

**Town Board Meeting  
Town of Bergen  
February 14,<sup>th</sup> 2023  
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:**

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**III. Approval of meeting Minutes for:**

-Regular Board Meeting of 1/10/2023

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

1. Supervisor Report for January 2023
2. Summary Spreadsheets for January 2023
3. Town Clerks Report for January 2023
4. ZEO/CEO Report for January 2023
5. Mercy EMS report for December 2023
6. Historian Report for 2022
7. Charter Communication 1/30/2023
8. MRB Engineering Amendment #4 request- dated 1/5/2023
9. Proposal for Professional Services- Parks Grant Application Development- MRB
10. Correspondence from Stephen F. Ferry Jr. Supervisor of Darien regarding Sales Tax Distribution

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

**VI. Reports:**

Supervisor

Clerk

Board Members

Highway

Committees

-Building, Grounds, and Facilities (cemeteries)

-Parks

-Local History & Museum

-Policy and Personnel:

**VII. Old Business:**

- Town of Bergen Water Improvement Benefit Area #1- Update
- Resolution to increase Contract with MRB for Services for WIBA #1
- Discussion regarding RFP for Web Site
- Discussion of request for modification to Union Contract regarding Uniforms

**VII. New Business:**

- Action to file Town Clerks Report- January 2023
- Action to file Supervisor's Report- January 2023
- Appointment of Board of Assessment Review member
- Recognition of years of service with the Bergen Fire Department Member
- Approval of Proposal for Professional Services for Park Grant Application Development -MRB
- Representative for Town/Village Park Days Committee

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

-Town Board Meeting: 2/28/2023 -7:00 pm Town Board Meeting

**X. Adjournment**

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DRAFT

JANUARY 10, 2023

BERGEN TOWN BOARD

REGULAR MEETING

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

**PRESENT:**

Supervisor Ernie Haywood  
Councilwoman Belinda Grant  
Councilman Mark Anderson  
Councilman Jim Starowitz (late)

**ALSO PRESENT:**

Sandra Nucelli, Deputy Town Clerk  
Mike Johnson Highway Superintendent

**ABSENT:**

Michele Smith, Town Clerk  
Councilwoman Teresa Robinson

**OTHER ATTENDEES:**

Pam Johnson

**PRAYER**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**MINUTES:** *Councilwoman Grant made a motion to approve the minutes of the December 29, 2022 minutes and the Organizational meeting minutes of January 3, 2023; seconded by Councilman Anderson and carried by a vote 3 -0.*

**COMMUNICATIONS:**

Supervisor Report for December 2022  
Summary Spreadsheet for December 2022  
Town Clerk Report for December 2022 & Town Clerk's Annual Report  
ZEO/CEO Report for December 2022  
Resolution for approval of Acquisition of Easements by MCWA

**REPORTS:**

**SUPERVISOR:** met with library board on January 4<sup>th</sup> to discuss taxing jurisdiction; water project on Reed Rd. completed; MCWA – citizen on Reed Rd. want to hook up; Acknowledgement of Town Assessor hours change to Tuesdays; actively looking for website designer town website revamping; Fire Department Recognition dinner February 18<sup>th</sup> looking for a board member to go in his place.

**HIGHWAY:** Fineline is working on lines under railroad with approval from CSX; proposing discontinuing laundry service through Unifirst as a cost savings and offering a clothing allowance of \$410 per year per employee, Supervisor Haywood will contact town attorney, tabled for more information.

**TOWN CLERK'S REPORTS:** *Councilman Anderson made a motion to file the Town Clerk's December 2022 Report and 2022 Annual Report seconded by Councilwoman Grant and it carried by a vote 4-0.*

**COMMITTEES:**

**Building and Grounds:** Nothing to report  
**Parks:** monitoring wells at the transfer station started this month  
**Local History & Museum:** Nothing to report  
**Policy & Personnel:** Nothing to report

**OLD BUSINESS:**

**Water improvement Benefit Area #1:** Dublin and Reed Rd done.

**NEW BUSINESS:**

**Resolution for increase in contract for MRB for WIBA#1** MRB has requested an increase in funding for contract for WIBA#1 Supervisor requested to table request for review after completion of project.

Easement Resolution for WIBA#1 Councilman Starowitz offered Resolution #6-2023 for acquisition of an easement by MCWA; seconded by Councilman Anderson and it carried by a vote 4 -0.

**RESOLUTION #6-2023**

**APPROVAL OF ACQUISITION OF AN EASEMENT BY THE MONROE COUNTY WATER AUTHORITY  
PURSUANT TO §1096(6-a) OF NEW YORK'S PUBLIC AUTHORITIES LAW**

**WHEREAS**, The Monroe County Water Authority ("Authority") intends to provide public water service to 7186 Lyman Road, 2461 Reed Road, and 2373 Reed Road located in the Town of Bergen; and

**WHEREAS**, the property owner has elected to retain and maintain the private well water source(s) on the premises and maintain separation between the plumbing that contains the public water (the "public system") and the plumbing that contains the well water (the "private system"); and

**WHEREAS**, the acquisition of the permanent irrevocable access easement is necessary to allow the Authority to inspect the public and private systems to make sure they are not interconnected as required by the New York State Sanitary Code; and

**WHEREAS**, the permanent irrevocable access easement is located at 7186 Lyman Road (Tax Acct. No. 16.0-1-67), which is owned by Jeremy and Christina Duell, at 2461 Reed Road (Tax Acct. No. 9.0-1-26), which is owned by Gene and Deborah Godlove, and at 2373 Reed Road (Tax Acct. No. 9.0-1-28.2), which is owned by Gregory and Melissa Coniglio; and

**WHEREAS**, §1096(6-a) of New York's Public Authorities Law requires the Authority to obtain the prior approval of the Town Board for the above-referenced acquisition; now therefore be it

**RESOLVED**, that the Town hereby approves of the Authority's acquisition of the permanent irrevocable access easement located at 7186 Lyman Road, 2461 Reed Road, and 2373 Reed Road in accordance with §1096(6-a) of the New York Public Authorities Law and be it further

**RESOLVED** that a copy of this resolution be provided to the Authority.

Councilman Anderson- AYE  
Councilwoman Grant- AYE  
Councilwoman Robinson - ABSENT  
Councilman Starowitz- AYE  
Supervisor Haywood- AYE

**BILLS:** The bills were presented for audit and totaled General A Fund \$15,021.03; General B Fund \$1,024.50; Highway DA \$6,715.76; Highway DB \$5,208.12 and Water District \$174,426.42. *Councilwoman Grant made a motion to pay the January 2023 bills; seconded by Councilman Anderson and it carried by a vote 4-0.*

**REGULAR MEETING** – Tuesday, January 24, 2023 at 7:00 pm in the Courtroom

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

Respectfully submitted

*Sandra Nucelli*

Sandra Nucelli,  
Deputy Town Clerk

**GEN BERGEN FIRE**

Report Date Range from: 12/1/2022 to 12/31/2022

# Mercy Flight EMS

Report includes Emergent First On Scene Responses.

Response Time Minutes	Call Count	Cumulative Call Count	Percentage of Total Calls	Cumulative Percentage
<b>Response Zone: GEN BERG 17</b>				
11:00 - 11:59	2	2	14.29%	14.29%
15:00 - 15:59	1	3	7.14%	21.43%
16:00 - 16:59	2	5	14.29%	35.71%
17:00 - 17:59	2	7	14.29%	50.00%
18:00 - 18:59	1	8	7.14%	57.14%
19:00 - 19:59	1	9	7.14%	64.29%
20:00 - 20:59	1	10	7.14%	71.43%
21:00 - 21:59	1	11	7.14%	78.57%
22:00 - 22:59	1	12	7.14%	85.71%
23:00 - 23:59	1	13	7.14%	92.86%
26:00 - 26:59	1	14	7.14%	100.00%
<b>Total Calls:</b>	<b>14</b>	<b>14</b>	<b>100%</b>	

<b>Response Zone: GEN BERG 22</b>				
08:00 - 08:59	1	1	14.29%	14.29%
19:00 - 19:59	2	3	28.57%	42.86%
20:00 - 20:59	1	4	14.29%	57.14%
22:00 - 22:59	2	6	28.57%	85.71%
24:00 - 24:59	1	7	14.29%	100.00%
<b>Total Calls:</b>	<b>7</b>	<b>7</b>	<b>100%</b>	

**Call Source Total Calls: 21**

## GEN BETHANY FIRE

Report includes Emergent First On Scene Responses.

