

Town Board Meeting- Special Meeting
Town of Bergen
January 25,2022
Town Hall- 10 Hunter Street, Bergen New York
Agenda

I. Call to Order 7:00 pm

Prayer Almighty God, as we meet today to conduct matters of Town business, grant us the wisdom to remember as we work that we are servants of our constituency. Assist us to be sure our decisions should be in the best interests of the Town and its citizens, entirely unblemished by any thoughts of personal benefit. Amen.

Pledge to the flag

II. Privilege of the Floor: -

III. Approval of meeting minutes: Regular meeting 1/11/2022

III. Communications included with this agenda:

1. Mercy EMS report for Dec. 2022
2. Supervisor's report for December 2022
3. Summary of financials for December 2022
4. Updated financing plan/timeline for WIBA#1
5. Draft Legal Opinion from Bond Council for upcoming WIBA#1 bonding
6. Copy of correspondence that went to property owners in WIBA#1

V. Board Members' items for addition to the agenda

VI. Reports:

Supervisor

Clerk

Board Members

Zoning / Code Enforcement:

Highway -Update of DOT Supplemental agreement for Snow and Ice

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:

- Approval of Supervisors Report for December 2022- if available
- Correction of EDU clerical error for properties at
- Potential CDBG-CARES application to finish work at Robins' Brook Park

IX. Meeting and Other Upcoming Dates:

Regular meeting: 2/8, 2022- 6:45 audit of bills, 7 pm regular meeting

X. Adjournment

DRAFT

JANUARY 11, 2022

BERGEN TOWN BOARD

REGULAR MEETING

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

PRESENT:

Supervisor Ernie Hayward
Councilwoman Belinda Grant
Councilman Mark Anderson
Councilwoman Teresa Whalin

ALSO PRESENT:

Michele M. Smith, Town Clerk
Joel Pocock, Deputy Highway Superintendent

ABSENT:

Councilman Jim Starowitz

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

MINUTES: The minutes of the Year End Meeting on December 28, 2021 will remain as draft form due to no quorum with Councilwoman Sapienza term ended and no quorum. *Councilwoman Grant made a motion to approve the minutes of the Organizational meeting minutes of January 4, 2022; seconded by Councilman Anderson and carried by a vote 4-0.*

COMMUNICATIONS:

Supervisor Report for December 2021 - not available
Summary Spreadsheet for December 2021 - not available
Town Clerk Report for December 2021
ZEO/CEO Report for December 2021
Mercy Flight Report for December 2021
Town Clerk's Annual Report
Olga Lippa's letter of interest for Zoning Board of Appeals

REPORTS:

SUPERVISOR: Genesee County Youth Bureau is seeking nominations recognition award for outstanding dedication and service; AOT is now virtual in February.
TOWN CLERK: Clerk Smith heard rumors of discussion without the Town Clerk involved about making her position appointed and presented Resolution #11-2009 Opposition of Clerk and Highway Superintendent being appointed due to no financial benefit or savings to the Town and would take away important rights of the residents to vote. Clerk Smith is opposed to this and it should remain an elected position for the public to vote for who they want. Supervisor Hayward stated that it would be put to a public vote if they want it elected or appointed, which would have to be this November as a referendum.

HIGHWAY: Maintenance on equipment

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

COMMITTEES:

Building and Grounds: Nothing to report

Parks: Nothing to report

Local History & Museum: Councilman Anderson is meeting with Historian on January 19th

OLD BUSINESS:

Water improvement Benefit Area #1: letters sent to residents about upcoming water district meetings and information.

NEW BUSINESS:

Appointment of Alternate ZBA member to full member Councilman Anderson made a motion to appoint Olga Lippa as full member to ZBA; seconded by Councilwoman Grant and it carried by vote 4-0.

Tour of Historian Building Saturday, January 22nd at 10:00 am

BILLS: The bills were presented for audit and totaled General A Fund \$79,254.51; General B Fund \$13,878.12; Highway DA \$23,779.79; Highway DB \$17,676.98; Water District \$8375.51; Fire District \$101,266.42. Councilman Anderson made a motion to pay the January 2022 bills; seconded by Councilwoman Grant and it carried by a vote 4-0.

REGULAR MEETING – Tuesday, January 25, 2021 at 7:00 pm in the Courtroom

EXECUTIVE SESSION

Councilman Anderson made a motion to enter into executive session at 7:19 pm for personnel issue; seconded by Councilwoman Grant and it carried by a vote 4 -0. Councilman Anderson made a motion to exit executive session at 7:30 pm; seconded by Councilwoman Whalin and carried by a vote 4-0.

ADJOURNMENT was at 7:31 pm on a motion by Councilwoman Whalin ; seconded by Councilwoman Grant and carried by a vote 4-0.

Respectfully submitted

Michele M. Smith

Michele M. Smith,
Town Clerk

Genesee County 911
Response Times Report

GEN BERGEN FIRE

Report Date Range from: 12/1/2021 to 12/31/2021

Mercy Flight EMS

Report includes Emergent First On Scene Responses.

Significant Weather or Other Occurrence

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

23:00 - 23:59	1	1	100.00%	100.00%
<hr/>				
Total Calls:	1	1	100%	

Call Source Total Calls: 1

GEN BERGEN FIRE

Report Date Range from: 12/1/2021 to 12/31/2021

Report includes Emergent First On Scene Responses.

