

**Organizational Meeting
Town of Bergen
January 4, 2022**

I. Call to order –6:00 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: Paul Chatfield- MRB- Update on Water Benefit Area #1
-Discussion of transfer of Right of Way at Appletree- Roxbury Lane

II. Communications:

- Resolution Samples 1,2,3,4,5,6,7 - below
- Medical Benefit Policy- below
- 2022 Wage Schedule
- Town of Bergen- 2022 Pay Periods
- 12/17/21 Letter of continued interest in Town Attorney and Deputy Town Attorney from Daniel Bryson of Lacy Katzen and retainer fees
- 12/14/21 Letter of intent from Thomas M. Tiefel in interest in reappointment as Town Historian
- 10/7/21 Letter of Interest from Robert Zickl to be appointed Town Prosecutor
- 12/14/21 Letter from MRB group- Paul Chatfield regarding interest in reappointment as Town Engineer
- Town of Bergen- Supervisor's Proposed Activities for 2022
- Agreement for the Expenditure of Highway Moneys
- Town of Bergen's Post-Issuance Tax Compliance and Continuing Disclosure Policies and Procedures for Tax-Exempt Notes and Bonds- Last approved 1/26/2021

III. 2022 Town Board Appointments:

- | | |
|--|-------------------------|
| -Zoning/Code Enforcement Officer | Gerry Wood- Provisional |
| -Building Inspector | Gerry Wood- Provisional |
| -Constable | Vince Pulcini |
| -Constable | Gary Donofrio |
| -Historian | Thomas Tiefel |
| - Historian Assistant | Jodi L. Fisher |
| -Attorney for the Town | Daniel S. Bryson |
| -Deputy Attorney for the Town | John Refermat |
| -Solid Waste Coordinator | Mike Johnson |
| -Engineer for the Town | MRB Group |
| -Planning/Zoning Secretary | Kim Donly |
| -Planning Board Chairman | Gary Fink |
| -Planning Board Alternate | Mark Swanson |
| -Zoning Board Chairman | Michael Lovett |
| -Zoning Board Member | Vacant |
| -Town Prosecutor | Robert Zickl |
| -Mill Seat Landfill Advisory Committee | Timothy J. Donovan |

IV. Review of Appointments by Others:

-Deputy Town Supervisor	Belinda Grant
-Deputy Town Clerk	Barb Fisher
-Deputy Town Clerk	Jane Petote
-Deputy Town Clerk	Sandra Nucelli
-Sub Registrar of Vital Statistics	Barb Fisher
-Supervisor's Secretary	Leisa Strabel
-Justice Court Clerk	Patricia Bedford
-Senior Justice Court Clerk	Cindy Burke
-Deputy Highway Superintendent	Joel Pocock effective January 6, 2022 if the Highway Superintendent remains indisposed
-Secretary to Highway Superintendent	Ruth Kruppner effective immediately if the Highway Superintendent remains indisposed

V. Resolutions:

- 1- Expenditure of Highway Moneys
- 2- Permission for Highway Superintendent to make purchases without prior approval
- 3- Permission for Highway Superintendent to make purchases under State &/or County bids
- 4- Official Undertaking of Municipal Officials
- 5- Approval of Post-Issuance Tax Compliance and Continuing Disclosure Policies and Procedures for Tax-Exempt Notes and Bonds (no changes)
- 6 - Award Contract A WIBA No. 1 Water District to Borsch Pipeline, Inc.
- 7 - Award Contract B WIBA No. 1 Water District to Fineline Pipeline, Inc.

VI Declarations

Meeting days and times – Second & Fourth Tuesdays at 7:00 PM every month
Official Banks – Tompkins Bank of Castile (primary); Five Star; NYS CLASS
Official Newspaper – Batavia Daily News
Mileage reimbursement rate – IRS approved rates for 2022 when published
Approval of Medical Benefit Policy
Approval of the 2022 Wage Schedule

VII Recognized Committees & Appointed Members:

Buildings, Grounds & Facilities Committee:

James Starowitz (chair)
Ernie Haywood
Mike Johnson
Library representative (optional)
Others as requested

Parks Committee:

Belinda Grant (chair)
Teresa Whalin
Mike Johnson
Gillam Grant representative (optional)
Youth Soccer representative (optional)

Youth Baseball representative (optional)

Local History & Museum Committee:

Mark Anderson (chair)