Report Date Range from: 12/1/2022 to 12/31/2022

Response Time Minutes	Call Count	Cumulative Call Count	Percentage of Total Calls	Cumulative Percentage
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**Response Zone: GEN BETH 12**

08:00 - 08:59	1	1	12.50%	12.50%
09:00 - 09:59	1	2	12.50%	25.00%
11:00 - 11:59	1	3	12.50%	37.50%
14:00 - 14:59	2	5	25.00%	62.50%
18:00 - 18:59	1	6	12.50%	75.00%
22:00 - 22:59	1	7	12.50%	87.50%
23:00 - 23:59	1	8	12.50%	100.00%
<b>Total Calls:</b>	<b>8</b>	<b>8</b>	<b>100%</b>	

**Response Zone: GEN BETH 17**

17:00 - 17:59	1	1	33.33%	33.33%
19:00 - 19:59	2	3	66.67%	100.00%
<b>Total Calls:</b>	<b>3</b>	<b>3</b>	<b>100%</b>	

**Call Source Total Calls: 11**

**TOWN OF BERGEN**  
**JANUARY 2023**  
**EXECUTIVE SUMMARY**

**BALANCE SHEET**

- Bank accounts were reconciled as of 1/31/23.
- The Town has \$1,349,887.12 in the bank.

**REVENUES AND EXPENSES**

• **REVENUES**

- Total receipts for the month were: \$914,904.26
- Major receipts were:
  - Town Clerk Report (Dec) - \$634.53
  - Justice Fees (Ded) - \$11,856.00
  - Sales Tax (4<sup>th</sup> Qtr) - \$124,980.05
  - Monroe Cty Waste Tonnage & Host Pymt - \$14,211.04
  - WIBA #1 RD Grant - \$747,101.76
  - Out of District User Fee - \$1,927.74
  - Library Deposits - \$11,315.80
  - Other - \$2,877.34

• **EXPENSES**

Expenditures through January on average should equal 8.33% of the annual budget.

General Fund Townwide (A):

- Year to date expenses are \$47,991.33 compared to the annual budget of \$867,001.00 or 5.54% of the budget.
  - Workers Compensation paid in full

General Fund Outside Village (B):

- Year to date expenses are \$3,391.12 compared to the annual budget of \$621,978.00 or 0.55% of the budget.
  - Workers Compensation paid in full

Highway Townwide (DA):

- Year to date expenses are \$43,281.31 compared to the annual budget of \$497,837.00 or 8.69% of the budget.
  - Workers Compensation paid in full

Highway Outside Village (DB):

- Year to date expenses are \$6,451.74 compared to the annual budget of \$374,915.00 or 1.72% of the budget.
  - Workers Compensation paid in full

 2/4/23

**Town of Bergen  
Cash Summary Report  
January 2023**

FUND Account		12/31/2022			1/31/2023	#9970	#5616	#4277	#1040-0001	#1040-0002	#1040-0003	#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	91,817.97	-	21,744.69	70,073.28							
A	201.000	General TW Savings	-	46,499.49	31,763.40	14,736.09		14,736.09					
A	230.000	NYS Class Savings	37,399.44	146.57	19,182.28	18,363.73			18,363.73				
A	230.001	NYS Class ARPA	192,852.67	672.68	-	193,525.35					193,525.35		
B	200.000	General OV Checking	190,699.88	-	1,024.50	189,675.38	189,675.38						
B	201.000	General OV Savings	(23,112.86)	125,205.05	2,784.12	99,308.07		99,308.07					
B	230.000	NYS Class Savings	143,364.93	361.86	-	143,726.79			143,726.79				
DA	200.000	Highway TW Checking	141,353.38	276.00	12,403.52	129,225.86	129,225.86						
DA	201.000	Highway TW Savings	(15,522.04)	34,674.94	32,229.86	(13,076.96)		(13,076.96)					
DA	230.000	NYS Class Savings	142,222.88	357.38	34,674.94	107,905.32			107,905.32				
DB	200.000	Highway OV Checking	27,471.03	-	6,526.61	20,944.42	20,944.42						
DB	201.000	Highway OV Savings	(41,162.12)	-	-	(41,162.12)		(41,162.12)					
DB	230.000	NYS Class Savings	131,466.76	463.65	-	131,930.41			131,930.41				
HH	200.004	Water District #4 Checking	(752,722.09)	783,779.19	174,426.42	(143,369.32)	(143,369.32)						
HH	201.004	Water District #4 Savings	62,568.57	742,096.92	783,779.19	20,886.30		20,886.30					
HH	230.004	Water District #4 NY Class	44,106.20	19,221.78	14,064.04	49,263.94				49,263.94			
HH	231.000	Water District #4 NY Class	(140,741.94)	747,101.76	747,101.76	(140,741.94)			(140,741.94)				
HH	200.005	Library Capital	-	-	-	-							
LL	200.001	Library Checking	159,468.52	11,315.80	1,156.42	169,627.90		169,627.90					
LL	231.000	Library Cash RSV	56,249.61	-	-	56,249.61		56,249.61					
SM	200.000	Special District Fire Checking	-	-	-	-							
SM	201.000	Special District Fire Savings	0.00	-	-	0.00		0.00					
SM	230.000	NYS Class Savings	2,088.31	8.18	-	2,096.49			2,096.49				
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	-	-	-	-							
SW	230.003	NYS Class Savings	8,398.31	32.91	-	8,431.22			8,431.22				
SW	200.004	Water WIBA#1 Checking	-	-	-	-							
SW	201.004	Water WIBA#1 Savings	10,140.00	1,927.74	-	12,067.74		12,067.74					
SW	230.004	NYS Class Savings	177,385.65	595.19	-	177,980.84			177,980.84				
TA	200.000	Trust & Agency	21,213.68	67,103.63	45,974.15	42,343.16						42,343.16	
VV	200.005	Peachey Water Checking	-	-	-	-							
VV	201.005	Peachey Water Savings	29,875.76	-	-	29,875.76		29,875.76					
			696,882.30	2,581,840.72	1,928,835.90	1,349,887.12	266,549.62	225,877.51	122,634.68	449,692.86	49,263.94	193,525.35	42,343.16
		Reconciliation											
		<b>Bank Statement Balances</b>				1,533,090.05	447,561.10	226,477.51	122,838.12	449,692.86	49,263.94	193,525.35	43,731.17
		<b>Outstanding Transfer</b>				-	600.00	(600.00)	-	-	-	-	-
		<b>Deposits In Transit</b>				-	-	-	(203.44)	-	-	-	203.44
		<b>Outstanding Checks</b>				(183,202.93)	(181,611.48)	-	-	-	-	-	(1,591.45)
		<b>Balance on General Ledger</b>				1,349,887.12	266,549.62	225,877.51	122,634.68	449,692.86	49,263.94	193,525.35	42,343.16
		<b>Difference</b>				-	-	-	0.00	-	0.00	-	-

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:

1/31/2023



**Statement of Activity - MTD and YTD by Fund w/ Variance**  
**Town of Bergen**  
**For 1/31/2023**

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
<b>Revenues</b>					
AA.1001.000.000 Real Property Taxes	\$ 0.00	0.00	228,788.00	\$(228,788.00)	0.00
AA.1081.000.000 Other Payments in Lieu of Taxes	0.00	0.00	8,149.00	(8,149.00)	0.00
AA.1090.000.000 Interest & Penalties on Real Property Taxes	0.00	0.00	2,000.00	(2,000.00)	0.00
AA.1255.000.000 Clerk Fees	314.53	314.53	2,500.00	(2,185.47)	12.58
AA.2130.000.000 Landfill Host Revenue	14,211.04	14,211.04	55,000.00	(40,788.96)	25.84
AA.2401.000.000 Interest & Earnings	905.27	905.27	1,200.00	(294.73)	75.44
AA.2530.000.000 Games of Chance	10.00	10.00	10.00	0.00	100.00
AA.2544.000.000 Dog Licenses	85.00	85.00	2,400.00	(2,315.00)	3.54
AA.2610.000.000 Fines and Forfeited Bail	11,856.00	11,856.00	65,000.00	(53,144.00)	18.24
AA.2750.000.000 AIM Related Payment	0.00	0.00	11,020.00	(11,020.00)	0.00
AA.3005.000.000 State Aid, Mortgage Tax	0.00	0.00	27,000.00	(27,000.00)	0.00
AA.5031.000.000 Interfund Transfer	0.00	0.00	297,372.00	(297,372.00)	0.00
AA.5999.000.000 Unexpended Balance	0.00	0.00	166,562.00	(166,562.00)	0.00
<b>Total Revenues</b>	<b>27,381.84</b>	<b>27,381.84</b>	<b>867,001.00</b>	<b>(839,619.16)</b>	<b>3.16</b>
<b>Expenses</b>					
AA.1010.100.000 Town Board Personal Services	1,306.32	1,306.32	15,676.00	14,369.68	8.33
AA.1010.400.000 Town Board Contractual	0.00	0.00	1,200.00	1,200.00	0.00
AA.1110.100.000 Justices Personal Services	2,499.50	2,499.50	29,994.00	27,494.50	8.33
AA.1110.102.000 Justice Pers Svc, Clerk	1,953.13	1,953.13	26,322.00	24,368.87	7.42
AA.1110.200.000 Justice Equipment	0.00	0.00	600.00	600.00	0.00
AA.1110.400.000 Justices Contractual	0.00	0.00	14,150.00	14,150.00	0.00
AA.1220.100.000 Supervisor Personal Services	1,015.25	1,015.25	12,183.00	11,167.75	8.33
AA.1220.102.000 Deputy Supervisor Personal Services	129.50	129.50	1,554.00	1,424.50	8.33
AA.1220.103.000 Supervisor's Secretary Personal Services	410.54	410.54	8,913.00	8,502.46	4.61
AA.1220.400.000 Supervisor Contractual	0.00	0.00	5,000.00	5,000.00	0.00
AA.1310.400.000 Bookkeeper, Contr Expend	1,337.50	1,337.50	28,102.00	26,764.50	4.76
AA.1355.200.000 Assessor Equipment	0.00	0.00	200.00	200.00	0.00
AA.1355.400.000 Assessor Contractual	0.00	0.00	29,608.00	29,608.00	0.00
AA.1410.100.000 Town Clerk Personal Services	5,227.57	5,227.57	45,894.00	40,666.43	11.39
AA.1410.102.000 Deputy Town Clerk Personal Services	880.85	880.85	5,994.00	5,113.15	14.70
AA.1410.200.000 Town Clerk Equipment	0.00	0.00	500.00	500.00	0.00
AA.1410.400.000 Town Clerk Contractual	52.25	52.25	4,000.00	3,947.75	1.31
AA.1420.400.000 Attorney Contractual	0.00	0.00	5,000.00	5,000.00	0.00
AA.1420.401.000 Court Prosecutor	0.00	0.00	9,000.00	9,000.00	0.00
AA.1440.400.000 Engineer Contractual	0.00	0.00	2,500.00	2,500.00	0.00
AA.1450.400.000 Elections Contractual	0.00	0.00	5,200.00	5,200.00	0.00
AA.1460.400.000 Records Management Contractual	0.00	0.00	3,000.00	3,000.00	0.00
AA.1480.400.000 Public Info Services OARS Contractual	0.00	0.00	1,200.00	1,200.00	0.00
AA.1620.100.000 Buildings Personal Services	356.13	356.13	5,409.00	5,052.87	6.58

**Statement of Activity - MTD and YTD by Fund w/ Variance**  
**Town of Bergen**  
 For 1/31/2023

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
AA.1620.400.000 Building Operation Contractual	1,733.34	1,733.34	48,756.00	47,022.66	3.56
AA.1620.401.000 Building Operation Lease Fire Hall	0.00	0.00	19,753.00	19,753.00	0.00
AA.1660.400.000 Central Storeroom Contractual	0.00	0.00	500.00	500.00	0.00
AA.1670.400.000 Central Printing & Mailing Contractual	290.89	290.89	5,000.00	4,709.11	5.82
AA.1680.200.000 Computers Equipment	0.00	0.00	10,000.00	10,000.00	0.00
AA.1680.400.000 Computers Contractual	0.00	0.00	6,500.00	6,500.00	0.00
AA.1910.400.000 Unallocated Insurance	1,263.00	1,263.00	37,000.00	35,737.00	3.41
AA.1920.400.000 Municipal Association Dues	900.00	900.00	900.00	0.00	100.00
AA.1950.400.000 Taxes and Assessments on Property	0.00	0.00	6,500.00	6,500.00	0.00
AA.1990.400.000 Contingency	0.00	0.00	15,000.00	15,000.00	0.00
AA.3120.100.000 Constables Personnel Services	199.30	199.30	5,200.00	5,000.70	3.83
AA.3120.400.000 Constables Contractual	0.00	0.00	400.00	400.00	0.00
AA.3310.400.000 Traffic Control Contractual	0.00	0.00	7,500.00	7,500.00	0.00
AA.5010.100.000 Supt. of Highways Personal Services	7,995.01	7,995.01	70,190.00	62,194.99	11.39
AA.5010.102.000 Supt. of Highways, Pers Svc, Deputy	178.93	178.93	1,561.00	1,382.07	11.46
AA.5010.103.000 Supt. of Highways, Pers Svc, Clerk	266.00	266.00	10,400.00	10,134.00	2.56
AA.5010.200.000 Superintendent of Highways Equipment	0.00	0.00	1,500.00	1,500.00	0.00
AA.5010.400.000 Superintendent of Highways Contractual	200.00	200.00	1,000.00	800.00	20.00
AA.5132.400.000 Garage Contractual	1,066.94	1,066.94	40,000.00	38,933.06	2.67
AA.5182.400.000 Street Lighting Contractual	0.00	0.00	7,500.00	7,500.00	0.00
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	1,000.00	1,000.00	2,500.00	1,500.00	40.00
AA.7110.100.000 Parks Person Services	0.00	0.00	2,500.00	2,500.00	0.00
AA.7110.400.000 Parks Contractual	0.00	0.00	7,500.00	7,500.00	0.00
AA.7410.400.000 Library Contractual	7,071.80	7,071.80	74,499.00	67,427.20	9.49
AA.7510.100.000 Historian Personal Services	0.00	0.00	2,951.00	2,951.00	0.00
AA.7510.200.000 Historian Equipment	0.00	0.00	500.00	500.00	0.00
AA.7510.400.000 Historian Contractual	0.00	0.00	500.00	500.00	0.00
AA.7550.400.000 Celebrations Contractual	0.00	0.00	1,000.00	1,000.00	0.00
AA.8810.100.000 Cemetery Services	0.00	0.00	2,500.00	2,500.00	0.00
AA.8810.400.000 Cemetery Contractual	0.00	0.00	15,000.00	15,000.00	0.00
AA.9010.800.000 NYS Retirement	0.00	0.00	21,048.00	21,048.00	0.00
AA.9030.800.000 Social Security & Medicare	2,195.70	2,195.70	18,914.00	16,718.30	11.61
AA.9040.800.000 Worker's Compensation	2,894.00	2,894.00	7,564.00	4,670.00	38.26
AA.9055.800.000 Disability Insurance	0.00	0.00	150.00	150.00	0.00
AA.9060.800.000 Medical Insurance	5,567.88	5,567.88	30,000.00	24,432.12	18.56
AA.9720.600.000 Debt Principal Highway Garage	0.00	0.00	75,000.00	75,000.00	0.00
AA.9720.601.000 Debt Principal on Court/Town Offices	0.00	0.00	35,000.00	35,000.00	0.00
AA.9720.700.000 Interest on Debt Highway Garage	0.00	0.00	9,563.00	9,563.00	0.00
AA.9720.701.000 Interest on Debt Court/Town Offices	0.00	0.00	1,453.00	1,453.00	0.00
<b>Total Expenses</b>	<b>47,991.33</b>	<b>47,991.33</b>	<b>867,001.00</b>	<b>819,009.67</b>	<b>5.54</b>

Statement of Activity - MTD and YTD by Fund w/ Variance  
Town of Bergen  
For 1/31/2023

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
Excess Revenue Over (Under) Expenditures	\$ 20,609.49 \$	20,609.49 \$	0.00 \$	1,658,628.83 \$	0.00

