

**Town Board Meeting  
Town of Bergen  
September 15, 2026  
Town Hall- 10 Hunter Street, Bergen New York  
Agenda**

**I. Audit of Bills 6:45 pm Call to Order 7:00 pm**

**Prayer** Almighty God, as we meet today to conduct matters of Town business, grant us the wisdom to remember as we work that we are servants of our constituency. Assist us to be sure our decisions should be in the best interests of the Town and its citizens, entirely unblemished by any thoughts of personal benefit. Amen.

**Pledge to the flag**

**II. Privilege of the Floor:**

**III.. Approval of Town Board meeting Minutes for:** 8/18/2026 regular meeting. (1) and Budget Work Session 8/11/2026 (2)

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

1. Supervisor Report for August 2026 (3)
2. Financial Statements for August 2026 (4)
3. Town Clerks Report for August (5)
4. ZEO/CEO Report for August 2026 (6)
5. Mercy EMS report for July, 2026 (7)
6. Tentative Budget for the Town of Bergen for 2027 (8)
7. Spectrum Correspondence 8/19/2026 (9)

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

**VI. Reports:**

**Supervisor**

**Clerk**

**Board Members**

**Highway** - Septic Tank at Library Bldg., Park Updates

**Committees**

-Building, Grounds, and Facilities (cemeteries):

-Parks:

-Local History & Museum:

-Policy and Personnel: - Proposed Handbook Change Section 5 Medical Insurance employee contributions for new hires after Oct. 1, 2026

**VII. Old Business:**

**VIII. New Business:**

**1. Discussion**

- Presentation of the Tentative 2027 Town of Bergen Budget to Clerk and Board (8)

**2. Resolutions**

- Amend Employee Handbook Section 5 Medical Insurance (10)
- Award Records Management Consultant Agreement with James Tammaro in the amount of \$9,120.00 (11)
- Authorize Public Hearing on Local Law 6 of 2026 Repealing Chapter 275 Town Code- Flood Damage Prevention of the Town of Bergen Code (12)
- Authorize Public Hearing on Local Law 7 adopting a new Chapter 275 Flood Damage Prevention of the Town of Bergen Code (13)

**3. Actions/Motions**

- Approval of Junk Yard Permits

- Action to file Town Clerks Report for August 2026
- Action to file Supervisor's Reports for August 2026
- Approval of Budget Transfers if presented.
- Approval of paying bills and authorizing the bookkeeper to transfer funds necessary to the checking account to pay the bills.

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

- Town Board Meeting: 10/20/ 2026-- 6:45 audit of bills, 7 pm Town Board meeting

#### **X. Adjournment of Town Board Meeting**

**Draft**

The Bergen Town Board convened in a joint session with the Village of Bergen at 6:45 pm audit of the bills; The Town Board Meeting convened in a regular session in the Fire Dept. Hall with Supervisor Haywood presiding at 7:00 pm.

**PRESENT:**

Supervisor Ernie Haywood  
Councilperson Belinda Grant  
Councilperson Karen Ely  
Councilperson Mark Swanson  
Councilperson Cindy Anderson

**ALSO PRESENT:**

Teresa Robinson, Town Clerk  
Joel Pocock, Highway Superintendent

**ABSENT:**

**OTHER ATTENDANCE:** Christian Yunker Genesee County Legislator, Mike Fleming Village of Bergen Mayor, Joe Chimino Village Trustee, Todd Cargill Village Trustee, Capurso Village Trustee  
Jim Pascarella Bergen Fire Dept, Joe Macconell Bergen Fire Dept., Justin Russell, Brian Stone, Steve Ayres, Brian Quinn (Batavian), Eileen Dries, Tim Donovan.

**PRAYER:** Almighty God, as we meet today to conduct matters of Town business, grant us the wisdom to remember as we work that we are servants of our constituency. Assist us to be sure our decisions should be in the best interests of the Town and its citizens, entirely unblemished by any thoughts of personal benefit. Amen.

**PLEDGE TO THE FLAG:****PRIVILEGE OF THE FLOOR:**

-County Update: Christian Yunker, Chairperson Genesee County Legislature.

- Union Contracts coming up
- SNAP Benefits Federal cuts- trickle down to County
- Water throughout the County – working on replacing a pump station.
- Broadband internet throughout the County.
- Capital Projects – the Engine House in Batavia has been renovated and the District Attorney's Offices are there. The animal shelter renovation is ¾ complete. New building at the airport is being built.
- New housing officer has been hired to work with any housing issues.
- County wide code and zoning enforcement officer study is in the process.
- The County Emergency Management is looking into a county wide notification system.
- Committees are in the process of options for the volunteer fire service and paid services.
- Revenue savings from the new jail, the staffing shortage at the jail has not been met at this time to house prisoners.

-Fire Department Update-Budget: James Pascarella, Chairman of the Bergen Fire Department Board

- 50 Active members
- 2025 – 434 total calls, 236 EMS calls, 198 fire calls
- 2026 (as of July) – 280 total calls, 133 EMS calls, 137 fire calls
- 4.8% budget increase for 2027 (budget attached)

The Town Supervisor and Village Mayor thanked the Bergen Fire Dept. for all they do for the community.

-Village Update

- 3.4 million electric sub-station rebuild.
- Parks grant – waiting for the awards to be issued.
- Meeting on September 9 at 6:30 pm at the Village office with Nortera and Emergency Management to discuss the ammonia leak.
- Farm Market at Hickory Park is every Tuesday.
- The last Concert in the Park will be on August 26, 2026 with the Cummings Family.

-Town Update

- See attached - Town of Bergen 2026 update.

**APPROVAL OF MINUTES FOR:** Councilperson Ely made a motion to approve the Town Board Minutes of 07/21/2026 with the amendment of including the copy of the Resolution for budget transfers; seconded by Councilperson Swanson

Ayes: Haywood, Grant, Ely, Swanson, Anderson

Nays: None

Abstained:

APPROVED by: Unanimous vote (5-0)

Councilperson Swanson made a motion to approve the Work Session Minutes of 08/11/2026; seconded by Councilperson Anderson

Ayes: Haywood, Grant, Ely, Swanson, Anderson

Nays: None

Abstained:

APPROVED by: Unanimous vote (5-0)

**COMMUNICATIONS/INFORMATION included with this agenda:**

1. Supervisor Report for July 2026
2. Financial Statements for July 2026
3. Town Clerks Report for July 2026
4. ZEO/CEO Report for July 2026
5. Mercy EMS report for June 2026
6. Proposed Fire Department Budget for 2027
7. Historian- Summer Report

**BOARD MEMBERS' ITEMS FOR THE AGENDA:** Nothing

Cindy Anderson- Would like the board to tour the parks.

**REPORTS:**

**SUPERVISOR:**

**Activities and Updates:**

- Robins Brook Park- Bathroom: The sheathing for the roof has been installed and we are waiting for a time to have the metal roof installed.
- Drew's Nature Center- Improvements:
  - a) BOCES Student Work/County Soil and Water Grant: We continue to wait for permits from the NYS Dept. of Environmental Conservation and the Army Corp of Engineers for permits.
  - b) Invasive Species Survey: The Partnership for Western New York Regional Invasive Species Management (WNY- PRISM)- completed an invasive species inventory survey during the last week of July. Their inventory and recommendations will be presented to the town later this year and will assist the Town in developing plans to address eradication of invasive species that are threatening the eco-system of the nature center.
- Parks, Nature Centers and Recreation Areas- Local Law and Rules: In response to concerns expressed, I have reached out to our Insurance Company, Association of Town's attorney, our attorney and the County Sherriff's office and researched NYS laws to provide information to assist the board in making decisions regarding Local Law and Rules. Given the information, I set up a board work session to discuss options going forward.
- Battery Energy Storage System (BESS) and Data/Cryptocurrency Facilities: MRB, town engineer continues to review the draft Battery Energy Storage System and will be presenting their recommendations at our next work group meeting in late August. A proposal for engaging MRB to continue to complete their review and drafting of Battery Energy Storage Law was received and will be presented at the board meeting in August for consideration.

- Insurance Property Appraisal: On 8/10 the Supervisor spent the morning with an appraiser who is completing property appraisals for all town owned buildings for the purpose of insurance.
- Water District EDU Review: I have received the list of Monroe County Water Authority Customers in the town of Bergen and have begun the review of the list against the town's list of EDU units to confirm we are collecting accurate EDU (debt) charges for customers.
- Town Hall HVAC units: The Supervisor has completed and executed the contract with the contractor and obtained approval from our insurance company on the certificate of insurance provided by the contractor. The Supervisor coordinated the kickoff meeting on 8/5/2026 for the replacement of the HVAC units at the Town Hall with the Contractor, Architect, Mark Swanson, and Teresa to discuss details and schedule. A contract has been signed. The contractor will send the performance/payment bond. Given delays in delivery of the new units, the replacements won't occur to late September or early October. The goal is to replace both units within a few days.
- Town Hall -Court Conference Room: The contractor is awaiting the molding, to match existing, from Miller's work. Once in they will install and the room will be completed. **Completed**
- Town Budget for 2027: Work continues on the 2027 budgets. Department Heads have received their notice to provide their proposed budgets by Mid. August. As per the Town of Bergen- 2027 Budget Development Timeline, our Budget Workshop will be on Sat. 9/12 at 9 am at the Town Hall. As a reminder the tentative budget will be presented to the Town Clerk on 9/15 for the board to accept as a preliminary budget and set the public hearing on the Fire Dept. and Tonw's Preliminary 2027 budget at the Oct. 20<sup>th</sup> meeting. The Public hearing will be at the November 17<sup>th</sup> town board meeting and following the Public Hearing the board will consider adopting the budgets for the town and fire department.
- Joint Comprehensive Planning Grant: The joint Village and Town smart growth grant application for funding to complete an update to the Joint Town and Village Master Plan. Update was submitted this month. We don't anticipate a response until December or later.

Ernie Haywood, Supervisor

Town of Bergen

#### **TOWN CLERK:**

- Checking on prices for our phone and internet, meeting with our representative this week.
- Met over Zoom with the Supervisor and Shane from Hurricane Technologies regarding our IT support and support with our website.
- Working on the Fall Newsletter
- Clerk's budget
- Hunting Licenses are being sold
- Checking prices with Batavia Legal Printing for dog census post cards to be printed and bulk mailing

**BOARD MEMBERS:** Nothing to Report

## **HIGHWAY:**

- Septic tank at the library – nothing new to report.
- Per the New York State Department of Transportation (NYSDOT) Rt.19 Bridge is on schedule to be completed at the end of September.
- HW- Road projects will be done September 4<sup>th</sup>
- New truck should be coming in October
- Purchased Salt- 15% increase 2027
- Parks- Roof is on bathroom- Patio area poured, drainage complete.
- Steel delivered this morning – Rugby Team will be putting steel on. BOCES students will be back in the fall.
- Thank you to the Village Electric Crew for their help.

## **COMMITTEES:**

Buildings, Grounds, Facilities (Cemeteries) and Parks: Nothing additional

Parks: Nothing additional

Local History & Museum:

- Had 70 Visitors come to Night at the Museum.
- Security Upgrades- Extra signs and blinds on door.
- End of year school field trip was a success.

Policy and Personnel: Nothing to report

**OLD BUSINESS:** None

## **NEW BUSINESS:**

1. **Discussions:** Nortera – Working on scheduling meeting with the town – currently a meeting is scheduled at the Village office on September 9<sup>th</sup> at 6:30.

## 2. RESOLUTIONS

- Rescinding Town of Bergen Board Resolution 32-2026 Local Law 6 Amending Chapter 137 of the Bergen Town Code Parks, Nature Centers, Recreation Areas adopted at July 21, 2026, Bergen Town Board meeting.

RESOLUTION 37-2027

Rescinding Resolution 32-2026 of 2026 Amending  
Chapter 137 Parks, Nature Centers, Recreation Areas

WHEREAS, the Bergen Town Board has determined that it is in the best interests of the Town of Bergen to rescind Resolution 32-2026 of 2026 that was adopted at the July 21, 2026 Town Board meeting amending Chapter 137 Parks, Nature Centers, Recreation Areas; and

WHEREAS, the Town Clerk of the Town of Bergen has not filed the Resolution and Amended Town Code Chapter 137 Parks, Nature Centers and Recreation Areas with the State of New York Office of the Secretary of State as required in order for said amendments to become effective; and

WHEREAS, The Bergen Town Board has the authority to rescind the unfiled adoption of amendments to the Town Code by resolution.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. That Resolution 32-2026 of 2026 adopted on July 21, 2026 amending Chapter 137 Parks, Nature Centers, Recreation Areas of the Bergen Town Code be rescinded.

Sec. 2. That Chapter 137 Parks, Nature Centers, Recreations Areas of the Bergen Town Code is unchanged by the rescinded July 21, 2026 action.

Sec. 3. That prior to any new amendments to Chapter 137 Parks, Nature Centers, Recreation Areas of the Bergen Town Code, the Bergen Town Board will hold a public hearing as required.

Sec. 4. That this resolution shall take effect immediately.

Motion for adoption: Swanson

Second: Grant

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Anderson

Councilperson Ely

Deputy Supervisor Grant

Councilperson Swanson

Supervisor Haywood

Submitted August 18, 2026

- Rescinding Town Board of Bergen Board Resolution-Adopting Rules and Regulations for Robins Brook Park, Drew's Nature Center and West Shore Recreation Area. Adopted at July 21, 2026, Bergen Town Board Meeting.

RESOLUTION 38-2026

Rescinding Resolution from July 21, 2026 Town Board meeting, adopting Rules and Regulation for Robins Brook Park, Drew's Nature Center and West Shore Recreation Area.

WHEREAS, the Bergen Town Board has determined that it is in the best interests of the Town of Bergen to rescind Resolution 32-2026 of 2026 that was adopted at the July 21, 2026 Town Board meeting amending Chapter 137 Parks, Nature Centers, Recreation Areas; and

WHEREAS, The Bergen Town Board has the authority to rescind the unfiled adoption of amendments to the Town Code by resolution.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. That Resolution that was adopted on July 21, 2026 adopting Rules & Regulations for Robin's Brook Park, Drew's Nature Center and West Shore Recreation Areas be rescinded.

Sec. 2. That this resolution shall take effect immediately.

Motion for adoption: Swanson

Second: Grant

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Anderson

Councilperson Ely

Deputy Supervisor Grant

Councilperson Swanson

Supervisor Haywood

Submitted August 18, 2026

- Budget Modification and Transfer for Tractor Purchase

RESOLUTION No. 39-2026

Budget Modification and Transfer for Tractor Purchase

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Supervisor is hereby authorized to making the following modifications and transfers as appropriated in the 2026 budget in order to facilitate the purchase of a tractor for the highway department as previously approved by the Board:

|                                           |          |
|-------------------------------------------|----------|
| Increase DA2665 Sale of Equipment         | \$26,200 |
| Increase DA5999 Appropriated Fund Balance | \$69,904 |
| Increase DA5130.2 Machinery, Equipment    | \$96,104 |

Sec. 2. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Ely

Seconded by Swanson

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Anderson

Councilperson Ely

Councilperson Grant

Councilperson Swanson

Supervisor Haywood

Submitted August 18, 2026

### 3. Action/Motion Items:

- **Action to set up the 2027 Budget Workshop for Sept.12<sup>th</sup> 2026 at 9 am at the Town Hall;** Councilperson Grant made a Motion to set up the 2027 Budget Workshop for Sept.12<sup>th</sup> 2026 at 9 am at the Town Hall; seconded by Councilperson Ely.

AYES: Haywood, Grant, Ely, Swanson, Anderson

NAYS:

Approved by Vote (5-0)

-**Authorize the supervisor to execute letter of agreement with MRB for Professional Services for the development of the town's Battery Energy System Regulations in an amount not to exceed \$5,000.00.** Councilperson Swanson made a motion to Authorize the supervisor to execute letter of agreement with MRB for Professional Services for the development of the town's Battery Energy System Regulations in an amount not to exceed \$5,000.00; Seconded by Councilperson Grant.