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

07:00 - 07:59	1	1	20.00%	20.00%
17:00 - 17:59	2	3	40.00%	60.00%
22:00 - 22:59	2	5	40.00%	100.00%
Total Calls:	5	5	100%	

Response Zone: GEN BERG 22

01:00 - 01:59	1	1	8.33%	8.33%
15:00 - 15:59	1	2	8.33%	16.67%
16:00 - 16:59	2	4	16.67%	33.33%
17:00 - 17:59	1	5	8.33%	41.67%
18:00 - 18:59	3	8	25.00%	66.67%
20:00 - 20:59	2	10	16.67%	83.33%
21:00 - 21:59	1	11	8.33%	91.67%
22:00 - 22:59	1	12	8.33%	100.00%
Total Calls:	12	12	100%	

Call Source Total Calls: 17

**TOWN OF BERGEN
DECEMBER 2021
EXECUTIVE SUMMARY**

BALANCE SHEET

- Bank accounts were reconciled as of 12/31/21.
- The Town has \$1,953,717.39 in the bank.

REVENUES AND EXPENSES

• **REVENUES**

- Total receipts for the month were: \$196,832.79
- Major receipts were:
 - Town Clerk Report (Nov) - \$4,479.20
 - Justice Fees (Nov) – \$6,297.00
 - Mortgage Tax - \$27,694.15
 - AIM Related Payment - \$11,020.00
 - CHIPS - \$110,710.12
 - CHIPS (EWR) - \$15,984.39
 - CHIPS (PAVE NY) - \$19,159.90
 - Library Deposits - \$901.85
 - Other - \$586.18

• **EXPENSES**

Expenditures through December on average should equal 100% of the annual budget.

General Fund Townwide (A):

- Year to date expenses are \$745,438.76 compared to the revised annual budget of \$846,693.00 or 88.04% of the budget.

General Fund Outside Village (B):

- Year to date expenses are \$71,478.74 compared to the annual budget of \$103,289.00 or 69.20% of the budget.

Highway Townwide (DA):

- Year to date expenses are \$336,079.59 compared to the annual budget of \$420,116.00 or 80.00% of the budget.

Highway Outside Village (DB):

- Year to date expenses are \$372,325.57 compared to the revised annual budget of \$435,810.00 or 85.43% of the budget.

Ernst H. ...
Super 1/20/2022

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

FUND Account	11/30/2021			12/31/2021			#9970	#5616	#4277	#1040-0001	#1040-0002	#1040-0002	#9988
	BALANCES	Increases	Decreases	BALANCES	Joint Checking	Library Checking	Joint Savings	NYCLASS Savings	NYCLASS WIBA	NYCLASS ARPA	Trust & Agency		
A 200.000	General TW Checking	103,129.30	26,251.81	26,251.81	103,129.30	103,129.30							
A 201.000	General TW Savings	88,155.79	50,088.87	217,021.95	(78,777.29)			(78,777.29)					
A 230.000	NYS Class Savings	482,426.23	15.27		482,441.50			482,441.50					
A 230.001	NYS Class ARPA	95,137.66	2.80		95,140.46						95,140.46		
B 200.000	General OV Checking	41,054.70	3,038.06	3,038.06	41,054.70	41,054.70							
B 201.000	General OV Savings	5,100.88	4,169.00	5,616.24	3,653.64			3,653.64					
B 230.000	NYS Class Savings	200,242.24	6.34		200,248.58			200,248.58					
DA 200.000	Highway TW Checking	150,781.79	7,965.00	7,965.00	150,781.79	150,781.79							
DA 201.000	Highway TW Savings	9,981.70	171.00	47,720.09	(37,567.39)			(37,567.39)					
DB 200.000	Highway OV Checking	93,949.90	13,154.51	13,154.51	93,949.90	93,949.90							
DB 201.000	Highway OV Savings	(71,735.42)	68,214.51	13,154.51	(16,675.42)			(16,675.42)					
DB 230.000	NYS Class Savings	150,014.95	145,859.16		295,874.11			295,874.11					
HH 200.004	Water District #4 Checking	36,595.46	9,022.23	9,022.23	36,595.46	36,595.46							
HH 201.004	Water District #4 Savings	-			-								
HH 230.004	Water District #4 NY Class	352,211.98	870,009.06	1,009,202.78	213,018.26				213,018.26				
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)	174,869.78	901.85	2,360.18	173,411.45		173,411.45						
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)			(0.20)					
SW 200.003	Water Peachey Rd Checking	-			-								
SW 201.003	Water Peachey Rd Savings	36,409.09		33,626.25	2,782.84			2,782.84					
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	17,044.24	44,985.91	44,194.33	17,835.82								17,835.82
VV 200.005	Peachey Water Checking	-			-								
VV 201.005	Peachey Water Savings	34,875.76			34,875.76			34,875.76					
		2,142,189.95	1,243,855.38	1,432,327.94	1,953,717.39	425,511.15	173,411.45	50,236.06	978,564.19	213,018.26	95,140.46	17,835.82	
	Reconciliation												
	Bank Statement Balances				1,972,439.67	442,855.10	173,411.45	50,439.50	978,564.19	213,018.26	95,140.46	19,010.71	
	Outstanding Transfer				-	-	-	-	-	-	-	-	
	Deposits In Transit				-	-	-	(203.44)	-	-	-	-	203.44
	Outstanding Checks				(18,722.28)	(17,343.95)	-	-	-	-	-	-	(1,378.33)
	Balance on General Ledger				1,953,717.39	425,511.15	173,411.45	50,236.06	978,564.19	213,018.26	95,140.46	17,835.82	
	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:

12/31/2021

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 12/31/2021

Run: 1/04/2022 at 4:03 PM

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	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
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	0.00	127,166.50	0.00	127,166.50	0.00
AA.1255.000.000 Clerk Fees	118.20	3,296.68	2,000.00	1,296.68	164.83
AA.2130.000.000 Landfill Host Revenue	0.00	62,309.59	55,000.00	7,309.59	113.29
AA.2192.000.000 Cemetery Services	0.00	700.00	0.00	700.00	0.00
AA.2401.000.000 Interest & Earnings	20.03	320.03	300.00	20.03	106.68
AA.2410.000.000 Rental of Real Property	375.00	1,500.00	1,220.00	280.00	122.95
AA.2530.000.000 Games of Chance	0.00	10.00	10.00	0.00	100.00
AA.2544.000.000 Dog Licenses	192.00	3,246.00	2,500.00	746.00	129.84
AA.2610.000.000 Fines and Forfeited Bail	5,594.00	92,031.00	65,000.00	27,031.00	141.59
AA.2701.000.000 Refund of Prior Year Expense	0.00	13,061.62	0.00	13,061.62	0.00
AA.2750.000.000 AIM Related Payment	11,020.00	11,020.00	0.00	11,020.00	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	27,694.15	51,930.73	25,000.00	26,930.73	207.72
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	321,568.00	(321,568.00)	0.00
Total Revenues	45,013.38	728,389.21	846,693.00	(118,303.79)	86.03
Expenses					
AA.1010.100.000 Town Board Personal Services	1,219.48	14,632.00	14,632.00	0.00	100.00
AA.1010.400.000 Town Board Contractual	23.28	1,841.81	1,842.00	0.19	99.99
AA.1110.100.000 Justices Personal Services	2,333.26	28,000.00	28,000.00	0.00	100.00
AA.1110.102.000 Justice Pers Svc, Clerk	1,800.59	24,321.58	24,322.00	0.42	100.00
AA.1110.200.000 Justice Equipment	0.00	0.00	600.00	600.00	0.00
AA.1110.400.000 Justices Contractual	1,570.76	8,072.94	14,150.00	6,077.06	57.05
AA.1220.100.000 Supervisor Personal Services	947.75	11,373.00	11,373.00	0.00	100.00
AA.1220.102.000 Deputy Supervisor Personal Services	120.87	1,450.00	1,450.00	0.00	100.00
AA.1220.103.000 Supervisor's Secretary Personal Services	601.80	7,425.60	8,320.00	894.40	89.25
AA.1220.400.000 Supervisor Contractual	9.51	3,444.82	8,500.00	5,055.18	40.53
AA.1310.400.000 Bookkeeper, Contr Expend	1,400.00	8,400.00	24,300.00	15,900.00	34.57
AA.1320.400.000 Auditors Contractual	0.00	6,850.00	6,850.00	0.00	100.00
AA.1355.400.000 Assessor Contractual	0.00	24,800.12	27,743.00	2,942.88	89.39
AA.1410.100.000 Town Clerk Personal Services	3,295.60	42,844.00	42,844.00	0.00	100.00
AA.1410.102.000 Deputy Town Clerk Personal Services	120.51	2,450.38	2,785.00	334.62	87.98
AA.1410.200.000 Town Clerk Equipment	0.00	449.95	500.00	50.05	89.99
AA.1410.400.000 Town Clerk Contractual	(147.88)	2,688.36	4,000.00	1,311.64	67.21
AA.1420.400.000 Attorney Contractual	1,500.00	3,000.00	6,000.00	3,000.00	50.00

**Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 12/31/2021**

Run: 1/04/2022 at 4:03 PM

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	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
AA.1420.401.000 Court Prosecutor	800.00	8,000.00	10,100.00	2,100.00	79.21
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	218.25	81.81
AA.1620.100.000 Buildings Personal Services	316.56	4,036.14	4,800.00	763.86	84.09
AA.1620.200.000 Buildings Equip & Cap Outlay	47,837.75	47,837.75	47,838.00	0.25	100.00
AA.1620.400.000 Building Operation Contractual	3,613.47	35,953.69	42,806.00	6,852.31	83.99
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	65.89	259.18	500.00	240.82	51.84
AA.1670.400.000 Central Printing & Mailing Contractual	277.33	4,672.72	4,673.00	0.28	99.99
AA.1680.200.000 Computers Equipment	0.00	0.00	2,000.00	2,000.00	0.00
AA.1680.400.000 Computers Contractual	740.10	7,702.74	7,703.00	0.26	100.00
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	92.40	1,723.53	4,225.00	2,501.47	40.79
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	7,102.50	7,103.00	0.50	99.99
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	4,880.35	63,443.95	63,444.00	0.05	100.00
AA.5010.102.000 Supt. of Highways, Pers Svc, Deputy	114.00	1,500.00	1,500.00	0.00	100.00
AA.5010.103.000 Supt. of Highways, Pers Svc, Clerk	0.00	0.00	1,000.00	1,000.00	0.00
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	62.00	62.00	750.00	688.00	8.27
AA.5132.400.000 Garage Contractual	3,118.66	16,340.52	36,500.00	20,159.48	44.77
AA.5182.400.000 Street Lighting Contractual	536.49	5,034.43	5,500.00	465.57	91.54
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	(8,897.41)	66,080.00	66,080.00	0.00	100.00
AA.7510.100.000 Historian Personal Services	688.50	2,754.00	2,930.00	176.00	93.99
AA.7510.200.000 Historian Equipment	0.00	0.00	500.00	500.00	0.00
AA.7510.400.000 Historian Contractual	463.35	1,002.97	1,003.00	0.03	100.00
AA.7550.400.000 Celebrations Contractual	0.00	672.20	1,000.00	327.80	67.22
AA.8810.400.000 Cemetery Contractual	0.00	54.87	3,653.00	3,598.13	1.50
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	663.86	17,346.26	17,347.00	0.74	100.00
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	2,468.62	27,410.02	27,411.00	0.98	100.00
AA.9720.600.000 Debt Principal Highway Garage	75,000.00	75,000.00	75,000.00	0.00	100.00