**Statement of Activity - MTD and YTD by Fund w/ Variance**  
**Town of Bergen**  
**For 1/31/2023**

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
<b>Revenues</b>					
BB.1120.000.000 County Sales Tax Distribution	\$ 124,980.05	\$ 124,980.05	\$ 493,613.00	\$ (368,632.95)	25.32
BB.1170.000.000 Franchise Fees	0.00	0.00	24,500.00	(24,500.00)	0.00
BB.1560.000.000 Safety Inspection Fees	40.00	40.00	50.00	(10.00)	80.00
BB.2110.000.000 Zoning Fees	185.00	185.00	3,000.00	(2,815.00)	6.17
BB.2115.000.000 Planning Board Fees	0.00	0.00	400.00	(400.00)	0.00
BB.2401.000.000 Interest & Earnings	361.86	361.86	415.00	(53.14)	87.20
BB.5999.000.000 Unexpended Balance	0.00	0.00	100,000.00	(100,000.00)	0.00
<b>Total Revenues</b>	<b>125,566.91</b>	<b>125,566.91</b>	<b>621,978.00</b>	<b>(496,411.09)</b>	<b>20.19</b>
<b>Expenses</b>					
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	0.00	2,000.00	2,000.00	0.00
BB.1990.400.000 Contingency	0.00	0.00	10,000.00	10,000.00	0.00
BB.6772.400.000 Programs for the Aging Contractual	0.00	0.00	4,000.00	4,000.00	0.00
BB.7310.400.000 Youth Programs Contractual	0.00	0.00	4,500.00	4,500.00	0.00
BB.8010.100.000 Zoning Pers Svc	59.80	59.80	887.00	827.20	6.74
BB.8010.400.000 Zoning Contractual	0.00	0.00	1,240.00	1,240.00	0.00
BB.8020.100.000 Planning Personal Services	292.33	292.33	5,630.00	5,337.67	5.19
BB.8020.400.000 Planning Contractual	295.00	295.00	3,000.00	2,705.00	9.83
BB.8160.400.000 Refuse & Garbage Contractual	0.00	0.00	3,000.00	3,000.00	0.00
BB.8664.100.000 Code Enforcement Personnel Services	2,234.14	2,234.14	19,614.00	17,379.86	11.39
BB.8664.400.000 Code Enforcement Contractual	0.00	0.00	4,400.00	4,400.00	0.00
BB.9030.800.000 Social Security & Medicare	197.85	197.85	2,000.00	1,802.15	9.89
BB.9040.800.000 Workers Compensation	312.00	312.00	941.00	629.00	33.16
BB.9901.900.000 Interfund Transfers	0.00	0.00	558,766.00	558,766.00	0.00
<b>Total Expenses</b>	<b>3,391.12</b>	<b>3,391.12</b>	<b>621,978.00</b>	<b>618,586.88</b>	<b>0.55</b>
<b>Excess Revenue Over (Under) Expenditures</b>	<b>\$ (122,175.79)</b>	<b>\$ (122,175.79)</b>	<b>0.00</b>	<b>\$ 1,114,997.97</b>	<b>0.00</b>

**Statement of Activity - MTD and YTD by Fund w/ Variance**  
**Town of Bergen**  
 For 1/31/2023

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
<b>Revenues</b>					
DA.1001.000.000 Property Taxes	\$ 0.00	\$ 0.00	\$ 249,937.00	\$(249,937.00)	0.00
DA.2300.000.000 Services to Other Gov't	0.00	0.00	140,000.00	(140,000.00)	0.00
DA.2401.000.000 Interest & Earnings	357.38	357.38	500.00	(142.62)	71.48
DA.5999.000.000 Appropriated Fund Balance	0.00	0.00	107,400.00	(107,400.00)	0.00
<b>Total Revenues</b>	<b>357.38</b>	<b>357.38</b>	<b>497,837.00</b>	<b>(497,479.62)</b>	<b>0.07</b>
<b>Expenses</b>					
DA.5130.100.000 Machinery, Pers Serv	0.00	0.00	12,400.00	12,400.00	0.00
DA.5130.200.000 Machinery, Equip & Cap Outlay	0.00	0.00	125,000.00	125,000.00	0.00
DA.5130.400.000 Machinery, Contr Expend	527.69	527.69	35,000.00	34,472.31	1.51
DA.5140.100.000 Brush & Weeds, Pers Serv	0.00	0.00	12,149.00	12,149.00	0.00
DA.5140.400.000 Brush & Weeds, Contr Expend	0.00	0.00	1,500.00	1,500.00	0.00
DA.5142.100.000 Snow & Ice, Pers Serv	30,019.73	30,019.73	129,050.00	99,030.27	23.26
DA.5142.400.000 Snow & Ice, Contr Expend	0.00	0.00	103,500.00	103,500.00	0.00
DA.9010.800.000 NYS Retirement, Empl Bnfts	0.00	0.00	22,887.00	22,887.00	0.00
DA.9030.800.000 Social Security & Medicare, Empl Bnfts	2,210.13	2,210.13	11,731.00	9,520.87	18.84
DA.9040.800.000 Workers Compensation, Empl Bnfts	1,836.00	1,836.00	4,300.00	2,464.00	42.70
DA.9055.800.000 Disability Insurance, Empl Bnfts	0.00	0.00	150.00	150.00	0.00
DA.9060.800.000 Hospital & Medical (Dental) Ins, Empl Bnfts	8,687.76	8,687.76	40,170.00	31,482.24	21.63
<b>Total Expenses</b>	<b>43,281.31</b>	<b>43,281.31</b>	<b>497,837.00</b>	<b>454,555.69</b>	<b>8.69</b>
<b>Excess Revenue Over (Under) Expenditures</b>	<b>\$ 42,923.93</b>	<b>\$ 42,923.93</b>	<b>\$ 0.00</b>	<b>\$ 952,035.31</b>	<b>\$ 0.00</b>

**Statement of Activity - MTD and YTD by Fund w/ Variance**  
**Town of Bergen**  
**For 1/31/2023**

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
<b>Revenues</b>					
DB.2401.000.000 Interest & Earnings	\$ 463.65 \$	463.65 \$	0.00 \$	463.65 \$	0.00
DB.3501.000.000 Consolidated Highway Aid	0.00	0.00	63,521.00	(63,521.00)	0.00
DB.5031.000.000 Interfund Transfers	0.00	0.00	261,394.00	(261,394.00)	0.00
DB.5999.000.000 Unexpended Balance	0.00	0.00	50,000.00	(50,000.00)	0.00
<b>Total Revenues</b>	<b>463.65</b>	<b>463.65</b>	<b>374,915.00</b>	<b>(374,451.35)</b>	<b>0.12</b>
<b>Expenses</b>					
DB.5110.100.000 General Highway Repairs Personal Services	0.00	0.00	94,341.00	94,341.00	0.00
DB.5110.400.000 General Highway Repairs Contractual	0.00	0.00	93,500.00	93,500.00	0.00
DB.5112.200.000 Permanent Highway Improvements	0.00	0.00	63,521.00	63,521.00	0.00
DB.9010.800.000 NYS Retirement	0.00	0.00	14,080.00	14,080.00	0.00
DB.9030.800.000 Social Security & Medicare	0.00	0.00	7,217.00	7,217.00	0.00
DB.9040.800.000 Workers Compensation	1,127.00	1,127.00	6,900.00	5,773.00	16.33
DB.9055.800.000 Disability Insurance	0.00	0.00	120.00	120.00	0.00
DB.9060.800.000 Medical Insurance	5,324.74	5,324.74	25,045.00	19,720.26	21.26
DB.9785.600.000 Installment Purchase Debt, Principal	0.00	0.00	65,368.00	65,368.00	0.00
DB.9785.700.000 Installment Purchase Debt, Interest	0.00	0.00	4,823.00	4,823.00	0.00
<b>Total Expenses</b>	<b>6,451.74</b>	<b>6,451.74</b>	<b>374,915.00</b>	<b>368,463.26</b>	<b>1.72</b>
<b>Excess Revenue Over (Under) Expenditures</b>	<b>\$ 5,988.09 \$</b>	<b>5,988.09 \$</b>	<b>0.00 \$</b>	<b>742,914.61 \$</b>	<b>0.00</b>