AYES: Haywood, Grant, Ely, Swanson, Anderson

NAYS:

Approved by Vote (5-0)

**Tabled - Approval of Junk Yard Permits;** Councilperson made a Motion to Approve the Junk Yard Permits; seconded by Councilperson

AYES: Haywood, Grant, Ely, Swanson, Anderson

NAYS:

Approved by Vote (5-0)

-**Motion to file the Town Clerk's Report for July 2026.** Councilperson Grant made a Motion to file the Clerks Feb. 2026 report; seconded by Councilperson Anderson

AYES: Haywood, Grant, Ely, Swanson, Anderson

NAYS:

Approved by Vote (5-0)

**Motion to File the Supervisor's July 2026 report.** Councilperson Swanson made a Motion to file the Supervisor's July 2026 report; seconded by Councilperson Ely

AYES: Haywood, Grant, Ely, Swanson, Anderson

NAYS:

Approved by Vote (5-0)

**Motion to approve the Accounting Adjustments/Corrections.** Councilperson Grant made a motion to approve the accounting adjustments/corrections; Seconded by Councilperson Anderson.

AYES: Haywood, Grant, Ely, Swanson, Anderson

NAYS:

Approved by Vote (5-0)

**Approval to pay the bills and authorizing the board to pay the bills and authorizing the bookkeeper to transfer of funds necessary to the checking account to pay the bills:** The bills were presented for audit and totaled \$ ; General A Fund \$ ; General B \$ ; Highway DA \$ ; Highway DB \$

Councilperson Grant made a motion to pay the bills; seconded by Councilperson Ely.

AYES: Haywood, Grant, Ely, Swanson, Anderson

NAYS:

Approved by Vote (5-0)

**MEETING AND OTHER UPCOMING DATES –**

- 2027 Budget Workshop: 9/12/2026 9 am Town Hall
- Town Board Meeting: 9/15/ 2026-- 6:45 audit of bills, 7 pm Town Board meeting

**ADJOURNMENT** Was at 8:13 pm on a motion made by Councilperson Ely; seconded by Councilperson Grant

AYES: Haywood, Grant, Ely, Swanson, Anderson

NAYS:

Approved by Vote (5-0)

Respectfully submitted

***Teresa Robinson***

Teresa Robinson, Town Clerk

# TOWN OF BERGEN

10 HUNTER STREET  
BERGEN, NY 14416

(31)

\* ESTABLISHED APRIL 2, 1813 \*

PHONE: (585) 494-1121 \* FAX: (585) 494-1372 \* NYS TDD 1-800-662-1220

**SUPERVISOR**  
ERNEST HAYWOOD

**TOWN CLERK/TAX COLLECTOR**  
TERESA ROBINSON

**COUNCILPERSONS**  
BELINDA GRANT, DEPUTY SUPERVISOR  
CINDY ANDERSON  
MARK SWANSON  
KAREN E. ELY

**JUSTICES**  
ROBERT SWAPCEINSKI  
VINCENT PULCINI

**ZONING & CODE ENFORCEMENT OFFICER**  
GERALD WOOD

**SUPERINTENDENT OF HIGHWAYS**  
JOEL POCOCK

**ASSESSOR**  
RHONDA SAULSBURY



## ***SUPERVISORS REPORT FOR AUGUST -SEPTEMBER 2026***

### **Activities and Updates:**

- **Robins Brook Park- Bathroom:** The outstanding site work/concrete work that was to be completed by Thompson Build was completed and the necessary certificate of completion and documentation of prevailing wage was received and processed. As reported last month the wood roof was installed and we are awaiting installation of the metal roof. I have been in contact with BOCES regarding their continuing to do work on the bathroom. They anticipate continuing the work, including installing siding and doors this fall.
- **Drew's Nature Center- Improvements:**  
**BOCES Student Work/County Soil and Water Grant:** We continue to wait for permits from the NYS Dept. of Environmental Conservation and the Army Corp of Engineers for permits, so the BOCES students complete the proposed improvements at the Drew's Nature Center. I did follow up with Genesee County Soil and Water to advocate for their help to get the permits expedited. As the Drew's Nature Center is a known/suspected habitat for Eastern Massasauga Rattlesnakes, per DEC, we will need to have a safety plan on what to do if an individual comes in contact with or is bitten. The county has written the plan and submitted it to the DEC. Once approved we will need to post and share with staff. I also spoke with the Conservation instructor from BOCES and they are planning to continue their work as soon as the permits are released. Additionally, our representative for Genesee County Soil and Water has as that I meet with her to discuss some questions that the Army Corp of Engineers is having. A meeting is being scheduled.  
**Park, Nature Center and Recreation Area Rules/Regulations:** Based upon the feedback we received from the public and fellow board members, I drafted three separate proposed rules/regulations (Robins Brook Park, Drew's Nature Center and West Shore Recreation Area) and forwarded to the Park Committee and Karen Eley for their comments. Once we have finalized rules and regulations, I will update the proposed local law for consideration by the board.
- **Battery Energy Storage System (BESS) and Data/Cryptocurrency Facilities:** On 8/26/2027 a meeting to review the 2<sup>nd</sup> draft of the local law for Battery Energy Storage Systems occurred with the work group

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including, Paul Cooper, zoning board chair, Gary Fink planning board chair, representatives from MRB the Town's engineering firm, Mark Swanson Town Board Member, Kelly Hallenback, community member and Teresa Robinson, town clerk. It is anticipated the work group will have the recommended local law to the board by the 10/20/27 town board meeting. If acceptable at that meeting the town board could set the public hearing on the local law for the Nov. town board meeting. A SEQRA will have to be completed for this law. A meeting will be set up with the work group to review the first draft of the Data Center/Cryptocurrency facilities local law. As the moratorium on both Battery Energy Storage Systems and Data Center/Cryptocurrency facilities expires on Feb. 19, 2026, the town board will need to have passed both local laws by then.

- Records Retention Grant: As shared with the board the Town received notification from the NYS that they will be awarded a Records Retention Grant in the amount of \$15,113.00 to the town. Thank you to Leisa and Teresa for all the help they provided to me in preparing and submitting the grant. We are awaiting NYS Comptrollers' approval of the grant and at that time they will send us one half of the funding upfront. The grant funds will be used to hire a records management consultant to train and prepare a customized records management plan for the town to use going forward. We will also use the funds to hire a temporary inventory clerk to be trained to go through all records to determine what to keep and what we can dispose of and then file what is left. We anticipate the process to take up to 5 months. Unfortunately, the Records Management Consultant who was the low bidder and for whom the board approved hiring in July, contingent upon receiving grant funding, has passed away. In response to this news I reached out to the NYS Education Department- grant contact and we are allowed to hire the next lowest bidder, James Tammaro, however the town will have to pay the difference in cost which will be \$2,420.00. The 2026 Town Budget has funds to cover this expense. A resolution to authorize engaging the consultant is on the agenda for the 9/15 board meeting. We have posted the position of Temporary Clerk with the anticipated start date once we receive the final contract/approval from NYS On 9/10, Teresa, Leisa and along with our Records Management Consultant met with Mike from NYS Archives to discuss next steps.
- Employee Medical Insurance: In order to be consistent with the practice with the highway union workers, I am proposing that we amend the employee handbook to increase the employee premium, for eligible employees hired after 10/1/2026 from 10% to 15%. A resolution is on the agenda for the 9/15 board meeting.
- Flood Damage Prevention-Local Law: I received notice from FEMA that the final flood determinations (maps) for Genesee County, including Bergen, have been finalized. Subsequently, the town must adopt a new Flood Damage Prevention local law to replace the current one as the current one does not meet FEMA or DEC requirements. In order to continue to participate in the National Flood Insurance Program and allow homeowners in flood plains to obtain insurance we must adopt a new law that complies. I have reviewed the model law provided received approval from DEC that the law meets the requirements. We must adopt a new local law by 1/20 /2027 and have proof it was filed the Secretary of State and then approved again by DEC and FEMA. In order to meet this deadline, I am proposing and have included on the agenda to set a public hearing for the new law at the 9/15 board meeting. We will also need to obtain County Approval of the new local law as well as complete a SEQRA and act

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upon it at the 9/15/26 Board meeting. We will also need to modify our Fee schedule prior to the implementation date of the new law as there is a permit fee that I have set at \$100.00.

- Follow up to Norterra Ammonia Leak: I reached out to Wayne Hill, Health and Safety Regional Manager at Norterra to confirm the meeting with the Village on Sept. 9<sup>th</sup> at 6:30 at the Sage Pavilion was the follow up meeting he indicated he would have when we met in August to debrief about the leak. As in fact this was the same meeting, at his request we posted the notice on the town's web site and face book and I attended the meeting. I, along with Council person Ely, attended the meeting on 9/9. Wayne Hill shared details of the ammonia leak and asked questions. Also at this meeting, Tim Yeager, Director of the County's Office of Emergency Management, spoke about the county's use of the I PAUSE telephone notification system in the future to notify residents of emergencies. The county is planning to test the system for Bergen in the near future. Once we have a date and time of the test to send emergency notifications to cell phones, we will communicate with the resident.
- Genesee County-County Wide Code Enforcement Study: On 9/10 I participated in a one-on-one discussion with Kathleen Rooney from the firm the county has hired to study the feasibility for the options of municipalities to participate with county wide Code Enforcement.
- Town Budget for 2027: Work continues on the 2027 budgets. A proposed tentative budget was provided to board members and is being presented to the clerk for filing at the 9/15 board meeting.

ERNIE HAYWOOD, SUPERVISOR  
TOWN OF BERGEN



( 4 )

**TOWN OF BERGEN  
AUGUST 2026  
EXECUTIVE SUMMARY**

**BALANCE SHEET**

- The Town has \$2,318,489.47 in the bank.

**REVENUES AND EXPENSES**

• **REVENUES**

- Total receipts for the month were: \$116,612.88
- Major receipts were:
  - Town Clerk Report (July) - \$425.00
  - Justice Fees (July) – \$10,327.00
  - Solid Waste Tonnage & Host Benefit 2nd Quarter 2026 - \$15,708.61
  - Genesee County Voluntary Distribution - \$60,497.00
  - 2026 PILOT Payments – \$16,273.83
  - Charter Communications Franchise Fee – \$4,981.09
  - Byron-Bergen Public Library State Retirement Reimbursement - \$132.70
  - Temporary Municipal Assistance – \$2,313.00
  - Interest - \$5,954.65

• **EXPENSES**

Expenditures through August on average should equal 66.67% of the annual budget.

General Fund Townwide (A):

- Year to date expenses are \$493,658.74 compared to the annual budget of \$966,220.00 or 51.1% of the budget.

General Fund Outside Village (B):

- Year to date expenses are \$38,205.15 compared to the annual budget of \$86,609.00 or 44.1% of the budget.

Highway Townwide (DA):

- Year to date expenses are \$524,198.52 compared to the annual budget of \$650,008.00 or 80.6% of the budget.

Highway Outside Village (DB):

- Year to date expenses are \$221,035.87 compared to the annual budget of \$415,759.00 or 53.2% of the budget.

*E. J. [Signature]*  
8/4/2026



**Town of Bergen**  
Income Statement  
(Original Budget to Actual Comparison)  
For the period of 8/1/2026 Through 8/31/2026

Fund: (AA) General - Townwide  
Show: (Description and Number) Description and Number - Not D

|                                                               | Current Period      |               |                     |             | Year To Date        |                     |                        |             |
|---------------------------------------------------------------|---------------------|---------------|---------------------|-------------|---------------------|---------------------|------------------------|-------------|
|                                                               | Actual              | Budget        | Variance            | %           | Actual              | Budget              | Variance               | %           |
| <b>Revenues</b>                                               |                     |               |                     |             |                     |                     |                        |             |
| AA-1001,000,000 - Real Property Taxes                         | \$0.00              | \$0.00        | \$0.00              | #DIV/0!     | \$410,727.00        | \$410,727.00        | \$0.00                 | 1.0%        |
| AA-1081,000,000 - Other Payments in Lieu of Taxes             | 13,295.38           | 0.00          | \$13,295.38         | #DIV/0!     | 13,295.38           | 11,000.00           | \$2,295.38             | 1.2%        |
| AA-1090,000,000 - Interest & Penalties on Real Property Ta    | 0.00                | 0.00          | \$0.00              | #DIV/0!     | 0.00                | 1,000.00            | \$ (1,000.00)          | 0.0%        |
| AA-1120,000,000 - County Sales Tax Distribution               | 0.00                | 0.00          | \$0.00              | #DIV/0!     | 0.00                | 266,763.00          | \$ (266,763.00)        | 0.0%        |
| AA-1255,000,000 - Clerk Fees                                  | 35.00               | 0.00          | \$35.00             | #DIV/0!     | 2,381.00            | 2,500.00            | \$ (119.00)            | 1.0%        |
| AA-2130,000,000 - Landfill Host Revenue                       | 15,708.61           | 0.00          | \$15,708.61         | #DIV/0!     | 41,057.60           | 55,000.00           | \$ (13,942.40)         | 0.7%        |
| AA-2192,000,000 - Cemetery Services                           | 0.00                | 0.00          | \$0.00              | #DIV/0!     | 0.00                | 0.00                | \$0.00                 |             |
| AA-2389,000,000 - Revenue from Other Governments              | 0.00                | 0.00          | \$0.00              | #DIV/0!     | 6,442.50            | 0.00                | \$6,442.50             | #DIV/0!     |
| AA-2410,000,000 - Rental of Real Property                     | 0.00                | 0.00          | \$0.00              | #DIV/0!     | 1,200.00            | 1,200.00            | \$0.00                 | 1.0%        |
| AA-2530,000,000 - Games of Chance                             | 0.00                | 0.00          | \$0.00              | #DIV/0!     | 10.00               | 10.00               | \$0.00                 | 1.0%        |
| AA-2544,000,000 - Dog Licenses                                | 170.00              | 0.00          | \$170.00            | #DIV/0!     | 1,005.00            | 2,000.00            | \$ (995.00)            | 0.5%        |
| AA-2810,000,000 - Fines and Forfeited Bail                    | 10,327.00           | 0.00          | \$10,327.00         | #DIV/0!     | 64,230.00           | 80,000.00           | \$ (15,770.00)         | 0.8%        |
| AA-2770,000,000 - Voluntary Distribution                      | 60,497.00           | 0.00          | \$60,497.00         | #DIV/0!     | 60,497.00           | 0.00                | \$60,497.00            | #DIV/0!     |
| AA-2770,001,000 - Miscellaneous                               | 0.00                | 0.00          | \$0.00              | #DIV/0!     | 9.14                | 0.00                | \$9.14                 | #DIV/0!     |
| AA-3001,000,000 - State Aid, AIM / Revenue Sharing            | 0.00                | 0.00          | \$0.00              | #DIV/0!     | 0.00                | 11,020.00           | \$ (11,020.00)         | 0.0%        |
| AA-3005,000,000 - State Aid, Mortgage Tax                     | 0.00                | 0.00          | \$0.00              | #DIV/0!     | 24,413.07           | 30,000.00           | \$ (5,586.93)          | 0.8%        |
| AA-3040,000,000 - State Aid, Real Property Tax Administration | 0.00                | 0.00          | \$0.00              | #DIV/0!     | 3,194.86            | 0.00                | \$3,194.86             | #DIV/0!     |
| AA-7510,000,000 - Historian                                   | 0.00                | 0.00          | \$0.00              | #DIV/0!     | 0.00                | 0.00                | \$0.00                 | #DIV/0!     |
| AA-3089,000,000 - State Aid, Justice Grant                    | 2,313.00            | 0.00          | \$2,313.00          | #DIV/0!     | 12,263.00           | 0.00                | \$12,263.00            | #DIV/0!     |
| AA-5999,000,000 - Unexpended Balance                          | 0.00                | 0.00          | \$0.00              | #DIV/0!     | 0.00                | 75,000.00           | \$ (75,000.00)         | 0.0%        |
| <b>Total Revenues</b>                                         | <b>\$102,345.99</b> | <b>\$0.00</b> | <b>\$102,345.99</b> | <b>0.0%</b> | <b>\$640,725.55</b> | <b>\$946,220.00</b> | <b>\$ (305,494.45)</b> | <b>0.7%</b> |
| <b>Cost of Goods Sold</b>                                     |                     |               |                     |             |                     |                     |                        |             |
| AA-1010,100,000 - Town Board Personal Services                | 1,420.32            | 0.00          | (1,420.32)          | #DIV/0!     | 11,362.56           | 17,044.00           | 5,681.44               | 0.7%        |
| AA-1010,400,000 - Town Board Contractual                      | (423.96)            | 0.00          | 423.96              | #DIV/0!     | 1,470.25            | 1,787.63            | 317.38                 | 0.8%        |
| AA-1110,100,000 - Justices Personal Services                  | 2,757.34            | 0.00          | (2,757.34)          | #DIV/0!     | 22,058.72           | 33,088.00           | 11,029.28              | 0.7%        |
| AA-1110,102,000 - Justice Pers Svc, Clerk                     | 3,495.66            | 0.00          | (3,495.66)          | #DIV/0!     | 19,514.32           | 31,040.00           | 11,525.68              | 0.6%        |
| AA-1110,200,000 - Justice Equipment                           | 0.00                | 0.00          | 0.00                | #DIV/0!     | 0.00                | 600.00              | 600.00                 | 0.0%        |
| AA-1110,400,000 - Justices Contractual                        | 0.00                | 0.00          | 0.00                | #DIV/0!     | 2,475.59            | 10,000.00           | 7,524.41               | 0.2%        |
| AA-1220,100,000 - Supervisor Personal Services                | 1,724.92            | 0.00          | (1,724.92)          | #DIV/0!     | 13,799.36           | 20,699.00           | 6,899.64               | 0.7%        |
| AA-1220,102,000 - Deputy Supervisor Personal Services         | 140.83              | 0.00          | (140.83)            | #DIV/0!     | 1,126.64            | 1,690.00            | 563.36                 | 0.7%        |
| AA-1220,103,000 - Supervisor's Secretary Personal Services    | 1,242.00            | 0.00          | (1,242.00)          | #DIV/0!     | 6,595.30            | 9,300.00            | 2,704.70               | 0.7%        |
| AA-1220,400,000 - Supervisor Contractual                      | 549.00              | 0.00          | (549.00)            | #DIV/0!     | 1,187.75            | 8,712.37            | 7,524.62               | 0.1%        |
| AA-1310,400,000 - Bookkeeper, Contr Expend                    | 0.00                | 0.00          | 0.00                | #DIV/0!     | 7,500.00            | 8,250.00            | 750.00                 | 0.9%        |
| AA-1340,100,000 - Budget Officer Services                     | 993.60              | 0.00          | (993.60)            | #DIV/0!     | 9,324.03            | 12,938.00           | 3,613.97               | 0.7%        |
| AA-1340,400,000 - Budget Officer Contractual                  | 0.00                | 0.00          | 0.00                | #DIV/0!     | 0.00                | 750.00              | 750.00                 | 0.0%        |
| AA-1355,400,000 - Assessor Contractual                        | 388.28              | 0.00          | (388.28)            | #DIV/0!     | 11,319.76           | 26,000.00           | 14,680.24              | 0.4%        |
| AA-1410,100,000 - Town Clerk Personal Services                | 4,186.00            | 0.00          | (4,186.00)          | #DIV/0!     | 39,767.00           | 56,511.00           | 16,744.00              | 0.7%        |
| AA-1410,102,000 - Deputy Town Clerk Personal Services         | 182.00              | 0.00          | (182.00)            | #DIV/0!     | 3,607.50            | 4,500.00            | 892.50                 | 0.8%        |
| AA-1410,200,000 - Town Clerk Equipment                        | 0.00                | 0.00          | 0.00                | #DIV/0!     | 449.90              | 449.90              | 0.00                   | 1.0%        |

