerhofer@charter.com](mailto:Mark.Meyerhofer@charter.com).

Sincerely,

A handwritten signature in black ink that reads "Mark Meyerhofer". The signature is written in a cursive, flowing style.

Mark Meyerhofer  
Senior Director, Government Affairs  
Charter Communications

THE  
**ASSOCIATION OF TOWNS**  
OF THE  
STATE OF NEW YORK

GERALD K. GEIST  
*Executive Director*

KIMBERLY A. SPLAIN  
*Deputy Director*

150 State Street  
Albany, NY 12207

Telephone  
Area Code 518 - 465-7933  
Fax # 518 - 465-0724

LORI A. MITHEN-DeMASI  
*Counsel*

SARAH B. BRANCATELLA  
*Associate Counsel*

KATHLEEN N. HODGDON  
*Associate Counsel*

October 8, 2021

Dear Supervisor:

We wrote you this past August as to the amount of the town's dues for your use in budget formulation. There was also an explanation of how these dues were computed. Please contact our office if you did not receive this information. If your town has not yet paid their dues, your town clerk will be receiving a voucher along with an explanation of the dues within the next couple of weeks.

There is no doubt that town government continues to be the most responsive, efficient and "closest to the people" provider of services to residents in New York State today. It is, however, continually challenged by critical issues that arise. Such issues are both programmatic and fiscal, and they impact a town's ability to provide services to their residents at a reasonable cost. To deal with such challenges, the Association has expanded services for its members. Your support of these efforts through membership in the Association is a direct, invaluable benefit to the residents of your town.

One of the ways in which the Association provides assistance is by training town officials, and the most comprehensive effort in this area is our Training School and Annual Meeting. The **2022 Training School and Annual Meeting** will be held at the **New York Marriott Marquis, New York City, February 20-23, 2022**. Under General Municipal Law, §77-b, the actual and necessary expenses of officers and employees of your town attending the Annual Meeting are proper town charges. A registration form has been enclosed along with information on booking your own hotel room and can also be found in your "Talk of the Towns & Topics" magazine.

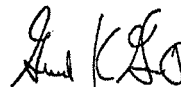
*We encourage you to register for the meeting and make room reservations online through our Web site:  
[www.nytowns.org](http://www.nytowns.org) by following the links.*

*You must register with us before booking your room reservation.*

On behalf of the entire staff, I promise that we will continue in our efforts to provide updated education training for you and your staff and to represent strongly the views of town government both in Albany and Washington.

Your cooperation in processing your dues voucher will be very much appreciated. Many thanks in advance.

Kindest regards,



Gerald K. Geist  
Executive Director



# NEWLY ELECTED OFFICIALS 2022 TRAINING SCHOOL



## GENERAL INFORMATION

WHEN: January 6 - 7, 2022  
Online / Virtual Event - **EMAIL ADDRESS IS REQUIRED TO REGISTER**

WHO: All supervisors, town board members, fiscal personnel and town clerks are encouraged to attend.

*AUTHORITY TO ATTEND: Attendance at this training school is permitted by section 77-b of the General Municipal Law. Subdivision 3 of the section permits the town board to authorize attendance by "any of its members or any officer or employee ... or other person who has been elected pursuant to law to a public office of a municipality for which the term of office has not commenced ..." You are entitled to be reimbursed for all reasonable costs incurred while attending this program.*

REGISTRATION INFORMATION: There is a school fee of \$75 per member / non-member, which is payable in advance of the program. This fee covers the cost of tuition, course materials. Please complete the registration form and return with payment to the address indicated below.

### REGISTRATION FORM

## 2022 VIRTUAL TRAINING FOR NEWLY ELECTED TOWN OFFICIALS\*\*

(ONE ATTENDEE PER FORM)

Please register the following personnel from the Town of \_\_\_\_\_  
County of \_\_\_\_\_

for the Training School for Newly Elected Town Officials to be held **JANUARY 6 - 7, 2022**

Enclosed is a check for \$75 to cover tuition and materials

Please make the check payable to the Association of Towns.  
Return this form and check to: Association of Towns, 150 State Street, Albany, NY 12207

