

**Regular Meeting
Of the Board of Trustees
Of the Village of Bergen at
6:30pm on March 13th, 2024**

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 Paul Robinson
Trustee Todd Cargill

Also present: Village Administrator Cortney Gale, Eric Santos, Blair Lasco, Tim Trader, Robert Capurso, Emily Marble, Herschel Marble, Luke Marble,

Approval of Bills

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

Approval of Minutes

A motion to approve the meeting minutes of February 14th was made by Trustee Cargill and seconded by Trustee Fleming. The motion was carried by a unanimous vote.

Mayor

Grants

- Empire State Development- A grant was submitted for the electric substation upgrade/replacement; We were not awarded this grant. Upon this notification GCEDC immediately applied for a FAST NY grant. GCEDC is providing for the submission of the grant since they own property otherwise known as the Appletree Acres Business Park which is in need of additional energy requirements. We await further correspondence concerning this matter.
- Go Art Community Arts Grant (REACH) The village has been awarded \$2,300.00 dollars to be used for three concerts to be held in Hickory Park during the 2024 summer season. The dates are set for June 20, July31, and August 19. Food and beverage vendors are being lined up for these concerts.
- Summer Recreation Program grant has been submitted to the county for the 2024 season.

Miscellaneous

- A new 50-year lease has been drafted by our attorney to replace the expired lease with NORTERA FOODS, who own the property where our electric department facility is located. This matter should be finalized by the end of March per NORTERA management.
- The Tree and Park committee met on Wednesday March 06. Friends of the Bergen Parks committee members are actively seeking donations for future park upgrades. I am happy to report that donations have been received enabling us to purchase 8 memorial benches to be placed in various locations in Hickory Park. Thanks to the donors for making this happen and enhancing our park for all to enjoy.
- PLM, the firm that is overseeing our substations upgrade has completed the bid specifications for the transformers needed for the project. These specifications have been sent to vendors for competitive bidding. The date of the bid opening is March 28th.

- The firm Tetra Tech is overseeing hazard mitigation update plans for all municipalities in the county. Our administrator has provided them with pertinent information to our village.
- Continue to work on 2024-2025 budgets for General-Sewer-Electric Funds with administrator and board members. The board will discuss the recent bid opening for trash pickup and its overall impact on village residents at this meeting.
- New LED Solar powered speed signs have been delivered. We await DOT approval for installation.
- I would like to take this time to thank Trustee Paul Robinson for his four-year tenure on the board of trustees. Paul has decided not to seek reelection. On behalf of the entire Village of Bergen family we thank you for your service and wish you the best in all your endeavors.

DPW

- Hickory Park restrooms are being outfitted with automatic locks.
- Routine maintenance of buildings
- Routine maintenance of equipment

SEWER

- We have received EFC approval for wastewater manhole rehabilitation, this is the last item to be addressed as part of the current wastewater project.
- The treatment plant has had some mechanical issues. A blower motor and One pump needed replacement, there is also a hard drive memory issue which Odyssey Controls is troubleshooting.

ELECTRIC

- Had a conference call with New York Power Authority to discuss the raising of our Hydro-Allocation of preference power should OXBO International build in the Appletree Business Park.

Administrator

Sewer

- Bid opening for sewer tank pumping was Friday, February 19th at 11:00am. Only AD Call and Sons submitted a bid.
- Plant Operator Chris is completing testing to get last year's compost approved for completion.
- Eric McGrain continues to spend two days a week at the plant to gain enough hours to take the 2A licensing test.
- Provided mutual aid to Churchville using our camera to assist them in a sewer issue.

DPW

- DPW has been utilizing the spring like weather to get ahead of spring cleanup by picking up the park, and plow damage. They are picking up brush as they see it.
- Weekly brush pickup will begin Monday, April 8th and will be every Monday until November.
- Charter Communication has reached out to us to discuss attaching to additional poles. I required them to pay the back fees they owe us and sign a new pole attachment agreement.

Electric

- Linemen continue to GPS poles and infrastructure.
- Provided mutual aid to the Town of Bergen, assisting them with our mini excavator for drainage and using the flail mower attachment in Drew's Nature Center. Also aided Holley to set pole and use thermal scanner.
- I have been working with GCEDC on the Industrial Economic Development Program submission.

Office

- The bid opening for refuse pick up was March 1st at 11:00am. Casella and Waste Management both provided bids.
- I am working on the renewal application for our insurance policy with NYMIR.

- The land sale contract has been signed and we will need to schedule a public hearing as the next step. The Mayor signed the licensing agreement for the other parcel that our substation encroached on it was sent to the purchaser's attorney.
- I have been working with Municipal Solutions and our Bond Counsel to ready financing for the Electric Substation and Digger Derrick.
- Barb Zinter, Matt Sluberski and Nick Booher attended the MEUA Accounting and Engineering Workshop in Syracuse on March 12th and 13th.

Miscellaneous

- The ballot is complete for the election on March 19th. I have received voters lists from the County and the election inspectors are sworn in. Absentee applications and ballots are ready for anyone who would like one.
- I completed and submitted our Hazard Mitigation Plan to the County.
- The Village received a request to install an adaptive swing for our playground. They vary in price, I'll provide a couple options for the Board, it would be good to install one.
- I updated our contract with Auctions International.

Approval of Officer Reports

A motion was made by Trustee Fleming and seconded by Trustee Robinson to approve the officer reports. The motion was passed unanimously.