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 12/31/2021

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
AA.9720.601.000 Debt Principal on Court/Town Offices	35,000.00	35,000.00	35,000.00	0.00	100.00
AA.9720.700.000 Interest on Debt Highway Garage	7,968.75	15,937.50	15,938.00	0.50	100.00
AA.9720.701.000 Interest on Debt Court/Town Offices	2,178.75	4,357.50	4,358.00	0.50	99.99
AA.9950.900.000 Transfer to Capital Project	0.00	0.00	8,267.00	8,267.00	0.00
Total Expenses	<u>192,784.95</u>	<u>745,438.76</u>	<u>846,693.00</u>	<u>101,254.24</u>	<u>88.04</u>
Excess Revenue Over (Under) Expenditures	<u>\$ 147,771.57</u>	<u>\$ 17,049.55</u>	<u>0.00</u>	<u>\$ 219,558.03</u>	<u>\$ 0.00</u>

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 12/31/2021

Run: 1/04/2022 at 4:03 PM

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	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
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	24,949.06	23,000.00	1,949.06	108.47
BB.1560.000.000 Safety Inspection Fees	0.00	0.00	50.00	(50.00)	0.00
BB.2110.000.000 Zoning Fees	50.00	4,180.00	1,800.00	2,380.00	232.22
BB.2115.000.000 Planning Board Fees	3,474.00	4,474.00	200.00	4,274.00	2,237.00
BB.2130.000.000 Refuse & Garbage Charges	645.00	16,947.50	20,000.00	(3,052.50)	84.74
BB.2401.000.000 Interest & Earnings	6.34	79.98	0.00	79.98	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
Total Revenues	4,175.34	59,059.54	103,289.00	(44,229.46)	57.18
Expenses					
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	0.00	1,798.50	2,000.00	201.50	89.93
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	0.00	2,895.00	6,000.00	3,105.00	48.25
BB.7310.400.000 Youth Programs Contractual	0.00	4,600.00	4,600.00	0.00	100.00
BB.8010.100.000 Zoning Pers Svc	55.87	752.00	836.00	84.00	89.95
BB.8010.400.000 Zoning Contractual	0.00	273.60	1,250.00	976.40	21.89
BB.8020.100.000 Planning Personal Services	272.88	3,275.00	4,500.00	1,225.00	72.78
BB.8020.400.000 Planning Contractual	0.00	1,039.20	1,384.00	344.80	75.09
BB.8160.100.000 Refuse & Garbage Personnel Services	769.16	9,114.43	10,000.00	885.57	91.14
BB.8160.400.000 Refuse & Garbage Contractual	2,283.41	16,356.63	17,500.00	1,143.37	93.47
BB.8664.100.000 Code Enforcement Personnel Services	1,408.52	18,311.00	18,311.00	0.00	100.00
BB.8664.400.000 Code Enforcement Contractual	754.65	4,015.28	4,016.00	0.72	99.98
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	71.75	846.10	2,500.00	1,653.90	33.84
BB.9040.800.000 Workers Compensation	0.00	1,271.00	1,271.00	0.00	100.00
Total Expenses	5,616.24	71,478.74	103,289.00	31,810.26	69.20
Excess Revenue Over (Under) Expenditures	\$ 1,440.90	\$ 12,419.20	\$ 0.00	\$ 76,039.72	\$ 0.00

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 12/31/2021

Run: 1/04/2022 at 4:03 PM

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	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
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	171.00	1,159.94	0.00	1,159.94	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
Total Revenues	171.00	449,293.99	420,116.00	29,177.99	106.95
Expenses					
DA.5130.100.000 Machinery, Pers Serv	0.00	13,426.40	13,427.00	0.60	100.00
DA.5130.200.000 Machinery, Equip & Cap Outlay	0.00	53,335.52	85,000.00	31,664.48	62.75
DA.5130.400.000 Machinery, Contr Expend	1,345.64	26,707.45	30,000.00	3,292.55	89.02
DA.5140.100.000 Brush & Weeds, Pers Serv	0.00	16,524.82	16,525.00	0.18	100.00
DA.5140.400.000 Brush & Weeds, Contr Expend	0.00	1,469.39	1,500.00	30.61	97.96
DA.5142.100.000 Snow & Ice, Pers Serv	18,035.27	101,475.83	123,037.00	21,561.17	82.48
DA.5142.400.000 Snow & Ice, Contr Expend	24,090.31	59,883.77	83,760.00	23,876.23	71.49
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	1,343.06	9,748.24	10,508.00	759.76	92.77
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	0.00	117.75	118.00	0.25	99.79
DA.9060.800.000 Hospital & Medical (Dental) Ins, Empl Bnfts	2,905.81	28,629.42	31,480.00	2,850.58	90.94
Total Expenses	47,720.09	336,079.59	420,116.00	84,036.41	80.00
Excess Revenue Over (Under) Expenditures	\$ 47,549.09	\$ (113,214.40)	0.00	\$ 54,858.42	0.00

