

**REGULAR MEETING
of the BOARD of TRUSTEES
October 10, 2007**

The Regular Meeting of the Board of Trustees was called to Order by Mayor Wayne Bailey at 7:00 p.m. with the following present:

Trustee Robert Bausch
Trustee Anna Marie Barclay
Trustee Virginia Adams
Trustee Paul Cooper

Also present were Stacey Brown, Joe Chimino, Tom Williamson, Elizabeth Smith, Robert Smith, Jim Pascarella, Gerry Fuerch, Jeff Maurer, Eric Wies, and Tally Almquist.

APPROVAL OF BILLS

A motion to approve the bills was made by Trustee Paul Cooper and seconded by Trustee Anna Marie Barclay. The motion carried by the following vote:

Trustee Robert Bausch – aye
Trustee Anna Marie Barclay – aye
Trustee Virginia Adams – aye
Trustee Paul Cooper – aye

APPROVAL OF MINUTES

A motion to approve the amended minutes of September 12, 2007 was made by Trustee Robert Bausch and seconded by Trustee Virginia Adams. The motion carried by the following vote:

Trustee Robert Bausch – aye
Trustee Anna Marie Barclay – aye
Trustee Virginia Adams – aye
Trustee Paul Cooper – abstain

A motion to approve the amended minutes of the September 26, 2007 was made by Trustee Paul Cooper and seconded by Trustee Robert Bausch. The motion carried by the following vote:

Mayor Wayne Bailey – aye
Trustee Robert Bausch – aye
Trustee Anna Marie Barclay – abstain
Trustee Virginia Adams – abstain
Trustee Paul Cooper – aye

PRIVILEGE OF FLOOR

Soccer field issues

Points of interest:

- 50% completion
- at current schedule, we expect to have the field ready for use in May or June of 2009
- have enough fill to establish level ground
- let the fill settle through the winter
- not going to put drainage in until settling process is complete

These conversations included but were not limited to the following highlights.

Jeff Mauer:

Mayor Bailey: "Who takes care of soccer field once it is complete?"

Jeff Mauer: "Fire Department would probably take care of it."

Trustee Adams: "Who is your point of contact for the Fire Department?"

Jeff Mauer: "Jim Pascarella"

Trustee Bausch: "Will you have enough man-power to complete this project?"

Jeff Mauer: "Yes, we have scheduled strategically to accommodate the field schedule"

Mayor Bailey: "Once the field is done, who will maintain the field?"

Jeff Mauer: "The (T) of Bergen, The Fire Department, I am really not sure at this time"

Trustee Cooper: "What about the equipment? Who will take care of it and where will you store it?"

Jeff Mauer: "Gillam-Grant will store the equipment"

Jim Pascarella:

Trustee Bausch: "Have you communicated with the soccer field personnel?"

Jim Pascarella: "He indicated that he was behind on seeding, but wasn't going to do so now because of the survivability of the grass."

Trustee Adams: "Does the Fire Department keep track on the progress of this project?"

Jim Pascarella: "Yes, and the outstanding issue is that the top-soil needs drainage lines in place"

Trustee Cooper: "What if they don't finish the field by this time next year?"

Jim Pascarella: "The Fire Department will have to take care of it. It is ultimately our responsibility and we understand that"

Bergen Fire Department Tentative Budget Analysis:

Trustee Cooper: "Who decides what trucks are replaced?"

Jim Pascarella: "A committee is formed, and the findings and recommendations are voted on by the body. The old truck is then sold to other companies via internet mostly."

Air pack replacement "Equipment replacement account"

Trustee Adams: "Why are we buying all new packs, can't we replace the part that is broken?"

Jim Pascarella: "The problem with these old packs is that there is an alarm (printed circuit board) that is no longer being manufactured for these packs" "Because of this the packs are not functional, therefore OSHA says we have to take them out of service."

Trustee Cooper: "Can the old air packs be traded in?"

Jim Pascarella: "Yes, the company will give a token trade in"

Mayor Bailey: "What was the thought process for an additional line item "Air pack replacement"? "Equipment replacement account"?"

Jim Pascarella: "This would be to keep the two accounts separate as they are used for two different items (vehicles vs. equipment)" "Basically, it's for accounting purposes"

Trustee Adams: "What is the basis for call volume being much higher?"