NAME \_\_\_\_\_ TITLE \_\_\_\_\_

TOWN \_\_\_\_\_ COUNTY \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

DAYTIME PHONE: ( ) \_\_\_\_\_

E-MAIL ADDRESS (REQUIRED): \_\_\_\_\_ (PLEASE PRINT CLEARLY)

**\*\*No refunds after 10 days prior to event.**

Rec'd 11/4/21

**HARRIS BEACH** PLLC  
ATTORNEYS AT LAW

99 GARNSEY ROAD  
PITTSFORD, NY 14534

RUSSELL E. GAENZLE, ESQ.  
T (585) 419-8718  
F (585) 419-8816  
RGAENZLE@HARRISBEACH.COM

October 29, 2021

**TAX AGREEMENT  
LIBERTY PUMPS, INC.**

**Via Certified Mail**

**No. 9489-0090-0027-6342-0924-95**

Ms. Rhonda Saulsbury, Assessor  
Town of Bergen  
13 S. Lake Avenue  
P.O. Box 73  
Bergen, NY 14416

**Re:** *Liberty Pumps, Inc. and Genesee County Industrial Development  
Agency d/b/a Genesee County Economic Development Center - Distribution of  
Tax Agreement and Form RP-412-a*

**Property:** *7000 Apple Tree Avenue and South Lake Road, Genesee  
County*

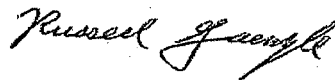
**Tax Map Number:** *13.-1-61.111 and 13.-1-57.1*

Dear Ms. Saulsbury:

On behalf of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center, I have enclosed for you, the Assessor of the taxing jurisdiction within which the above-referenced project is located, a completed and signed Application for Real Property Tax Exemption on NYS Form RP-412-a with attached copy of the related signed Tax Agreement.

Should you have questions, please contact me at (585) 419-8718.

Very truly yours,



Russell E. Gaenzle

REG/aa

Enclosures

cc: Affected Taxing Jurisdiction Officials  
Listed on Schedule A (w/encs. - copies)



**Schedule A**

**Via Certified Mail**

**No. 9489-0090-0027-6342-0925-01**

Genesee County Manager  
Old Courthouse  
7 Main Street  
Batavia, New York 14020

**Via Certified Mail**

**No. 9489-0090-0027-6389-5370-10**

Genesee County Legislature  
Attn: Chairman  
Old Courthouse  
7 Main Street  
Batavia, New York 14020

**Via Certified Mail**

**No. 9489-0090-0027-6389-5370-27**

Office of Real Property Tax Services  
Attn: Director  
15 Main Street  
Batavia, New York 14020

**Via Certified Mail**

**No. 9489-0090-0027-6389-5370-34**

Genesee County Treasurer  
15 Main Street  
Batavia, New York 14020

**Via Certified Mail**

**No. 9489-0090-0027-6389-5370-41**

Town of Bergen  
Attn: Town Supervisor  
10 Hunter Street  
P.O. Box 249  
Bergen, New York 14416

**Via Certified Mail**

**No. 9489-0090-0027-6389-5370-58**

Byron-Bergen Central Schools  
Attn: Board of Education President  
6917 West Bergen Road  
Bergen, New York 14416

**Via Certified Mail**

**No. 9489-0090-0027-6389-5370-65**

Byron-Bergen Central Schools  
Attn: Superintendent  
6917 West Bergen Road  
Bergen, New York 14416



NYS BOARD OF REAL PROPERTY SERVICES

RP-412-a (1/95)

INDUSTRIAL DEVELOPMENT AGENCIES
APPLICATION FOR REAL PROPERTY TAX EXEMPTION
(Real Property Tax Law, Section 412-a and General Municipal Law, Section 874)

1. INDUSTRIAL DEVELOPMENT AGENCY (IDA)

Genesee County Industrial Development Agency d/b/a
Name Genesee County Economic Development Center
Street 99 MedTech Drive, Suite 106
City Batavia, New York 14020
Telephone no. Day (585) 343-4866
Evening ( )
Contact Steven G. Hyde
Title President/CEO

2. OCCUPANT (IF OTHER THAN IDA)

(If more than one occupant attach separate listing)

Name Liberty Pumps, Inc.
Street 7000 Apple Tree Avenue
City Bergen, New York 14416
Telephone no. Day (585) 494-1817
Evening ( )
Contact Robyn Brookhart
Title President

