

**Town Board Meeting- Special Meeting**  
**Town of Bergen**  
**August 23rd, 2022**  
**Town Library- 13 South Lake St. Bergen New York**  
**Agenda**

**NOTE: Board Tour of Historian Office, Museum and Library at 5:30**

**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:** Library Board

**III. Approval of meeting minutes:** Regular meeting: August 9<sup>th</sup>, 2022

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

1. Resolution for Reed Road Water Service
2. Mercy Flight EMS-July
3. Inter-municipal agreement between Town of Sweden and Town of Bergen to allow property owners in the Town of Sweden to connect to the water main on the south side of Reed Road in the Town of Bergen
4. Correspondence from Charter Communication dated
5. Town of Bergen Proposed Vendor and W-9 policy

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

**V. Reports:**

**Supervisor**

**Clerk**

**Board Members**

**Highway**

**Committees**

-Building, Grounds, and Facilities (cemeteries)

-Parks

-Local History & Museum

-Policy and Personnel -

**VI. Old Business:**

-Update on WBIA#1 water

**VII. New Business**

-Resolution for Reed Road Water services

-Resolution to authorize supervisor to enter into inter-municipal agreement with Town of Sweden for water Connection for Sweden Residents on Reed Road

**VIII. Meeting and Other Upcoming Dates:**

-Regular meeting: 9/13/22- 6:45 audit of bills, 7:00 meeting at the town hall

-Budget Workshops 9/10/2022 and 10/1/2022 9 am at the town hall

**IX. Adjournment**

DRAFT

AUGUST 9, 2022

BERGEN TOWN BOARD

REGULAR MEETING

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

PRESENT:

Supervisor Ernie Haywood  
Councilwoman Teresa Robinson  
Councilman Jim Starowitz

ALSO PRESENT:

Michele M. Smith, Town Clerk

ABSENT:

Councilwoman Belinda Grant  
Councilman Mark Anderson

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

MINUTES: Councilman Starowitz made a motion to approve the meeting minutes of July 26, 2022; seconded by Councilwoman Robinson and carried by a vote 3-0.

COMMUNICATIONS:

Supervisor Report for June 2022  
Summary Spreadsheet for June 2022  
Town Clerk Report for June 2022  
ZEO/CEO Report for June 2022  
Charter Communications correspondence  
Resolution for Interfund Loan for WIBA#1  
Agreement with Genesee County Planning Board and Town of Bergen

REPORTS:

SUPERVISOR: DEC will inspect transfer station this fall, 2023 Budget; comptroller paperwork requested of vendor is complete and sent.

TOWN CLERK: nothing to report

HIGHWAY: bids for salt up 15% starting October 1<sup>st</sup> stock up before price goes up; Wood and Merriman roads to be completed. Supervisor Haywood said Town Board toured the Highway Garage and looked great

TOWN CLERK'S REPORT: Councilwoman Robinson made a motion to file the Town Clerk's July 2022 Report; seconded by Councilman Starowitz and it carried by a vote 3-0.

SUPERVISOR REPORTS Councilman Robinson made a motion to file the Supervisor's July 2022 Report; seconded by Councilman Starowitz and it carried by a vote 3-0.

COMMITTEES:

Building and Grounds: Town Hall toilet repaired and faucets replaced

Parks: nothing to report

Local History & Museum: nothing to report

Policy and Personnel: nothing to report

OLD BUSINESS:

Water improvement Benefit Area #1: progress meeting August 10<sup>th</sup> at 9:00 am

NEW BUSINESS:

Genesee County Planning Board Agreement Councilman Starowitz made a motion to enter into agreement with Genesee County Planning Board exempting certain minor land use actions for review; seconded by Councilwoman Robinson and it carried by a vote 3-0.

Painting proposals for Historian Office 2 bids were received from Stafford Painters and Bow Painting Councilwoman Robinson made a motion to approve Bow Painting to paint the exterior of the Historian building for \$7,000.25; seconded by Councilman Starowitz and it carried by a vote 3-0.

Resolution Interfund Loan for WIBA#1 Councilman Starowitz offered Resolution #22-2022 to authorize interfund loan for WIBA#1; seconded by Councilwoman Robinson and it carried by a vote 3-0.

**RESOLUTION #22-2022  
AUTHORIZE INTERFUND LOAN FOR WIBA #1 PROJECT**

WHEREAS, It is necessary to advance Bergen Town Funds for the payment of WIBA #1 invoices prior to the receipt of Rural Development Grant Funds.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Bergen hereby authorizes an interfund loan from the General Funds to the Capital Project Fund in an amount up to \$300,000 for the payment of WIBA # 1 invoices.