**Statement of Activity - MTD and YTD by Fund w/ Variance**  
**Town of Bergen**  
**For 1/31/2023**

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
<b>Revenues</b>					
HH.2401.000.004 Interest & Earnings, Water Capital #4	\$ 152.90	152.90	0.00	\$ 152.90	0.00
HH.3089.000.004 NYS Grants	747,101.76	747,101.76	0.00	747,101.76	0.00
<b>Total Revenues</b>	<b>747,254.66</b>	<b>747,254.66</b>	<b>0.00</b>	<b>747,254.66</b>	<b>0.00</b>
<b>Expenses</b>					
HH.8340.200.004 Trans & Distr, Cap Outlay, Water #4	160,362.38	160,362.38	0.00	(160,362.38)	0.00
<b>Total Expenses</b>	<b>160,362.38</b>	<b>160,362.38</b>	<b>0.00</b>	<b>(160,362.38)</b>	<b>0.00</b>
<b>Excess Revenue Over (Under) Expenditures</b>	<b>\$ (586,892.28)</b>	<b>(586,892.28)</b>	<b>0.00</b>	<b>(907,617.04)</b>	<b>0.00</b>

**Statement of Activity - MTD and YTD by Fund w/ Variance**  
**Town of Bergen**  
**For 1/31/2023**

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
<b>Revenues</b>					
SW.1001.000.003 Real Property Taxes - Peachey Rd District 3	\$ 0.00	\$ 0.00	\$ 51,004.00	\$ (51,004.00)	0.00
SW.2401.000.003 Interest & Earnings	32.91	32.91	0.00	32.91	0.00
<b>Total Revenues</b>	<b>32.91</b>	<b>32.91</b>	<b>51,004.00</b>	<b>(50,971.09)</b>	<b>0.06</b>
<b>Expenses</b>					
SW.9720.600.003 Debt Principal, Install Bonds - Peachey Rd District 3	0.00	0.00	19,000.00	19,000.00	0.00
SW.9720.700.003 Debt Interest, Install Bonds - Peachey Rd District 3	0.00	0.00	30,004.00	30,004.00	0.00
SW.9950.900.003 Interfund Transfer	0.00	0.00	2,000.00	2,000.00	0.00
<b>Total Expenses</b>	<b>0.00</b>	<b>0.00</b>	<b>51,004.00</b>	<b>51,004.00</b>	<b>0.00</b>
<b>Excess Revenue Over (Under) Expenditures</b>	<b>\$ (32.91)</b>	<b>\$ (32.91)</b>	<b>\$ 0.00</b>	<b>\$ 101,975.09</b>	<b>\$ 0.00</b>



**Statement of Activity - MTD and YTD by Fund w/ Variance**  
**Town of Bergen**  
 For 1/31/2023

	M-T-D Actual	Y-T-D Actual	Annual Budget	Variance	Variance Percentage
<b>Revenues</b>					
SW.1001.000.004 Property Taxes	\$ 0.00	\$ 0.00	\$ 273,418.00	\$ (273,418.00)	0.00
SW.2140.001.004 Out of District User	1,927.74	1,927.74	0.00	1,927.74	0.00
SW.2401.000.004 Interest & Earnings	595.19	595.19	0.00	595.19	0.00
<b>Total Revenues</b>	<b>2,522.93</b>	<b>2,522.93</b>	<b>273,418.00</b>	<b>(270,895.07)</b>	<b>0.92</b>
<b>Expenses</b>					
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	159,908.00	159,908.00	0.00
SW.9950.900.004 Interfund Transfer	0.00	0.00	8,510.00	8,510.00	0.00
<b>Total Expenses</b>	<b>0.00</b>	<b>0.00</b>	<b>273,418.00</b>	<b>273,418.00</b>	<b>0.00</b>
<b>Excess Revenue Over (Under) Expenditures</b>	<b>\$ (2,522.93)</b>	<b>\$ (2,522.93)</b>	<b>\$ 0.00</b>	<b>\$ 544,313.07</b>	<b>0.00</b>

Account#	Account Description	Fee Description	Qty	Local Share
A1255	Clerk Fees	Certified Copies	15	150.00
		Mobile Home Park Application	2	880.00
	Conservation	Conservation	1	1.38
		<b>Sub-Total:</b>		
A2544	Dog Licensing	Female, Spayed	11	55.00
		Female, Unspayed	1	18.00
		Male, Neutered	17	85.00
		Male, Unneutered	1	18.00
	Senior Discount	Senior Discount	2	-6.00
		<b>Sub-Total:</b>		<b>\$170.00</b>
B2110	Building & Zoning	Building Permit	1	40.00
			<b>Sub-Total:</b>	<b>\$40.00</b>
<b>Total Local Shares Remitted:</b>				<b>\$1,241.38</b>
Amount paid to: NYS Ag. & Markets for spay/neuter program				34.00
Amount paid to: NYS Environmental Conservation				23.62
<b>Total State, County &amp; Local Revenues:</b>			<b>\$1,299.00</b>	<b>Total Non-Local Revenues:</b> <b>\$57.62</b>

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Michele M. Smith, Town Clerk, Town of Bergen during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

		<i>Michele M. Smith</i>	2/1/2023
_____ Supervisor	_____ Date	_____ Town Clerk	_____ Date

Town of Bergen

## Permit Monthly Report

01/01/2023--01/31/2023

Permit #	Issue Date	Owner	Permit Type	Property Location	Valuation	Amount
<b>January 2023</b>						
BP-0000-2023	01/05/2023	Patricia Lyons	Res-Generator	3 Hilltop Dr SBL#: 17.-1-16.11/AA	\$12,000.00	\$40.00
					<b>January 2023 Total:</b>	<b>\$40.00</b>
					<b>Reporting Period Total:</b>	<b>\$40.00</b>

# BERGEN HISTORIAN ANNUAL REPORT – 2022

## MUSEUM AND FACILITY REPAIRS / PROGRESS:

The Harford Museum upper level is in the continuing stages of upgrading to properly accommodate the “rustic” or agricultural part of the collection. All other artifacts deemed “sensitive materials” continue to be properly stored in the climate controlled office building for preservation. Restoration/preservation of the office building continues. The exterior of the office building was professionally caulked and painted.

## EXHIBITS / EVENTS:

### Exhibits - 2022:

Pioneer Life through the seasons was displayed starting in February 2022. This was a micro-exhibit that changed with the seasons. A traveling exhibit called, The North Bergen Maple Syrup Historical Project was well received at various local historical societies as well as the Holland Land Office. This exhibit is comprised of a talk and artifact displays.

### Events - 2022:

In July, we produced a weekly silent film series showing silent films from “Hollywood’s Golden Age” and were projected on screen inside of the museum. This was enjoyed by a weekly capacity crowd. The series was made possible by a grant that was applied for by the historian’s office, and awarded to the Bergen Historical Society. The museum complex hosted the annual Bergen Historical Society Family Picnic in August. Approximately 30 people attended, and small-group museum tours and talks were given.

Our Facebook page, “Harford Livery Museum” and affiliation with the Holland Land Office Museum served as a valuable aid in keeping the community and general public engaged this year. The Harford Museum/Bergen Historian’s Office also participated for the sixth time in the 21st annual “Wonderland of Trees” holiday gala at the Holland Land Office Museum in Batavia. The Town Historian created a Christmas tree depicting the “Frosty and Flannel” as part of the continued HLOM “Keeping Spirits Bright” theme at this year’s event. Through community outreach, we have secured ongoing volunteers to help with event planning, holiday themed decorating, and public relations. Our first ever Trick or Treat Open House was held on Halloween this year. Candy and hot cider was given out and was well received by the community. A “Selfie Backdrop” for both fall and Christmas seasons were created for the community to stop by and take a holiday themed photo.

## **ONGOING PROJECTS - 2022-23:**

The Harford Livery Museum interior exhibits will continue to undergo its transformation adding more to the exhibits. Display cases have been donated by the Holland Land Office Museum and more artifact displays are slated to be included. The tri-sided information panels consisting of various local historical topics will continue to be added. The Historian's office building located in the complex will also continue undergo interior improvements as well to accommodate the acquisition of the remaining collection from Stone Church. Inventory of artifacts from Stone Church Museum will continue. This process will be in accordance with the guidelines set forth by New York State.

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## **MUSEUM DONATIONS/ANNUAL BUDGET - 2022**

The Town Board appropriated its annual budget once again and is to be used on historical property, equipment, and supplies. The Holland Land Office Museum has once again made the donation of a display case.

## **GOALS-2023**

1. Seek more assistance from local media to aid in further interest in the Harford Museum Complex. The Holland Land Office Museum, The Batavian, and The Daily News publishing have been very supportive.

Online and social media outlets such as Facebook, and Tripadvisor will be utilized as well.