3. DESCRIPTION OF PARCEL

- a. Assessment roll description (tax map no./roll year) 13.-1-61.111 and 13.-1-57.1
b. Street address 7000 Apple Tree Avenue and South Lake Road
c. City, Town or Village Town of Bergen
d. School District Byron-Bergen CSD
e. County Genesee County
f. Current assessment
g. Deed to IDA (date recorded; liber and page) Lease to IDA (10/26/21; #DE2021-1684)

4. GENERAL DESCRIPTION OF PROPERTY (if necessary, attach plans or specifications)

- a. Brief description (include property use) Please see attached Tax Agreement
b. Type of construction New construction
c. Square footage
d. Total cost
e. Date construction commenced Immediately
f. Projected expiration of exemption (i.e. date when property is no longer possessed, controlled, supervised or under the jurisdiction of IDA) December 31, 2033

5. SUMMARIZE AGREEMENT (IF ANY) AND METHOD TO BE USED FOR PAYMENTS TO BE MADE TO MUNICIPALITY REGARDLESS OF STATUTORY EXEMPTION

(Attach copy of the agreement or extract of the terms relating to the project).

- a. Formula for payment Please see attached Tax Agreement
b. Projected expiration date of agreement December 31, 2033

c. Municipal corporations to which payments will be made

	Yes	No
County <u>Genesee County</u>	X	
Town/City <u>Town of Bergen</u>	X	
Village _____		X
School District <u>Byron-Bergen CSD</u>	X	

d. Person or entity responsible for payment

Name Liberty Pumps, Inc.  
 Title Attn: Robyn Brookhart, President  
 Address 7000 Apple Tree Avenue  
Bergen, New York 14416

e. Is the IDA the owner of the property? Yes/No (circle one)

If "No" identify owner and explain IDA rights or interest in an attached statement. No: Occupant owns the Property and leases it to the IDA. IDA leases it back to Occupant. Telephone \_\_\_\_\_

6. Is the property receiving or has the property ever received any other exemption from real property taxation? (check one) Yes No

If yes, list the statutory exemption reference and assessment roll year on which granted: exemption \_\_\_\_\_ assessment roll year \_\_\_\_\_

7. A copy of this application, including all attachments, has been mailed or delivered on 10/29/21 (date) to the chief executive official of each municipality within which the project is located as indicated in Item 3.

**CERTIFICATION**

I, Mark A. Masse, Senior Vice President of Operations of \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_  
Genesee County Industrial Development Agency d/b/a \_\_\_\_\_ hereby certify that the information  
 Organization Genesee County Economic Development Center

on this application and accompanying papers constitutes a true statement of facts.

October 21, 2021  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature

**FOR USE BY ASSESSOR**

1. Date application filed \_\_\_\_\_
2. Applicable taxable status date \_\_\_\_\_
- 3a. Agreement (or extract) date \_\_\_\_\_
- 3b. Projected exemption expiration (year) \_\_\_\_\_
4. Assessed valuation of parcel in first year of exemption \$ \_\_\_\_\_
5. Special assessments and special as valorem levies for which the parcel is liable:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Assessor's signature

**GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
d/b/a  
GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER**

**AND**

**LIBERTY PUMPS, INC.**

---

**TAX AGREEMENT**

---

**Project Address:**

7000 Apple Tree Avenue and South Lake Road

**Tax Map Nos.:**

13.-1-61.111 & 13.-1-57.1

**Affected Tax Jurisdictions:**

**Genesee County  
Town of Bergen  
Byron-Bergen School District**

**Dated as of October 1, 2021**

## TAX AGREEMENT

THIS TAX AGREEMENT, dated as of October 1, 2021 (the "Tax Agreement"), is by and between the **GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER**, a public benefit corporation duly existing under the laws of the State of New York, with offices at 99 MedTech Drive, Suite 106, Batavia, New York 14020 (the "Agency") and **LIBERTY PUMPS, INC.**, a New York corporation duly organized and validly existing under the laws of the State of New York, with offices at 7000 Apple Tree Avenue, Bergen, New York 14416 (the "Company").