Sec. 2. That the borrowed funds shall be returned to the General Funds prior to the close of the 2022 Fiscal year unless re-authorized by the Town Board of the Town of Bergen.

Sec. 3 That this resolution shall take effect immediately.

VOTE BY ROLL CALL AND RECORD:

|                       |        |
|-----------------------|--------|
| Councilman Anderson   | Absent |
| Councilwoman Grant    | Absent |
| Councilwoman Robinson | Aye    |
| Councilman Starowitz  | Aye    |
| Supervisor Haywood    | Aye    |

**BILLS:** The bills were presented for audit and totaled General A Fund \$8,523.64; General B Fund \$2,085.78; Highway DA \$62,207.08; DB \$962.95; Water District \$858,680.02; PA-A \$3,151.41; PA-DA \$2,527.87; PA-DB \$2,738.53. Councilman Starowitz made a motion to pay the August 2022 bills including Contract A Morsch Pipeline \$620,207.77 and Contract B Finline Pipeline \$187,121.57 for WIBA#1; seconded by Councilwoman Robinson and it carried by a vote 3-0.

**REGULAR MEETING** – Tuesday, August 23, 2022 at 7:00 pm in the Library Community Room  
Tour Library and Historian buildings – Tuesday, August 23, 2022 at 5:30pm  
Budget Workshops – Saturdays, September 10<sup>th</sup> and October 1<sup>st</sup> at 9:00 am at the Town Hall

**ADJOURNMENT** was at 7:19 pm on a motion by Councilwoman Robinson; seconded by Councilman Starowitz and it carried by a vote 3-0.

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

**TOWN OF BERGEN**  
*Resolution for Reed Road Water Services*

**WHEREAS**, the Town of Bergen Water Improvement Benefit Area No. 1 (WIBA No. 1) Project included the installation of 10-inch diameter water main on the south side of Reed Road from West Sweden Road approximately 6,950 linear feet to the east; and

**WHEREAS**, various Reed Road property owners in the Town of Sweden have expressed a desire to hook into the Bergen WIBA No. 1 water main installed as part of their project; and

**WHEREAS**, the Town of Bergen may grant permission to an individual property owner in the Town of Sweden outside the boundaries of Bergen WIBA No. 1 to access the water main as a "Outside User"; and

**WHEREAS**, the Town of Sweden "Outside Users" will share in the Bergen WIBA No. 1 Equivalent Dwelling Unit (EDU) charge at the same rate as property owners within the Bergen WIBA No. 1; and

**WHEREAS**, the Town Board of the Town of Sweden has no objection to its Reed Road property owners entering into an "Outside User Agreement" with the Town of Bergen providing access to the Bergen water main, providing that each interested Sweden property owner complete an application and acknowledge agreement to the terms and conditions with the Town of Bergen as an outside user.; and

**WHEREAS**, the Town Boards of the Town of Sweden and Town of Bergen have entered into an Agreement outlining the terms and conditions between the two Town Board relating to allowing water service to the Sweden properties defined below.; and

**WHEREAS**, the following properties within the Town of Sweden will have access to the water main installed by the Town of Bergen on the south side of Reed Road:

**Bergen Contract A Drawing G-35:**

2328 Reed Road  
2370 Reed Road  
2458 Reed Road  
2472 Reed Road  
2488 Reed Road  
2508 Reed Road

**Bergen Contract A Drawing G-36:**

2060 Reed Road  
2068 Reed Road  
2116 Reed Road  
2256 Reed Road  
2266 Reed Road

**GEN BERGEN FIRE**

*Report includes Emergent First On Scene Responses.*

Report Date Range from: 7/1/2022 to 7/31/2022

| Response Time<br>Minutes | Call Count | Cumulative Call<br>Count | Percentage<br>of Total Calls | Cumulative<br>Percentage |
|--------------------------|------------|--------------------------|------------------------------|--------------------------|
|--------------------------|------------|--------------------------|------------------------------|--------------------------|

**Response Zone: GEN BERG 17**

|                     |          |          |             |         |
|---------------------|----------|----------|-------------|---------|
| 16:00 - 16:59       | 6        | 6        | 66.67%      | 66.67%  |
| 17:00 - 17:59       | 1        | 7        | 11.11%      | 77.78%  |
| 18:00 - 18:59       | 1        | 8        | 11.11%      | 88.89%  |
| 19:00 - 19:59       | 1        | 9        | 11.11%      | 100.00% |
| <b>Total Calls:</b> | <b>9</b> | <b>9</b> | <b>100%</b> |         |