Mark Anderson

Thomas Tiefel

Others as requested

Policies & Personnel Committee:

All Board members

Agriculture Liaison- to the Agricultural community including Genesee County Soil and Water, Genesee County Cooperative Extension and the Farm Bureau
James Starowitz

VIII New Business

IX Next Meeting Day:

Regular Meeting: Tuesday, January 11, 2022 at 7:00 p.m. in the Courtroom with audit of bills at 6:45

X Adjournment

RESOLUTION #1 –2022 AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS:

Resolution #1-2022 for the sum of \$242,458 to be set aside to be expended for primary work and general repairs upon 19.9 miles of Town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

RESOLUTION #2 –2022 EXPENDITURES BY HIGHWAY SUPERINTENDENT:

WHEREAS, section 142 , subdivision 1 (a) of the Highway law authorizes the Town Board to adopt a resolution permitting the Town Superintendent of Highways to purchase equipment, tools and implements without prior approval of the Town Board in an amount to be fixed by it from time to time, and

WHEREAS, it is determined by this Board to be reasonable and proper and that the Highway Superintendent of the Town be granted permission to purchase such items without its prior approval in the amount not to exceed \$10,000

NOW, THEREFORE, BE IT RESOLVED, that the Town Superintendent of Highways be and he hereby is authorized to spend an amount not to excess of \$10,000.00 for the purchase of equipment, tools and implements without prior approval of this Board, and

BE IT FURTHER RESOLVED, that the authorization hereinabove granted shall be construed as meaning that the total amount of all such items purchased by the Superintendent of Highways shall not exceed the amount of budgeted appropriations in the fiscal year 2022.

RESOLUTION #3 –2022 STATE AND/OR COUNTY BIDS

WHEREAS, it is determined by the Bergen Town Board to be reasonable and proper and in the best interests of the efficient functioning of the Bergen Highway Department that the Highway Superintendent of the Town be granted permission to purchase any such items, materials, tools and implements and services under any and all valid New York State bids, United States Federal bids other valid Municipal bids including County and Genesee County bids and award contracts according to the applicable bid sheets.

RESOLUTION #4-2022 OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS

WHEREAS, various sections of New York State Town Law and Public Officers Law require that certain officials execute and Official Undertaking; and

WHEREAS, we, the Town Board of the Town of Bergen hereby require the Supervisor, Town Clerk, Tax Collector, Town Justice, Highway Superintendent, Deputy Supervisor, Deputy Clerks, and Deputy Highway Superintendent to execute said Official Undertaking as required by said law; **NOW, THEREFORE BE IT**

RESOLVED that we, the Town Board of the Town of Bergen approve the document entitled "Town of Bergen Official Undertaking of Municipal Officers" as to its form and manner of execution and the sufficiency of the insurance, and **BE IT FURTHER**

RESOLVED that said Official Undertaking containing the notarized signatures of those named municipal officials be filed in the Office of the Town Clerk, as well as the original copies of the insurance policies indicating the sufficiency of the sureties to indemnify the Town against losses which may arise from failure of such officials to properly discharge their duties.

RESOLUTION #5-2022 POST-ISSUANCE TAX COMPLIANCE AND CONTINUING DISCLOSURE POLICIES AND PROCEDURES FOR TAX-EXEMPT NOTES AND BONDS.

WHEREAS, the Town Board of the Town of Bergen has a Post-Issuance Tax Compliance and Continuing Disclosure Policies and Procedures for Tax-Exempt Notes and Bonds; **NOW, THEREFORE BE IT**

RESOLVED, that the Town Board of the Town of Bergen re-adopts the Post-Issuance Tax Compliance and Continuing Disclosure Policies and Procedures for Tax-Exempt Notes and Bonds with no changes.

RESOLUTION #6-2022 AWARD CONTRACT A WIBA NO. WATER DISTRICT TO MORSCH PIPELINE, INC.