### WITNESSETH:

WHEREAS, the Agency was created by Chapter 565 of the Laws of 1970 of the State of New York pursuant to Title I of Article 18-A of the General Municipal Law of the State of New York (collectively, the "Act") as a body corporate and politic and as a public benefit corporation of the State of New York (the "State"); and

WHEREAS, the Company has submitted an application (the "Application") to the Agency requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold or other interest in an approximately 22.9 acres of real property located at 7000 Apple Tree Avenue and South Lake Road, Town of Bergen, Genesee County, New York (the "Land", being more particularly described as tax parcel Nos. 13.-1-57.1 and 13.-1-61.111, respectively, as may be merged); (ii) the planning design, construction and equipping upon the Land of certain warehousing and manufacturing space, together with various infrastructure, curbing, roadways, parking, landscaping and other improvements (collectively, the "Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility"); and

WHEREAS, in order to induce the Company to acquire, construct and equip the Facility, the Agency is willing to take a leasehold interest in the Land, the Existing Improvements, the Improvements, the Equipment and the personal property constituting the Facility pursuant to a certain Lease Agreement, dated as of October 1, 2021 (the "Lease Agreement"), and thereafter to lease said Land, Improvements, Equipment and personal property back to the Company pursuant to the terms and conditions of a certain Leaseback Agreement, dated as of October 1, 2021 (the "Leaseback Agreement"); and

WHEREAS, the R.J. Properties, LLC ("RJP") previously entered into a Lease with the Agency pursuant to a Lease dated October 1, 2014, a Memorandum of which was recorded in the Genesee County Clerk's Office on November 25, 2014 in Book 909 of Deeds at Page 841 (the "2014 Agency Lease") and related Leaseback Agreement, dated October 1, 2014, a Memorandum of which was recorded in the Genesee County Clerk's Office on November 25, 2014 in Book 909 of Deeds at Page 851 (the "2014 Leaseback Agreement"); and

WHEREAS, the 2014 Agency Lease created a leasehold interest in the Agency in certain parcels of real property including but not limited to parcels identified as Tax Map Number 13.-1-57 and Tax Map Number 13.-1-61 for a term ending on December 31, 2026 (the "2014 Parcels") which leasehold estate has not been terminated by the parties both of which parcels contain and include the Land described in the first recital above; and

WHEREAS, the Company will convey to the Agency a sub-leasehold estate separate and apart from RJP's fee interest in the real property independent of and without merging with the estate created by the 2014 Agency Lease in the 2014 Parcels, including any buildings, structures or improvements thereon, described in Exhibit A attached hereto (the "Leased Premises") pursuant to the terms contained herein, during the term of that certain leaseback agreement between the Agency and the Company, dated the date hereof (the "Leaseback Agreement"); and

WHEREAS, the construction of the Improvements, as described herein, shall not constitute additional improvements and/or modifications to the Facility (as defined in the 2014 Leaseback Agreement); and

WHEREAS, pursuant to Section 874(1) of the Act, the Agency is exempt from the payment of taxes imposed upon real property and improvements owned by it or under its jurisdiction, control or supervision, other than special ad valorem levies, special assessments and service charges against real property which are or may be imposed for special improvements or special district improvements; and

WHEREAS, the Agency and the Company deem it necessary and proper to enter into an agreement making provisions for payments-in-lieu-of-taxes by the Company for the benefit of Genesee County (the "County"), the Town of Bergen (the "Town") and the Byron-Bergen Central School District (the "School District" and, collectively with the County and the Town, the "Affected Tax Jurisdictions").

NOW, THEREFORE, in consideration of the covenants herein contained, and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, it is mutually agreed as follows:

Section I - Payment in lieu of Ad Valorem Taxes:

Section 1.1 A. Subject to the completion and filing by the taxable status date **March 1, 2022** (the "Taxable Status Date") of New York State Form RP-412-a Application For Real Property Tax Exemption (the "Exemption Application") under Section 412-a of the New York State Real Property Tax Law (the "RPTL") and Section 874 of the Act and the approval of the Exemption Application by the appropriate assessors or Board of Assessment Review, the Facility shall be exempt from Real Estate Taxes (as hereinafter defined) commencing with the 2023-24 School District tax year, and the 2024 County and Town tax years. For purposes of the foregoing "Real Estate Taxes" means all general levy real estate taxes levied against the Facility by the County, the Town and the School District. The Company shall provide the Agency with the information necessary for the completion and filing of the Exemption Application and shall provide such additional information and take such actions as are required by the appropriate