|                                                            |            |      |             |         |           |            |            |          |      |
|------------------------------------------------------------|------------|------|-------------|---------|-----------|------------|------------|----------|------|
| AA.1410.400.000 - Town Clerk Contractual                   | 0.00       | 0.00 | 0.00        | 0.00    | 0.00      | 1,719.32   | 4,000.00   | 2,280.68 | 0.4% |
| AA.1420.400.000 - Attorney Contractual                     | 4,010.00   | 0.00 | (4,010.00)  | #DIV/0! | 4,065.00  | 5,000.00   | 935.00     | 0.8%     |      |
| AA.1420.401.000 - Court Prosecutor                         | 1,100.00   | 0.00 | (1,100.00)  | #DIV/0! | 7,700.00  | 13,200.00  | 5,500.00   | 0.6%     |      |
| AA.1440.400.000 - Engineer Contractual                     | 1,549.38   | 0.00 | (1,549.38)  | #DIV/0! | 3,199.38  | 24,000.00  | 20,800.62  | 0.1%     |      |
| AA.1460.400.000 - Records Management Contractual           | 241.08     | 0.00 | (241.08)    | #DIV/0! | 913.08    | 8,000.00   | 7,086.92   | 0.1%     |      |
| AA.1460.400.000 - Public Info Services OARS Contractual    | 0.00       | 0.00 | 0.00        | #DIV/0! | 0.00      | 1,200.00   | 1,200.00   | 0.0%     |      |
| AA.1620.100.000 - Buildings Personal Services              | 643.50     | 0.00 | (643.50)    | #DIV/0! | 3,524.50  | 5,786.00   | 2,261.50   | 0.6%     |      |
| AA.1620.100.000 - Buildings Personal Services-Town Hall    | 346.50     | 0.00 | (346.50)    | #DIV/0! | 1,804.50  | 1,973.50   | 169.00     | 0.9%     |      |
| AA.1620.401.000 - Buildings Equip & Cap Outlay             | 23,906.41  | 0.00 | (23,906.41) | #DIV/0! | 23,906.41 | 145,000.00 | 121,093.59 | 0.2%     |      |
| AA.1620.400.000 - Building Operation Contractual-Town Hall | 159.57     | 0.00 | (159.57)    | #DIV/0! | 8,396.82  | 25,000.00  | 16,603.18  | 0.3%     |      |
| AA.1620.401.000 - Building Operation Lease Fire Hall       | 0.00       | 0.00 | 0.00        | #DIV/0! | 21,004.00 | 21,004.00  | 0.00       | 1.0%     |      |
| AA.1621.101.000 - Buildings Personal Services-Assessor     | 189.00     | 0.00 | (189.00)    | #DIV/0! | 1,296.00  | 1,600.50   | 304.50     | 0.8%     |      |
| AA.1621.400.000 - Building Operation Contractual-Assessor  | 1,349.56   | 0.00 | (1,349.56)  | #DIV/0! | 13,162.56 | 15,000.00  | 1,837.44   | 0.9%     |      |
| AA.1622.400.000 - Building Operation Contractual-Historian | 3,404.71   | 0.00 | (3,404.71)  | #DIV/0! | 4,818.19  | 5,000.00   | 181.81     | 1.0%     |      |
| AA.1660.400.000 - Central Storeroom Contractual            | 0.00       | 0.00 | 0.00        | #DIV/0! | 199.27    | 500.00     | 300.73     | 0.4%     |      |
| AA.1670.400.000 - Central Printing & Mailing Contractual   | (6,457.10) | 0.00 | 6,457.10    | #DIV/0! | 7,040.44  | 6,500.00   | (540.44)   | 1.1%     |      |
| AA.1680.200.000 - Computers Equipment                      | 0.00       | 0.00 | 0.00        | #DIV/0! | 0.00      | 1,550.10   | 1,550.10   | 0.0%     |      |
| AA.1680.400.000 - Computers Contractual                    | 3,194.49   | 0.00 | (3,194.49)  | #DIV/0! | 14,466.34 | 18,000.00  | 3,533.66   | 0.8%     |      |
| AA.1910.400.000 - Unallocated Insurance                    | 6,891.00   | 0.00 | (6,891.00)  | #DIV/0! | 44,162.31 | 45,000.00  | 837.69     | 1.0%     |      |
| AA.1920.400.000 - Municipal Association Dues               | 0.00       | 0.00 | 0.00        | #DIV/0! | 1,100.00  | 1,100.00   | 0.00       | 1.0%     |      |
| AA.1950.400.000 - Taxes and Assessments on Property        | 0.00       | 0.00 | 0.00        | #DIV/0! | 7,470.25  | 8,800.00   | 1,328.75   | 0.8%     |      |
| AA.1990.400.000 - Contingency                              | 0.00       | 0.00 | 0.00        | #DIV/0! | 0.00      | 15,000.00  | 15,000.00  | 0.0%     |      |
| AA.3120.100.000 - Constables Personnel Services            | 968.00     | 0.00 | (968.00)    | #DIV/0! | 2,662.56  | 5,517.00   | 2,854.44   | 0.5%     |      |
| AA.3120.400.000 - Constables Contractual                   | 0.00       | 0.00 | 0.00        | #DIV/0! | 0.00      | 400.00     | 400.00     | 0.0%     |      |
| AA.3310.400.000 - Traffic Control Contractual              | 0.00       | 0.00 | 0.00        | #DIV/0! | 0.00      | 9,030.00   | 9,030.00   | 0.0%     |      |
| AA.5010.100.000 - Supt. of Highways Personnel Services     | 5,596.66   | 0.00 | (5,596.66)  | #DIV/0! | 53,168.27 | 75,555.00  | 22,386.73  | 0.7%     |      |
| AA.5010.102.000 - Supt. of Highways, Pers Svc, Deputy      | 129.30     | 0.00 | (129.30)    | #DIV/0! | 1,099.05  | 1,681.00   | 581.95     | 0.7%     |      |
| AA.5010.103.000 - Supt. of Highways, Pers Svc, Clerk       | 0.00       | 0.00 | 0.00        | #DIV/0! | 0.00      | 2,484.00   | 2,484.00   | 0.0%     |      |
| AA.5010.200.000 - Superintendent of Highways Equipment     | 0.00       | 0.00 | 0.00        | #DIV/0! | 557.67    | 600.00     | 42.33      | 0.9%     |      |
| AA.5010.400.000 - Superintendent of Highways Contractual   | 257.33     | 0.00 | (257.33)    | #DIV/0! | 7,024.04  | 8,520.00   | 1,495.96   | 0.8%     |      |
| AA.5182.400.000 - Street Lighting Contractual              | 508.50     | 0.00 | (508.50)    | #DIV/0! | 13,549.68 | 40,000.00  | 26,450.32  | 0.3%     |      |
| AA.6410.400.000 - Publicity - Newsletter Contractual       | 210.67     | 0.00 | (210.67)    | #DIV/0! | 11,229.11 | 14,500.00  | 3,270.89   | 0.8%     |      |
| AA.6410.400.000 - Publicity - Newsletter Contractual       | 0.00       | 0.00 | 0.00        | #DIV/0! | 35.00     | 2,000.00   | 1,965.00   | 0.0%     |      |
| AA.6420.400.000 - Promotion of Industry Contractual        | 0.00       | 0.00 | 0.00        | #DIV/0! | 2,920.98  | 3,100.00   | 179.02     | 0.9%     |      |
| AA.7110.100.000 - Parks Person Services                    | 0.00       | 0.00 | 0.00        | #DIV/0! | 2,210.40  | 6,907.00   | 4,696.60   | 0.3%     |      |
| AA.7110.200.000 - Parks Equipment and Capital Outlay       | 0.00       | 0.00 | 0.00        | #DIV/0! | 0.00      | 30,000.00  | 30,000.00  | 0.0%     |      |
| AA.7110.400.000 - Parks Contractual                        | 18,730.72  | 0.00 | (18,730.72) | #DIV/0! | 34,189.69 | 50,000.00  | 15,810.41  | 0.7%     |      |
| AA.7510.100.000 - Historian Personal Services              | 0.00       | 0.00 | 0.00        | #DIV/0! | 1,069.00  | 3,208.00   | 2,140.00   | 0.3%     |      |
| AA.7510.200.000 - Historian Equipment                      | 0.00       | 0.00 | 0.00        | #DIV/0! | 0.00      | 900.00     | 900.00     | 0.0%     |      |
| AA.7510.400.000 - Historian Contractual                    | 0.00       | 0.00 | 0.00        | #DIV/0! | 0.00      | 1,000.00   | 1,000.00   | 0.0%     |      |
| AA.7550.400.000 - Celebrations Contractual                 | 29.33      | 0.00 | (29.33)     | #DIV/0! | 1,209.33  | 3,500.00   | 2,290.67   | 0.3%     |      |

|                                                    |                    |               |                      |                |                     |                     |                       |               |
|----------------------------------------------------|--------------------|---------------|----------------------|----------------|---------------------|---------------------|-----------------------|---------------|
| AA.8810.100.000 - Cemetery Services                | 0.00               | 0.00          | 0.00                 | #DIV/0!        | 0.00                | 2,588.00            | 2,588.00              | 0.0%          |
| AA.8810.400.000 - Cemetery Contractual             | 0.00               | 0.00          | 0.00                 | #DIV/0!        | 0.00                | 5,000.00            | 5,000.00              | 0.0%          |
| AA.9720.600.000 - Debt Principal Highway Garage    | 0.00               | 0.00          | 0.00                 | #DIV/0!        | 0.00                | 0.00                | 0.00                  | #DIV/0!       |
| AA.9720.700.000 - Interest on Debt Highway Garage  | 0.00               | 0.00          | 0.00                 | #DIV/0!        | 0.00                | 0.00                | 0.00                  | #DIV/0!       |
| <b>Total Cost of Goods Sold</b>                    | <b>\$83,394.60</b> | <b>\$0.00</b> | <b>\$(83,394.60)</b> | <b>#DIV/0!</b> | <b>\$452,431.73</b> | <b>\$882,065.00</b> | <b>\$429,633.27</b>   | <b>0.5%</b>   |
| <b>Gross Profit</b>                                | <b>\$18,951.39</b> | <b>\$0.00</b> | <b>\$185,740.59</b>  | <b>#DIV/0!</b> | <b>\$188,293.82</b> | <b>\$64,155.00</b>  | <b>\$(124,138.82)</b> | <b>2.9%</b>   |
| <b>General &amp; Administrative Expenses</b>       |                    |               |                      |                |                     |                     |                       |               |
| AA.9010.800.000 - NYS Retirement                   | \$0.00             | \$0.00        | 0.00                 | 100.0%         | \$0.00              | \$31,650.00         | 31,650.00             | 0.0%          |
| AA.9030.800.000 - Social Security & Medicare       | 2,183.53           | 0.00          | (2,183.53)           | 4.6            | 15,213.13           | 22,500.00           | 6,286.87              | 0.7%          |
| AA.9040.800.000 - Worker's Compensation            | 0.00               | 0.00          | 0.00                 | 100.0          | 225.00              | 225.00              | 0.00                  | 1.0%          |
| AA.9055.800.000 - Disability Insurance             | 0.00               | 0.00          | 0.00                 | 100.0          | 181.44              | 250.00              | 68.56                 | 0.7%          |
| AA.9060.800.000 - Medical Insurance                | 5,468.32           | 0.00          | (5,468.32)           | (11.1)         | 24,607.44           | 29,530.00           | 4,922.56              | 0.8%          |
| <b>Total General &amp; Administrative Expenses</b> | <b>\$7,651.85</b>  | <b>\$0.00</b> | <b>\$(7,651.85)</b>  | <b>#DIV/0!</b> | <b>\$41,227.01</b>  | <b>\$84,155.00</b>  | <b>\$42,927.99</b>    | <b>0.5%</b>   |
| <b>Total Expenses</b>                              | <b>\$7,651.85</b>  | <b>\$0.00</b> | <b>\$(7,651.85)</b>  | <b>#DIV/0!</b> | <b>\$41,227.01</b>  | <b>\$84,155.00</b>  | <b>\$42,927.99</b>    | <b>0.5%</b>   |
| <b>Income (Loss) from Operations</b>               | <b>\$11,299.54</b> | <b>\$0.00</b> | <b>\$193,392.44</b>  | <b>#DIV/0!</b> | <b>\$147,066.81</b> | <b>\$120,000.00</b> | <b>\$(167,066.81)</b> | <b>(7.4)%</b> |
| AA.2401.000.000 - Interest & Earnings              | \$1,369.75         | \$0.00        | (1,369.75)           | #DIV/0!        | \$30,574.11         | \$20,000.00         | (10,574.11)           | 1.5%          |
| <b>Net Income (Loss)</b>                           | <b>\$1,369.75</b>  | <b>\$0.00</b> | <b>\$(1,369.75)</b>  | <b>#DIV/0!</b> | <b>\$30,574.11</b>  | <b>\$20,000.00</b>  | <b>\$(10,574.11)</b>  | <b>1.5%</b>   |
|                                                    | <b>\$12,669.29</b> | <b>\$0.00</b> | <b>\$192,022.69</b>  |                | <b>\$177,640.92</b> | <b>\$0.00</b>       | <b>\$(177,640.92)</b> |               |