2. Continue to digitize inventory to better aid in preservation and input of data.

3. Continue to enlighten local schools and its teachers to the importance of local history and the materials available in the Bergen collections. The annual in-person 4th grade field trip by students to the Harford Museum will hopefully resume in 2023. In the meantime, we will once again to investigate interactive learning ideas and work with the 4<sup>th</sup> grade teachers.

4. Ongoing duties in the historical office are festival and event planning. Looking into more on-site programs as well as off-site fundraising events. Working in conjunction with the Bergen Historical Society on events is currently underway. Genealogist, Jodi Fisher has a great deal of experience in grant applications, and we will be exploring the various opportunities to secure funding for historic markers and archival supplies.

5. Continue to attend informative meetings/workshops provided by the Genesee County Historian's Agencies.

6. Continue exhibit transformation or additions on the Harford Livery & Museum Complex. Also, continue to look into the addition of a new support organization for the Harford Museum.

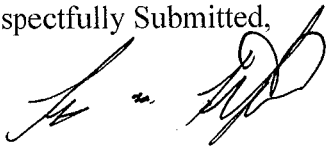
7. The Town Historian continues to have a strong relationship with HLOM, and continues to utilize this relationship to promote Bergen's historical attributes as well.

### **ACHIEVEMENTS 2022:**

After many previous discussions, grant applications, and budgetary issues, it was decided to start a fundraising campaign for a handicap accessible lift for the historian's office. Volunteers and myself contacted many local businesses asking for donations to purchase a lift. Within 3 weeks, we met our goal as not only monies were raised, but The Crossroads House made the generous donation of a lift. Monetary donations will help fund the installation. The Bergen Historical Society has also been supportive in this accomplishment. The purchase and installation by the Town of Bergen of a utility shed was also a major asset to the museum complex. This desperately needed space will aid in the need of storage of large items, display aids, and seasonal display items. Its addition has eased the stress of an already limited space facility.

As Bergen Town Historian, I enjoy working with the Bergen community, the Genesee County Historians, and the Town Board of Bergen. All of their support and interest in preserving our local history is always greatly appreciated.

Respectfully Submitted,



Thomas M. Tiefel – Bergen Town Historian  
December 31, 2021



**Mark Meyerhofer**  
Senior Director  
Government Affairs

January 30, 2023

Re: Charter Communications Notification

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Dear Municipal Official:

This letter will serve as notice that on or around March 1, 2023, Spectrum Northeast, LLC ("Spectrum"), will launch Stellar TV in high definition on SPP Select, channel 178, 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

January 5, 2023

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

**RE: TOWN OF BERGEN WIBA No. 1 - ENGINEERING AMENDMENT No. 4  
MRB GROUP PROJECT No. 0202.18003.000**

Dear Ernie and Town Board Members:

We have enclosed for your review and approval, three (3) copies of Engineering Amendment No. 4 for the above referenced Project. This amendment consists of the following item:

1. **Resident Project Representation Services:** *Additional Resident Project Representation (RPR) Services are required as a result of Contract B (Fineline Pipeline) schedule for completion of their watermain project, including installation of water main, installation of water services, correction of punch list items, final restoration and other miscellaneous items to be completed by the Contractor.*

*In accordance with the Engineering Services Agreement, Resident Project Representation Services are invoiced on an "hourly basis as incurred" since the completion of our services associated with this task is based upon the Contractor's pace of work and project schedule.*

**This Engineering Amendment includes an additional estimated amount \$29,954 of Resident Project Representation Services (on an hourly basis as incurred), beyond the original amount allocated for Resident Project Representation Services. We have attached a Summary of Resident Project Representative Costs dated January 5, 2023 which itemizes the hours and expenses already billed and includes an estimate of remaining hours and expenses.**

In accordance with the Engineering Agreement dated April 23, 2019 we had estimated the Resident Project Representation Services to be \$227,500 (which included an estimated 2,600 hours @ \$85/per hour plus an estimated amount of \$6,500 for mileage



reimbursement). The estimated hours included in the Engineering Agreement was nearly 3 years before construction actually began.

As of December 31, 2022, MRB Group Resident Project Representation has accumulated 2,609 hours, including 44.50 hours of overtime due to the Contractors work schedule (both Contractors).

The MRB Group Hourly Billing Rate for our Resident Project Representative increased from \$85/hour to \$90/hour in 2022. In accordance with the Engineering Agreement, the billing rates for Resident Project Representation Services is subject to annual adjustments.

In accordance with the Engineering Agreement, the Basic Services (Design Services, Bidding Phase Services, Construction Administration Services, etc.) are provided on a LUMP SUM Basis and no request for additional fees are requested at this time. It should be noted that Exhibit C; Article 2; Paragraph 2.01;B provides for an adjustment of the Basic Fees if the work is not completed within twenty-four (24) months from the date of the Agreement. We have been working diligently with you and the Town Board over the past several years to complete this project within your budget and time frame. **We are expending approximately \$7,200 per month of additional Construction Administration Services as long as the Contract B is not completed. We have not been billing the Town of Bergen for this additional Construction Administration time.**

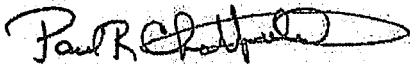
Based upon previous conversations with Chuck Krueger from Fineline Pipeline around October 21, 2022 he indicated that they would be complete with all work by Thanksgiving, which is what we based our estimate of being able to complete the Resident Project Representation Services within the original budget (as outlined in my October 24, 2022 email to you). Work was NOT completed by Thanksgiving by Fineline, in fact work is continuing as we write this letter. We requested an updated schedule from Chuck Krueger again on January 3, 2023 and according to him "Fineline will be finishing up the grading on the east end of Route 33 and completing punch list items, will work on completing the Dublin Road CSX Railroad boring next week, testing and chlorinating the week of January 16, 2023 and as soon as the weather breaks in the spring, spend about 3 weeks of fine grading the lawns, seeding and any final punch list items".

We have also attached a copy of the "Budget Report" (Form E No. 10 dated June 13, 2019) for your use.

**Upon your review, please sign and return two (2) copies of the Amendment No. 4 - Exhibit K to our office for further processing with USDA RD.**

Upon your review, should you have any questions, please do not hesitate to call.

Sincerely,



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Paul R. Chatfield, P.E.  
Senior Project Manager

\\mrbgroup.prv\NewProjects\0202.18003.000\Engineering Agreement\Haywood03 Eng. Amendment No. 4.docx

Copies by Email Only to:

- Michele Smith, Town Clerk (w/Enc.)
- Mike Johnson, Highway Superintendent (w/Enc.)
- Barbara Johnston, Labella (w/Enc.)
- John Helgren, P.E., USDA Rural Development (w/Enc.)

Enc.

- Summary of Resident Project Representative Costs dated January 5, 2023
- Amendment No 4 - Exhibit K (3 copies)
- Budget Summary Report #10

**Stephen J. Ferry Jr.**  
**Supervisor**  
**Town of Darien**  
10569 Alleghany Road  
Darien Center, NY 14040  
(585)547-2274 ext. 1028 TDD 1-800-662-1220  
Fax: 585-547-3331

February 9, 2023

To: Genesee Town Boards, Village Trustees, City of Batavia, and County Legislators

This letter is presented to open the discussion on sales tax collected and distributed in Genesee County. Prior to 2018, the distribution formula for sales tax was 50% to the County of Genesee, 16% to the City of Batavia, and 34% to the Towns and Villages. This formula was used for each year of the contract based on sales tax collected. The Towns and Villages were distributed an amount based on the taxable assessed value formula. This prior Agreement with modifications was in effect for over 40 years.

As a change of Legislators occurred, a new direction in developing revenues for the county came to fruition, the agreement was eliminated. In 2019, a new 40-year agreement was entered into by the City of Batavia and the County of Genesee with no input from Towns or Villages (Contract enclosed with amendments), this contract (see pages 2 & 3) has built-in escalation clauses capped at a 2% rise and a decrease clause capped at 14% of total revenue collected the prior year. The Towns and Villages received nothing in this original contract and a revenue-sharing plan was instituted. This plan was later scrapped due to legal issues. An amendment to the City/County contract was established with only those two parties signing. Again, with this newly signed contract, no negotiations were held with Town or Village representation, and there were no signatures from Town & Village representation on this agreement. The City and County agreed to distribute \$10 million based on the assessed value formula to the Towns and Villages.