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 12/31/2021

Run: 1/04/2022 at 4:03 PM

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
DB.1001.000.000 Property Taxes	\$ 0.00	\$ 100,579.00	\$ 100,579.00	\$ 0.00	100.00
DB.2401.000.000 Interest & Earnings	4.75	19.70	0.00	19.70	0.00
DB.3501.000.000 Consolidated Highway Aid	145,854.41	145,854.41	116,922.00	28,932.41	124.75
DB.5999.000.000 Unexpended Balance	0.00	0.00	218,309.00	(218,309.00)	0.00
Total Revenues	<u>145,859.16</u>	<u>246,453.11</u>	<u>435,810.00</u>	<u>(189,356.89)</u>	<u>56.55</u>
Expenses					
DB.5110.100.000 General Highway Repairs Personal Services	0.00	93,010.12	93,011.00	0.88	100.00
DB.5110.400.000 General Highway Repairs Contractual	(124,259.29)	55,924.34	114,158.00	58,233.66	48.99
DB.5112.200.000 Permanent Highway Improvements	76,421.54	145,854.07	145,855.00	0.93	100.00
DB.5130.400.000 Machinery Contractual	(122.84)	0.00	0.00	0.00	0.00
DB.5142.400.000 Snow & Ice Control Contractual	(9,837.94)	0.00	0.00	0.00	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	6,469.41	7,900.00	1,430.59	81.89
DB.9040.800.000 Workers Compensation	0.00	3,739.00	3,853.00	114.00	97.04
DB.9055.800.000 Disability Insurance	0.00	161.79	162.00	0.21	99.87
DB.9060.800.000 Medical Insurance	2,738.53	30,571.78	34,275.00	3,703.22	89.20
DB.9785.600.000 Installment Purchase Debt, Principal	0.00	18,851.87	18,852.00	0.13	100.00
DB.9785.700.000 Installment Purchase Debt, Interest	0.00	3,002.19	3,003.00	0.81	99.97
Total Expenses	<u>(55,060.00)</u>	<u>372,325.57</u>	<u>435,810.00</u>	<u>63,484.43</u>	<u>85.43</u>
Excess Revenue Over (Under) Expenditures	<u>\$ (200,919.16)</u>	<u>\$ 125,872.46</u>	<u>\$ 0.00</u>	<u>\$ 252,841.32</u>	<u>\$ 0.00</u>

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 12/31/2021

Run: 1/04/2022 at 4:03 PM

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
HH.2401.000.004 Interest & Earnings, Water Capital #4	\$ 9.06	\$ 183.65	\$ 0.00	\$ 183.65	\$ 0.00
Total Revenues	9.06	183.65	0.00	183.65	0.00
Expenses					
HH.1380.200.004 Fiscal Agents Capital Outlay	1,336.71	27,093.49	0.00	(27,093.49)	0.00
HH.1420.200.004 Legal, Capital & Equip	0.00	15,358.83	0.00	(15,358.83)	0.00
HH.1440.200.004 Engineering Cap Outlay, Water #4	7,685.52	158,057.82	0.00	(158,057.82)	0.00
HH.8310.200.004 Water Administration	0.00	112.12	0.00	(112.12)	0.00
HH.9730.700.004 BAN Interest Payment	4,437.22	7,882.50	0.00	(7,882.50)	0.00
Total Expenses	13,459.45	208,504.76	0.00	(208,504.76)	0.00
Excess Revenue Over (Under) Expenditures	\$ 13,450.39	\$ 208,321.11	\$ 0.00	\$ (208,688.41)	\$ 0.00

**Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 12/31/2021**

Run: 1/04/2022 at 4:03 PM

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	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
LL.2082.000.000 Fines - Copier	\$ 211.85	\$ 1,312.06	\$ 1,000.00	\$ 312.06	131.21
LL.2361.000.000 Genesee County	0.00	3,583.58	3,500.00	83.58	102.39
LL.2362.000.000 Bergen	0.00	66,080.00	66,080.00	0.00	100.00
LL.2363.000.000 Byron	0.00	5,500.00	5,500.00	0.00	100.00
LL.2364.000.000 Village of Bergen	0.00	1,500.00	1,500.00	0.00	100.00
LL.2704.000.000 Insurance Dividend	0.00	270.59	200.00	70.59	135.30
LL.2705.000.000 Gifts & Donations	390.00	955.00	500.00	455.00	191.00
LL.2705.001.000 Fundraising	0.00	12,161.00	0.00	12,161.00	0.00
LL.2770.000.000 Unclassified	300.00	981.00	0.00	981.00	0.00
LL.3840.000.000 LLSA Grant NIOG	0.00	2,842.00	860.00	1,982.00	330.47
LL.5999.000.000 Unexpended Balance	0.00	0.00	30,266.00	(30,266.00)	0.00
Total Revenues	901.85	95,185.23	109,406.00	(14,220.77)	87.00
Expenses					
LL.1910.400.000 Unallocated Insurance, Contr	0.00	2,027.95	2,100.00	72.05	96.57
LL.7410.100.000 Library Director Wages	8,769.20	38,000.00	38,000.00	0.00	100.00
LL.7410.102.000 Library Substitute Wages	4,711.25	20,120.30	23,249.00	3,128.70	86.54
LL.7410.200.000 Library Capital Expenditure	497.73	497.73	500.00	2.27	99.55
LL.7410.205.000 Library AV Materials	82.46	2,485.22	2,500.00	14.78	99.41
LL.7410.210.000 Library Books	531.26	16,755.11	16,756.00	0.89	99.99
LL.7410.211.000 Library Books-Electronic	274.34	5,493.39	5,762.00	268.61	95.34
LL.7410.213.000 Library Serials	0.00	49.00	500.00	451.00	9.80
LL.7410.230.000 Library Office & Library	208.00	774.36	1,500.00	725.64	51.62
LL.7410.231.000 Library Telephone	168.06	1,029.99	1,100.00	70.01	93.64
LL.7410.232.000 Library Internet	30.00	368.33	369.00	0.67	99.82
LL.7410.233.000 Library Postage & Freight	34.80	281.25	282.00	0.75	99.73
LL.7410.234.000 Library Publicity	0.00	0.00	100.00	100.00	0.00
LL.7410.235.000 Library Mileage	91.84	91.84	200.00	108.16	45.92
LL.7410.236.000 Library Travel - Conventions	153.18	441.18	442.00	0.82	99.81
LL.7410.290.000 Library Programs	150.00	1,442.28	1,500.00	57.72	96.15
LL.7410.291.000 Library Program Supplies	82.26	705.91	1,000.00	294.09	70.59
LL.7410.435.000 Library Membership Fees	0.00	80.00	80.00	0.00	100.00
LL.7410.436.000 Library Contracts with Other Libraries	0.00	6,340.92	6,341.00	0.08	100.00
LL.7410.439.000 Library Repair-Maint. Equipment	56.25	294.25	295.00	0.75	99.75
LL.7410.453.000 Library Rent	300.00	1,200.00	1,200.00	0.00	100.00
LL.7410.454.000 Library Bookkeeper	75.00	300.00	300.00	0.00	100.00
LL.9030.800.000 Social Security	1,031.32	4,446.47	5,330.00	883.53	83.42
Total Expenses	17,246.95	103,225.48	109,406.00	6,180.52	94.35