**Response Zone: GEN BERG 22**

|                     |          |          |             |         |
|---------------------|----------|----------|-------------|---------|
| 15:00 - 15:59       | 1        | 1        | 11.11%      | 11.11%  |
| 17:00 - 17:59       | 1        | 2        | 11.11%      | 22.22%  |
| 18:00 - 18:59       | 2        | 4        | 22.22%      | 44.44%  |
| 19:00 - 19:59       | 2        | 6        | 22.22%      | 66.67%  |
| 23:00 - 23:59       | 3        | 9        | 33.33%      | 100.00% |
| <b>Total Calls:</b> | <b>9</b> | <b>9</b> | <b>100%</b> |         |

**Call Source Total Calls: 18**

## AGREEMENT

THIS AGREEMENT, made on the \_\_\_\_\_ day of August 23, 2022, by and between THE TOWN OF SWEDEN, a Municipal Corporation having its offices and place of business in the Town of Sweden, 18 State Street, Brockport, New York, 14420 (hereinafter referred to as Sweden) and THE TOWN OF BERGEN, having its offices and place of business at 10 Hunter Street, Bergen, New York, 14416 (hereinafter referred to as Bergen).

WHEREAS Bergen is desirous of allowing certain properties on Reed Road in the Town of Sweden to connect to the Bergen Water Improvement Benefit Area No. 1 (WIBA No. 1), and

WHEREAS Sweden is also desirous of allowing certain properties on Reed Road in the Town of Sweden to connect to the Bergen Water Improvement Benefit Area No. 1 (WIBA No. 1), and

WHEREAS those specific properties are identified on Schedule A attached hereto and will include any future subdivisions of these properties so listed that may occur through the Town of Sweden subdivision process.

NOW THEREFORE, upon the mutual conditions, promises and undertakings contained herein, the parties do hereby agree as follows:

1. Bergen may grant permission to an individual property owner in the Town of Sweden outside the boundaries of Bergen WIBA No. 1 to access the water main as an "Outside User".
2. The Sweden "Outside Users" will share in the Bergen WIBA No. 1 Equivalent Dwelling Unit (EDU) charge at the same rate as property owners within the Bergen WIBA No. 1.
3. Bergen shall provide a copy of each approved outside user agreement to the Sweden Supervisor by September 23, 2022 and by September 1 of each subsequent year when a new outside user is granted admittance.

4. Bergen shall bill Sweden annually for the Sweden Outside User debt service charges due based upon the users approved and provided to Sweden in Section 3 above.

5. Sweden shall bill Outside Users as provided above on the Sweden Town Tax bill in January each year.

6. Sweden shall remit to Bergen, upon billing, the total Sweden Outside User debt service charges due within 30 days of billing.

7. In the event Sweden creates a water district on Reed Road in the Town of Sweden that could include the properties previously admitted by Bergen as Outside Users, Bergen and Sweden agree that these properties would automatically become part of the Sweden Water District, pay the Sweden EDU charge for a time period not to exceed 38-years total, and the Bergen EDU charge would be eliminated

\_\_\_\_\_  
TOWN OF SWEDEN  
By:

\_\_\_\_\_  
TOWN OF BERGEN  
By:

STATE OF NEW YORK )  
COUNTY OF \_\_\_\_\_ ) SS:

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 2022, before me the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_ on behalf of the TOWN OF SWEDEN, personally known to be or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within Agreement and

acknowledged to me that he executed the same in his capacity, and that by his signature on the within Agreement, the individual, or the person upon behalf of which the individual acted, executed the Agreement.