Whereas, the Town of Bergen received bids for the Town of Bergen Water Improvement Benefit Area No. 1 for Contract A on May 5, 2021, and

Whereas, the Lowest Responsible Responsive bid was received from Morsch Pipeline, Inc. for the base bid amount of \$4,408,120.00 plus \$62,821.00 for Conditional Items, for a Total Amount Bid of \$4,470,941.00, and

Whereas, the original project budget was exceeded and whereas the Town of Bergen obtained additional grant and loan funds from USDA Rural Development and subsequently obtained approval for the expenditure of additional funds from the New York State Office of Comptroller, and

Whereas, Morsch Pipeline, Inc. was agreeable to hold their bid prices until the Town obtained the additional funds, with the exception of PVC Pipe material price increases, and

Whereas, the additional cost of PVC Pipe material is \$479,237.00, Now therefore be it

Resolved, that the Town of Bergen hereby Awards Contract A to Morsch Pipeline, Inc. for the Base Bid Sub-Total Amount of \$4,408,120.00, and

Resolved, immediately after Award of the Contract, to approve Change Order No. 1 for PVC Pipe Price Adjustment in the Amount of \$479,237.00, and includes conversion of the Contract from a Unit Price Contract to a lump Sum Contract, and

Resolved, that Change Order No. 2 will be approved at a later date to include the Conditional Items in the Bid, in the lump sum amount of \$62,821.00, and finally

Resolved, that the anticipated guaranteed maximum Contract A Amount is \$4,950,178.00.

MOTION for adoption of this resolution by
Seconded by

DISCUSSION:

VOTE BY ROLL CALL AND RECORD:

Councilman Anderson
Deputy Supervisor Grant
Councilman Starowitz
Councilwoman Whalin
Supervisor Haywood

RESOLUTION #7-2022 AWARD CONTRACT B WIBA NO. WATER DISTRICT TO FINELINE PIPELINE, INC.

Whereas, the Town of Bergen received bids for the Town of Bergen Water Improvement Benefit Area No. 1 for Contract B on April 30, 2021, and

Whereas, the Lowest Responsible Responsive bid was received from Finline Pipeline, Inc. for the base bid amount of \$3,731,975.00 plus \$57,010.00 for Conditional Items, for a Total Amount Bid of \$3,788,985.00, and

Whereas, the original project budget was exceeded and whereas the Town of Bergen obtained additional grant and loan funds from USDA Rural Development and subsequently obtained Approval for the expenditure of additional funds from the New York State Office of Comptroller, and

Whereas, Fineline Pipeline, Inc. was agreeable to hold their bid prices until the Town obtained the additional funds, with the exception of PVC Pipe material price increases, and

Whereas, the additional cost of PVC Pipe material is \$354,990.00, Therefore be it

Resolved that the Town of Bergen hereby Awards Contract B to Fineline Pipeline, Inc. for the Base Bid Sub-Total Amount of \$3,731,975.00, and

Resolved immediately after Award of the Contract, to approve Change Order No. 1 for PVC Pipe Price Adjustment in the Amount of \$354,990.00, and includes conversion of the Contract from a Unit Price Contract to a lump Sum Contract, and

Resolved that Change Order No. 2 will be approved at a later date to include the Conditional Items in the Bid, in the lump sum amount of \$57,010.00, and finally

Resolved that the anticipated guaranteed maximum Contract B Amount is \$4,143,975.00.

MOTION for adoption of this resolution by
Seconded by

DISCUSSION:

VOTE BY ROLL CALL AND RECORD:

Councilman Anderson
Deputy Supervisor Grant
Councilman Starowitz
Councilwoman Whalin
Supervisor Haywood

TOWN OF BERGEN
OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS

WHEREAS, Ernest Haywood, of the Town of Bergen, County of Genesee, New York, has been elected to the Office of Supervisor of the Town of Bergen, and

WHEREAS, Belinda Grant of the Town of Bergen, County of Genesee, New York, has been appointed to the Office of Deputy Supervisor of the Town of Bergen, and

WHEREAS, Michele M. Smith, of the Town of Bergen, County of Genesee, New York, has been elected to the Office of Town Clerk of the Town of Bergen, and

WHEREAS, Michele M. Smith, of the Town of Bergen, County of Genesee, New York, has been elected to the Office of Town Tax Collector of the Town of Bergen, and

WHEREAS, Barb Fisher, of the Town of Bergen, County of Genesee, New York, has been appointed to the Office of Deputy Town Clerk of the Town of Bergen, and

WHEREAS, Jane Petote, of the Town of Bergen, County of Genesee, New York, has been appointed to the Office of Deputy Town Clerk of the Town of Bergen, and

WHEREAS, Sandra Nucelli of the Village of Churchville, County of Monroe, New York, has been appointed to the Office of Deputy Town Clerk of the Town of Bergen, and

WHEREAS, Joseph Nenni, of the Town of Bergen, County of Genesee, New York, has been elected to the Office of Town Justice of the Town of Bergen, and