This contract uses a starting point for the City sales tax formula based on 2018 revenues in the amount of \$6,745,957. In comparison, the amount Towns and Villages received in 2018 was \$14,335,643 which is a loss of revenue of \$4,335,643 for Towns and Villages. The explanation from County representatives on the rework of sales tax distributions has been that they need to share with a city but not with towns and villages, also theorizing that the money gained in this revenue shift was needed to fund the new county jail, the ongoing phase 2 water project, and county roads & bridges. The plan of the Legislators was to not raise county property taxes to accomplish their goals. The burden to make up the difference in revenue was then shifted to the towns and villages.

Towns and villages do not have taxing abilities other than through a property tax. Due to this increased burden and very few ways for towns and villages to obtain revenue, they have had to increase their property taxes. Another option towns and villages have to

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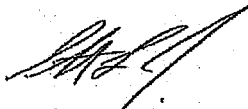
receive revenue is through community benefit packages when new development happens in their communities.

This new City/County contract created additional problems; one being the revenue to towns and villages from sales tax revenue is stagnant for 40 years, and another problem is there is no way to share extra revenue with the towns and villages. Based on the latest census and Mike Pettinella's article "Treasurer: Gas prices fueling sales tax revenue increase" from The Batavian on March 17, 2022, the revenue shared with the City of Batavia residents equates to \$441 per person, while the Town and Village residents receive \$241 per person. The Genesee County Legislature created this colossal inequity between City residents and Town/Village residents. To blame the State for this situation would be irresponsible.

The significance of the disparity between County residents is substantial. The County residents outside of the city are paying (through the loss of revenue at a rate of approximately \$137/resident) more for the new jail, phase 2 water, and road & bridge development. This plan was developed and presented to towns and villages with no thought of the end result other than to grab extra revenue. The same results could have been accomplished in an extra 0.25% sales tax increase or a countywide property tax increase of \$0.28 per thousand which would be a more equal tax on residents than the current burden on town and village residents.

Sales tax collection in Genesee County increased by another \$5,000,000 from 2021 to 2022 in accordance with the Office of the NYS Comptroller's report on Local Sales Tax Collection. We are at a juncture and need to have meaningful discussions and negotiations as equal partners on revenue distributions for the present and the future of our communities.

Sincerely,



Stephen Ferry, Jr.  
Town Supervisor  
Town of Darien

In the Matter  
of the

Agreement between the County of Genesee and the City of Batavia in relation to the allocation and distribution of moneys collected from the sales and compensating use taxes imposed pursuant to Articles 28 and 29 of the Tax Law

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WHEREAS, subdivision c of section 1262 of the Tax Law provides that sales and compensating use taxes (hereinafter "sales tax") imposed by a county and not set aside for county purposes or educational purposes shall be allocated quarterly to the cities and the area in the county outside the cities in proportion to their respective populations, or in such other proportion as may be agreed upon by the elective governing body of the county and of each of the cities in the county with the approval of the State Comptroller; and

WHEREAS, effective June 29, 2017, chapter 61, part A, subpart R, of the Laws of 2017 extended the authorization for the County of Genesee (hereinafter "County") to impose the County sales tax at a rate which is one percent additional to the three percent authorized for the County through November 30, 2020; and

WHEREAS, pursuant to section 1262-u of the Tax Law, as added by chapter 405 of the laws of 2019, the County is authorized to enter into an agreement with the City of Batavia (hereinafter "City") pursuant to subdivision c of section 1262 of the Tax Law for a term not to exceed forty years; and

WHEREAS, the County and the City have entered into an agreement (hereinafter "Agreement"), dated October 29, 2019, providing for allocation and distribution of the County

sales tax imposed for the period commencing January 1, 2020, and ending December 31, 2059;  
and

WHEREAS, the County Legislature, by Resolution No. 51, adopted on February 13, 2019, authorized the Chairman of the Legislature to execute the Agreement; and

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WHEREAS, the City Council, by Resolution No. 131-2019, adopted on December 9, 2019, ratified the execution of the Agreement by the President of the City Council; and

WHEREAS, the undersigned has duly examined the Agreement and has made inquiry into the facts in relation thereto;

NOW, THEREFORE, pursuant to such examination and inquiry the undersigned does hereby FIND and DETERMINE that the Agreement provides for the allocation of sales taxes imposed by the County for the period beginning January 1, 2020, and ending December 31, 2059 as follows:

1. The County shall pay the City as follows:
  - (a) in the event that the annual total countywide sales tax net collections increases in any amount as compared to the immediate preceding year, the amount allocated to the City shall be calculated as follows: 1) calculate the County's total percentage increase in countywide sales tax net collections, then 2) multiply the total dollar amount of the sales tax allocation payment made to the City by the County in the immediate preceding year, times this calculated percentage increase, then 3) add this product to the total dollar sales tax allocation payment amount received by the City in the immediate preceding year; provided that the City's total dollar sales tax allocation payment amount shall not increase compared to the immediate preceding year by an

amount that exceeds 2.0% in any given year, except as otherwise set forth below.

- (b) in the event that the annual total countywide sales tax net collections decreases in any amount as compared to the immediate preceding year, the amount allocated to the City shall be calculated as follows: 1) calculate the County's total percentage ~~decrease in countywide sales tax net collections, then 2) multiply the total dollar~~ amount of the sales tax allocation payment made to the City by the County in the immediate preceding year, times this calculated percentage decrease, then 3) subtract this product from the total dollar sales tax allocation payment amount received by the City in the immediate preceding year; provided that there shall be no maximum cap in the percentage decrease of the City's total dollar sales tax allocation payment amount in any given year, except as otherwise set forth below.
- (c) notwithstanding paragraphs 1(a) and 1(b) above, in any given year, the total dollar sales tax allocation payment amount to the City shall not be less than 14.0% of the total dollar amount of the sales tax net collections received countywide by the County in that same year.
- (d) notwithstanding paragraphs 1(a) and 1(b) above, for the calculations for 2020 only, the City's base year of 2018 shall be used in place of the immediate preceding year of 2019. The City's base year of 2018 will be calculated using the previous contract allocation of 16% of sales tax net collections received countywide in the calendar year of January 1, 2018 through December 31, 2018.

2. All of the countywide sales tax net collections not allocated to the City as set forth in paragraph 1 above shall be set aside for County purposes.

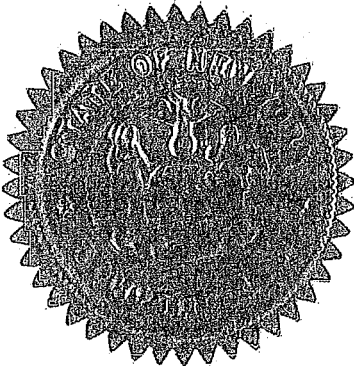
3. None of the countywide sales tax net collections shall be allocated to the area of the

County outside of the City.

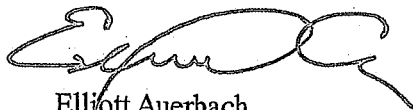
NOW, THEREFORE, I, THOMAS P. DINAPOLI, Comptroller of the State of New York, do hereby approve the allocation, between the City of Batavia and the area of the County of Genesee outside such City, of the sales tax imposed by the County for the period beginning ~~January 1, 2020, and ending December 31, 2059, and not set aside for county purposes or~~ educational purposes, as provided for in the Agreement between the County and the City dated October 29, 2019. Any amendment or modification of the Agreement affecting the allocation between the City and the area of the County outside the City of the sales tax imposed by the County, or any renewal or extension of that Agreement, shall be subject to the approval of the State Comptroller.

This approval relates only to the allocation between the City of Batavia and the area of the County of Genesee outside such City of the sales tax imposed by the County and not set aside for county purposes or educational purposes as provided for in the Agreement. This approval does not constitute an approval, or opinion as to either the legality or effect, of any other matter.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Comptroller of the State of New York, at the City of Albany, New York, this 23<sup>rd</sup> day of December, 2019.



THOMAS P. DINAPOLI  
State Comptroller

By   
Elliott Auerbach  
Deputy Comptroller



February 7, 2023

Ernest Haywood, Town Supervisor  
Town of Bergen  
10 Hunter Street  
Bergen, NY 14416

**RE: PROPOSAL FOR PROFESSIONAL SERVICES  
PARKS GRANT APPLICATION DEVELOPMENT—TOWN OF BERGEN**

Dear Ernie:

Bergen has established itself as a community with an unmatched quality of life, bolstered by your commitment to sound planning and programming of parks and open spaces. The Town seeks to continue its investment strategy in park amenities with support from the New York State Consolidated Funding Application and the Environmental Protection Fund's parks program.