Run: 1/04/2022 at 4:03 PM

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 12/31/2021

	<u>M-T-D Actual</u>	<u>Y-T-D Actual</u>	<u>Annual Budget</u>	<u>Variance</u>	<u>Variance Percentage</u>
Excess Revenue Over (Under) Expenditures	<u>\$ 16,345.10</u>	<u>\$ 8,040.25</u>	<u>\$ 0.00</u>	<u>\$ 20,401.29</u>	<u>\$ 0.00</u>

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 12/31/2021

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
SM.1001.000.000 Real Property Taxes	\$ 0.00	\$ 199,305.00	\$ 199,305.00	\$ 0.00	\$ 100.00
Total Revenues	0.00	199,305.00	199,305.00	0.00	100.00
Expenses					
SM.3410.400.000 Fire Contract Contractual	0.00	199,304.30	199,305.00	0.70	100.00
Total Expenses	0.00	199,304.30	199,305.00	0.70	100.00
Excess Revenue Over (Under) Expenditures	\$ 0.00	\$ (0.70)	\$ 0.00	\$ 0.70	\$ 0.00

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 12/31/2021

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
SW.1001.000.002 Real Property Taxes - District 2	\$ 0.00	\$ 59,861.00	\$ 59,861.00	\$ 0.00	100.00
SW.5999.000.002 Unexpended Balance - District 2	0.00	0.00	20,139.00	(20,139.00)	0.00
Total Revenues	0.00	59,861.00	80,000.00	(20,139.00)	74.83
Expenses					
SW.9720.600.002 Debt Principal, Install Bonds Water Dist 2	0.00	80,000.00	80,000.00	0.00	100.00
Total Expenses	0.00	80,000.00	80,000.00	0.00	100.00
Excess Revenue Over (Under) Expenditures	\$ 0.00	\$ 20,139.00	\$ 0.00	\$ 20,139.00	0.00

**Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 12/31/2021**

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
SW.1001.000.003 Real Property Taxes - Peachey Rd District 3	\$ 0.00	\$ 42,253.00	\$ 42,253.00	\$ 0.00	100.00
SW.5031.000.003 Interfund Transferr - Peachey Road	0.00	0.00	5,000.00	(5,000.00)	0.00
SW.5999.000.003 Unexpended Balance - District 3	0.00	0.00	2,000.00	(2,000.00)	0.00
Total Revenues	0.00	42,253.00	49,253.00	(7,000.00)	85.79
Expenses					
SW.9720.600.003 Debt Principal, Install Bonds - Peachey Rd District 3	18,000.00	18,000.00	18,000.00	0.00	100.00
SW.9720.700.003 Debt Interest, Install Bonds - Peachey Rd District 3	15,626.25	31,252.50	31,253.00	0.50	100.00
Total Expenses	33,626.25	49,252.50	49,253.00	0.50	100.00
Excess Revenue Over (Under) Expenditures	\$ 33,626.25	\$ 6,999.50	\$ 0.00	\$ 7,000.50	\$ 0.00

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 12/31/2021

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
SW.1001.000.004 Property Taxes	\$ 0.00	\$ 140,140.00	\$ 140,140.00	\$ 0.00	\$ 100.00
SW.2401.000.004 Interest & Earnings	0.00	0.00	250.00	(250.00)	0.00
SW.5999.000.004 Appropriated Fund Balance	0.00	0.00	999,750.00	(999,750.00)	0.00
Total Revenues	0.00	140,140.00	1,140,140.00	(1,000,000.00)	12.29
Expenses					
SW.9710.600.004 Bond Principal, Water #4	0.00	0.00	105,000.00	105,000.00	0.00
SW.9710.700.004 Bond Interest, Water #4	0.00	0.00	35,140.00	35,140.00	0.00
SW.9730.600.004 BAN Principal	0.00	0.00	1,000,000.00	1,000,000.00	0.00
Total Expenses	0.00	0.00	1,140,140.00	1,140,140.00	0.00
Excess Revenue Over (Under) Expenditures	\$ 0.00	\$ (140,140.00)	\$ 0.00	\$ 2,140,140.00	\$ 0.00

Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 12/31/2021

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	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Revenues					
LL.2082.000.000 Fines - Copier	\$ 211.85	\$ 1,312.06	\$ 1,000.00	\$ 312.06	131.21
LL.2361.000.000 Genesee County	0.00	3,583.58	3,500.00	83.58	102.39
LL.2362.000.000 Bergen	0.00	66,080.00	66,080.00	0.00	100.00
LL.2363.000.000 Byron	0.00	5,500.00	5,500.00	0.00	100.00
LL.2364.000.000 Village of Bergen	0.00	1,500.00	1,500.00	0.00	100.00
LL.2704.000.000 Insurance Dividend	0.00	270.59	200.00	70.59	135.30
LL.2705.000.000 Gifts & Donations	390.00	955.00	500.00	455.00	191.00
LL.2705.001.000 Fundraising	0.00	12,161.00	0.00	12,161.00	0.00
LL.2770.000.000 Unclassified	300.00	981.00	0.00	981.00	0.00
LL.3840.000.000 LLSA Grant NIOG	0.00	2,842.00	860.00	1,982.00	330.47
LL.5999.000.000 Unexpended Balance	0.00	0.00	30,266.00	(30,266.00)	0.00
Total Revenues	901.85	95,185.23	109,406.00	(14,220.77)	87.00
Expenses					
LL.1910.400.000 Unallocated Insurance, Contr	0.00	2,027.95	2,100.00	72.05	96.57
LL.7410.100.000 Library Director Wages	8,769.20	38,000.00	38,000.00	0.00	100.00
LL.7410.102.000 Library Substitute Wages	4,711.25	20,120.30	23,249.00	3,128.70	86.54
LL.7410.200.000 Library Capital Expenditure	497.73	497.73	500.00	2.27	99.55
LL.7410.205.000 Library AV Materials	82.46	2,485.22	2,500.00	14.78	99.41
LL.7410.210.000 Library Books	531.26	16,755.11	16,756.00	0.89	99.99
LL.7410.211.000 Library Books-Electronic	274.34	5,493.39	5,762.00	268.61	95.34
LL.7410.213.000 Library Serials	0.00	49.00	500.00	451.00	9.80
LL.7410.230.000 Library Office & Library	208.00	774.36	1,500.00	725.64	51.62
LL.7410.231.000 Library Telephone	168.06	1,029.99	1,100.00	70.01	93.64
LL.7410.232.000 Library Internet	30.00	368.33	369.00	0.67	99.82
LL.7410.233.000 Library Postage & Freight	34.80	281.25	282.00	0.75	99.73
LL.7410.234.000 Library Publicity	0.00	0.00	100.00	100.00	0.00
LL.7410.235.000 Library Mileage	91.84	91.84	200.00	108.16	45.92
LL.7410.236.000 Library Travel - Conventions	153.18	441.18	442.00	0.82	99.81
LL.7410.290.000 Library Programs	150.00	1,442.28	1,500.00	57.72	96.15
LL.7410.291.000 Library Program Supplies	82.26	705.91	1,000.00	294.09	70.59
LL.7410.435.000 Library Membership Fees	0.00	80.00	80.00	0.00	100.00
LL.7410.436.000 Library Contracts with Other Libraries	0.00	6,340.92	6,341.00	0.08	100.00
LL.7410.439.000 Library Repair-Maint. Equipment	56.25	294.25	295.00	0.75	99.75
LL.7410.453.000 Library Rent	300.00	1,200.00	1,200.00	0.00	100.00
LL.7410.454.000 Library Bookkeeper	75.00	300.00	300.00	0.00	100.00
LL.9030.800.000 Social Security	1,031.32	4,446.47	5,330.00	883.53	83.42
Total Expenses	17,246.95	103,225.48	109,406.00	6,180.52	94.35

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Statement of Activity - MTD and YTD by Fund w/ Variance
Town of Bergen
For 12/31/2021

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	<u>M-T-D</u> <u>Actual</u>	<u>Y-T-D</u> <u>Actual</u>	<u>Annual</u> <u>Budget</u>	<u>Variance</u>	<u>Variance</u> <u>Percentage</u>
Excess Revenue Over (Under) Expenditures	<u>\$ 16,345.10</u>	<u>\$ 8,040.25</u>	<u>0.00</u>	<u>\$ 20,401.29</u>	<u>0.00</u>

LAW OFFICES

OF

Timothy R. McGill

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FAIRPORT, NEW YORK 14450

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Kristine M. Bryant
Paralegal

February 23, 2022

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

Re: ***Town of Bergen, New York***
\$5,850,000 Bond Anticipation Note, 2022 (New Issue)

Dear Board Members:

I have examined a record of proceedings relating to the issuance of a \$5,850,000 principal amount Bond Anticipation Note, 2022 (New Issue) of the Town of Bergen, a municipal corporation of the State of New York, situate in the County of Genesee. The Note is [registered to _____ / in book-entry-only form registered to "Cede & Co.,"] is dated February 23, 2022, is numbered 2022A-1, bears interest at the rate of _____ per centum (___%) per annum payable at maturity, matures December 22, 2022, and is issued pursuant to the Local Finance Law of the State of New York and a bond resolution adopted February 11, 2020, and supplemented November 30, 2021. The Note is not subject to redemption prior to maturity. The Note is a temporary obligation issued in anticipation of the issuance of bonds.

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

The Town has covenanted to comply with any requirements of the Internal Revenue Code of 1986, as amended (the "Code"), that must be met subsequent to the issuance of the Note in order that interest thereon be and remain excludable from gross income under the Code. In my opinion, under the existing statute, regulations and court decisions, interest on the Note is excludable from gross income for Federal income tax purposes

Town Board
Town of Bergen
February 23, 2022

under Section 103 of the Code and will continue to be so excluded if the Town continuously complies with such covenant; and under the Code, interest on the Note is not a specific preference item for purposes of the federal alternative minimum tax. I express no opinion regarding other Federal income tax consequences caused by the receipt or accrual of interest on the Note. Further, in my opinion, interest on the Note is exempt from New York State and New York City personal income taxes under existing statutes.

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

Very truly yours,

Timothy R. McGill, Esq.