WHEREAS, Robert Swapceinski, of the Town of Bergen, County of Genesee, New York, has been elected to the Office of Town Justice of the Town of Bergen, and

WHEREAS, Michael Johnson, of the Town of Bergen, County of Genesee, New York, has been elected to the Office of Superintendent of Highways of the Town of Bergen, and

WHEREAS, Joel Pocock, of the Town of Bergen, County of Genesee, New York, has been appointed to the Office of Deputy Superintendent of Highways of the Town of Bergen, and

NOW, THEREFORE, we as respective officers above, do hereby undertake with the Town of Bergen that we will faithfully perform and discharge the duties of our office, and will promptly account for and pay over all moneys or property received as a Town Officer, in accordance with the law; and

This undertaking of the Town Supervisor is further conditioned upon that he will well and truly keep, pay over and account for all moneys and property, including any special district funds, belonging to the Town and coming into his hands as such Supervisor; and

This undertaking of the Town Clerk is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Town Clerk; and

This undertaking of the Tax Collector is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Tax Collector; and

This undertaking of the Town Justice is further conditioned that he will well and truly keep, pay over and account for all moneys and property coming into her hands as such Town Justice; and

The Town does and shall maintain insurance coverage, presently with ENB Insurance, in the sum of \$1,000,000.00 for the Tax Collector, Supervisor and Town Clerk to indemnify against losses through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered thereunder.

TOWN OF BERGEN MEDICAL BENEFIT POLICY

A Medical Insurance benefit will be provided to qualified employees who are not included in a collective bargaining agreement and elected officials of the town of Bergen as described in this policy. The Medical Insurance Plan provided will be selected by the Bergen Town Board and reviewed, renewed, or replaced on an annual basis at the discretion of the Town Board.

Qualified Employees and Elected Officials

The following positions are qualified for Medical Insurance Benefits provided by the Town:

- Town Clerk
- Highway Superintendent
- Full Time Employees of the Town of Bergen (not included in a collective bargaining agreement)

Employee and Elected Official Contributions

Qualified employees and elected officials will be required to contribute 10% of the medical insurance premium and further obligated to any co-pays and deductibles as described by the medical insurance plan.

Collective Bargaining Unit

Town employees that are under a Collective Bargaining Agreement will be provided Medical Insurance Benefits in accordance with the agreement.

TOWN OF BERGEN - WAGES

POSITION	2021		2022	
Supervisor	\$	11,600.00	\$	11,714.00
Deputy Supervisor		1,479.00		1,494.00
Confidential Secretary		20.40		21.01
Town Clerk / Tax Collector		43,701.00		44,129.00
Deputy Clerks (3)		13.39		13.79
Justices (2)		14,280.00		14,420.00
Senoir Justice Clerk (1)		21.73		22.38
Justice Clerks (2)		17.25		17.57
Councilmember (4)		3,731.25		3,768.00
Highway Superintendent		65,524.00		67,490.00
Deputy Hwy. Superintendent		1,500.00		1,530.00
Hwy Clerk		-		20.00
Solid Waste Coordinator		2,081.00		-
Zoning/Code Enforcement Officer		18,677.00		18,860.00
Cleaner/Property Maintenance		13.19		13.59
Constables (2)		16.07		16.55
Historian		1,873.00		1,891.00
Asst Historian		918.00		946.00
Planning - Chair		3,275.00		3,373.00
Zoning - Chair	\$670 +\$41/mtg		\$670 +\$41/mtg	
Planning & Zoning Members (15)	\$41/mtg		\$41/mtg	
Comprehensive Planning Board Appointee		131.00		134.00
Assessment Board of Review (3)		12.85		13.23
Planning & Zoning Secretary		155.00		155.00
Election Inspectors (8)				\$26.34
Highway (4)				/hr

