

**Special Meeting
Of the Board of Trustees
Of the Village of Bergen at
6:30pm on September 4th, 2019**

The regular meeting of the Board of Trustees was called to order by Mayor Barclay at 6:30pm with the following present:

Trustee Vickie Almquist
Trustee Kevin Donovan
Trustee Robert Fedele
Trustee Emily VanEenwyk

Also present was Village Administrator Cortney Gale.

Approval of Bills

A motion to approve the bills was made by Trustee Fedele and seconded by Trustee Almquist. The motion was carried by a unanimous vote.

Privilege of the Floor

None

Trustee Concerns

Trustee Donovan would like updates regarding issues discussed in Executive Session.

New Business

Resolution 10 of 2019 – Bond Resolution

A BOND RESOLUTION, DATED SEPTEMBER 4, 2019, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF BERGEN, GENESEE COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING A SEWER SYSTEM CAPITAL IMPROVEMENTS PROJECT, AT AN ESTIMATED MAXIMUM COST OF \$1,044,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,044,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

WHEREAS, the Village Board of Trustees of the Village of Bergen, in the County of Genesee, New York (the “Village”) desires to undertake a capital improvements project for the reconstruction of and construction of improvements to the Village Sewer System; and

WHEREAS, the Village intends to apply for grants from Federal and New York State agencies.

NOW THEREFORE,

BE IT RESOLVED, by the Village Board of Trustees (by the favorable vote of not less than two-thirds of all the members of the Board of Trustees) as follows:

SECTION 1. The Village is hereby authorized to undertake a certain sewer system capital improvements project, primarily within the sanitary sewer collection system, such work to generally consist of (but not be limited to) the inspection of sewer mains, replacement of manholes, replacement of various equipment and the construction of new enclosures at the Village's pump stations and the installation of new equipment at the wastewater treatment facility, as well as other improvements as more fully identified in (or contemplated by) an engineering report prepared by Clark Patterson Lee, and including all preliminary work and necessary equipment, materials, and related site work and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$1,044,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds of the Village in an aggregate principal amount not to exceed \$1,044,000, hereby authorized to be issued therefore pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvements is to be paid by the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the Purpose is a class of objects or purposes described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. Without in any way limiting the scope of the foregoing delegation of powers, the Village Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Village.

SECTION 8. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Village then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Village of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such

bonds). This resolution shall constitute the declaration (or reaffirmation) of the Village's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Village hereby determined that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

SECTION 12. To the extent applicable, the Village Treasurer is hereby authorized to execute and deliver in the name and on behalf of the Village a project financing agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "Project Financing Agreement"). To the extent applicable, the Village Treasurer and the Village Clerk and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 13. In the absence or unavailability of the Village Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the Village Treasurer in this resolution.

SECTION 14. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 15. This Resolution is subject to permissive referendum pursuant to Section 36.00 of the Local Finance Law. The Village Clerk is hereby authorized and directed to publish (one time) and post (in at least six conspicuous public places within the Village and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 16. If no petitions are filed in the permissive referendum period, the Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Village and hereby designated as the official newspaper of the Village for such publication.

A motion was made by Trustee Fedele and seconded by Trustee Donovan to approve the Resolution 10 of 2019. The motion was passed by a unanimous vote.

Resolution 11 of 2019 – SEQR For Bond Resolution

WHEREAS, the Village of Bergen Board (“Village”) has determined that it is appropriate to apply for grant funding to assist in the financing of the various capital improvement projects; and

WHEREAS, the capital improvements, known as the (“Project”), being considered includes repairs to the Village of Bergen's collection system, pump stations, and wastewater treatment plant to maintain water quality in Black Creek; and

WHEREAS, pursuant to the requirements of the State Environmental Quality Review Act (“SEQRA”), the Village must consider pursuant to criteria set forth in SEQRA the environmental implications of the Project; and

WHEREAS, certain actions are classified under SEQRA as Type II actions; and

WHEREAS, Type II actions are those actions, or classes of actions, which have been found categorically to not have significant adverse impacts on the environment, or actions that have been statutorily exempted from SEQRA review, and Type II actions do not require preparation of an Environmental Assessment Form, a negative or positive declaration, or an Environmental Impact Statement; and

WHEREAS, Type II actions do not require any further SEQRA review; and

WHEREAS, the Village has considered under SEQRA the environmental impact of which will be separately considered, and finds that each of the actions meets the requirement for a Type II action; and

WHEREAS, pursuant to 6 NYCRR Section 617.5 (c), the Project is determined to be Type II actions because they involve the following requiring no further review by the Village:

617.5 (c) (1) maintenance or repair involving no substantial changes in an existing structure or facility;

617.5 (c) (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4;

617.5 (c) (5) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;

617.5 (c) (7) construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;

617.5 (c) (11) extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE BOARD OF BERGEN, NEW YORK AS FOLLOWS:

1. The Project discussed above hereby is determined to constitute SEQRA Type II Actions as defined under said regulation and do not require an environmental impact statement or any other determination or procedure.
2. The Village hereby authorizes the preparation and submittal of such grant applications to the Environmental Facilities Corporation as may be deemed necessary to obtain assistance in funding the subject projects.

Resolution 12 of 2019

**A RESOLUTION APPROVING BUILDING AND PLANNING FEE
WAIVER FOR MAIN STREET GRANT PARTICIPANTS**

WHEREAS, the Village of Bergen received the New York State Main Street Program Grant and desires to help Main Street Grant participants with costs associated with remodeling;

WHEREAS, the Village believes that a temporary waiver of building permit fees will help to stimulate the revitalization goals of the historic downtown area;

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF BERGEN AS FOLLOWS:

Certain building permit fees, set forth below, shall be waived for New York Main Street Grant participants for the period of time that Village of Bergen’s New York Main Street Grant Program is active.

Sign Permits	\$50
Fence	\$25
Structural Alteration Permits (w/o adding sq. ft.)	
Residential	\$100
Commercial	\$200
Additions, & Remodeling (Including Structural Alterations)	
Residential	\$100
Commercial up to 500 sq. ft.	\$100
Planning and Zoning Board	
Long form SEQR	Actual cost
Site Plan Review	\$200
Special Use Permit	\$200

A motion was made by Trustee Almquist and seconded by Trustee Fedele to approve Resolution 12 of 2019. The motion was carried by the following vote:

- Trustee Vickie Almquist - Aye
- Trustee Kevin Donovan - Aye
- Trustee Robert Fedele - Aye
- Trustee Emily VanEenwyk - Aye
- Mayor Barclay - Abstain

Old Business

Zoning Law Update

Mayor Barclay discussed with the Board updating the Zoning Law and plan to hire Barton & Loguidice to revise the law. The Board previously discussed paying up to \$25,000 this budget year. An official vote for the approval of the expenditure should be made.

A motion was made by Trustee Almquist and seconded by Trustee Fedele to approve the expenditure of up to \$25,000 in the 2019-2020 fiscal year to revise the Village of Bergen Zoning Law. The motion was approved by a unanimous vote.

Adjournment

A motion was made by Trustee Donovan and seconded by Trustee Fedele to adjourn the meeting. The motion was carried by a unanimous vote:

The meeting was adjourned at 7:00pm

Respectfully submitted,

Cortney W. Gale
Village Administrator