assessors or Board of Assessment Review to process and approve the Exemption Application. Notwithstanding anything contained herein or in the Leaseback Agreement to the contrary, in the event the exemption from Real Estate Taxes is denied for any reason, the Company shall pay (and hereby agrees to pay) all Real Estate Taxes levied upon the Facility as they become due. After giving written notice to the Agency, the Company may, in good faith, contest the denial of the Exemption Application, provided that (i) the overall operating efficiency of the Facility is not impaired and the Facility continues to qualify as a "project" under the Act; (ii) neither the Facility nor any part of or interest in it would be in any danger of being sold, forfeited or lost; or (iii) neither the Company nor the Agency, as a result of such contest, shall be in any danger of any civil or criminal liability. The Company hereby waives any claim or cause of action against the Agency, and releases the Agency from any liability to the Company, arising from the denial of an exemption from Real Estate Taxes.

B. Interim Real Estate Taxes. To the extent imposed by any of the Affected Tax Jurisdictions, the Company shall pay all Real Estate Taxes relating to the Land due and payable from the date hereof through the Taxable Status Date and any applicable time periods prior to those set forth within Section 1.5.

C. Agreement to Make Payments. As long as the Facility is owned by or leased to the Agency, the Company agrees to pay annually to the Affected Tax Jurisdictions as a payment-in-lieu-of-taxes, on or before September 1 of each year for School District taxes, and on or before January 1 of each year for County and Town taxes (collectively, the "Payment Date"), commencing on September 1, 2023, and January 1, 2024, respectively, an amount equal to the Total Tax Payment, as described in Schedule A attached hereto. The Company shall make all such Total Tax Payments in the amounts and on the dates specified above, whether or not any such Total Tax Payment is billed by the Agency, the Affected Tax Jurisdictions, or any other party.

The parties agree and acknowledge that payments made hereunder are to obtain revenues for public purposes, and to provide a revenue source that the Affected Tax Jurisdictions would otherwise lose because the subject parcels are not on the tax rolls.

1.2 Allocation. A. The Agency shall remit to the Affected Tax Jurisdictions amounts received hereunder, *if any*, within thirty (30) days of receipt of said payment and shall allocate said payments among the Affected Tax Jurisdictions in the same proportion as ad valorem taxes would have been allocated but for the Agency's involvement, unless the Affected Tax Jurisdictions have consented in writing to a specific allocation.

1.3 Tax Rates. For purposes of determining the allocation of the Total Tax Payment among the Affected Tax Jurisdictions, the Agency shall use the last tax rate utilized for levy of taxes by each such jurisdiction. For County, Town and special district purposes, the tax rates used to determine the allocation of the Total Tax Payment shall be the tax rates relating to the calendar year which includes the Payment Date. For School District purposes, the tax rates used to determine the Total Tax Payment shall be the rate relating to the School District year which includes the Payment Date.

1.4 Valuation of Future Additions to the Facility. If there shall be a future addition to the Facility constructed or added in any manner after the date of this Tax Agreement, the Company shall notify the Agency of such future addition ("Future Addition"). The notice to the Agency shall contain a copy of the application for a building permit, plans and specifications, and any other relevant information that the Agency may thereafter request. Upon the earlier of substantial completion, or the issuance of a certificate of occupancy for any such Future Addition to the Facility, the Company shall become liable for payment of an increase in the Total Tax Payment. The Agency shall notify the Company of any proposed increase in the Total Tax Payment related to such Future Addition. If the Company shall disagree with the determination of assessed value for any Future Addition made by the Agency, then and in that event that valuation shall be fixed by a court of competent jurisdiction. Notwithstanding any disagreement between the Company and the Agency, the Company shall pay the increased Total Tax Payment until a different Total Tax Payment shall be established. If a lesser Total Tax Payment is determined in any proceeding or by subsequent agreement of the parties, the Total Tax Payment shall be re-computed and any excess payment shall be refunded to the Company or, in the Agency's sole discretion, such excess payment shall be applied as a credit against the next succeeding Total Tax Payment(s).