Town of Bergen
Pay period is Sunday to Saturday

2022				
Pay Period End Date				
Bi-weekly	Monthly	Pay	Check Date	Type
01/01/22		1	01/06/22	B
01/15/22	01/15/22	2	01/20/22	B,M
01/29/22		3	02/03/22	B
02/12/22	02/12/22	4	02/17/22	B,M
02/26/22		5	03/03/22	B
03/12/22	03/12/22	6	03/17/22	B,M,Q
03/26/22		7	03/31/22	B
04/09/22		8	04/14/22	B
04/23/22	04/23/22	9	04/28/22	B,M
05/07/22		10	05/12/22	B
05/21/22	05/21/22	11	05/26/22	B,M
06/04/22		12	06/09/22	B
06/18/22	06/18/22	13	06/23/22	B,M,Q
07/02/22		14	07/07/22	B
07/16/22	07/16/22	15	07/21/22	B,M
07/30/22		16	08/04/22	B
08/13/22	08/13/22	17	08/18/22	B,M
08/27/22		18	09/01/22	B
09/10/22	09/10/22	19	09/15/22	B,M, Q
09/24/22		20	09/29/22	B
10/08/22		21	10/13/22	B
10/22/22	10/22/22	22	10/27/22	B,M
11/05/22		23	11/10/22	B
11/19/22	11/19/22	24	11/23/22	B, M
12/03/22		25	12/08/22	B
12/17/22	12/17/22	26	12/22/22	B,M,Q

B Bi-Weekly
M Monthly
Q Quarterly

December 17, 2021

Ernie Haywood, Supervisor
Town of Bergen
10 Hunter Street
Bergen, New York 14416

Dear Supervisor:

This letter will set forth the terms of our annual retainer as attorneys for the Town of Bergen for the year 2022. The present amount of that annual retainer is \$3,000.00 which is paid by the Town quarterly and includes work for the Town of Bergen, the Town Planning Board and the Town Zoning Board of Appeals.

The services covered by the retainer include any and all matters pertaining to general municipal law and/or town law with respect to the operation of the Town. This includes the preparation of local laws and ordinances, responding to requests from Planning Board and Zoning Board of Appeals, occasional attendance as needed and requested at Town Board Meetings, Zoning Board Meetings and Planning Board Meetings, telephonic communications and written communications between Town officers, Board members or employees and our law firm with respect to advice on questions of municipal law or town law, and research in connection with any of all aforementioned matters.

Services not covered by the retainer: any matters of civil or criminal litigation either commenced on behalf of the Town or defended on behalf of the Town, the negotiation of contracts (other than routine contracts provided for by the town law), financing matters such as bond anticipation notes or bonds and other specific matters, special projects which occur on a nonrecurring basis.

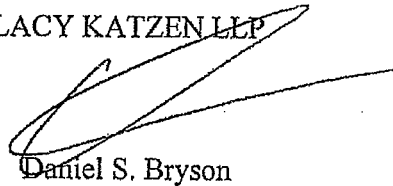
Additionally, the Town is responsible for any disbursements for any matters, whether covered by this retainer or not. Examples of disbursements are long distance telephone calls, court filing fees, copying charges, transcript charges, travel costs (other than between our offices and the Town of Bergen) and monies paid to other individuals for professional services outside of our law firm such as accountants and appraisers.

Town of Bergen
December 17, 2021
Page 2

I trust that this agreement is consistent with your understanding of our retainer over the years. In the event that you are in agreement with it, kindly sign the enclosed copy and return it to me. In the event that you have any questions or believe that modifications should be made, please do not hesitate to contact me.

Very Truly Yours,

LACY KATZEN LLP



Daniel S. Bryson

DSB/AM
Enclosure

I, Ernie Haywood, Town Supervisor on behalf of the Town of Bergen, do hereby agree with the terms as set forth above.

Date: _____

LETTER OF INTENT

12/14/21

To:

Bergen Town Board

Ernest Haywood-Town Supervisor

10 Hunter St

Bergen, NY. 14416

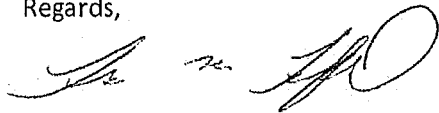
Dear Mr. Haywood and Board members,

My name is Thomas Tiefel, and I am submitting this letter to represent my interest to continue as the Bergen Town Historian. As a proven asset to this position, I come with more than 9 years of experience in the position and have enjoyed working with the diverse group of citizens in the community. I take great pride in serving as Bergen's Historian and my passion for local history bridges the ages 8-80 demographic.

I have been a resident within the town of Bergen since 1995, when I purchased the historic 1834 Dean Farmstead on North Bergen Rd. Since that time, I have been a member of the Bergen Historical Society, and have served on the board as both vice president and president from 2000-2008. During my term as BHS president, I had personally overseen such projects as the approval of various grant funding from New York State for the Harford Livery Museum, and the revision of the Historical Society's Constitution and By-Laws. Over the last 25 years, I have gained a great appreciation for the extensive history our town has acquired over the last two centuries. With my previous vast knowledge of American History, and antiquities, I incorporate these all together to make Bergen's history both exciting and informative. I am always eager to assist in many new exciting projects that lie ahead to preserve the past for future generations.