## **I. Background**

The Environmental Protection Fund provides up to \$500,000 per project to a maximum of 50% of total project costs. The Town has identified a range of potential projects, of which a subset can be combined to create a competitive grant application. This proposal is based on requirements from the 2022 CFA EPF grant guidance, assuming the 2023 guidance will hold similar requirements when it is released.

MRB Group's local government services team is prepared to support the Town in scoping the potential grant application, and completing application requirements for submittal as part of the FY23 Consolidated Funding Application. This includes the following project components:

### **A. Project Scoping**

Our team will work with Town staff to compile information on park project components that can be combined to create an application. We will rely on the Town team to provide project scope information and potential costs for application elements.

- B. Application Development  
With the information provided by the Town, our team will complete standard CFA questions, develop program specific information, budgets, schedules, and other information necessary to comply with the project application template. This will be completed in advance of the July CFA deadline.

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**II. Scope of Services and Compensation**

To affect the above-referenced project components, the following scope is anticipated:

- A. Project Scoping and Application Development  
MRB Group will work with the Town's management staff to complete the following application activities:
  1. Project Identification and Scoping: We will take direction from Town staff on project elements, their scope details, and anticipated budgeted costs based on Town provided information
  2. Assist with agency communication about the project and application
  3. Demonstration of Community Impact
  4. Alignment with Commissioner Priorities
  5. Status of Environmental Quality Review (SEQR Determination not included)
  6. Assembly of Photos, Site Plans, and Maps (items to be developed by the Town and integrated into the application by MRB Group)
  7. Alignment with Local, Regional, and State plans
  8. Assembly of supporting documentation

**Total Compensation ..... \$7,500.00**

*The cost figures shown above represent our lump sum amount. Any additional work beyond this fee and outside the scope of this proposal would be reviewed with the Client. MRB Group shall submit monthly statements for services rendered during each invoicing period based on the efforts performed during that period. MRB Group Standard Rates are subject to annual adjustment.*

**III. Additional Services**

The following items, not included in the above services can be provided on a personnel time-charge basis, but would only be performed upon receipt of your authorization.

- A. Conceptual Site Plan and Final Site Design
- B. ~~SEQR Environmental Review~~
- C. Final Cost Estimate
- D. Grant Administration

**IV. Commencement of Work**

Upon receipt of the signed proposal, MRB Group will begin work on the project. Applications should be announced at the beginning of May and are normally due by the end of July. In order to advance the application, an approved proposal must be returned by June 6, 2023.


**V. Standard Terms and Conditions**

Attached hereto and made part of this Agreement is MRB Group's *Standard Terms and Conditions*.

If this proposal is acceptable to you, please sign where indicated and return one copy to our office. We have included an additional copy for your records. Thank you for your consideration of our firm. We look forward to working with you on this project.

Sincerely,

  
Paul R. Chatfield, P.E.  
Senior Project Manager

  
James J. Oberst, P.E.  
Executive Vice President/C.O.O.

J:\630006\Ltrs-Proposals\2023\prc - Bergen Parks Grant Writing 2023.docx

**PROPOSAL ACCEPTED FOR THE TOWN OF BERGEN BY:**

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Title*

\_\_\_\_\_  
*Date*

**MRB GROUP, ENGINEERING, ARCHITECTURE, SURVEYING, D.P.C.  
AGREEMENT FOR PROFESSIONAL SERVICES  
STANDARD TERMS AND CONDITIONS**

**A. TERMINATION**

This Agreement may be terminated by either party with seven days' written notice in the event of ~~substantial failure to perform in accordance with the terms hereof by one party through no fault of the~~ other party. If this Agreement is so terminated, the Professional Services Organization (hereinafter referred to as P.S.O.) shall be paid for services performed on the basis of his reasonable estimate for the portion of work completed prior to termination. In the event of any termination, the P.S.O. shall be paid all terminal expenses resulting therefrom, plus payment for additional services then due. Any primary payment made shall be credited toward any terminal payment due the P.S.O. If, prior to termination of this Agreement, any work designed or specified by the P.S.O. during any phase of the work is abandoned, after written notice from the client, the P.S.O. shall be paid for services performed on account of it prior to receipt of such notice from the client.

**B. OWNERSHIP OF DOCUMENTS**

All reports, drawings, specifications, computer files, field data and other documents prepared by the P.S.O. are instruments of service and shall remain the property of the P.S.O. The client shall not reuse or make any modification to the instruments of service without the written permission of the P.S.O. The client agrees to defend, indemnify and hold harmless the P.S.O. from all claims, damages, liabilities and costs, including attorneys' fees, arising from reuse or modification of the instruments of service by the client or any person or entity that acquires or obtains the instruments of service from or through the client.

**C. ESTIMATES**

Since the P.S.O. has no control over the cost of labor and materials, or over competitive bidding and market conditions, the estimates of construction cost provided for herein are to be made on the basis of his experience and qualifications, but the P.S.O. does not guarantee the accuracy of such estimates as compared to the Contractor's bid or the project construction cost.

**D. INSURANCE**

The P.S.O. agrees to procure and maintain insurance at the P.S.O.'s expense, such insurance as will protect him and the client from claims under the Workmen's Compensation Act and from claims for bodily injury, death or property damage which may arise from the negligent performance by the P.S.O. or his representative.

**E. INDEPENDENT CONTRACTOR**

The P.S.O. agrees that in accordance with its status as an independent contractor, it will conduct itself with such status, that it will neither hold itself out as nor claim to be an officer or employee of the client, by reason hereof, and that it will not by reason hereof make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the client, including, but not limited to, Workmen's Compensation coverage, unemployment insurance benefits or Social Security coverage.

**F. SUCCESSORS AND ASSIGNS**

The client and the P.S.O. each binds himself and his partners, successors, executors, administrators and assigns to the other party of this Agreement and to the partners, successors, executors, administrators and assigns of such other party, in respect to all covenants of this Agreement; except as above, neither the client nor the P.S.O. shall assign, submit or transfer his interest in this Agreement without the written consent of the other.

**G. P.S.O. NOT RESPONSIBLE FOR SAFETY PROVISIONS**

~~The P.S.O. is not responsible for construction means, methods, techniques, sequences or procedures, time of performance, programs, or for any safety precautions in connection with the construction work. The P.S.O. is not responsible for the Contractor's failure to execute the work in accordance with the Contract Drawings and/or Specifications.~~

**H. INVOICES AND PAYMENT**

Client will pay MRB Group, Engineering, Architecture, Surveying, D.P.C. for services in respect of the period during which Services are performed in accordance with the fee structure and work estimate set forth in the proposal. Invoices will be submitted on a periodic basis, or upon completion of Services, as indicated in the proposal or contract. All invoices are due upon receipt. Any invoice remaining unpaid after 30 days will bear interest from such date at 1.5 percent per month or at the maximum lawful interest rate, if such lawful rate is less than 1.5 percent per month. If client fails to pay any invoice when due, MRB may, at any time, and without waiving any other rights or claims against Client and without thereby incurring any liability to Client, elect to terminate performance of Services upon ten (10) days prior written notice by MRB to client. Notwithstanding any termination of Services by MRB for non-payment of Invoices, Client shall pay MRB in full for all Services rendered by MRB to the date of termination of Services plus all interest and termination costs and expenses incurred by MRB that are related to such termination. Client shall be liable to reimburse MRB for all costs and expenses of collection, including reasonable attorney's fees.

**I. FEES REQUIRED FROM JURISDICTIONAL AGENCIES**

MRB Group, D.P.C. is not responsible for nor does the Compensation Schedule established in the Agreement include fees or payments required of jurisdictional agencies. The client herein agrees to pay all application, entrance, recording and/or service fees required by said agencies.

**J. P.S.O. NOT AN EMPLOYEE**

The P.S.O. agrees not to hold himself out as an officer, employee or agent of the Owner, nor shall he make any claim against the Owner as an officer, employee or agent thereof for such benefits accruing to said officers, employees or agents.

**K. INDEMNITY**

The Owner will require any Contractor and Subcontractors performing the work to hold it harmless and indemnify and defend the Owner and P.S.O., their officers, employees and agents from all claims resulting from the Contractor's negligence in the performance of the work.