**Town of Bergen**  
Income Statement  
(Original Budget to Actual Comparison)  
For the period of 8/1/2026 Through 8/31/2026

Fund: (BB) General - Outside Village  
Show: (Description and Number) Description and Number - Not D

|                                                      | Current Period    |               |                    |                | Year To Date        |                     |                     |             |
|------------------------------------------------------|-------------------|---------------|--------------------|----------------|---------------------|---------------------|---------------------|-------------|
|                                                      | Actual            | Budget        | Variance           |                | Actual              | Budget              | Variance            |             |
| <b>Revenues</b>                                      |                   |               |                    |                |                     |                     |                     |             |
| BB.1120.000.000 - County Sales Tax Distribution      | \$0.00            | \$0.00        | \$5,201.09         | #DIV/0!        | \$366,061.61        | \$230,118.00        | \$135,943.61        | 1.6%        |
| BB.1170.000.000 - Franchise Fees                     | 4,981.09          | 0.00          | \$4,981.09         | #DIV/0!        | 14,869.92           | 21,000.00           | \$16,130.08         | 0.7%        |
| BB.1560.000.000 - Safety Inspection Fees             | 0.00              | 0.00          | \$0.00             | #DIV/0!        | 115.00              | 50.00               | \$65.00             | 2.3%        |
| BB.2110.000.000 - Zoning Fees                        | 220.00            | 0.00          | \$220.00           | #DIV/0!        | 1,758.00            | 3,500.00            | \$11,742.00         | 0.5%        |
| BB.2115.000.000 - Planning Board Fees                | 0.00              | 0.00          | \$0.00             | #DIV/0!        | 3,033.50            | 500.00              | \$2,533.50          | 6.1%        |
| BB.2116.000.000 - Planning Engineering Fees          | 0.00              | 0.00          | \$0.00             | #DIV/0!        | 0.00                | 4,000.00            | \$4,000.00          | 0.0%        |
| BB.2389.000.000 - Revenue Other Governments          | 0.00              | 0.00          | \$0.00             | #DIV/0!        | 5,000.00            | 0.00                | \$5,000.00          | #DIV/0!     |
| BB.5999.000.000 - Unexpended Balance                 | 0.00              | 0.00          | \$0.00             | #DIV/0!        | 0.00                | 100,000.00          | \$100,000.00        | 0.0%        |
| <b>Total Revenues</b>                                | <b>\$5,201.09</b> | <b>\$0.00</b> | <b>\$10,402.18</b> | <b>#DIV/0!</b> | <b>\$390,838.03</b> | <b>\$359,168.00</b> | <b>\$31,670.03</b>  | <b>1.1%</b> |
| <b>Cost of Goods Sold</b>                            |                   |               |                    |                |                     |                     |                     |             |
| BB.1420.400.000 - Attorney Contractual               | 0.00              | 0.00          | 0.00               | #DIV/0!        | 0.00                | 2,000.00            | 2,000.00            | 0.0         |
| BB.1440.400.000 - Engineer Contractual               | 0.00              | 0.00          | 0.00               | #DIV/0!        | 0.00                | 7,000.00            | 7,000.00            | 0.0         |
| BB.1440.401.000 - Engineer Planning                  | 730.17            | 0.00          | (730.17)           | #DIV/0!        | 730.17              | 4,000.00            | 3,268.83            | 0.2         |
| BB.1990.400.000 - Contingency                        | 0.00              | 0.00          | 0.00               | #DIV/0!        | 0.00                | 10,000.00           | 10,000.00           | 0.0         |
| BB.6772.400.000 - Programs for the Aging Contractual | 0.00              | 0.00          | 0.00               | #DIV/0!        | 4,000.00            | 4,000.00            | 0.00                | 1.0         |
| BB.7310.400.000 - Youth Programs Contractual         | 0.00              | 0.00          | 0.00               | #DIV/0!        | 4,500.00            | 4,500.00            | 0.00                | 0.4         |
| BB.8010.100.000 - Zoning Pers Svc                    | 59.80             | 0.00          | (59.80)            | #DIV/0!        | 478.40              | 869.00              | 390.60              | 0.6         |
| BB.8010.400.000 - Zoning Contractual                 | 17.42             | 0.00          | (17.42)            | #DIV/0!        | 31.03               | 1,240.00            | 1,208.97            | 0.0         |
| BB.8020.100.000 - Planning Personal Services         | 292.33            | 0.00          | (292.33)           | #DIV/0!        | 2,338.64            | 7,116.00            | 4,777.36            | 0.3         |
| BB.8020.400.000 - Planning Contractual               | 132.79            | 0.00          | (132.79)           | #DIV/0!        | 2,106.68            | 5,000.00            | 2,893.32            | 0.4         |
| BB.8160.400.000 - Refuse & Garbage Contractual       | 120.44            | 0.00          | (120.44)           | #DIV/0!        | 956.38              | 1,000.00            | 43.62               | 1.0         |
| BB.8664.100.000 - Code Enforcement Personnel         | 1,602.74          | 0.00          | (1,602.74)         | #DIV/0!        | 15,214.59           | 21,637.00           | 6,422.41            | 0.7         |
| BB.8664.102.000 - Clerk Scanning                     | 0.00              | 0.00          | 0.00               | #DIV/0!        | 0.00                | 8,240.00            | 8,240.00            | 0.0         |
| BB.8664.400.000 - Code Enforcement Contractual       | 386.32            | 0.00          | (386.32)           | #DIV/0!        | 5,859.90            | 6,500.00            | 640.10              | 0.9         |
| <b>Total Cost of Goods Sold</b>                      | <b>\$3,342.01</b> | <b>\$0.00</b> | <b>\$13,342.01</b> | <b>#DIV/0!</b> | <b>\$36,215.79</b>  | <b>\$83,102.00</b>  | <b>\$46,886.21</b>  | <b>0.4%</b> |
| <b>Gross Profit</b>                                  | <b>\$1,859.08</b> | <b>\$0.00</b> | <b>\$13,744.19</b> | <b>#DIV/0!</b> | <b>\$364,622.24</b> | <b>\$276,066.00</b> | <b>\$78,556.24</b>  | <b>1.3%</b> |
| <b>General &amp; Administrative Expenses</b>         |                   |               |                    |                |                     |                     |                     |             |
| BB.9030.800.000 - Social Security & Medicare         | \$149.54          | \$0.00        | (149.54)           | #DIV/0!        | \$1,379.36          | \$2,897.00          | 1,517.64            | 0.5         |
| BB.9040.800.000 - Workers Compensation               | 0.00              | 0.00          | 0.00               | #DIV/0!        | 610.00              | 610.00              | 0.00                | 1.0         |
| <b>Total General &amp; Administrative Expenses</b>   | <b>\$149.54</b>   | <b>\$0.00</b> | <b>\$149.54</b>    | <b>#DIV/0!</b> | <b>\$1,989.36</b>   | <b>\$3,507.00</b>   | <b>\$1,517.64</b>   | <b>0.6%</b> |
| <b>Total Expenses</b>                                | <b>\$149.54</b>   | <b>\$0.00</b> | <b>\$149.54</b>    | <b>#DIV/0!</b> | <b>\$1,989.36</b>   | <b>\$3,507.00</b>   | <b>\$1,517.64</b>   | <b>0.6%</b> |
| <b>Income (Loss) from Operations</b>                 | <b>\$1,709.54</b> | <b>\$0.00</b> | <b>\$13,893.73</b> | <b>#DIV/0!</b> | <b>\$362,632.88</b> | <b>\$272,559.00</b> | <b>\$80,073.88</b>  | <b>1.3%</b> |
| BB.2401.000.000 - Interest & Earnings                | \$2,486.17        | \$0.00        | (2,486.17)         | #DIV/0!        | \$16,357.57         | \$7,000.00          | (9,357.57)          | 2.3%        |
| BB.9901.900.000 - Interfund Transfers                | 0.00              | 0.00          | 0.00               | #DIV/0!        | 0.00                | 279,559.00          | 279,559.00          | 0.0         |
|                                                      | <b>\$2,486.17</b> | <b>\$0.00</b> | <b>\$12,486.17</b> | <b>#DIV/0!</b> | <b>\$16,357.57</b>  | <b>\$286,559.00</b> | <b>\$270,201.43</b> | <b>0.1%</b> |
| <b>Net Income (Loss)</b>                             | <b>\$4,195.71</b> | <b>\$0.00</b> | <b>\$11,407.56</b> | <b>#DIV/0!</b> | <b>\$368,990.45</b> | <b>\$559,118.00</b> | <b>\$190,127.55</b> | <b>0.7%</b> |

**Town of Bergen**  
Income Statement  
(Original Budget to Actual Comparison)  
For the period of 8/1/2026 Through 8/31/2026

Fund: (DA) Highway - Townwide  
Show: (Description and Number) Description and Number - Not D

|                                                     | Actual               | Current Period |                      | %              | Actual               | Year To Date         |                       | %             |
|-----------------------------------------------------|----------------------|----------------|----------------------|----------------|----------------------|----------------------|-----------------------|---------------|
|                                                     |                      | Budget         | Variance             |                |                      | Budget               | Variance              |               |
| <b>Revenues</b>                                     |                      |                |                      |                |                      |                      |                       |               |
| DA.1001.000.000 - Property Taxes                    | \$0.00               | \$0.00         | \$0.00               | #DIV/0!        | \$235,396.00         | \$235,396.00         | \$0.00                | 1.0%          |
| DA.2300.000.000 - Services to Other Govt            | 20,271.45            | 0.00           | \$20,271.45          | #DIV/0!        | 162,423.23           | 160,000.00           | \$12,423.23           | 1.1%          |
| DA.2301.000.000 - Service to Other Governments-Fire | 0.00                 | 0.00           | \$0.00               | #DIV/0!        | 13,508.00            | 13,508.00            | \$0.00                | 1.0%          |
| DA.2665.000.000 - Sale of Equipment                 | 0.00                 | 0.00           | \$0.00               | #DIV/0!        | 26,500.00            | 26,200.00            | \$300.00              | 1.0%          |
| DA.3589.000.000 - SL Aid, Other Transportation      | (20,271.45)          | 0.00           | \$(20,271.45)        | #DIV/0!        | 0.00                 | 40,000.00            | \$(40,000.00)         | 0.0%          |
| DA.5999.000.000 - Appropriated Fund Balance         | 0.00                 | 0.00           | \$0.00               | #DIV/0!        | 0.00                 | 169,904.00           | \$(169,904.00)        | 0.0%          |
| <b>Total Revenues</b>                               | <b>\$0.00</b>        | <b>\$0.00</b>  | <b>\$0.00</b>        | <b>#DIV/0!</b> | <b>\$437,827.23</b>  | <b>\$635,008.00</b>  | <b>\$(197,180.77)</b> | <b>0.7%</b>   |
| <b>Cost of Goods Sold</b>                           |                      |                |                      |                |                      |                      |                       |               |
| DA.5130.100.000 - Machinery, Pers Serv              | 0.00                 | 0.00           | 0.00                 | #DIV/0!        | 4,545.60             | 12,994.00            | 8,448.40              | 0.3%          |
| DA.5130.200.000 - Machinery, Equip & Cap Outlay     | 0.00                 | 0.00           | 0.00                 | #DIV/0!        | 184,003.44           | 184,004.00           | 0.56                  | 1.0%          |
| DA.5130.400.000 - Machinery, Contr Expend           | 4,731.03             | 0.00           | (4,731.03)           | #DIV/0!        | 34,351.08            | 44,000.00            | 9,648.92              | 0.8%          |
| DA.5140.100.000 - Brush & Weeds, Pers Serv          | 0.00                 | 0.00           | 0.00                 | #DIV/0!        | 6,904.94             | 12,732.00            | 5,827.06              | 0.5%          |
| DA.5140.400.000 - Brush & Weeds, Contr Expend       | 0.00                 | 0.00           | 0.00                 | #DIV/0!        | 2,000.00             | 2,000.00             | 0.00                  | 1.0%          |
| DA.5142.100.000 - Snow & Ice, Pers Serv             | 0.00                 | 0.00           | 0.00                 | #DIV/0!        | 101,462.11           | 143,348.00           | 41,885.89             | 0.7%          |
| DA.5142.400.000 - Snow & Ice, Contr Expend          | 37,355.81            | 0.00           | (37,355.81)          | #DIV/0!        | 138,392.59           | 166,253.00           | 17,860.41             | 0.9%          |
| <b>Total Cost of Goods Sold</b>                     | <b>\$42,086.84</b>   | <b>\$0.00</b>  | <b>\$(42,086.84)</b> | <b>#DIV/0!</b> | <b>\$471,659.76</b>  | <b>\$556,331.00</b>  | <b>\$83,671.24</b>    | <b>0.8%</b>   |
| <b>Gross Profit</b>                                 | <b>\$(42,086.84)</b> | <b>\$0.00</b>  | <b>\$42,086.84</b>   | <b>#DIV/0!</b> | <b>\$33,832.53</b>   | <b>\$79,677.00</b>   | <b>\$113,509.53</b>   | <b>(0.4)%</b> |
| <b>General &amp; Administrative Expenses</b>        |                      |                |                      |                |                      |                      |                       |               |
| DA.9010.800.000 - NYS Retirement, Empl Bnfts        | \$0.00               | \$0.00         | 0.00                 | #DIV/0!        | \$0.00               | \$31,950.00          | 31,950.00             | 0.0%          |
| DA.9030.800.000 - Social Security & Medicare, Empl  | 0.00                 | 0.00           | 0.00                 | #DIV/0!        | 8,507.02             | 12,934.00            | 4,426.98              | 0.7%          |
| DA.9040.800.000 - Workers Compensation, Empl        | 0.00                 | 0.00           | 0.00                 | #DIV/0!        | 9,343.00             | 9,343.00             | 0.00                  | 1.0%          |
| DA.9050.800.000 - Unemployment Insurance            | 0.00                 | 0.00           | 0.00                 | #DIV/0!        | 1,118.00             | 0.00                 | (1,118.00)            | #DIV/0!       |
| DA.9055.800.000 - Disability Insurance, Empl Bnfts  | 0.00                 | 0.00           | 0.00                 | #DIV/0!        | 98.01                | 150.00               | 51.99                 | 0.7%          |
| DA.9060.800.000 - Hospital & Medical (Dental) Ins,  | 7,344.28             | 0.00           | (7,344.28)           | #DIV/0!        | 33,472.73            | 40,300.00            | 6,827.27              | 0.8%          |
| <b>Total General &amp; Administrative Expenses</b>  | <b>\$7,344.28</b>    | <b>\$0.00</b>  | <b>\$(7,344.28)</b>  | <b>#DIV/0!</b> | <b>\$52,538.76</b>   | <b>\$94,677.00</b>   | <b>\$42,138.24</b>    | <b>0.6%</b>   |
| <b>Total Expenses</b>                               | <b>\$7,344.28</b>    | <b>\$0.00</b>  | <b>\$(7,344.28)</b>  | <b>#DIV/0!</b> | <b>\$52,538.76</b>   | <b>\$94,677.00</b>   | <b>\$42,138.24</b>    | <b>0.6%</b>   |
| <b>Income (Loss) from Operations</b>                | <b>\$(49,431.12)</b> | <b>\$0.00</b>  | <b>\$49,431.12</b>   | <b>#DIV/0!</b> | <b>\$(86,371.29)</b> | <b>\$(16,000.00)</b> | <b>\$71,371.29</b>    | <b>5.8%</b>   |
| DA.2401.000.000 - Interest & Earnings               | \$1,199.33           | \$0.00         | \$1,199.33           | #DIV/0!        | \$11,050.63          | \$15,000.00          | \$3,949.37            | 0.7%          |
| <b>Net income (loss)</b>                            | <b>\$1,199.33</b>    | <b>\$0.00</b>  | <b>\$1,199.33</b>    | <b>#DIV/0!</b> | <b>\$11,050.63</b>   | <b>\$15,000.00</b>   | <b>\$3,949.37</b>     | <b>0.7%</b>   |
|                                                     | <b>\$(48,231.79)</b> | <b>\$0.00</b>  | <b>\$50,630.45</b>   |                | <b>\$(75,320.66)</b> | <b>\$0.00</b>        | <b>\$67,421.92</b>    |               |