I look forward to talking with you about my future as Town Historian. Thank you for your time and consideration!

Regards,

A handwritten signature in black ink, appearing to read 'Tiefel', followed by a large, stylized flourish or initial.

Thomas M. Tiefel, Bergen Town Historian

Re 10/7/2021

ROBERT R. ZICKL, ESQ.
17 Naramore Drive
Batavia, New York
14020-2723

October 7, 2021

TOWN OF BERGEN
Attn: Town Supervisor Haywood

Re: Traffic Prosecutor

Dear Mr. Haywood:

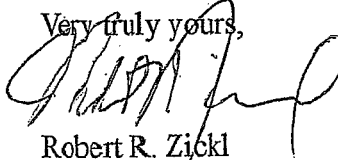
It is my understanding that you are advertising for your Traffic Prosecutor position, with a vacancy as of January 1, 2022. I am writing to express my interest in that position. I have prosecuted traffic cases for almost thirty years, beginning in the City of Batavia through the District Attorney's Office from 1992 to 2018, and been a criminal prosecutor in the Genesee County DAs Office from 1985 to 2018, a Special Prosecutor in 2018 and 2019, and with the Orleans County DAs Office from 2020 to the present.

I currently work with the Village of Corfu and the Towns of Bethany, Elba, Oakfield, Pembroke, Darien and Stafford as their traffic prosecutor. I have worked with your current traffic prosecutor, Kevin Finnell, in a partnership regarding traffic prosecution and we have an experienced administrator in place and procedures set out for handling pleas by mail and the new requirements for discovery in traffic matters.

At Mr. Finnell's invitation I attended a traffic prosecution night in Bergen Town Court and was able to speak with the Judges and the Court Clerk. The Court is well-run and I would look forward to working there.

I would like the opportunity to speak with you and the Board about the position and my ability to perform the duties involved. I can be reached at 585-409-6301.

Thank you for your attention to this matter.

Very truly yours,

Robert R. Zickl

December 14, 2021

Sent Electronically Only

Supervisor Ernie Haywood
and Town Board Members
Town of Bergen
10 Hunter Street, PO Box 249
Bergen, NY 14416

RE: Town Engineering Services

Dear Ernie and Town Board Members:

We respectfully request to be reappointed as **"Town Engineer"** for the upcoming calendar year.

The Chatfield Team has faithfully served the needs of the community since **2005** and have completed numerous projects on your behalf, including providing valuable assistance to the Town Planning Board and Town support staff.

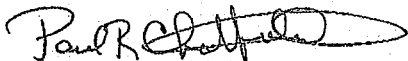
Our transition in joining MRB Group has gone exceptionally smooth. The expanded services offered by MRB Group are numerous, including:

- Architectural Services
- GIS Mapping
- Grant Writing and Grant Administration
- Planning, Development Review and Asset Management

We invite you to visit our website at mrbgroup.com to view our full range of services offered.

We look forward to our continuing relationship and serving the community.

Sincerely,



Paul R. Chatfield, P.E.

Copies by Email Only to:

Michele Smith, Town Clerk
Michael Johnson, Town Highway Superintendent

TOWN OF BERGEN
SUPERVISOR'S PROPOSED ACTIVITIES FOR 2022

- 1) Water- WIBA #1
 - a) Award project
 - b) Provide all necessary documentation to Rural Development
 - c) Supervise construction
 - d) Determine need for water district clerk and include in 2023 Budget

- 2) Parks
 - a) Pursue signage for Robin's Brook Park
 - b) Evaluate the needs and plan for Drew's Nature Center
 - c) Bocce ball courts/landscaping at former transfer station

- 3) Historian's Office & Museum
 - a) Continue to explore grant opportunities for renovations to historian's office and museum

- 4) Revenue Sharing from the County
 - a) Look for opportunities for efficiencies that result in less dependency on Revenue Sharing from the County

- 5) Organize Personnel Records

- 6) Transfer Station Operations
 - a) Finalize closing

- 7) Cemeteries
 - a) Explore funding opportunities for restoration efforts

- 8) Website Redesign
 - a) Re-evaluate web site and consider awarding RFP for website

- 9) Continue to Enhance Communication with Residents
 - a) Updates on Facebook and Town Website for ADA Compliance

- 10) Coordinate with Highway Superintendent on the following:
 - a) Removal of old town barn

- 11) Determine need for EDU Clerk/Secretary for Building Dept.