Jim P. "Ambulance Calls"

Trustee Bausch: "Can we have numbers that are more up-to-date?"

Jim P. "Yes, I will have someone drop them off"

Sewer upgrade project with Eric Wies and Jeff Smith:

Eric: "Jeff and I met with EFC to discuss our options, considering our IUP funding line is only 38 points. There is still a possibility to get an additional 25 points for state revolving loan fund. To enter into a consent agreement with the DEC to upgrade the sewer, the risk would be low. "

Mayor Bailey: "What is the problem, why is our score so low?" Jeff: "The median household income is too high." "The village should consider forming a committee to look at the data collected."

Trustee Adams: "Are they getting these figures incorrect?" Jeff: "That is a possibility, and that is why the village should have a committee to look at the data collected."

Jeff: "We could also receive an additional 10 points by asking for an amendment of the identified public priority water risk." "I talked with George Squires who indicated that the amendment is possible because we have documentations of what our sewer is doing in regards to bodies of water such as (black creek)." There is a section of this list that does mention the Town of Bergen. It may have been mentioned in error. Our question is: should it be listed as the Village of Bergen instead of the Town?"

Eric: "EFC funding requires a long-form SEQRA. Once funding is in place, and preliminary approval of concept is acquired, we would enter into final design phase of project."

Mayor Bailey: "When do we need the funding in place?"

Eric: "Before February of 2008"

Trustee Bausch: "Back to the consent order. What is the time frame for this?"

Eric: "That is something to be negotiated with the DEC"

Jeff: "The consent order would not be official until May or June of 2008"

CLERK/TREASURER'S REPORT

Village Investments:

On September 7th, the Village invested \$1,200,000 for another 30 days at 5.19% return. On October 5th the Village received an interest check for \$4,844. We then invested \$1,000,000 for another 28 days at 4.75% rate of return to expire on November 2, 2007.

Billing Software Training:

The second and final phase is being implemented. We are preparing the new bill formats and uploading the updated data everyday. We should be ready to go live within the next 2 weeks.

Heberle Disposal:

Mark Barber and another representative are scheduled to appear in front of the board on Wednesday, October 24.

Holiday Schedule for 2008:

- Jan. 1 New Year's Day
- Feb. 18 President's Day
- Mar. 21 Good Friday
- May 26 Memorial Day
- July 4 Independence Day
- Sep. 1 Labor Day
- Nov. 27 Thanksgiving
- Nov. 28 Thanksgiving
- Dec. 24 ½ day Christmas Eve

- Dec. 25-26 Christmas
- Dec. 31 ½ day New Year's Eve

Clean Water State Revolving Fund (CWSRF):

Even though our project was listed below the funding lines, we may still be eligible to receive subsidized financing (short-term or long-term) or long-term financing with the CWSRF Guarantee Program. These funding options are in detail below:

- Subsidized Financings: CWSRF funds are invested to reduce the interest rate by ½. The interest rate of EFC bonds issued in July 2007 with maturities ranging from 2007 to 2037 was 4.60, resulting in 2.3% interest on a subsidized financing.
- Guarantee Financing (unsubsidized): The interest rate of a guarantee financing would be the EFC bond rate (AAA rating). The rate will be based on the sale of EFC bonds sold to generate the funds to be provided to the recipient(s). Based on the July 2007 sale the rate would be 4.6%.

If we decide to go forward with this application process we need to have it completed and submitted by March 3, 2007. When I spoke to Jeff Smith, he indicated that this would not be a problem to finish in a timely manner.

DPW'S REPORT

Sewer:

- average flow 93,000 gallons per day
- no success in locating a used aerator post
- Eric Wies is exploring options to enable us to get back in compliance with DEC standards

DPW:

- Brush pick-up continues to be heavy
- Street sweeping
- Cleaning catch basins
- A municipal parking lot on N. Lake Ave was completely renovated. Lighting will be installed in the NE corner. Thanks to the Town of Bergen Highway for supplying two trucks for hauling out the old and trucking in the new materials for this project. Sealing and stripping of all Village parking areas will be completed in the spring
- Minor road repairs on various Village streets will take place weather permitting in the next 7 to 10 days as well as a 70' storm sewer line replacement on Hunter Street.