**Town of Bergen**  
Income Statement  
(Original Budget to Actual Comparison)  
For the period of 8/1/2026 Through 8/31/2026

Fund: (DB) Highway - Outside Village  
Show: (Description and Number) Description and Number - Not D

|                                                    | Current Period        |               |                       |                | Year To Date           |                      |                        |               |
|----------------------------------------------------|-----------------------|---------------|-----------------------|----------------|------------------------|----------------------|------------------------|---------------|
|                                                    | Actual                | Budget        | Variance              |                | Actual                 | Budget               | Variance               |               |
| <b>Revenues</b>                                    |                       |               |                       |                |                        |                      |                        |               |
| DB,2300,000,000 - Service to Other gov't           | \$0.00                | \$0.00        | \$0.00                | #DIV/0!        | \$0.00                 | \$0.00               | \$0.00                 | #DIV/0!       |
| DB,2690,000,000 - Other Permits                    | 0.00                  | 0.00          | \$0.00                | #DIV/0!        | 0.00                   | 0.00                 | \$0.00                 | #DIV/0!       |
| DB,3501,000,000 - Consolidated Highway Aid         | 0.00                  | 0.00          | \$0.00                | #DIV/0!        | 0.00                   | 114,200.00           | \$ (114,200.00)        | 0.0%          |
| DB,5031,000,000 - Interfund Transfers              | 0.00                  | 0.00          | \$0.00                | #DIV/0!        | 0.00                   | 279,559.00           | \$ (279,559.00)        | 0.0%          |
| DB,5989,000,000 - Unexpended Balance               | 0.00                  | 0.00          | \$0.00                | #DIV/0!        | 0.00                   | 20,000.00            | \$ (20,000.00)         | 0.0%          |
| <b>Total Revenues</b>                              | <b>\$0.00</b>         | <b>\$0.00</b> | <b>\$0.00</b>         | <b>#DIV/0!</b> | <b>\$0.00</b>          | <b>\$413,759.00</b>  | <b>\$ (413,759.00)</b> | <b>0.0%</b>   |
| <b>Cost of Goods Sold</b>                          |                       |               |                       |                |                        |                      |                        |               |
| DB,5110,100,000 - General Highway Repairs Personal | 14,931.53             | 0.00          | (14,931.53)           | #DIV/0!        | 58,345.50              | 98,325.00            | 39,979.50              | 0.6%          |
| DB,5110,400,000 - General Highway Repairs          | 34,836.50             | 0.00          | (34,836.50)           | #DIV/0!        | 123,369.04             | 148,138.00           | 24,768.96              | 0.8%          |
| DB,5112,200,000 - Permanent Highway Improvements   | 1,890.94              | 0.00          | (1,890.94)            | #DIV/0!        | 9,217.15               | 114,200.00           | 104,982.85             | 0.1%          |
| <b>Total Cost of Goods Sold</b>                    | <b>\$51,457.97</b>    | <b>\$0.00</b> | <b>\$ (51,457.97)</b> | <b>#DIV/0!</b> | <b>\$180,931.69</b>    | <b>\$360,663.00</b>  | <b>\$ (169,731.31)</b> | <b>0.5%</b>   |
| <b>Gross Profit</b>                                | <b>\$ (51,457.97)</b> | <b>\$0.00</b> | <b>\$51,457.97</b>    | <b>#DIV/0!</b> | <b>\$ (190,931.69)</b> | <b>\$53,096.00</b>   | <b>\$ (683,490.31)</b> | <b>(3.6)%</b> |
| <b>General &amp; Administrative Expenses</b>       |                       |               |                       |                |                        |                      |                        |               |
| DB,9010,800,000 - NYS Retirement                   | \$0.00                | \$0.00        | 0.00                  | #DIV/0!        | \$0.00                 | \$18,764.00          | 18,764.00              | 0.0%          |
| DB,9030,800,000 - Social Security & Medicare       | 436.59                | 0.00          | (436.59)              | #DIV/0!        | 2,585.35               | 7,522.00             | 4,936.65               | 0.3%          |
| DB,9040,800,000 - Workers Compensation             | 0.00                  | 0.00          | 0.00                  | #DIV/0!        | 5,261.00               | 5,032.00             | (229.00)               | 1.0%          |
| DB,9050,800,000 - Unemployment Insurance           | 0.00                  | 0.00          | (1,677.00)            | #DIV/0!        | 1,677.00               | 0.00                 | (1,677.00)             | #DIV/0!       |
| DB,9055,800,000 - Disability Insurance             | 0.00                  | 0.00          | 0.00                  | #DIV/0!        | 65.34                  | 110.00               | 44.66                  | 0.6%          |
| DB,9060,800,000 - Medical Insurance                | 4,501.32              | 0.00          | (4,501.32)            | #DIV/0!        | 20,515.49              | 23,668.00            | 3,152.51               | 0.9%          |
| <b>Total General &amp; Administrative Expenses</b> | <b>\$4,937.91</b>     | <b>\$0.00</b> | <b>\$ (6,514.91)</b>  | <b>#DIV/0!</b> | <b>\$30,104.18</b>     | <b>\$55,096.00</b>   | <b>\$ (24,991.82)</b>  | <b>0.5%</b>   |
| <b>Total Expenses</b>                              | <b>\$4,937.91</b>     | <b>\$0.00</b> | <b>\$ (6,514.91)</b>  | <b>#DIV/0!</b> | <b>\$30,104.18</b>     | <b>\$55,096.00</b>   | <b>\$ (24,991.82)</b>  | <b>0.5%</b>   |
| <b>Income (Loss) from Operations</b>               | <b>\$ (56,395.88)</b> | <b>\$0.00</b> | <b>\$58,072.88</b>    | <b>#DIV/0!</b> | <b>\$ (221,035.87)</b> | <b>\$ (2,000.00)</b> | <b>\$ (608,482.13)</b> | <b>110.5%</b> |
| DB,2401,000,000 - Interest & Earnings              | \$0.00                | \$0.00        | 0.00                  | #DIV/0!        | \$0.00                 | \$2,000.00           | 2,000.00               | 0.0%          |
|                                                    | <b>\$0.00</b>         | <b>\$0.00</b> | <b>\$0.00</b>         | <b>#DIV/0!</b> | <b>\$0.00</b>          | <b>\$2,000.00</b>    | <b>\$2,000.00</b>      | <b>0.0%</b>   |
| <b>Net Income (Loss)</b>                           | <b>\$ (56,395.88)</b> | <b>\$0.00</b> | <b>\$58,072.88</b>    |                | <b>\$ (221,035.87)</b> | <b>\$0.00</b>        | <b>\$ (606,482.13)</b> |               |

**Town of Bergen**  
Income Statement  
(Original Budget to Actual Comparison)  
For the period of 8/1/2026 Through 8/31/2026

Fund: (SM) Fire District  
Show: (Description and Number) Description and Number - Not D

|                                             | Current Period |               |               |                | Year To Date        |                     |                   |             |
|---------------------------------------------|----------------|---------------|---------------|----------------|---------------------|---------------------|-------------------|-------------|
|                                             | Actual         | Budget        | Variance      |                | Actual              | Budget              | Variance          |             |
| <b>Revenues</b>                             |                |               |               |                |                     |                     |                   |             |
| SM.1001.000.000 - Real Property Taxes       | \$0.00         | \$0.00        | \$0.00        | #DIV/0!        | \$246,330.00        | \$246,330.00        | \$0.00            | 1.0%        |
| <b>Total Revenues</b>                       | <u>\$0.00</u>  | <u>\$0.00</u> | <u>\$0.00</u> | <u>#DIV/0!</u> | <u>\$246,330.00</u> | <u>\$246,330.00</u> | <u>\$0.00</u>     | <u>1.0%</u> |
| <b>Cost of Goods Sold</b>                   |                |               |               |                |                     |                     |                   |             |
| SM.3410.400.000 - Fire Contract Contractual | 0.00           | 0.00          | 0.00          | #DIV/0!        | 247,330.00          | 247,330.00          | 0.00              | 1.0%        |
| <b>Total Cost of Goods Sold</b>             | <u>\$0.00</u>  | <u>\$0.00</u> | <u>\$0.00</u> | <u>#DIV/0!</u> | <u>\$247,330.00</u> | <u>\$247,330.00</u> | <u>\$0.00</u>     | <u>1.0%</u> |
| <b>Gross Profit</b>                         | <u>\$0.00</u>  | <u>\$0.00</u> | <u>\$0.00</u> | <u>#DIV/0!</u> | <u>\$(1,000.00)</u> | <u>\$(1,000.00)</u> | <u>\$0.00</u>     | <u>1.0%</u> |
| <b>Income (Loss) from Operations</b>        | <u>\$0.00</u>  | <u>\$0.00</u> | <u>\$0.00</u> | <u>#DIV/0!</u> | <u>\$(1,000.00)</u> | <u>\$(1,000.00)</u> | <u>\$0.00</u>     | <u>1.0%</u> |
| SM.2401.000.000 - Interest & Earnings       | \$0.00         | \$0.00        | \$0.00        | #DIV/0!        | \$2,011.55          | \$1,000.00          | \$1,011.55        | 2.0%        |
| <b>Net Income (Loss)</b>                    | <u>\$0.00</u>  | <u>\$0.00</u> | <u>\$0.00</u> | <u>#DIV/0!</u> | <u>\$2,011.55</u>   | <u>\$1,000.00</u>   | <u>\$1,011.55</u> | <u>2.0%</u> |
|                                             |                |               |               |                | <u>\$1,011.55</u>   | <u>\$0.00</u>       | <u>\$1,011.55</u> |             |

**Town of Bergen**  
Income Statement  
(Original Budget to Actual Comparison)  
For the period of 8/1/2026 Through 8/31/2026

Fund: (SW) Water Districts  
Show: (Description and Number) Description and Number - Not D

|                                                      | Actual          | Current Period |                 | %              | Actual              | Year To Date        |                       | %             |
|------------------------------------------------------|-----------------|----------------|-----------------|----------------|---------------------|---------------------|-----------------------|---------------|
|                                                      |                 | Budget         | Variance        |                |                     | Budget              | Variance              |               |
| <b>Revenues</b>                                      |                 |                |                 |                |                     |                     |                       |               |
| SW.1001.000.003 - Real Property Taxes - Peachey Rd   | \$0.00          | \$0.00         | \$0.00          | #DIV/0!        | \$44,229.00         | \$44,229.00         | \$0.00                | 1.0%          |
| SW.1001.000.004 - Property Taxes                     | 0.00            | 0.00           | \$0.00          | #DIV/0!        | 251,615.00          | 251,615.00          | \$0.00                | 1.0%          |
| SW.2140.001.004 - Out of District User               | 0.00            | 0.00           | \$0.00          | #DIV/0!        | 4,643.44            | 3,494.00            | \$1,149.44            | 1.3%          |
| SW.5031.000.003 - Interfund Transfer - Peachey       | 0.00            | 0.00           | \$0.00          | #DIV/0!        | 0.00                | 5,000.00            | \$(5,000.00)          | 0.0%          |
| <b>Total Revenues</b>                                | <b>\$0.00</b>   | <b>\$0.00</b>  | <b>\$0.00</b>   | <b>#DIV/0!</b> | <b>\$300,487.44</b> | <b>\$304,338.00</b> | <b>\$13,850.56</b>    | <b>1.0%</b>   |
| <b>Cost of Goods Sold</b>                            |                 |                |                 |                |                     |                     |                       |               |
| SW.8340.400.004 - Water Transportation and           | 0.00            | 0.00           | 0.00            | #DIV/0!        | 0.00                | 0.00                | 0.00                  | #DIV/0!       |
| SW.9710.600.004 - Bond Principal (\$5,615,000),      | 0.00            | 0.00           | 0.00            | #DIV/0!        | 0.00                | 110,000.00          | 110,000.00            | 0.0%          |
| SW.9710.601.004 - Bond Principal (\$935,000), Water  | 0.00            | 0.00           | 0.00            | #DIV/0!        | 0.00                | 20,000.00           | 20,000.00             | 0.0%          |
| SW.9710.700.004 - Bond Interest (\$5,615,000), Water | 0.00            | 0.00           | 0.00            | #DIV/0!        | 56,100.00           | 112,200.00          | 56,100.00             | 0.5%          |
| SW.9710.701.004 - Bond Interest (\$935,000), Water   | 0.00            | 0.00           | 0.00            | #DIV/0!        | 6,084.38            | 12,168.00           | 6,084.62              | 0.5%          |
| SW.9720.600.003 - Debt Interest, Install Bonds -     | 0.00            | 0.00           | 0.00            | #DIV/0!        | 0.00                | 21,000.00           | 21,000.00             | 0.0%          |
| SW.9720.700.003 - Debt Interest, Install Bonds -     | 0.00            | 0.00           | 0.00            | #DIV/0!        | 13,989.38           | 27,979.00           | 13,989.62             | 0.5%          |
| <b>Total Cost of Goods Sold</b>                      | <b>\$0.00</b>   | <b>\$0.00</b>  | <b>\$0.00</b>   | <b>#DIV/0!</b> | <b>\$76,173.76</b>  | <b>\$303,348.00</b> | <b>\$227,174.24</b>   | <b>0.3%</b>   |
| <b>Gross Profit</b>                                  | <b>\$0.00</b>   | <b>\$0.00</b>  | <b>\$0.00</b>   | <b>#DIV/0!</b> | <b>\$224,313.68</b> | <b>\$990.00</b>     | <b>\$(231,024.80)</b> | <b>226.6%</b> |
| <b>Income (Loss) from Operations</b>                 | <b>\$0.00</b>   | <b>\$0.00</b>  | <b>\$0.00</b>   | <b>#DIV/0!</b> | <b>\$224,313.68</b> | <b>\$990.00</b>     | <b>\$(231,024.80)</b> | <b>226.6%</b> |
| SW.2401.000.002 - Interest and Earnings              | \$575.21        | \$0.00         | \$575.21        | #DIV/0!        | \$4,512.12          | \$0.00              | \$4,512.12            | #DIV/0!       |
| SW.2401.000.003 - Interest & Earnings                | 119.95          | 0.00           | \$119.95        | #DIV/0!        | 1,009.26            | 750.00              | \$259.26              | 1.3%          |
| SW.2401.000.004 - Interest & Earnings                | 204.24          | 0.00           | \$204.24        | #DIV/0!        | 2,009.31            | 8,000.00            | \$(5,990.69)          | 0.3%          |
| SW.9901.900.004 - Interfund Transfer                 | 0.00            | 0.00           | \$0.00          | #DIV/0!        | 0.00                | 8,740.00            | 8,740.00              | 0.0%          |
| SW.9950.900.003 - Interfund Transfer                 | 0.00            | 0.00           | \$0.00          | #DIV/0!        | 0.00                | 2,000.00            | 2,000.00              | 0.0%          |
|                                                      | <b>\$899.40</b> | <b>\$0.00</b>  | <b>\$899.40</b> | <b>#DIV/0!</b> | <b>\$7,530.69</b>   | <b>\$19,490.00</b>  | <b>\$9,520.69</b>     | <b>0.4%</b>   |
| <b>Net Income (Loss)</b>                             | <b>\$899.40</b> | <b>\$0.00</b>  | <b>\$899.40</b> |                | <b>\$231,844.37</b> | <b>\$20,480.00</b>  | <b>\$(221,504.11)</b> |               |