A-1

**Post-Issuance Tax Compliance and Continuing Disclosure
Policies and Procedures
For Tax-Exempt Notes & Bonds**

The purpose of these Post-Issuance Tax Compliance and Continuing Disclosure Policies and Procedures is to establish policies and procedures in connection with tax-exempt notes and bonds, or installment purchase agreements, or other tax-exempt or tax-advantaged debt obligations (referred to herein in each case as the "Bonds") issued by, or on behalf of, the TOWN OF BERGEN (the "Issuer") so as to maximize the likelihood that certain applicable post-issuance requirements of federal income tax law needed to preserve the tax-exempt status of the Bonds are met and so as to likewise maximize the likelihood that certain applicable post-issuance requirements of the federal securities laws Rule, hereinafter defined, are met. The Issuer reserves the right to use its discretion as necessary and appropriate to make exceptions or request additional provisions as circumstances warrant, and as permitted by applicable law. The Issuer also reserves the right to change these policies and procedures from time to time. The Issuer shall review and reconfirm and re-adopt these policies and procedures not less frequently than annually at the same time it adopts or re-adopts its other ongoing policies and procedures.

Post-Issuance Tax Compliance Requirements

External Advisors/Documentation

The Issuer shall consult with bond counsel and other legal counsel and with its financial advisor and other advisors, as needed, throughout the Bond issuance process to identify requirements and to establish procedures necessary or appropriate so that the Bonds will continue to qualify for tax-exempt status. Those requirements and procedures shall be documented in the tax arbitrage certificate (the "Arbitrage Certificate") and/or other documents finalized at or before issuance of the Bonds. Those requirements and procedures shall include future compliance with applicable arbitrage rebate or yield restriction requirements and all other applicable post-issuance requirements of federal tax law throughout (and in some cases beyond) the term of the Bonds.

When authorized or required in the Arbitrage Certificate, the Issuer shall engage expert advisors, which may include the financial advisor to the Issuer (each a "Rebate Service Provider"), to assist in the determination of whether yield restriction is required or in the calculation of arbitrage rebate payable in respect of the investment of Bond proceeds, unless the Arbitrage Certificate documents that arbitrage rebate or yield restriction will not be applicable to an issue of Bonds. When authorized or required by the Arbitrage Certificate, the Issuer shall engage bond counsel for consultation to assist the Issuer in meeting its obligations in the Arbitrage Certificate.

- maintaining records identifying the assets or portion of assets that are financed or refinanced with proceeds of each issue of Bonds, including a final allocation of Bond proceeds as described below under "Record Keeping Requirements";
- consulting with bond counsel and other legal counsel and with the financial advisor or other advisors in the review of any contracts or arrangements involving the transfer, or sale, or lease or other use of all or any portion of Bond-financed or refinanced assets to ensure compliance with all covenants and restrictions set forth in the Arbitrage Certificate relating to the Bonds;
- maintaining records for any contracts or arrangements involving the use of Bond-financed or refinanced assets as described below under "Record Keeping Requirements";
- conferring at least annually with personnel responsible for Bond-financed or refinanced assets to identify and discuss any existing or planned use of Bond-financed or refinanced assets, to ensure that those uses are consistent with all covenants and restrictions set forth in the Arbitrage Certificate relating to the Bonds; and
- to the extent that the Issuer discovers that any applicable tax restrictions regarding use of Bond proceeds and Bond-financed or refinanced assets will or may be violated, consulting promptly with bond counsel and other legal counsel and with the financial advisor or other advisors to determine a course of action to remediate all nonqualified bonds, if such counsel or advisor advises that a remedial action is necessary.

All relevant records and contracts shall be maintained as described below.