Electric:

- North Lake Rd. outage at 5:55 a.m. on October 9, 2007 was due to a car hitting guy wires at Bergen Meadows causing 2 phases to

make contact. No damage to our facilities was found upon inspection.

- New poles and anchors have been set on North Lake between the railroad bed and the intersection of Hunter St. I have to meet with Frontier on October 11, 2007 to discuss pole placement of one pole before conductors can be pulled on the new poles.
- Testing meters continues
- Tree trimming – Bissell Road

A motion to approve the Officer's Reports was made by Trustee Paul Cooper and seconded by Trustee Robert Bausch. The motion carried by the following vote.

Trustee Robert Bausch – aye

Trustee Anna Marie Barclay – aye

Trustee Virginia Adams – aye

Trustee Paul Cooper – aye

MAYOR'S REPORT

AAA Company came to look at the Village of Bergen's needs for surveillance in the park. They are preparing a proposal to put in the new video system.

Joe Chimino also has another company lined up to do the same type of evaluation. The Mayor would like the system to be wireless.

Mayor spoke with Mr. Dileo regarding Post Office concerns who said that they don't have the traffic flow or budget to warrant the hours to be open for lunch.

TRUSTEE CONCERNS

Trustee Cooper: "Are the Planning/Zoning Board members aware that they are legally obligated to attend the training sessions?"

Trustee Adams: "Yes, in fact I know that many of them have indeed attended some training events.

Administrator Stacey Brown has been instructed to send a letter to each member indicating their responsibilities and the training involved. The Mayor designated Trustee Cooper and Administrator Stacey Brown to be part of this new committee to ensure the training obligations are met.

Trustee Barclay: "Tally and I have a meeting with John Lamar (Walk the Villages)

An email has been sent to grant writer Stu Brown to meet with Trustee Barclay to discuss grant opportunities for the Tulley Building and the Sewer Upgrade Project."

Trustee Barclay: "Village of Bergen's annual Christmas Tree lighting ceremony, what can we do to improve community involvement?"

Administrator Brown: "We could put a message in the newsletter with dates and invitations to participate"

Trustee Barclay: "Town Committee meeting update: The final drawing that the Town is looking at is scheme 8, however, the Village of Bergen Committee will still need to look at this further."

OLD BUSINESS

1. A motion to approve the Sewer Agreement with the Town contingent upon amendments was made by Trustee Robert Bausch and seconded by Trustee Anna Marie Barclay. The motion carried by the following vote.
Trustee Robert Bausch – aye
Trustee Anna Marie Barclay – aye
Trustee Virginia Adams – aye
Trustee Paul Cooper – aye

Sewer Supply Agreement

Agreement by and between the Village of Bergen, NY (Village) the Town of Bergen, NY and the Town of Bergen Sewer District #1, Sewer District #2, and Sewer Improvement District #1 (collectively Districts)

Whereas, a Sewer District has been established in a part of the Town of Bergen and is known as Sewer District #1 by resolution dated October 27, 1986 and said district encompassing the area described as the east side of NYS Route 19, north of the Village, and

Whereas, a Sewer District #2 has been established by resolution dated May 13, 1996 and said district encompassing the area described as the intersection of NYS Route 19 and NYS Route 33, and

Whereas, a Sewer Improvement #1 has been established by resolution dated May 11, 1999 and said district encompassing the area described as the Interstate 490 interchange, and

Whereas, the Town and the Districts desire that the Districts be able to purchase sewer services from the Village and obtain maintenance for the Districts' system by the Village and the Village is willing to furnish such sewer service and provide such maintenance.

Now, therefore, it is agreed as follows:

1. The Village will furnish sewer service to the customers of the Districts and further will repair and maintain the system to be installed by the Districts. Maintenance shall include labor and material.
2. This contract shall be nonexclusive and the Districts may seek service from other sewer providers and need not require all properties to be connected to sewer.