**Town of Bergen**  
**GL Period Summary Ledger**  
8/1/2026 through 8/31/2026

| Account                 | Description                       | Balance               |                    |                     |                       |
|-------------------------|-----------------------------------|-----------------------|--------------------|---------------------|-----------------------|
|                         |                                   | Beginning             | Debits             | Credits             | Ending                |
| AA.0200.000.000         | Cash - General Townwide           | \$230,556.98          | \$12,669.29        | \$-                 | \$243,226.27          |
| AA.0201.000.000         | Cash in MM General Townwide       | 9,091.86              | -                  | -                   | 9,091.86              |
| AA.0230.000.000         | Cash in NYCLASS General Townw     | 379,267.60            | -                  | -                   | 379,267.60            |
| BB.0200.000.000         | Cash - General Outside Village    | 511,576.00            | 4,195.71           | -                   | 515,771.71            |
| BB.0201.000.000         | Cash in MM General Outside Villag | 184,435.27            | -                  | -                   | 184,435.27            |
| BB.0230.000.000         | Cash in NYCLASS General Outsid    | 148,911.46            | -                  | -                   | 148,911.46            |
| DA.0200.000.000         | Cash - Highway Townwide           | (29,220.90)           | -                  | 48,231.79           | (77,452.69)           |
| DA.0201.000.000         | Cash in MM Highway Townwide       | 28,592.54             | -                  | -                   | 28,592.54             |
| DA.0230.000.000         | Cash in NYCLASS Highway Townw     | 543,079.30            | -                  | -                   | 543,079.30            |
| DB.0200.000.000         | Cash - Highway Outside Village    | (96,118.50)           | -                  | 56,395.88           | (152,514.38)          |
| DB.0230.000.000         | Cash in NYCLASS Highway Outsik    | 55,599.09             | -                  | -                   | 55,599.09             |
| HH.0200.000.004         | Cash - WIBA#1 Water District 4    | (5,288.25)            | -                  | -                   | (5,288.25)            |
| SM.0200.000.000         | Cash - Fire District              | (1,870.81)            | -                  | -                   | (1,870.81)            |
| SM.0230.000.000         | Cash in NYCLASS Fire District     | 1,336.22              | -                  | -                   | 1,336.22              |
| SW.0200.000.002         | Cash - District 2                 | 249,535.26            | -                  | -                   | 249,535.26            |
| SW.0200.000.003         | Cash - Peachey Rd District 3      | 93,688.18             | 119.95             | -                   | 93,808.13             |
| SW.0200.000.004         | Cash - WIBA #1 District 4         | 259,756.62            | -                  | -                   | 259,756.62            |
| SW.0201.000.002         | Cash in Money Market - District 2 | 10,627.84             | 575.21             | -                   | 11,203.05             |
| SW.0201.000.003         | Cash in Money Market - Peachey I  | (63,676.88)           | -                  | -                   | (63,676.88)           |
| SW.0201.000.004         | Cash in MM WIBA#1 District 4      | (267,086.38)          | -                  | -                   | (267,086.38)          |
| SW.0230.000.003         | Cash in NYCLASS Peachey Road      | 9,364.38              | -                  | -                   | 9,364.38              |
| SW.0230.000.004         | Cash in NYCLASS WIBA#1 Distric    | 99,707.07             | 204.24             | -                   | 99,911.31             |
| TA.0200.000.000         | Cash - Trust and Agency           | 16,404.58             | 516.74             | -                   | 16,921.32             |
| VV.0201.000.005         | Cash in Time Deposits - Peachey I | 14,875.76             | -                  | -                   | 14,875.76             |
| <b>TOTAL OF LEDGER:</b> |                                   | <b>\$2,383,144.29</b> | <b>\$18,281.14</b> | <b>\$104,627.67</b> | <b>\$2,296,797.76</b> |

\* Inactive accounts are marked and shaded

The amounts above represent the NET change amount of debit and credits posted against these GL accounts. See a Detail GL Account Ledger for specific GL Transactions.



Month: August 2026

| OPENING BAL           | FUND            | A                | B                       | DA               | DB                      | H                         | H       | SM                    | SW               | SW003                       | SW004                  | TA               | V             |
|-----------------------|-----------------|------------------|-------------------------|------------------|-------------------------|---------------------------|---------|-----------------------|------------------|-----------------------------|------------------------|------------------|---------------|
| Cash Accts            | Fund Balance    | General Townwide | General Outside Village | Highway Townwide | Highway Outside Village | Town Hall Capital Project | WIBA #1 | Special District Fire | Water District 4 | Peachey Road Water District | WIBA #1 Water District | Trust and Agency | Peachey Water |
| Payroll               | \$ 44,462.51    | \$ 477,678.53    | \$ 1,226,400.82         | \$ 580,024.66    | \$ (324,414.46)         | \$ (5,288.25)             | \$ -    | \$ -                  | \$ 260,163.10    | \$ 37,335.68                | \$ 89,418.11           | \$ 44,462.51     | \$ 19,875.76  |
| Tompson/NYCLASS       | \$ 2,360,042.16 |                  |                         |                  |                         |                           |         |                       |                  |                             |                        |                  |               |
| Total All             | \$ 2,404,504.67 | \$ 477,678.53    | \$ 1,226,400.82         | \$ 580,024.66    | \$ (324,414.46)         | \$ (5,288.25)             | \$ -    | \$ -                  | \$ 260,163.10    | \$ 37,335.68                | \$ 89,418.11           | \$ 44,462.51     | \$ 19,875.76  |
| Deposits              |                 |                  |                         |                  |                         |                           |         |                       |                  |                             |                        |                  |               |
| August Deposits       | \$              | 105,324.44       | \$ 5,201.09             |                  |                         |                           |         |                       |                  |                             |                        |                  |               |
| Genesee Cty Sales Tax |                 |                  |                         |                  |                         |                           |         |                       |                  |                             |                        |                  |               |
| Relieved Taxes        |                 |                  |                         |                  |                         |                           |         |                       |                  |                             |                        |                  |               |
| Bond Issued           |                 |                  |                         |                  |                         |                           |         |                       |                  |                             |                        |                  |               |
| Adjustments           |                 |                  |                         |                  |                         |                           |         |                       |                  |                             |                        |                  |               |
| EOY Adjustments       |                 |                  |                         |                  |                         |                           |         |                       |                  |                             |                        |                  |               |
| Total Deposits        | \$ 395,834.42   | \$ 105,324.44    | \$ 5,201.09             | \$ -             | \$ 279,559.00           | \$ -                      | \$ -    | \$ 617.19             | \$ -             | \$ 5,000.00                 | \$ -                   | \$ 132.70        | \$ -          |
| Interest              | \$ 5,954.65     | \$ 1,369.75      | \$ 2,486.17             | \$ 1,199.33      |                         |                           |         |                       | \$ 575.21        | \$ 119.95                   | \$ 204.24              |                  |               |
| Abstracts             | \$ 159,671.66   | \$ 67,825.64     | \$ 1,387.14             | \$ 42,104.91     | \$ 48,353.97            |                           |         |                       |                  |                             |                        |                  |               |
| Timekeeping Fees      | \$ 20.10        | \$ 20.10         |                         |                  |                         |                           |         |                       |                  |                             |                        |                  |               |
| Adjustments           |                 |                  |                         |                  |                         |                           |         |                       |                  |                             |                        |                  |               |
| Returned Checks       |                 |                  |                         |                  |                         |                           |         |                       |                  |                             |                        |                  |               |
| Sales Tax             |                 |                  |                         |                  |                         |                           |         |                       |                  |                             |                        |                  |               |
| Voided Checks         |                 |                  |                         |                  |                         |                           |         |                       |                  |                             |                        |                  |               |
| EOY Adjustments       | \$              | 617.19           | \$ 279,559.00           |                  |                         |                           |         |                       |                  |                             |                        |                  | \$ 5,000.00   |
| Transfers OUT         | \$ 444,867.95   | \$ 68,462.93     | \$ 280,946.14           | \$ 42,104.91     | \$ 48,353.97            | \$ -                      | \$ -    | \$ -                  | \$ -             | \$ -                        | \$ -                   | \$ -             | \$ 5,000.00   |
| Payroll Trans OUT     | \$ 15,301.37    | \$ 6,709.40      | \$ 862.67               |                  | \$ 7,729.30             |                           |         |                       |                  |                             |                        |                  |               |
| Payroll Trans OUT     | \$ 28,350.32    | \$ 19,469.76     | \$ 1,241.74             |                  | \$ 7,638.82             |                           |         |                       |                  |                             |                        |                  |               |
| Payroll Trans OUT     | \$ -            |                  |                         |                  |                         |                           |         |                       |                  |                             |                        |                  |               |
| Payroll Trans OUT     | \$ -            |                  |                         |                  |                         |                           |         |                       |                  |                             |                        |                  |               |
| ACCT BAL              | \$ 2,317,592.56 | \$ 489,730.63    | \$ 951,037.53           | \$ 539,119.08    | \$ (108,677.55)         | \$ (5,288.25)             | \$ -    | \$ -                  | \$ 260,738.31    | \$ 42,455.63                | \$ 89,622.35           | \$ 44,413.67     | \$ 14,875.76  |
| Books @ 8/31/2026     | \$ 2,296,797.76 | \$ 631,586.73    | \$ 849,118.44           | \$ 494,219.15    | \$ (96,915.29)          | \$ (5,288.25)             | \$ -    | \$ -                  | \$ 260,738.31    | \$ 39,495.63                | \$ 92,581.55           | \$ 16,921.32     | \$ 14,875.76  |
| Diff                  | \$ (20,794.80)  | \$ 141,855.10    | \$ (101,919.09)         | \$ (44,899.93)   | \$ 11,662.26            | \$ -                      | \$ -    | \$ -                  | \$ -             | \$ (2,960.00)               | \$ 2,959.20            | \$ (27,492.35)   | \$ 0.00       |

[illegible]

| CLOSING BAL      | FUND            | A                | B               | DA               | DB              | H                 | H       | SM               | SW               | SW           | SW            | TA               | V             |
|------------------|-----------------|------------------|-----------------|------------------|-----------------|-------------------|---------|------------------|------------------|--------------|---------------|------------------|---------------|
| Cash Accts       | CASH Balance    | General Townwide | General Outside | Highway Townwide | Highway         | Town Hall Capital | WIBA #1 | Special District | Water District 2 | Peachey Road | WIBA #1 Water | Trust and Agency | Peachey Water |
| Payroll          | \$ 44,413.67    |                  |                 |                  |                 |                   |         |                  |                  |              |               | \$ 44,413.67     |               |
| Tompkins/NYCLASS | \$ 2,273,178.89 | \$ 489,730.63    | \$ 951,037.53   | \$ 539,119.08    | \$ (108,577.56) | \$ (5,288.25)     | \$ -    | \$ (534.60)      | \$ 260,738.31    | \$ 42,455.63 | \$ 89,622.35  | \$               | \$ 14,875.76  |
| Total All        | \$ 2,317,592.56 | \$ 489,730.63    | \$ 951,037.53   | \$ 539,119.08    | \$ (108,577.56) | \$ (5,288.25)     | \$ -    | \$ (534.60)      | \$ 260,738.31    | \$ 42,455.63 | \$ 89,622.35  | \$ 44,413.67     | \$ 14,875.76  |

Month: August 2026

| Operating       | Books           | Bank/NYCLASS    | OS          | DIT | diff           |                |                 |                 |  |  |  |  |  |
|-----------------|-----------------|-----------------|-------------|-----|----------------|----------------|-----------------|-----------------|--|--|--|--|--|
| Savings/NYCLASS | \$ 2,279,876.44 | \$ 1,934,271.51 | \$ 8,153.54 | -   | \$ 313,951.86  | \$ 313,951.86  | \$ 1,934,271.51 | \$ 2,246,223.37 |  |  |  |  |  |
| Payroll         | \$ 44,413.67    | \$ 62,112.56    | \$ 2,353.14 | -   | \$ 15,345.75   | \$ 15,345.75   |                 |                 |  |  |  |  |  |
|                 |                 |                 | DIFF        |     | \$ (16,307.32) | \$ (16,307.32) |                 |                 |  |  |  |  |  |

|           | Operating OS | SAVINGS DIT | Savings Corrections | Payroll OS |        |          |
|-----------|--------------|-------------|---------------------|------------|--------|----------|
| 7/22/2026 | 19597        | 100.00      | Cash                | 3/26/2026  | 8769   | 493.61   |
| 8/19/2026 | 19619        | 19.71       | Checks              | 8/27/2026  | 8926   | 263.51   |
| 8/19/2026 | 19621        | 16.00       | Credit Cards        | 8/27/2026  | 8941   | 164.74   |
| 8/19/2026 | 19624        | 1,085.32    | FIS                 | 8/27/2026  | 8942   | 257.00   |
| 8/19/2026 | 19629        | 150.00      | e-Payments          | 8/31/2026  | NYSIRS | 1,174.28 |
| 8/19/2026 | 19631        | 1,100.00    | EFT                 |            |        |          |
| 8/19/2026 | 19635        | 237.00      |                     |            |        |          |
| 8/19/2026 | 19637        | 29.33       | SAVINGS OS          |            |        |          |
| 8/19/2026 | 19640        | 146.80      | Printing Error      |            |        |          |
| 8/19/2026 | 19643        | 3,500.00    | Duplicate Payment   |            |        |          |
| 8/19/2026 | 19644        | 1,549.38    | Incorrect Vendor    |            |        |          |
| 8/19/2026 | 19648        | 220.00      | Lost Check          |            |        |          |
|           |              |             | Returned            |            |        |          |
|           |              |             | Damaged             |            |        |          |
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\$ 8,153.54



[illegible]



# Permit Monthly Report

08/01/2026 - 08/31/2026

| Permit #                | Issue Date | Owner                 | Permit Type               | Property Location                                  | Valuation    | Amount   |
|-------------------------|------------|-----------------------|---------------------------|----------------------------------------------------|--------------|----------|
| <b>August 2026</b>      |            |                       |                           |                                                    |              |          |
| BP-0062-2023            | 08/03/2026 | 6520 N Lake Road LLC. | Comm-New Structure        | 6520 North Lake Rd<br>SBL#: 6-1-46.2               | \$100,000.00 | \$200.00 |
| BP-0026-2026            | 08/05/2026 | Jason Heimlich        | Res-1-2 Family Dwelling   | 7637 West Bergen Rd<br>SBL#: 16-1-18.2             | \$18,000.00  | \$225.00 |
| BP-0027-2026            | 08/05/2026 | Richard Menzie        | Res-Swimming Pool         | 7114 Lyman Rd<br>SBL#: 16-1-58                     |              | \$50.00  |
| BP-0028-2026            | 08/05/2026 | Charles Redinger      | Res-Deck                  | 8045 Creamery Rd<br>SBL#: 8-1-9.11                 |              | \$50.00  |
| BP-0029-2026            | 08/12/2026 | Warren & Anne Pocock  | Res-Deck                  | 6833 Pocock Rd<br>SBL#: 10-2-50                    | \$8,400.00   | \$0.00   |
| BP-0030-2026            | 08/12/2026 | Richard Palmer        | Res-Chimney or Solid Fuel | 7252 Warboys Rd<br>SBL#: 10-1-2.12                 | \$24,000.00  | \$35.00  |
| BP-0031-2026            | 08/12/2026 | jeff thomas           | Res-Deck                  | 6015 Sautell Rd<br>SBL#: 9-1-78.2                  |              | \$50.00  |
| BP-0032-2026            | 08/25/2026 | pat chupp             | Res-1-2 Family Dwelling   | 6986 west bergen rd (Pat Chupp)<br>SBL#: 15-1-1.12 | \$220,000.00 | \$225.00 |
| August 2026 Total:      |            |                       |                           |                                                    | \$370,400.00 | \$835.00 |
| Reporting Period Total: |            |                       |                           |                                                    | \$370,400.00 | \$835.00 |



Genesee County 911  
Response Times Report

**GEN BERGEN FIRE**

Report Date Range from: 7/1/2026 to 7/31/2026

(7)  
**Mercy Flight EMS**

Report includes Emergent First On Scene Responses.

| Response Time<br>Minutes | Call Count | Cumulative Call<br>Count | Percentage<br>of Total Calls | Cumulative<br>Percentage |
|--------------------------|------------|--------------------------|------------------------------|--------------------------|
|--------------------------|------------|--------------------------|------------------------------|--------------------------|

**Response Zone: GEN BERG 17**

|               |   |    |        |         |
|---------------|---|----|--------|---------|
| 11:00 - 11:59 | 1 | 1  | 10.00% | 10.00%  |
| 13:00 - 13:59 | 1 | 2  | 10.00% | 20.00%  |
| 16:00 - 16:59 | 1 | 3  | 10.00% | 30.00%  |
| 19:00 - 19:59 | 2 | 5  | 20.00% | 50.00%  |
| 20:00 - 20:59 | 1 | 6  | 10.00% | 60.00%  |
| 21:00 - 21:59 | 2 | 8  | 20.00% | 80.00%  |
| 22:00 - 22:59 | 1 | 9  | 10.00% | 90.00%  |
| 24:00 - 24:59 | 1 | 10 | 10.00% | 100.00% |

**Total Calls: 10 10 100%**

**Response Zone: GEN BERG 22**

|               |   |   |        |         |
|---------------|---|---|--------|---------|
| 10:00 - 10:59 | 1 | 1 | 14.29% | 14.29%  |
| 21:00 - 21:59 | 4 | 5 | 57.14% | 71.43%  |
| 22:00 - 22:59 | 2 | 7 | 28.57% | 100.00% |

**Total Calls: 7 7 100%**

**Call Source Total Calls: 17**



August 16, 2026

RE: Charter Communications – Upcoming Changes

Dear Municipal Official:

This letter will serve as notice that, on or after September 16, 2026, Spectrum will implement changes to the names of its Spectrum TV packages as follows:

| Existing Name                | New Name                      |
|------------------------------|-------------------------------|
| Spectrum TV Select           | Spectrum Stream TV            |
| Spectrum TV Select Signature | Spectrum Stream TV Signature  |
| Spectrum TV Select Plus      | Spectrum Stream TV Pro        |
| Spectrum TV Platinum         | Spectrum TV VIP               |
| Spectrum TV Stream Latino    | Spectrum TV Latino            |
| Spectrum Mi Plan Latino      | Spectrum Stream TV Latino Más |
| Spectrum Latino View         | Spectrum Latino Pack          |
| Entertainment View           | Entertainment Pack            |
| Entertainment +              | Entertainment Pack +          |
| Spectrum Sports View         | Spectrum Sports Pack          |

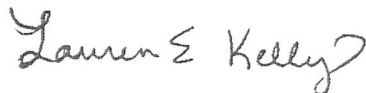
Customers will experience no changes to their existing services.