1.5 Period of Benefits. The tax benefits provided for herein should be deemed to include (i) the 2023-24 School District tax year through the 2032-2033 School District tax year, and (ii) the 2024 County and Town tax years through the 2033 County and Town tax years. This Tax Agreement **shall expire on December 31, 2033**; *provided, however*, the Company shall pay (i) the 2033-34 School District tax bill, and (ii) the 2034 County and Town tax bills on the dates and in the amounts as if the Agency were not in title on the tax status date with respect to said tax years. In no event shall the Company be entitled to receive tax benefits relative to the Facility for more than the periods provided for herein, unless the period is extended by amendment to this Tax Agreement executed by both parties after any applicable public hearings. The Company agrees that it will not seek any tax exemption for the Facility while this Tax Agreement is in effect, which could provide benefits for more than the periods provided for herein and specifically agrees that the exemptions provided for herein, to the extent actually received (based on the number of lease years elapsed), supersede and are in substitution of the exemptions provided by Section 485-b of the RPTL. It is hereby agreed and understood that the Affected Tax Jurisdictions can rely upon and enforce the above waiver to the same extent as if they were signatories hereto.

## Section II - Special District Charges, Special Assessments and Other Charges.

2.1 Special district charges, special assessments, and special ad valorem levies (specifically including but not limited to fire district charges), and pure water charges and sewer charges are to be paid in full in accordance with normal billing practices.

## Section III - Transfer of Facility.

3.1 In the event that the Facility is transferred from the Agency to the Company (the lease/leaseback agreements are terminated), and the Company is ineligible for a continued tax



exemption under some other tax incentive program, or the exemption results in a payment to the Affected Tax Jurisdictions in excess of the payment described in Section I herein, or this Tax Agreement terminates and the property is not timely transferred back to the Company, the Company agrees to pay no later than the next tax lien date (plus any applicable grace period), to each of the Affected Tax Jurisdictions, an amount equal to the taxes and assessments which would have been levied on the Facility if the Facility had been classified as fully taxable as of the date of transfer or loss of eligibility of all or a portion of the exemption described herein or date of termination.

#### Section IV - Assessment Challenges.

4.1 The Company shall have all of the rights and remedies of a taxpayer as if and to the same extent as if the Company were the owner of the Facility, with respect to any proposed assessment or change in assessment with respect to the Facility by any of the Affected Tax Jurisdictions and likewise shall be entitled to protest before and be heard by the appropriate assessors or Board of Assessment Review, and shall be entitled to take any and all appropriate appeals or initiate any proceedings to review the validity or amount of any assessment or the validity or amount of any tax equivalent provided for herein.

4.2 The Company shall have all of the rights and remedies of a taxpayer with respect to any tax, service charge, special benefit, ad valorem levy, assessment, or special assessment or service charge in lieu of which the Company is obligated to make a payment pursuant to this Tax Agreement, as if and to the same extent as if the Company were the owner of the Facility.

4.3 The Company shall (i) cause the appropriate real estate tax assessment office and tax levy officers to assess the Facility and apply tax rates to the respective assessments as if the Facility were owned by the Company and (ii) file any accounts or tax returns required by the appropriate real estate tax assessment office and tax levy officers.

#### Section V - Changes in Law.

5.1 To the extent the Facility is declared to be subject to taxation or assessment by an amendment to the Act, other legislative change, or by final judgment of a Court of competent jurisdiction, the obligations of the Company hereunder shall, to such extent, be null and void.

#### Section VI - Events of Default.

6.1 The following shall constitute "Events of Default" hereunder. The failure by the Company to: (i) make the payments described in Section I within thirty (30) days of the Payment Date (the "Delinquency Date"); (ii) make any other payments described herein on or before the last day of any applicable cure period within which said payment can be made without penalty; or (iii) the occurrence and continuance of any Events of Default under the Leaseback Agreement after any applicable cure periods. Upon the occurrence of any Event of Default hereunder, in addition to any other right or remedy the Agency and/or the Affected Tax Jurisdictions may have at law or in equity, the Agency and/or Affected Tax Jurisdictions may, immediately and without

further notice to the Company (but with notice to the Agency with respect to actions maintained by the Affected Tax Jurisdictions) pursue any action in the courts to enforce payment or to otherwise recover directly from the Company any amounts so in default. The Agency and the Company hereby acknowledge the right of the Affected Tax Jurisdictions to recover directly from the Company any amounts so in default pursuant to Section 874(6) of the Act and the Company shall immediately notify the Agency of any action brought, or other measure taken, by any Affected Tax Jurisdiction to recover any such amount.