TRM:

TOWN OF BERGEN

* ESTABLISHED APRIL 2, 1813 *

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COUNCILWOMAN
RACHAEL MILLSPAUGH
SUPERINTENDENT OF HIGHWAYS
DAVID C. ROGGOW

TOWN CLERK/TAX COLLECTOR
MICHELE M. SMITH
JUSTICES
DONALD KUNEGO
ROBERT SWAPCEINSKI
ZONING & CODE ENFORCEMENT OFFICER
ROBERT W. PATTERSON
ASSESSOR
ANNE SAPIENZA

APRIL 14, 2009

COUNCILWOMAN MILLSPAUGH OFFERED RESOLUTION #11-2009 OPPOSITION TO CHANGE THE TOWN CLERK, RECEIVER OF TAXES AND SUPERINTENDENT OF HIGHWAY POSITIONS FROM ELECTED TO APPOINTED; SECONDED BY COUNCILMAN CUNNINGHAM AND IT CARRIED BY A VOTE 5-0.

RESOLUTION #11-2009

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BERGEN, GENESEE COUNTY, NEW YORK IN OPPOSITION TO CHANGE THE TOWN CLERK, RECEIVER OF TAXES AND SUPERINTENDENT OF HIGHWAYS POSITIONS FROM ELECTED TO APPOINTED

WHEREAS, THE OFFICES OF TOWN CLERK, RECEIVER OF TAXES AND SUPERINTENDENT OF HIGHWAYS IN NEW YORK STATE ARE ELECTIVE OFFICES PURSUANT TO SECTION 20 OF TOWN LAW OF THE STATE OF NEW YORK, AND

WHEREAS, LEGISLATION HAS BEEN INTRODUCED IN NEW YORK STATE LEGISLATURE, SENATE BILL 56-A AND ASSEMBLY BILL A.156, WHICH HAS BEEN INCLUDED IN THE BUDGET BILL UNDER PART NN, SECTIONS 26-28, AMENDING TOWN LAW TO PERMIT TOWNS TO MAKE THE OFFICES OF TOWN CLERK, RECEIVER OF TAXES AND HIGHWAY SUPERINTENDENT APPOINTIVE POSITIONS SUBJECT ONLY TO A PERMISSIVE REFERENDUM RATHER THAN A MANDATORY REFERENDUM, AND

WHEREAS, MUNICIPAL HOME RULE LAW 23(2) (E) ALREADY PROVIDES THAT A TOWN MAY ADOPT A LOCAL LAW CHANGING THE OFFICE OF TOWN CLERK, RECEIVER OF TAXES AND SUPERINTENDENT OF HIGHWAYS FROM ELECTED TO APPOINTED POSITIONS, WITH SAID LAW REQUIRING A MANDATORY REFERENDUM, THEREBY ALLOWING ALL OF THE VOTING RESIDENTS OF THE TOWN OF BERGEN THEIR VERY IMPORTANT RIGHT TO VOTE FOR OR AGAINST SUCH A PROPOSAL BEFORE ANY CHANGE COULD OCCUR, AND

WHEREAS, THE TOWN BOARD OF THE TOWN OF BERGEN GOES ON RECORD AS SUPPORTING THE TOWN CLERK, RECEIVER OF TAXES AND SUPERINTENDENT OF HIGHWAYS REMAIN AS ELECTED POSITIONS.

WHEREAS, THERE WOULD BE NO FINANCIAL BENEFIT OR SAVINGS TO THE TOWN IN MAKING THESE CHANGES FROM ELECTIVE TO APPOINTIVE OFFICES, AND

WHEREAS, THE ELECTION PROCESS HELPS TO MAINTAIN THE INDEPENDENT NATURE OF THE TOWN CLERK, RECEIVER OF TAXES AND HIGHWAY SUPERINTENDENT'S OFFICES AND CREATES ADDITIONAL CHECKS AND BALANCES IN LOCAL GOVERNMENT.

NOW, THEREFORE BE IT RESOLVED THAT THE TOWN BOARD OF THE TOWN OF BERGEN, GENESEE COUNTY, NEW YORK DOES HEREBY GO ON RECORD AS **OPPOSING** ANY CHANGE IN THE EXISTING NEW YORK STATE STATUTES, SPECIFICALLY SENATE BILL 56-A AND ASSEMBLY BILL A.156, WHICH HAVE BEEN INCLUDED IN THE BUDGET BILL UNDER PART NN, SECTION 26-28, PROVIDING FOR A CHANGE IN THE POSITIONS OF TOWN CLERK, RECEIVER OF TAXES AND HIGHWAY SUPERINTENDENT IN THE TOWN OF BERGEN, NEW YORK STATE FROM AN ELECTED TO AN APPOINTED POSITION THROUGH THE PROCESS OF A PERMISSIVE REFERENDUM, THEREBY AVOIDING A MANDATORY REFERENDUM TAKING AWAY THE VERY IMPORTANT RIGHTS OF THE ELECTORATE IN BERGEN TO VOTE ON THIS MATTER BEFORE A CHANGE CAN OCCUR, AND

BE IT FURTHER, RESOLVED, THAT A COPY OF THIS RESOLUTION BE TRANSMITTED TO THE GOVERNOR, THE ATTORNEY GENERAL, THE SENATE MAJORITY LEADER, THE SPEAKER OF THE ASSEMBLY, THE MAJORITY LEADER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE, THE MINORITY LEADER OF THE ASSEMBLY, AND THE CHAIRPERSONS OF THE SENATE AND ASSEMBLY LOCAL GOVERNMENT COMMITTEES, SENATOR MICHAEL RANZENHOFER 61ST DISTRICT ASSEMBLYMAN STEPHEN HAWLEY, 139TH ASSEMBLY DISTRICT.