This letter will also serve as notice that on or after September 23, 2026, the following will occur:

- Spectrum Northeast, LLC New England Cable News (“NECN”) will change its affiliation to Spectrum News NECN and will be added to Spectrum Basic service.
- Spectrum Northeast, LLC Spectrum News Worcester will change its affiliation to Spectrum News NECN-Central and Western MA. Programming will remain the same.
- Spectrum Northeast, LLC Spectrum News Maine will change its affiliation to Spectrum News NECN - Maine. Programming will remain the same.
- Spectrum Northeast, LLC (“Spectrum”) will drop Spectrum News 1 (MA)-Springfield, channel 1510, and at the same time launch Spectrum News NECN-Central & Western MA on channel 1510.
- Spectrum Northeast, LLC (“Spectrum”) will drop Spectrum News 1 (MA)-Pittsfield, channel 1509, and at the same time launch Spectrum News NECN-Central & Western MA on channel 1509.

If you have any questions about this change, please feel free to contact me at 585-797-5395 or via email at [lauren.kelly@spectrum.com](mailto:lauren.kelly@spectrum.com).

Sincerely,



Lauren Kelly  
Director, Government Affairs  
Charter Communications



Resolution \_\_\_\_\_

Amend Employee Handbook Section 5 Medical Insurance

NOW THEREFORE BE RESOLVED:

Sec. 1. That the Town Board of the Town of Bergen amends Employee Handbook Section 5 Medical Insurance as highlighted:

**Medical Insurance**

**Eligible full-time employees** may enroll in the Town's Health Insurance Plan. ~~The Town will pay 90% of the premium and the employee shall pay 10% of the premium.~~ *For eligible full-time employees hired beginning October 1, 2026, the Town will pay 85% of the premium and the employee shall pay 15% of the premium. This provision does not supersede the Teamsters Union Contract which requires a 15% employee contribution for eligible full-time highway employees effective January 1, 2022 nor does it supersede the 10% employee contribution rate for eligible full-time employees hired prior to these respective dates.*

**Eligibility** - Full-time employees are eligible after one (1) month of continuous full-time employment.

Sec. 2. That this resolution shall take effect immediately

Motion by

Seconded by

VOTE BY ROLL CALL AND RECORD

Councilperson Anderson  
Councilperson Ely  
Councilperson Grant  
Councilperson Swanson  
Supervisor Haywood

Submitted September 15, 2026



ESOLUTION NO.

Award Records Management Consultant Contract

WHEREAS, On July 21, 2026, the Bergen Town Board authorized a contract with Alicia Jettner as the low bidder for Records Management Services; and

WHEREAS, The Town Supervisor subsequently learned that Ms. Jettner is deceased; and

WHEREAS, The Town Board wishes to rescind the contract authorization with Ms. Jettner and award the contract to the second lowest bidder James Tamaro.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Bergen Town Board hereby rescinds the July 21, 2026 motion to award a records management contract with Alicia Jettner as she is now deceased.

Sec. 2. That the Town Board approves the Records Management Services contract with James Tamaro, second lowest bidder, at \$9,120.

Sec. 3. That the Supervisor is authorized to sign the contract and any other necessary documents.

Sec. 4. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by  
Seconded by

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Anderson

Councilperson Ely

Councilperson Grant

Councilman Swanson

Supervisor Haywood

Submitted – September 15, 2026



# James M. Tammaro

## Archives and Records Management Consultant

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### Consulting Agreement with the Town of Bergen, NY

**Proposed plan for carrying out the Project:** The Town of Bergen, NY, is interested in recruiting an archives and records management Consultant to assist the Town in carrying out an Inventory/Planning Project for the non-electronic records and non-Court records held by the Town and, based on an analysis of some of the records inventory data and consultations with the Project Team, develop a Needs Assessment and Records Management Plan and a customized Records Retention Schedule covering the inventoried records.

The best strategy for carrying out the Consultant work associated with the Inventory/Planning Project and related activities is for the Consultant to:

1. Inspect the records which are the focus of the Inventory Project;
2. Conduct two training sessions for the inventory clerk hired to inventory the records on "*Conducting a Records Inventory*" and on "*Using the New York State Archives Records Schedule to Determine the Legal Retention Period for the Inventoried Records*";
3. Routinely monitor the inventory clerk's work;
4. Analyze data from the records inventory and conduct a survey with the project team about the Town's current records-handling practices;
5. Produce a Needs Assessment and Records Management Plan based on some data from the records inventory, consultations with the Project Team involved in the Project, and the experience and expertise of the Consultant.
6. Produce a customized Records Retention Schedule which will list the Town records inventoried and the retention periods for the records. The Schedule will also contain other information which will greatly assist Town employees in improving the management of the Town's records.

The Needs Assessment and Records Management Plan will provide the Town of Bergen direction, guidance and recommendations for taking other actions to further improve the way records are managed in the Town Government as the records inventory is being completed.

A draft Needs Assessment and Records Management plan will be submitted to the Project Team working with the Consultant for their review and comment. The input received from the Project Team regarding the draft Needs Assessment and Records Management Plan will be incorporated into a final draft of the Needs Assessment and Records Management Plan.

## **Deliverable Products:**

1. A Needs Assessment and Records Management Plan providing the Town direction and guidance on improving the way records are managed in Town Government.
2. A customized Records Retention and Disposition Schedule covering the Town records which are the focus of the Project.

## **Total Costs and Fee Schedule:**

### **Consultant fees:**

On-site inspection of the records which are the focus of the project, conducting a training session for the inventory clerk on inventorying records, a training session on using the New York State Archives Records Schedule to determine the legal retention period of the inventoried records, and holding meetings with the Project Team involved in the project.

**4 hours at \$95 per hour** **\$ 380**

Periodic consultation with the inventory clerk to monitor the progress being made with the records inventory.

**6 hours at \$95 per hour** **\$ 570**

Analysis of the data from the records inventory and conducting interviews with the Project Team to prepare the Needs Assessment and Records Management Plan.

**6 hours at \$95 per hour** **\$ 570**

Production of the Needs Assessment and Records Management Plan.

**40 hours at \$95 per hour** **\$ 3,800**

Production of the Records Retention and Disposition Schedule.

**40 hours at \$95 per hour** **\$ 3,800**

**Total consultant fees = \$ 9,120**

There will be no charge for travel expenses or any other miscellaneous expenses.  
All consulting fees shall be paid in total within 30 days of completion of the consulting work as described above.

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Ernest Haywood  
Town Supervisor  
Town of Bergen, NY

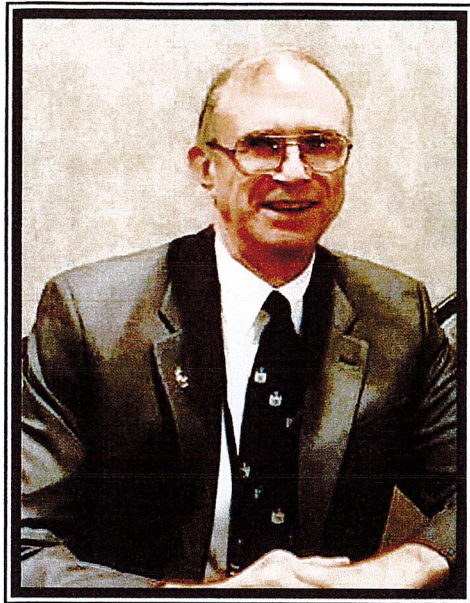
*James M. Tammaro*

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James M. Tammaro  
Records Management Consultant



## James M. Tammaro



James M. Tammaro served as records manager for the Town of Amherst from 1981 to 1990, establishing and then administering the town's comprehensive records management program involving an archives component.

From 1990 to September of 2011, Jim served as an Archives and Records Management Specialist III for the Region 8 Office of the New York State Archives. In his position with the Archives, he worked with local governments in the eight Western New York counties assisting the governments in improving the way records and information are managed. Part of Jim's responsibilities involved administering the Local Government Records Management Improvement Fund (LGRMIF) Grants awarded to local governments in Western New York.

Jim received his MLS Degree from SUNY Buffalo in 1990. He held the certified records manager (CRM) designation from 1987-2011 and is a past founding director of the New York Association of Local Government Records Officers (NYALGRO). He holds memberships in the Mid-Atlantic Regional Archives Conference (MARAC) and NYALGRO. In addition he is a member of the Phi Beta Mu Library Science Honor Society.

Jim also served as Past-President of the Western New York Chapter of the Association of Records Managers and Administrators (ARMA) and served as Acting President of the SUNY Buffalo Phi Beta Mu Library Science Honor Society Chapter. In addition, he served as the Archivist for the Amherst Symphony Orchestra Association from 2013-2015 and is the recipient of NYALGRO's 2012 Guy D. Paquin Award for noteworthy achievements and exceptional support and involvement in the records management profession and the Stan Lundine Award for Outstanding Service to the Southern Tier West Region of New York State. He is also recipient of the New York Library Association's 2016 Mildred Lowe Award for significant contributions to government documents librarianship and access to government information.

From 2019 to 2022 he served on the Village of Williamsville Historic Preservation Commission which is involved in efforts to preserve historically-significant structures in the Village of Williamsville.

From 1990 to 2020 he served as an adjunct professor at the SUNY at Buffalo, School of Graduate Education, Dept. of Information Science where he taught graduate-level courses on records management and managing archival records. In addition, he has served as an archives and records management consultant for several organizations both in the private and public sectors.

He can be reached by phone at: 716-479-5509 or by e-mail at: [jmtmls@gmail.com](mailto:jmtmls@gmail.com).



**TOWN OF BERGEN LGRMIF GRANT APPLICATION ADDENDUM 2**  
**REQUEST FOR QUOTE (RFQ) FOR RECORDS MANAGEMENT SUPPORT SERVICES- BID TALLY SHEET**

Town of Bergen- Bid Tally Sheet

Request for Quote (RFQ) for Records Management Support Services.

Bid Due Date and Time: 3/16/2026 at 4 pm.

| Vendor Invited To Bid                                                                              | Date/Time Bid Received and method received                 | Total Bid               | Comments                                                                                       |
|----------------------------------------------------------------------------------------------------|------------------------------------------------------------|-------------------------|------------------------------------------------------------------------------------------------|
| Life Files Professionals<br>5800 Arlington Ave. 6U<br>Bronx, NY 10471<br>Charlotte Bishop          | Declined to Bid                                            |                         | Invited to Bid 2/19/2026 and followed up for status of interest in responding to RFQ 3/11/2026 |
| Gallego Information Service<br>P.O. Box 345<br>Buffalo, NY 14224<br>Caroline Gallego<br>WBE        | Declined to bid                                            |                         | Invited to Bid 2/19/2026 and followed up for status of interest in responding to RFQ 3/11/2026 |
| Antonio Mattheou<br>Huntington NY                                                                  | Declined to bid via an email to Supervisor dated 2/20/2026 |                         | Invited to Bid 2/19/2026                                                                       |
| Access Systems, Inc.<br>4260 Hennebery Rd.<br>Manlius, NY 13104<br>Steven Goodfellow               | Bid received via email of 3/16/2026                        | \$11,100                | Invited to Bid 2/19/2026 and followed up for status of interest in responding to RFQ 3/11/2026 |
| Hunter Information Management Services, Inc.<br>177 Banbury Rd.<br>Mineola NY 11501<br>Greg Hunter | Declined to bid                                            |                         | Invited to Bid 2/19/2026 and followed up for status of interest in responding to RFQ 3/11/2026 |
| Jettner Information Services, Inc.<br>45 Reed St.<br>Canajoharie, NY 13317                         | Bid received via e-mail 3/10/2026                          | \$6,700.00<br>* LOW BID | Invited to Bid 2/19/2026 and followed up for status of interest in responding to RFQ 3/11/2026 |

|                                                                                                                 |                                                         |                                            |                                                                                                |
|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|--------------------------------------------|------------------------------------------------------------------------------------------------|
| Alicia Jettner                                                                                                  |                                                         |                                            |                                                                                                |
| Keough Information and Records Management Services<br>1 Fernwood Drive<br>Loudonville, NY 12211<br>Brian Keough | Declined to bid                                         |                                            | Invited to Bid 2/19/2026 and followed up for status of interest in responding to RFQ 3/11/2026 |
| Margot Note Consulting , L.L.C.<br>2854 Wellman Ave. #4<br>Bronx, NY 10461<br>William Saffady                   | Declined to bid                                         |                                            | Invited to Bid 2/19/2026 and followed up for status of interest in responding to RFQ 3/11/2026 |
| Warren Records Management<br>392 Ontario St.<br>Sackets Harbor, NY 13685<br>Barbara Warren                      | Declined to bid via email to Supervisor dated 2/19/2026 |                                            | Invited to Bid 2/19/2026                                                                       |
| James M. Tammaro, Archive and Records Management Consultant<br>James Tammaro                                    | Bid Received 2/24/2026                                  | \$9120.00<br><i>unbid 2/24/26 9,120.00</i> | Invited to Bid 2/19/2026.                                                                      |
| K Sickler Murphy Records Management<br>Kerry Murphy- <b>WBE</b>                                                 | Declined to bid per email to Supervisor of 2/20/2026    |                                            | Invited to Bid 2/19/2026                                                                       |
| Control Central Inc.<br>Patricia Harber<br><b>WBE</b>                                                           | Bid received via email on 3/14/2026                     | \$59,994.00                                | Invited to Bid 2/19/2026<br>On-site visit 3/6/2026                                             |
| Kodak Alaris<br>Bill Kohler                                                                                     | Declined to bid                                         |                                            | Invited to Bid 2/19/2026 and followed up for status of interest in responding to RFQ 3/11/2026 |
| Ebiz Docs.<br>Nick De Benedelto                                                                                 | Declined to bid via email to Supervisor dated 2/19/2026 |                                            | Invited to Bid 2/19/2026 and followed up for status of interest in responding to RFQ 3/11/2026 |

RESOLUTION \_\_\_\_\_

Authorizing Public Hearing on Local Law 6 of 2026 Repealing  
Chapter 275 Flood Damage Prevention  
of the Bergen Town Code

WHEREAS, the Bergen Town Board is desirous of repealing Chapter 275 Flood Damage Prevention of the Bergen Town Code for the purposed of adopting a new Flood Damage Prevention Code recommended by the NYS Department of Environmental Conservation.