6.2 If payments pursuant to Section I herein are not made by the Delinquency Dates, or if any other payment required to be made hereunder is not made by the last day of any applicable cure period within which said payment can be made without penalty, the Company shall pay penalties and interest as follows. With respect to payments to be made pursuant to Section I herein, if said payment is not received by the Delinquency Date defined in Section 6.1 herein, the Company shall pay, in addition to said payment, (i) a late payment penalty equal to five percent (5%) of the amount due and (ii) for each month, or any part thereof, that any such payment is delinquent beyond the first month, interest on the total amount due plus the late payment penalty, in an amount equal to one percent (1%) per month. With respect to all other payments due hereunder, if said payment is not paid within any applicable cure period, the Company shall pay, in addition to said payment, the greater of the applicable penalties and interest as determined hereunder or penalties and interest which would have been incurred had payments made hereunder been tax payments to the Affected Tax Jurisdictions.

#### Section VII - Assignment.

7.1 No portion of any interest in this Tax Agreement may be assigned by the Company, nor shall any person other than the Company be entitled to succeed to or otherwise obtain any benefits of the Company hereunder without the prior written consent of the Agency, which shall not be unreasonably withheld or delayed.

#### Section VIII - Miscellaneous.

8.1 This Tax Agreement may be executed in any number of counterparts each of which shall be deemed an original but all of which together shall constitute a single instrument.

8.2 All notices, claims and other communications hereunder shall be in writing and shall be deemed to be duly given if personally delivered or mailed first class, postage prepaid, as follows:

To the Agency: Genesee County Industrial Development Agency  
d/b/a Genesee County Economic Development Center  
99 MedTech Drive, Suite 106  
Batavia, New York 14020  
Attn: President/CEO

With a Copy To: Harris Beach PLLC  
99 Garnsey Road

Pittsford, New York 14534  
Attn: Russell E. Gaenzle, Esq.

To the Company: Liberty Pumps, Inc.  
7000 Apple Tree Avenue  
Bergen, New York 14416  
Attn: Robyn Brookhart, President

With a Copy To: Barclay Damon, LLP  
100 Chestnut Street  
Rochester, New York 14604  
Attn: Karen Schaefer, Esq.

or at such other address as any party may from time to time furnish to the other party by notice given in accordance with the provisions of this Section. All notices shall be deemed given when mailed or personally delivered in the manner provided in this Section.

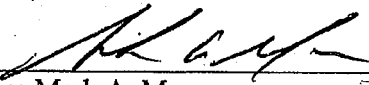
8.3 This Tax Agreement shall be governed by, and all matters in connection herewith shall be construed and enforced in accordance with, the laws of the State applicable to agreements executed and to be wholly performed therein and the parties hereto hereby agree to submit to the personal jurisdiction of the federal or state courts located in Genesee County, New York.

8.4 Notwithstanding any other term or condition contained herein, all obligations of the Agency hereunder shall constitute a special obligation payable solely from the revenues and other monies, if any, derived from the Facility and paid to the Agency by the Company. No member of the Agency nor any person executing this Tax Agreement on its behalf shall be liable personally under this Tax Agreement. No recourse shall be had for the payment of the principal or interest on amounts due hereunder or for any claim based upon or in respect of any modification of or supplement hereto against any past, present or future member, officer, agent, servant, or employee, as such, of the Agency, or of any successor or political subdivision, either directly or through the Agency or any such successor, all such liability of such members, officers, agents, servants and employees being, to the extent permitted by law, expressly waived and released by the acceptance hereof and as part of the consideration for the execution of this Tax Agreement.

**[Signature Page to Tax Agreement]**

IN WITNESS WHEREOF, the parties hereto have executed this Tax Agreement as of the day and year first above written.

**GENESEE COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY, d/b/a  
GENESEE COUNTY ECONOMIC  
DEVELOPMENT CENTER**

By:   
Name: Mark A. Masse  
Title: Senior Vice President of Operations

**LIBERTY PUMPS, INC.**

By: \_\_\_\_\_  
Name: Robyn Brookhart  
Title: President

**[Signature Page to Tax Agreement]**

IN WITNESS WHEREOF, the parties hereto have executed this Tax Agreement as of the day and year first above written.

