

**Regular Meeting
Of the Board of Trustees
Of the Village of Bergen at
6:30pm on June 8th, 2022**

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

Trustee Michael Fleming
Trustee Emily Marble
Trustee Paul Robinson
Trustee George Sardou

Also present: Village Administrator Cortney Gale, Duane Janas, Grace Gallivan, Robin Day, Barb Zinter and John Zinter.

Approval of Bills

A motion to approve the bills was made by Trustee Fleming and seconded by Trustee Robinson. The motion was carried by the following vote:

Trustee Michael Fleming - aye
Trustee Emily Marble - aye
Trustee Paul Robinson - aye
Trustee George Sardou - abstain

Approval of Minutes

A motion to approve the meeting minutes of May 11th, 2022, was made by Trustee Robinson and seconded by Trustee Fleming. The motion was carried by a unanimous vote.

Mayor

Grants

- **ARPA**-American Rescue Plan Act- The administrator and I met with architect Maria Mazurek of Clark-Patterson-Lee (CPL) on May 20 to discuss proposed Hickory Park restroom facilities. Maria is comparing cost of a prefab building vs. constructing a new building or possibly renovating the old structure with some modifications. We await the cost projections for each option before moving forward with this project.
- **GVR**-Genesee Valley Rural Revitalization Grant (Tulley building brick restoration). We are awaiting notification.
- **Consolidated Funding Application**- \$50,000 planning grant which addresses inflow and infiltration, Clark-Patterson-Lee (CPL) is writing and will submit the grant on the Village's behalf at no cost to the Village of Bergen by July 29th

Meetings

- May 12 Staff Meetings
- May 15 Attended open house to honor the Hometown Heroes in attendance and their banners held at the American Legion Post 575
- May 18 Staff Meetings
- May 25 Conference meeting with Eric Wies to discuss CFA grants.
- May 26 Attended New York Municipal Power Agency (NYMPA) 25th annual conference in Syracuse N.Y.

- June 1 Staff Meetings
- June 7 Met with Byron Bergen High School Superintendent Patrick McGee and school resource officer (SRO) of the Genesee County Sheriff's department to discuss scheduling of patrols in the village.
- June 8 Staff Meetings

Miscellaneous

- Cleanup of Hickory Park including staining of picnic tables, staining the bridges in Hartland Park, first coat of paint on the office building at the sewer plant, picking up debris along roadsides and power washing the DPW quonset hut have been completed. The painting of the quonset is scheduled to begin. All these projects are being completed at no cost of labor by individuals assigned by Genesee Justice.
- DOT came out and placed a barrel with a flashing light over a catch basin that was caving in at the intersection of Rochester Street and Rt. 19. They informed me the Village is responsible for the repair, a metal plate was placed over the damaged area. Restoration should be complete the week of June 12th.
- Two solar powered LED speed display signs have been ordered. These units will be installed on Rochester Street upon arrival.
- Larger 30 MPH speed signs are being ordered through the Genesee County Highway Dept. These will replace the existing signs on Buffalo Road.
- DOT currently compiling a response letter pertaining to safety issues at the intersection of Rt. 19 and Rochester and Buffalo Streets

Sewer

- WWTP has been operating well, with no issues to report at this time
- Finishing install of Cat 6 wire to monitor and control equipment
- Screening topsoil from compost pile
- Replaced seal in RAS pump

Electric

- Church street substation scheduled shut down for preventive maintenance on May 14 went well
- Changed out oil in 34.5kv reclosure in the Gibson Street station
- Setting up mutual aid for tree trimming of our electric lines.
- Change out 750 KVA transformer at Liberty Pumps (Dual Voltage)

DPW

- Brush pickup
- Catch basin cleaning and repair
- Mowing duties
- Watering Flowers
- Mower maintenance
- Carpenter Park fountain in operation
- Readiness for Park Day June 11th

Administrator

Sewer

- Plant Operator Chris Fay replaced a mechanical seal on one of the blowers last week and has been running conduit to prepare for the computer system upgrades.
- Chris delivered samples for the last compost pile and is awaiting the results before screening it for use as topsoil.

DPW

- I worked with NYS DOT to obtain a permit for the Memorial Day parade. I also contacted John Schrenker about the Jenny Kuzma Memorial Bergen 5K, the race will be August 13th using the same route as last year.
- Since Kubota mowers are taking a lot longer for delivery, I ordered a Gravely from Bentley Brothers. The mower should arrive this week. I would like to send the old mower to auction.
- I have been working with Maria Rowland to organize our part of Bergen Park Festival.

Electric

- Mayor Chimino, Barb Zinter, and I attended the NYMPA Annual Meeting on May 26th.
- Information for funds set aside in the State budget for arrears was received from NYMPA. Rene' and I participated in a Webinar. We recommend that the Village does not participate in program as we have very few arrears and HEAP has been extended to take care of those who need assistance.
- I am working on the three reports due to the PSC for our energy efficiency report. The light bulbs to deliver to residents have arrived.

Office

- I am working on receiving funds from FEMA for administration costs originating from the COVID-19 meal program. We should receive about \$675. I am also continuing to keep up with the necessary report for the ARPA funds.
- The end of the fiscal year was May 31st, Deputy Clerk Barb Zinter will be working on closing out the year and preparing the AUD & PSC report. I asked accountant Bill Frietag to come to the village office this year to work on the PSC report with Barb as it has been a few years since he has been here, and we should get the books ready for a possible rate case in the future. She reports that there are only 3 plots left at the community garden.
- Deputy Treasurer Rene' Vurraro has been very busy preparing the taxes to be sent out. They were mailed on May 31st and are due June 30th. Rene' attended the Accounting Workshop with Barb on May 10th and 11th.
- I received the quote to provide to the Sheriff's Department from H&S Fence for the damage to the fence in Hickory Park that doesn't show labor. Hopefully the case will proceed soon, and the offenders will be sentenced.