Due Diligence Monitoring Compliance

The board of the Issuer will identify in writing the appropriate business official(s) or other individual(s) or employee(s) of the Issuer responsible for conducting due diligence review of all outstanding Bonds at regular intervals and will provide a written description of the training provided, or to be provided, to such responsible individual(s) with regard to monitoring compliance and the Issuer shall maintain a record of such training, including the date(s) of attendance and a general description of the training received. The Issuer will assure adequate maintenance of training of the responsible official/employee and will establish such monitoring procedures, with timely reporting to the chief fiscal officer and/or to the Finance Board of the Issuer, reasonably expected to timely identify tax law noncompliance and procedures ensuring that the Issuer will take steps to timely correct any and all discovered noncompliance with the tax law. If the Issuer engages in an

- maintaining records identifying the assets or portion of assets that are financed or refinanced with proceeds of each issue of Bonds, including a final allocation of Bond proceeds as described below under "Record Keeping Requirements";
- consulting with bond counsel and other legal counsel and with the financial advisor or other advisors in the review of any contracts or arrangements involving the transfer, or sale, or lease or other use of all or any portion of Bond-financed or refinanced assets to ensure compliance with all covenants and restrictions set forth in the Arbitrage Certificate relating to the Bonds;
- maintaining records for any contracts or arrangements involving the use of Bond-financed or refinanced assets as described below under "Record Keeping Requirements";
- conferring at least annually with personnel responsible for Bond-financed or refinanced assets to identify and discuss any existing or planned use of Bond-financed or refinanced assets, to ensure that those uses are consistent with all covenants and restrictions set forth in the Arbitrage Certificate relating to the Bonds; and
- to the extent that the Issuer discovers that any applicable tax restrictions regarding use of Bond proceeds and Bond-financed or refinanced assets will or may be violated, consulting promptly with bond counsel and other legal counsel and with the financial advisor or other advisors to determine a course of action to remediate all nonqualified bonds, if such counsel or advisor advises that a remedial action is necessary.

All relevant records and contracts shall be maintained as described below.

Due Diligence Monitoring Compliance

The board of the Issuer will identify in writing the appropriate business official(s) or other individual(s) or employee(s) of the Issuer responsible for conducting due diligence review of all outstanding Bonds at regular intervals and will provide a written description of the training provided, or to be provided, to such responsible individual(s) with regard to monitoring compliance and the Issuer shall maintain a record of such training, including the date(s) of attendance and a general description of the training received. The Issuer will assure adequate maintenance of training of the responsible official/employee and will establish such monitoring procedures, with timely reporting to the chief fiscal officer and/or to the Finance Board of the Issuer, reasonably expected to timely identify tax law noncompliance and procedures ensuring that the Issuer will take steps to timely correct any and all discovered noncompliance with the tax law. If the Issuer engages in an

statements and copies of all investment bidding documents, if any;

- a copy of expenditure reimbursements incurred for expenditures paid prior to issuing the Bonds; and
- a copy of audited financial statements.

Post-Issuance Continuing Disclosure

Under the provisions of SEC Rule 15c2-12 (the "Rule"), Participating Underwriters (as defined in the Rule) are required to determine that each borrower (such as the Issuer) has entered into a written Continuing Disclosure Agreement to make ongoing disclosure in connection with each debt offering subject to the Rule. Unless the Issuer is exempt from compliance with the Rule or the continuing disclosure provisions of the Rule as a result of certain permitted exemptions, the transcript of closing documentation for each issue of related Bonds will include a Continuing Disclosure Agreement executed by the Issuer ("Continuing Disclosure Agreement").

In addition to the responsibilities of the Issuer set forth in each Continuing Disclosure Agreement, in order to monitor compliance by the Issuer with its Continuing Disclosure Agreements, the appropriate business official(s) or other individual(s) or employee(s) of the Issuer, as designated in writing by the board of the Issuer, will:

- A. Assist in the preparation or review of annual reports of financial information and operating data ("Annual Reports") in the form required by the related Continuing Disclosure Agreements.
- B. Maintain a calendar, with appropriate reminder notifications, listing the filing due dates relating to dissemination of Annual Reports, which annual due date is generally expressed as a date within a certain number of days (e.g., 180 days) following the end of the Issuer's fiscal year (the "Annual Report Due Date"), as provided in the related Continuing Disclosure Agreements.
- C. Ensure timely dissemination of the Annual Report by the Annual Report Due Date, in the format and manner provided in the related Continuing Disclosure Agreements, which may include transmitting such filing to the Municipal Securities Rulemaking Board ("MSRB") through the Electronic Municipal Market Access ("EMMA") System at www.emma.msrb.org in the format prescribed by the MSRB.
- D. Monitor the occurrence of any event notice (as described in the Continuing Disclosure Agreements) and timely file notice of the occurrence