Trustee Concerns

None

New Business

Refuse Collection Bid Award

Mayor Chimino reviewed the bids for village wide refuse collection from Waste Management and Casella. He stated the lowest bid should be accepted.

A motion was made by Trustee Robinson and seconded by Trustee Fleming to accept Waste Management's bid and award them the refuse collection contract of three years in the amount of \$100,100. The motion was approved by a unanimous vote.

Septic Tank Pumping Bid Award

Mayor Chimino stated that there was only one bid for sewer tank pumping and that was AD Call and Sons. The bid was \$280 per tank which is double the current price.

A motion was made by Trustee Robinson and seconded by Trustee Cargill to accept AD Call and Sons bid and award them the septic tank pumping contract for three years. The motion was approved by a unanimous vote.

Sewer Rate Discussion

Mayor Chimino and Mr. Gale discussed with the board the increasing costs in the sewer fund, mainly debt that was assumed for state mandated improvements and updating to forty-year-old infrastructure. They suggest two changes. The first is to reduce the number of septic tanks pumped each year by cleaning them every four years. Second, increase the debt charge on sewer bills by \$20 per unit. A public hearing will be held to receive public input.

Resolution – Substation Financing

A BOND RESOLUTION, DATED MARCH 13, 2024, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF BERGEN, GENESEE COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING AN ELECTRIC SYSTEM CAPITAL IMPROVEMENTS PROJECT (2024), AT AN ESTIMATED MAXIMUM COST OF \$3,400,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,400,000 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, the Village Board of Trustees has identified a need for the Village to undertake a certain electric system capital improvements project.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of Trustees of the Village of Bergen, in the County of Genesee, New York (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 electric system capital improvements project in the Village; primarily at the Village’s electric substation, such work to include, but not be limited to, the replacement and installation of circuit reclosers, stepdown transformers, voltage regulators and associated equipment, as well as all associated work, and other improvements more fully identified in (or contemplated by) a preliminary engineering report prepared by PLM, Inc., (the “Engineer”), including all preliminary costs, work and necessary equipment, materials, labor, and all incidental costs thereto and in connection with the financing thereof (collectively, the “Purpose”). The estimated maximum cost of the Purpose is \$3,400,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of such objects or purposes by the issuance of serial bonds in an aggregate principal amount not to exceed \$3,400,000 of the Village, hereby authorized to be issued therefor 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 acquisition 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 such 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 5 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such acquisitions is 30 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 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 hereby determines 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 14. 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 15. 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 at 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 16. 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 17. 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 such 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 Robinson and seconded by Trustee Fleming to approve the substation financing in the amount of \$3,400,000. The motion passed unanimously.

Resolution – Digger Derrik Financing

A BOND RESOLUTION, DATED MARCH 13, 2024, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF BERGEN, GENESEE COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING THE ACQUISITION OF AN ELECTRIC BUCKET TRUCK AND APPARATUS FOR USE BY THE VILLAGE, AT AN ESTIMATED MAXIMUM COST OF \$340,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$340,000 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, the Village Board of Trustees has identified a need for the acquisition of an electric bucket truck and apparatus for use by the Village.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of Trustees of the Village of Bergen, in the County of Genesee, New York (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 the acquisition of an electric bucket truck and apparatus for use by the Village, including all preliminary costs and necessary equipment, apparatus, warranties and other such costs incidental thereto and in connection with the financing thereof (the “Purpose”). The estimated maximum cost of the Purpose is \$340,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of such objects or purposes by the issuance of serial bonds in an aggregate principal amount not to exceed \$340,000 of the Village, hereby authorized to be issued therefor 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 acquisition 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 such 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 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such acquisitions is 15 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 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 hereby determines 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 14. 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 15. 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 at 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 16. 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 17. 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 such 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 Fleming and seconded by Trustee Robinson to approve the resolution for financing of \$340,000 for a Digger Derrik. The motion passed unanimously.

Schedule Public Hearings

A motion was made by Trustee Fleming and seconded by Trustee Cargill to hold a public hearing to receive input on the electric substation financing on **April 10th at 6:00pm**. The motion passed unanimously.

A motion was made by Trustee Cargill and seconded by Trustee Robinson to hold a public hearing to receive input on the financing for a new Digger Derrick on **April 10th at 6:15pm**. The motion passed unanimously.

A motion was made by Trustee Cargill and seconded by Trustee Fleming to hold a public hearing to hear public comment on the 2024-2025 Fiscal Budget at a special meeting on **April 24th at 6:30pm**. The motion was approved unanimously.

A motion was made by Trustee Robinson and Seconded by Trustee Fleming to hold a public hearing regarding the Sewer Rate Increase Proposal on **May 8th at 6:00pm**. The motion was passed unanimously.

A motion was made by Trustee Fleming and seconded by Trustee Robinson to hold a public hearing regarding the land purchase on Gibson Place on **May 8th at 6:15pm**. The motion was approved unanimously.

Old Business

2024-2025 Budget

Mr. Gale discussed minor changes to the 2024-2025 Tentative budget.

Privilege of the Floor

Representatives from Casella and Waste Management introduced themselves and thanked the Board for considering their bids.

Adjournment

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

The meeting was adjourned at 7:23pm

Respectfully submitted,

Cortney W. Gale
Village Administrator