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NOTARY PUBLIC

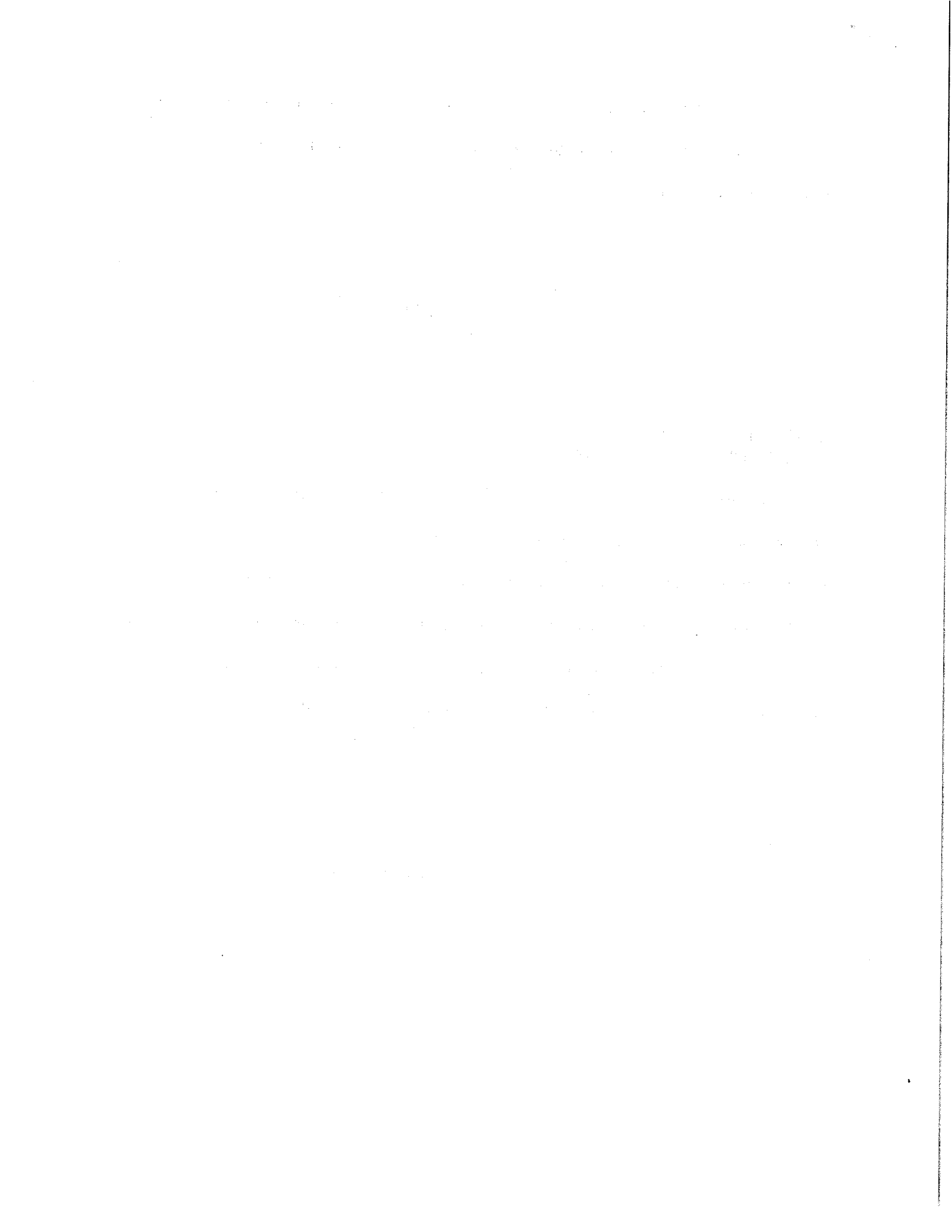
STATE OF NEW YORK     )  
COUNTY OF                ) SS:

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 2022, before me the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_ on behalf of the TOWN OF BERGEN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within Agreement and acknowledged to me that she executed the same in her capacity, and that by her signature on the within Agreement, the individual, or the person upon behalf of which the individual acted, executed the Agreement.

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NOTARY PUBLIC







**Mark Meyerhofer**  
Senior Director  
Government Affairs

August 15, 2022

Re: Charter Communications – Upcoming Changes

Dear Municipal Official:

Spectrum Northeast, LLC ("Spectrum"), has become aware that effective August 1, 2022, Black News Channel located on Spectrum channel 232 has rebranded to theGrio 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

## **Vendor and W-9 Policy**

**Purpose:** The Town of Bergen is required by the Internal Revenue Service and the New York State Department of Taxation to gather and report certain information regarding all individuals and businesses to which it makes payments. This policy will help ensure that the appropriate information is gathered, retained and reported as required.

**General Policy:** It is the responsibility of each department head that incurs fees, charges, expenses, etc to secure a W-9 Form from the individual or business before payment will be made.

**Existing Vendors:** Department Heads must reach out to existing Vendors and request a W-9 Form.

**New Vendors:** Department Heads must request a W-9 Form from new Vendors at the time service is rendered.

All W-9 Forms shall be filed in the Office of the Town Clerk.

A Vendor reference list will be maintained, either by the Financial Software, or in-house if the Financial Software does not perform that function, to be shared with Department Heads regularly.

W-9 information shall be entered into the Financial System when a new Vendor is created.

W-9 information for existing Vendors shall be entered as W-9 Forms are submitted from Departments.

Beginning January 1, 2023, no payment will be made to a Vendor until a W-9 Form is submitted.

Exceptions to W-9 Forms:

1. Employees who are Vendors for the purpose of mileage, expense reimbursement, etc
2. Refunds of any type
3. Governments or Governmental agencies