**GENESEE COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY, d/b/a  
GENESEE COUNTY ECONOMIC  
DEVELOPMENT CENTER**

By: \_\_\_\_\_  
Name: Mark A. Masse  
Title: Senior Vice President of Operations

**LIBERTY PUMPS, INC.**

By: Robyn Brookhart  
Name: Robyn Brookhart  
Title: President

**SCHEDULE A-1**

**TO**

Tax Agreement dated as of October 1, 2021  
by and between the Genesee County Industrial Development Agency d/b/a  
Genesee County Economic Development Center  
and  
Liberty Pumps, Inc.

<b><u>Tax Year</u></b>	<b><u>School District Tax Year</u></b>	<b><u>County and Town Tax Year</u></b>	<b><u>Total Taxable Valuation</u></b>
Interim	2021-22 & 2022-23	2022 & 2023	Full Taxes to the extent not already paid under the 2014 Tax Agreement with the Agency
1	2023-24	2024	Base Valuation, plus (Added Value of Improvements x .20)
2	2024-25	2025	Base Valuation, plus (Added Value of Improvements x .20)
3	2025-26	2026	Base Valuation, plus (Added Value of Improvements x .20)
4	2026-27	2027	Base Valuation, plus (Added Value of Improvements x .30)
5	2027-28	2028	Base Valuation, plus (Added Value of Improvements x .30)
6	2028-29	2029	Base Valuation, plus (Added Value of Improvements x .30)
7	2029-30	2030	Base Valuation, plus (Added Value of Improvements x .50)
8	2030-31	2031	Base Valuation, plus (Added Value of Improvements x .50)
9	2031-32	2032	Base Valuation, plus (Added Value of Improvements x .70)
10	2032-33	2033	Base Valuation, plus (Added Value of Improvements x .80)

For the term of this Tax Agreement, the Company shall continue to pay full taxes or in lieu thereof, the required Tax Payments pursuant to that certain Tax Agreement, dated as of October 1, 2014, by and between the Agency and R.J. Properties, LLC (the "2014 Tax Agreement") based on the assessed value of the Land and any existing improvements located on the Land as of the date of this Tax Agreement prior to the completion of any Improvements (the "Base Valuation"). During the term of this Tax Agreement, the Base Valuation of the Land shall be increased from time to time by the percentage increase in the assessed valuation in all taxable real property in the Town of Bergen, Genesee County, New York, as of the respective tax status date for the tax year for which the recalculation is being made.

The Total Taxable Valuation shall be calculated such that a graduated abatement factor ("Abatement Factor") shall be applied to the increased assessed valuation attributable to the Improvements made to the Facility by the Company, as an agent of the Agency (the "Added Value"). The abatement schedule shall allow for an eighty percent (80%) exemption from taxation for the Added Value of the Improvements in Tax Years 1 through 3, a seventy percent (70%) exemption from taxation for the Added Value of the Improvements in Tax Years 4 through 6, a fifty percent (50%) exemption from taxation for the Added Value of the Improvements in Tax Years 7 and 8, a thirty percent (30%) exemption from taxation for the Added Value of the Improvements in Tax Year 9, an a twenty percent (20%) exemption from taxation for the Added Value of the Improvements in Tax Year 10.

Once the Total Taxable Valuation of the Facility is established using the Abatement Factor, the Total Tax Payment for the Facility shall be determined by multiplying the Total Taxable Valuation of the Facility by the respective tax rate for each affected tax jurisdiction (after application of any applicable equalization rate). After the tenth Tax Year, the Facility shall be subject to full taxation by the affected taxing jurisdictions.

Total Taxable Valuation = Base Valuation + (Added Value of Improvements x Abatement Factor)

Total Tax Payment = Total Taxable Valuation of the Facility (after equalization) x Tax Rate.]

Notwithstanding anything to the contrary contained herein, this Tax Agreement shall in no way conflict with and shall be read separate and apart from any and all other payment-in-lieu-of-tax agreements impacting any existing improvements and/or structures currently located on the Land. For the avoidance of doubt, this Tax Agreement shall apply only to the Facility (as defined above).