Miscellaneous

- The renewal of the NYMIR insurance policy is complete. The cost increased 6% over last year.
- I re-posted the office space in the Tulley Building for rent and have showed it to two interested parties. They will have to go to the Planning Board to receive a change of use.
- I sent letters to renters of our apartments that their rent will increase on July 1st, as discussed.
- First Aid and AED certifications will need to be renewed before September for village employees. If anyone would like to get certified as well, please let me know.
- There was an issue at 17 McKenzie St with a tenant moving out and leaving a massive amount of trash at the curb. I asked Casella to pick the trash up and we will bill the tenant for the additional fee.

Privilege of the Floor

Duane Janas asked that the power line that goes over his property to give power to 20a Rochester Street be removed and gave some history on the line.

Trustee Concerns

Trustee Robinson said that the bridge and path by the Sage Pavilion needs work.

Trustee Marble noted that the newsletter stated that a grant was going to be written for the village at no cost but that has always been the case with this type of grant. She asked about work on catch basins on Spring Street.

Trustee Marble asked about an employee working on Memorial Day and overtime. She updated the Board on the Summer Recreation Program.

New Business

Resolution 7 of 2022 – WWTF Improvements

AN AMENDING AND RESTATING BOND RESOLUTION, DATED JUNE 8, 2022, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF BERGEN, GENESEE COUNTY, NEW YORK (THE “VILLAGE”), AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON SEPTEMBER 4, 2019, AND AUTHORIZING A SEWER SYSTEM CAPITAL IMPROVEMENTS PROJECT, AT AN ESTIMATED MAXIMUM COST OF \$1,250,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,250,000 OF THE VILLAGE, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID 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, on September 4, 2019, the Village Board of Trustees of the Village of Bergen, Genesee County, New York (the “Village”) adopted a certain bond resolution (the “Original Bond Resolution”) entitled:

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, due to a modification to the scope of the project and higher than anticipated costs for the project, the estimated maximum cost (as provided in the Original Bond Resolution) has increased; and

WHEREAS, due to such modification to the scope and cost of the project, the Village Board of Trustees wishes to modify the Original Bond Resolution for the primary purposes of increasing: a) the estimated maximum cost of the project from \$1,044,000 to \$1,250,000 and b) the amount of serial bonds authorized to be issued from \$1,044,000 to \$1,250,000, and to make other modifications to the Original Bond Resolution as may be consistent with law; and

WHEREAS, the Village Board of Trustees now wishes to amend and restate (in its entirety) the Original Bond Resolution for the reasons identified above, and to make other modifications to the Original Bond Resolution as may be consistent with law and the Original Bond Resolution is otherwise being reaffirmed and ratified in all other material respects; and

WHEREAS, the Village has previously issued a bond anticipation note pursuant to the Original Bond Resolution, but has not yet entered into permanent financing arrangements thereunder (i.e., the issuance of long-term serial bonds); and

NOW THEREFORE,

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

SECTION 1. The Village is hereby authorized to undertake a certain sewer system capital improvements project, within the wastewater treatment facility and collection system, such work to generally consist of (but not be limited to) various improvements to the municipalities' pump stations, installation of new membranes and fine screen, installation of a UV disinfection system, installation of a new control system with software and hardware upgrades, and the replacement of manholes, as well as other improvements as more fully identified in (or contemplated by) an engineering report prepared by CPL, 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 amended estimated maximum cost of the Purpose is \$1,250,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$1,250,000 of the Village, hereby authorized to be issued therefor pursuant to the Local Finance Law, said 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 an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the 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 shall 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 shall 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. To the extent not previously authorized, 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 this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Village's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. 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 11. 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 12. The Village Treasurer is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Village officials and the Village's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Village Clerk.

SECTION 13. The Village has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

SECTION 14. 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 "SRF 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 15. 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 16. 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 17. 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 18. 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 the Local Finance Law, in the official newspaper(s) of the Village, or if no newspaper(s) have been so designated, then in a newspaper having a general circulation in the Village, and hereby designated as the official newspaper of the Village for such publication.

SECTION 19. Nothing in this amendment shall affect the validity of the Original Bond Resolution, or any actions taken thereunder, and any such actions are hereby ratified.

A motion was made by Trustee Robinson and seconded by Trustee Marble to pass Resolution 7 of 2022 an amendment to previous Wastewater Treatment Plant Bond resolutions. The motion was carried by unanimous vote.

Equipment Surplus

A motion was made by Trustee Robinson and seconded by Trustee Fleming to designate the 2020 Kubota Zero-Turn mower as surplus and sell it at auction. The motion was carried by unanimous vote.

Old Business

None

Executive Session

Mayor Chimino requested that the Board enter executive session to discuss an employee matter.

A motion was made by Trustee Robinson and seconded by Trustee Fleming to enter executive session at 7:32pm. The motion was carried by unanimous vote.

A motion was made by Trustee Robinson and seconded by Trustee Marble to exit executive session at 8:19pm. The motion was carried by unanimous vote.

Linemen Training

A motion was made by Trustee Robinson and seconded by Trustee Sardou to send the Linemen to the MEUA Lineman Safety Program and to make a budget adjustment in the electric fund, moving \$2,000 from 06.0102.00.0312.00 to 06.8410.08.7850.06. The motion was carried by unanimous vote.

Adjournment

A motion was made by Trustee Marble and seconded by Trustee Fleming to adjourn the meeting. The motion was carried by a unanimous vote.

The meeting was adjourned at 8:25pm

Respectfully submitted,

Cortney W. Gale
Village Administrator