3. The Village shall charge connection fees with no surcharge as set forth in Schedule C.
4. It shall be the responsibility of each District to require each customer to name the Village, the Town of Bergen, the District, and their successors and assigns, as a grantee on a permanent easement from each customer and for all facilities connected to the Village sewer system. Any easement not naming the Village as a grantee shall be assignable to the Village. The permanent easement shall be granted for the consideration of one dollar and shall be for the purpose of operating and maintaining sewer facilities.
5. The Village shall be responsible to submit bills to the individual customers for the same period as the Village bills to the customer of the Village. This service shall be performed for all of the customers of the Districts.
6. The Village shall serve as the collection agency for the payment of such bills. The Districts agree that should any accounts of individual customers be delinquent by 120 days, the Districts shall pay to the Village the delinquent amount promptly upon notification by the Village of such delinquency. The Town agrees to collect delinquencies on sewer accounts in the Districts which remain unpaid as the November 30th each year in the January Town tax bills. The Village shall provide a list of all such delinquencies on or about December 1st.
7. In cases where a water meter reading is available for a property, the sewer consumption charge will be based upon the meter reading obtained from Monroe County Water Authority, its successors, or assigns.
8. In cases where no water reading is available, the Village will estimate average consumption and bill at such rate. Consumption will be based upon an average household or the type of commercial operation at such premises.
9. The Districts will be responsible for the initial installation of the system in working order. This shall include all extensions, new connections, and new services. The Districts will be responsible for the costs of all repairs during the first year from the dates of connection. The Village shall accept the facilities after one year and will be responsible for repairs and maintenance in accordance with the sewer law.
10. This contract shall continue in effect for a period of ten (10) years from the date commencing _____ and ending _____. At the end of the ten (10) year period, the rate and fees contained in this contract shall be renegotiated. It is intended that the Village shall continue to supply sewer service to the Districts but that the determination of the amount of rental charge shall be renegotiated.
11. If the Village at any time contracts with the Monroe County Pure Waters or other sewer service and terminates its operation of its municipal

sewer system but turns same over to another operator, this contract expressly contemplates the Town districts will be served by the supplier of sewer service to the Village. Should the Districts desire to reach a separate agreement with the third party supplier, then this agreement shall be terminated and the Village shall be required to use its best efforts to assist the Districts in arriving at an agreement with such third party supplier. However, if services are still necessary in operation and maintenance of the sewer Districts for the wastewater collection system, then the parties may negotiate in good faith for such continued service to the Districts.

12. The Districts agree to comply with the procedure and guidelines concerning new connections to the sewer system as included in schedules A and B, and to ensure compliance or assist in enforcement of the Village Sewer Law in Schedule F, including any amendments thereto.
13. Any new connections to the sewer system shall receive prior approval of the Village and inspection shall be performed by the Village sewer system personnel, Village Code Enforcement Officer or Village Engineer and paid for by the individual customer at the rate proscribed in the sewer law and any resolutions of the Board of Trustees setting forth rates. It is expressly agreed that the Village shall inspect all interior and exterior plumbing and ensure compliance with the New York State Building and Fire Protection Code. The Town Code Enforcement Officer or applicant shall be responsible to contact the Village to arrange a rough inspection prior to burial, dry-walling, or other enclosure and a final inspection prior to hook-up. The Districts shall guarantee such payment and the same collection rule shall apply as the rule in regard to the charge for sewer rental.
14. All rules and regulations which the Village applies to users within the Village shall apply to the District user except where the provisions of this contract are contrary to such regulations the provisions of this contract shall prevail.

**Town of Bergen Sewer District #1
(residential district North of the Village)**

15. It is recognized that the residents in Sewer District #1 have paid a debt sewer charge since the commencement of the sewer system operation, contributing to the initial cost and maintenance of the system. As such, the Village shall charge Sewer District 31 the sewer rental and debt charges in the Village.

**Town of Bergen Sewer District #2
(more commonly known as Sugar Creek)**

16. It is expressly agreed that the Sewer District #2 shall not serve residential customers. The Village shall charge Sewer District #2 125% the sewer rental and debt charges in the Village.

Town of Bergen
Sewer Improvement District Number One
(more commonly known as the Interchange Zone or Industrial Park)

17. It is expressly agreed that the Sewer Improvement District Number One shall not serve residential customers. The Village shall charge Sewer Improvement District Number One 125% the sewer rental and debt charges in the Village.
18. Inasmuch as it is anticipated that the Districts require additional capacity, the Town of Bergen and the sewer Districts agree to pay the cost of any recommended or necessary upgrades or improvements to the wastewater treatment plant and/or collection system to the extent necessary to serve the needs of the district plus 25% additional capacity. The Village agrees to reserve 75% of such improvement-related capacity for use by the Districts. Any additional capacity will be borne pro-rata by the Village.
19. The Village shall provide sewer service to Sewer District #2 and Sewer Improvement District One collectively at a quantity rate not to exceed fifty thousand (50,000) gallons per day, except that under emergency circumstances and conditions in the Village if prohibited or prevented from furnishing such quantity because of conditions beyond reasonable control of the Village, the Village shall furnish the quantity of sewer service under such circumstances to the best of its ability. The Village shall not be responsible for the diminution of amount of quality of sewer service beyond the Village's control.

Annexed Schedules

20. Attached to this Agreement and made a part hereof are Schedules A through G. Schedule A shall be residential application for connection to the Village sewer system at the time of execution of this Agreement. Schedule B shall be commercial and industrial application for all new connections to the Village sewer system. Schedule C shall be the sewer rates, capital facility charges, connection fees, and inspection fees in effect at the time of execution of this Agreement. Schedule D shall be the Village specifications for installations of new services. Schedule E shall be the Village procedure and guidelines concerning new connections to the sewer system. Schedule F shall be the Village sewer law and any updates or revisions thereof. Schedule G shall be the Town sewer districts resolutions forming or creating Sewer District #1, and Sewer District #2, and Sewer Improvement District #1. All Schedules are incorporated and made a part of this Agreement. The Districts shall abide by any updates, revisions, or amendments to Schedule A through G after the date of execution of this agreement provided the updates, revisions, or amendments apply to both the Village and the Districts.

Source	Flow (gpd)	Comment
Existing WWTF Flows	104,000	Includes the existing flows from the Village and the Town Sewer Districts
Proposed Mayne Estates Flows	18,000	The Mayne Estates includes approximately 100 proposed homes. Assuming 180 gpd per home, the total proposed flow is 18,000 gpd.
Proposed Interchange Area Flows	43,000	The existing flows from the interchange area is approximately 7,000 gpd. Based on the proposed agreement the Village is allocating 50,000 gpd to the Interchange Area, therefore the proposed flow total is 43,000 gpd.
Proposed Byron-Bergen Central School Flows	12,000	Based on current average daily flow at the BBCSD facilities.
Proposed Sewer District No. 1 Flows	1,080	Sewer District No. 1 includes approximately 5 homes not connected to the system and 1 building lot. Assuming 180 gpd per home, the total proposed flow is 1,080 gpd.
Sub-Total	178,080	
Proposed WWTF Capacity	208,000	
Proposed Village Reserve Capacity	29,920	

2. A motion to approve the Genesee County Economic Development Center Agreement was made by Trustee Robert Bausch and seconded by Trustee Anna Marie Barclay. The motion carried by the following vote.

- Trustee Robert Bausch – aye
- Trustee Anna Marie Barclay – aye
- Trustee Virginia Adams – aye
- Trustee Paul Cooper – aye

THIS AGREEMENT, made this 10 day of October, 2007 by and between the Village of Bergen, a municipal corporation with offices at Eleven Buffalo Street, Bergen, New York and the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center, a New York Public Benefit Corporation, with a mailing address of One Mill Street Batavia, NY 14020 and its development affiliate, Genesee Gateway Local Development Corporation, a New York Not-for-Profit Corporation with a mailing address of One Mill Street Batavia, NY 14020, collectively referred to herein as "GCEDC".

WHEREAS, the Village of Bergen wishes to design improvements to its Wastewater Treatment Facility to allow for increased flows, and

WHEREAS, the GCEDC owns and maintains the Apple Tree Acres Corporate Park in the Town of Bergen, which contributes flows to the Village of Bergen Wastewater Treatment Facility, and

WHEREAS, the GCEDC has remaining Build Now New York grant funds that they wish to contribute to the design of said improvements, and

WHEREAS, the Build Now New York grant funds are based on matching funds, and

WHEREAS, the cost of preliminary engineering as provided by Clark Patterson Associates, referred to herein as "Engineer", is \$52,700,

NOW, THEREFORE, the parties hereto agree as follows:

1. The GCEDC will act as the contracting agency for Preliminary Engineering Services for the Village of Bergen Wastewater Treatment Facility Improvements.
 2. The Village of Bergen will grant \$27,000 to the GCEDC to be used toward said improvements.
 3. The GCEDC agrees to use Build Now New York grant funding in the amount of \$25,700 toward said improvements.
 4. The parties hereto agree that upon project completion, the Village of Bergen will own and have rights to all Village of Bergen Wastewater Treatment Facility design completed as part of the Preliminary Engineering Services provided by the Engineer for use in final design of the project.
3. A motion to approve the Lead Agency Resolution was made by Trustee Robert Bausch and seconded by Trustee Anna Marie Barclay. The motion carried by the following vote.
- Trustee Robert Bausch – aye
 - Trustee Anna Marie Barclay – aye
 - Trustee Virginia Adams – aye
 - Trustee Paul Cooper – aye

Board Member Robert Bausch presented the following resolution and moved that it be adopted and it was seconded by Board Member Paul Cooper.

BE IT RESOLVED BY THE BOARD OF TRUSTEES AS FOLLOWS:

WHEREAS, the Board of Trustees of the Village of Bergen, Bergen, New York shall consider a bond resolution authorizing not to exceed \$2,322,000 aggregate principal amount of serial general obligation bonds (and bond anticipation notes in anticipation thereof) to finance certain capital improvements consisting of the renovation and expansion of the Village Sewer System, including but not limited to the expansion and renovation of the existing waste water treatment facility and equipment, together with site improvement and improvements incidental thereto (the "Project"); and

WHEREAS, the Board of Trustees of the Village of Bergen ("Board") is principally responsible for undertaking, funding or approving the foregoing Project and its anticipated impact is primarily of local significance; and

WHEREAS, to aid the Board in determining whether such Project and financing and other actions of the Board in connection therewith (the "action") may have a significant effect on the environment, the Board previously caused to be prepared a Short Form Environmental Assessment Form or similar information ("Short Form EAF"), a copy of which it attached hereto; and

WHEREAS, the Board duly reviewed the Short Form EAF and related documents with respect to the above-referenced capital project and duly considered the impacts which may be expected to result from the proposed action with the criteria set forth in the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"); and

WHEREAS, the Board determined that the Project is an Unlisted Action pursuant to SEQRA; and

WHEREAS, the Board determined that the Project involves one or more involved agencies, mandating a coordinated review; and

WHEREAS, the Board duly notified the other involved agencies pursuant to 6 NYCRR 617.6(3)(i) indicating its willingness to be designated Lead Agency status; and

WHEREAS, all of the involved agencies consented to the Board's request to be designated Lead Agency status;

WHEREAS, based upon the foregoing, the Board previously issued a negative declaration under SEQRA for the project, a copy of the resolution dated May 23, 2007 is attached hereto; and

WHEREAS, the Village now intends to seek financial assistance in the form of a grant or loan from the New York State Environmental Facilities Corporation ("NYS-EFC") and as such is required to prepare a Full Environmental Assessment Form ("Long Form EAF"); prior to making any affirmation of findings or a determination under SEQRA; and

WHEREAS, the Village Board shall again duly notify the other involved and interested agencies regarding the Project pursuant to 6 NYCRR 617.6(3)(i) and include a Long Form EAF as part of its notice;

NOW, THEREFORE, BE IT RESOLVED that the Village Board does hereby re-declares its intent to name itself as Lead Agency for this Project.

The above resolution was offered by Trustee Robert Bausch and seconded by Trustee Paul Cooper at a regularly scheduled meeting of the Village Board held on October 10, 2007. Following the discussion thereon, the following roll call was taken and recorded:

AYES

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NAYS

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ADJOURNMENT

A motion to adjourn was made by Trustee Robert Bausch and seconded by Trustee Paul Cooper. The motion carried by the following vote:

Trustee Robert Bausch – aye

Trustee Anna Marie Barclay – aye

Trustee Virginia Adams – aye

Trustee Paul Cooper – aye

The meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Stacey Brown
Clerk-Treasurer

A/P \$ 44,088.46

T&A \$ 17,000.50