WHEREAS, the Bergen Town Board is required to hold a Public Hearing on the proposed repeal prior to the passage of this Local Law.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. That the Bergen Town Board calls a Public Hearing to hear all persons for or against the Adoption of Local Law 6 of 2026 repealing Chapter 275 Flood Damage Prevention on Tuesday, October 20, 2026 at 7:00 pm at the Bergen Town Hall, 10 Hunter Street, Bergen, New York. This Public Hearing will run concurrently with a Public Hearing to adopt the new Flood Damage Prevention Chapter.

Sec. 2. That the Bergen Town Clerk is directed to advertise this hearing in the official newspaper of the Town in accordance with Town Law §131.

Sec. 3. That this Resolution shall take effect immediately.

Motion for adoption:

Second:

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Anderson  
Councilperson Ely  
Deputy Supervisor Grant  
Councilperson Swanson  
Supervisor Haywood

Submitted September 15, 2026



## Chapter 275

### FLOOD DAMAGE PREVENTION

- |                                                                |                                                               |
|----------------------------------------------------------------|---------------------------------------------------------------|
| § 275-1. Findings.                                             | § 275-10. Designation of local administrator.                 |
| § 275-2. Purpose.                                              | § 275-11. Development permit.                                 |
| § 275-3. Objectives.                                           | § 275-12. Duties and responsibilities of local administrator. |
| § 275-4. Word usage; definitions.                              | § 275-13. General standards.                                  |
| § 275-5. Applicability.                                        | § 275-14. Specific standards.                                 |
| § 275-6. Basis for establishing areas of special flood hazard. | § 275-15. Floodways.                                          |
| § 275-7. Interpretation; conflict with other provisions.       | § 275-16. Appeals.                                            |
| § 275-8. Penalties for offenses.                               | § 275-17. Conditions for variances.                           |
| § 275-9. Warning; disclaimer of liability.                     |                                                               |

[HISTORY: Adopted by the Town Board of the Town of Bergen 3-31-1987 by L.L. No. 1-1987. Amendments noted where applicable.]

#### GENERAL REFERENCES

Uniform construction codes — See Ch. 256.  
 Environmental quality review — See Ch. 268.  
 Freshwater wetlands — See Ch. 282.

Stormwater management and erosion control — See Ch. 425.  
 Subdivision of land — See Ch. 437.  
 Zoning — See Ch. 475.

#### § 275-1. Findings.

The Town Board of the Town of Bergen finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Bergen and that such damages may include destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this chapter is adopted.

#### § 275-2. Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.

- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.
- D. Control filling, grading, dredging and other development which may increase erosion or flood damages.
- E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- F. Qualify for and maintain participation in the National Flood Insurance Program.

### **§ 275-3. Objectives.**

The objectives of this chapter are to:

- A. Protect human life and health.
- B. Minimize expenditure of public money for costly flood - control projects.
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. Minimize prolonged business interruptions.
- E. Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard.
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood-blight areas.
- G. Provide that developers are notified that property is in an area of special flood hazard.
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

### **§ 275-4. Word usage; definitions.**

- A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application.
- B. As used in this chapter, the following words shall have the meanings indicated:

APPEAL — A request for a review of the local administrator's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING — A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one foot to three feet

where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident.

**AREA OF SPECIAL FLOOD HAZARD** — The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1 through 99, V, VO, VE or V1 through 30. It is also commonly referred to as the "base floodplain" or "one-hundred-year floodplain."

**BASE FLOOD** — The flood having a one-percent chance of being equaled or exceeded in any given year.

**BASEMENT** — That portion of a building having its floor subgrade (below ground level) on all sides.

**BREAKAWAY WALL** — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

**BUILDING** — Any structure built for support, shelter or enclosure for occupancy or storage.

**CELLAR** — The same meaning as "basement."

**COASTAL HIGH-HAZARD AREA** — The area subject to high-velocity waters, including but not limited to hurricane wave wash. The area is designated on a FIRM as Zone V1 through V30, VE, VO or V.

**DEVELOPMENT** — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations located within the area of special flood hazard.

**ELEVATED BUILDING** — A nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers) or shear walls.

**FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)** — An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

**FLOOD HAZARD BOUNDARY MAP (FHBM)** — An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined but no water surface elevation is provided.

**FLOOD INSURANCE RATE MAP (FIRM)** — An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY** — The official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Floodway Map and the water surface elevations of the base flood.

**FLOOD or FLOODING** — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOODPROOFING** — Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** — The same meaning as "regulatory floodway."

**FLOOR** — The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

**FUNCTIONALLY DEPENDENT USE** — A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding and ship repair. The term does not include long-term storage, manufacture, sales or service facilities.

**HIGHEST ADJACENT GRADE** — The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

**LOWEST FLOOR** — Lowest level, including basement or cellar, of the lowest enclosed area. An unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

**MANUFACTURED HOME** — A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

**MEAN SEA LEVEL** — For purposes of the National Flood Insurance Program, the National Geodetic vertical datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**MOBILE HOME** — The same meaning as "manufactured home."

**NATIONAL GEODETIC VERTICAL DATUM (NGVD)** — As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**NEW CONSTRUCTION** — Structures for which the start of construction commenced on or after the effective date of this chapter.

**ONE-HUNDRED-YEAR FLOOD** — The same meaning as "base flood."

**PRINCIPALLY ABOVE GROUND** — That at least 51% of the actual cash value of the structure, excluding land value, is above ground.

**REGULATORY FLOODWAY** — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 275-12B of this chapter.

**SAND DUNES** — Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**START OF CONSTRUCTION** — The initiation, excluding planning and design, of any phase of a project or physical alteration of the property and shall include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations; or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds), storage trailers and building materials.

**STRUCTURE** — A walled and roofed building, a manufactured home or a gas or liquid storage tank, that is principally above ground.

**SUBSTANTIAL IMPROVEMENT** —

- (1) Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, excluding land values, either:
  - (a) Before the improvement or repair is started; or
  - (b) If the structure has been damaged and is being restored, before the damage occurred.
- (2) For the purposes of this definition, "substantial improvement" is considered to commence when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
  - (a) Any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
  - (b) Any alteration of a structure or contributing structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**VARIANCE** — A grant of relief from the requirements of this chapter which permits construction or use in a manner that would otherwise be prohibited by this chapter.

**§ 275-5. Applicability.**

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Bergen, Genesee County, New York.

**§ 275-6. Basis for establishing areas of special flood hazard. [Amended 3-14-1989 by L.L. No. 1-1989]**

- A. The areas of special flood hazard have been identified by the Federal Emergency Management Agency on Flood Insurance Rate Maps enumerated on Map Index No. 361137B 01-09, dated July 6, 1984.
- B. The above documents are hereby adopted and declared to be a part of this chapter and are filed at the Bergen Town Hall, 13 South Lake Street, Bergen, New York.

**§ 275-7. Interpretation; conflict with other provisions.**

- A. This chapter is adopted in response to revisions to the National Flood Insurance Program effective October 1, 1986, and shall supersede all previous laws adopted for the purpose of establishing and maintaining eligibility for flood insurance.
- B. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the highest standards, shall govern.

**§ 275-8. Penalties for offenses.**

No structure shall hereafter be constructed, located, extended, converted or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Bergen from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under §§ 275-16 and 275-17 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

**§ 275-9. Warning; disclaimer of liability.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will

occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or that uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Bergen, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

**§ 275-10. Designation of local administrator.**

The Zoning Enforcement Officer is hereby appointed local administrator to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

**§ 275-11. Development permit.**

A development permit shall be obtained before the start of construction or any other development within the areas of special flood hazard as established in § 275-6. Application for a development permit shall be made on forms furnished by the local administrator and may include but not be limited to plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

A. Application stage. The following information is required where applicable:

- (1) Elevation in relation to mean sea level of the proposed lowest floor (including basement or cellar) of all structures.
- (2) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.
- (3) When required, a certificate from a licensed professional engineer or architect that the utility floodproofing will meet the criteria in § 275-13C(1).
- (4) Certificate from a licensed professional engineer or architect that the nonresidential floodproofed structure will meet the floodproofing criteria in § 275-14.
- (5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Construction stage. Upon placement of the lowest floor, or floodproofing by whatever means, it shall be the duty of the permit holder to submit to the local administrator a certificate of the elevation of the lowest floor, or floodproofed elevation, in relation to mean sea level. The elevation certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular building, the floodproofing certificate shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by the same. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The local

administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

**§ 275-12. Duties and responsibilities of local administrator.**

Duties of the local administrator shall include but not be limited to:

A. Permit application review. The local administrator shall:

- (1) Review all development permit applications to determine that the requirements of this chapter have been satisfied.
- (2) Review all development permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (3) Review all development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this chapter, "adversely affects" means physical damage to adjacent properties. An engineering study may be required of the applicant for this purpose.
  - (a) If there is no adverse effect, then the permit shall be granted consistent with the provisions of this chapter.
  - (b) If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.
- (4) Review all development permits for compliance with the provisions of § 275-13E, Encroachments.

B. Use of other base flood and floodway data. When base flood elevation data has not been provided in accordance with § 275-6, Basis for establishing areas of special flood hazard, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 275-13D(4), in order to administer § 275-14, Specific standards, and § 275-15, Floodways.

C. Information to be obtained and maintained. The local administrator shall:

- (1) Obtain and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement or cellar, of all new or substantially improved structures and whether or not the structure contains a basement or cellar.
- (2) For all new or substantially improved floodproofed structures:
  - (a) Obtain and record the actual elevation, in relation to mean sea level, to which the structure has been floodproofed.
  - (b) Maintain the floodproofing certifications required in §§ 275-13 and 275-14.
- (3) Maintain for public inspection all records pertaining to the provisions of this chapter, including variances when granted and certificates of compliance.

D. Alteration of watercourses. The local administrator shall:

- (1) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Regional Director, Federal Emergency Management Agency, Region II, 26 Federal Plaza, New York, New York 10278.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

E. Interpretation of FHBM, FIRM or FBFM boundaries.

- (1) The local administrator shall have the authority to make interpretations when there appears to be a conflict between the limits of the federally identified area of special flood hazard and actual field conditions.
- (2) Base flood elevation data established pursuant to § 275-6 and/or § 275-12B, when available, shall be used to accurately delineate the area of special flood hazard.
- (3) The local administrator shall use flood information from any other authoritative source, including historical data, to establish the limits of the area of special flood hazard when base flood elevations are not available.

F. Stop-work orders.

- (1) All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop-work order by the local administrator. Disregard of a stop-work order shall be subject to the penalties described in § 275-8 of this chapter.
- (2) All floodplain development found noncompliant with the provisions of this chapter and/or the conditions of the approved permit shall be subject to the issuance of a stop-work order by the local administrator. Disregard of a stop-work order shall be subject to the penalties described in § 275-8 of this chapter.

G. Inspections. The local administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify that the development is in compliance with the requirements of this chapter.

H. Certificate of compliance.

- (1) It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of either the development permit or the approved variance.
- (2) All other development occurring within the area of special flood hazard area will have upon completion a certificate of compliance issued by the local administrator.

- (3) All certifications shall be based upon the inspections conducted subject to Subsection G and/or any certified elevations, hydraulic information, floodproofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.

#### **§ 275-13. General standards.**

In all areas of special flood hazard the following standards are required:

##### **A. Anchoring.**

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) All manufactured homes shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

##### **B. Construction materials and methods.**

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

##### **C. Utilities.**

- (1) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required.
- (2) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters.
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

##### **D. Subdivision proposals.**

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.

- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than either 50 lots or five acres.

E. Encroachments.

- (1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood-carrying capacity of the area of special flood hazard set forth in § 275-12A(3), Permit review. This may require the submission of additional technical data to assist in the determination.
- (2) In all areas of special flood hazard in which base flood elevation data is available pursuant to § 275-12B or 275-13D(4) and no floodway has been determined, the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.
- (3) In all areas of special flood hazard where floodway data is provided or available pursuant to § 275-12B the requirements of § 275-15, Floodways, shall apply.

**§ 275-14. Specific standards.**

In all areas of special flood hazard where base flood elevation data has been provided as set forth in § 275-6, Basis for establishing areas of special flood hazard, and § 275-12B, Use of other base flood and floodway data, the following standards are required:

A. Residential construction. New construction and substantial improvements of any residential structure shall:

- (1) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation.
- (2) Have fully enclosed areas below the lowest floor that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
  - (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

- (b) The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and
  - (c) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- B. Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure, together with attendant utility and sanitary facilities, shall either have the lowest floor, including basement or cellar, elevated to or above the base flood elevation, or be floodproofed to the base flood level.
  - (1) If the structure is to be elevated, fully enclosed areas below the base flood elevation shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:
    - (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - (b) The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and
    - (c) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
  - (2) If the structure is to be floodproofed:
    - (a) A licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice to make the structure watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
    - (b) A licensed professional engineer or licensed land surveyor shall certify the specific elevation (in relation to mean sea level) to which the structure is floodproofed.
  - (3) The local administrator shall maintain on record a copy of all such certificates noted in this section.
- C. Construction standards for areas of special flood hazard without base flood elevations.
  - (1) New construction or substantial improvements of structures, including manufactured homes, shall have the lowest floor (including basement) elevated to

at least two feet above the highest adjacent grade next to the proposed foundation of the structure.

- (2) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:
  - (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - (b) The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and
  - (c) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

#### **§ 275-15. Floodways.**

Located within areas of special flood hazard are areas designated as floodways (see definition § 275-4). The floodway is an extremely hazardous area due to high-velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by §§ 275-6 and 275-12B, all encroachments, including fill, new construction, substantial improvements and other development, are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

#### **§ 275-16. Appeals.**

- A. The Zoning Board of Appeals as established by the Town Board shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the local administrator in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- D. In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:
  - (1) The danger that materials may be swept onto other lands to the injury of others;
  - (2) The danger to life and property due to flooding or erosion damage;

- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (4) The importance of the services provided by the proposed facility to the community;
  - (5) The necessity to the facility of a waterfront location, where applicable;
  - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (7) The compatibility of the proposed use with existing and anticipated development;
  - (8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area;
  - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (10) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
  - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  - (12) The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems and streets and bridges.
- E. Upon consideration of the factors of Subsection D and the purposes of this chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- F. The local administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

**§ 275-17. Conditions for variances.**

- A. Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the items in § 275-16D(1) through (12) have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures and contributing structures listed on the National Register of Historic Place or the State Inventory of Historic Places without regard to the procedures set forth in this chapter.

- C. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
  - (1) The criteria of Subsections A, D, E and F of this section are met.
  - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- F. Variances shall only be issued upon receiving written justification:
  - (1) A showing of good and sufficient cause;
  - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- G. Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice that the cost of flood insurance will be commensurate with the increased risk.



RESOLUTION \_\_\_\_\_

Authorizing Public Hearing on Local Law 7 of 2026 Adopting a  
new Chapter 275 Flood Damage Prevention  
of the Bergen Town Code

WHEREAS, the Bergen Town Board is desirous of replacing Chapter 275 Flood Damage Prevention of the Bergen Town Code with a new Flood Damage Prevention Code recommended by the NYS Department of Environmental Conservation.

WHEREAS, the Bergen Town Board is required to hold a Public Hearing on the proposed new code prior to the passage of this Local Law.

NOW THEREFORE BE IT RESOLVED:

Sec. 1. That the Bergen Town Board calls a Public Hearing to hear all persons for or against the Adoption of Local Law 7 of 2026 adopting a new Chapter 275 Flood Damage Prevention on Tuesday, October 20, 2026 at 7:00 pm at the Bergen Town Hall, 10 Hunter Street, Bergen, New York. This Public Hearing will run concurrently with a Public Hearing regarding the repeal of the existing Chapter 275 Flood Damage Prevention Chapter.

Sec. 2. That the Bergen Town Clerk is directed to advertise this hearing in the official newspaper of the Town in accordance with Town Law §131.

Sec. 3. That this Resolution shall take effect immediately.

Motion for adoption:  
Second:

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Anderson  
Councilperson Ely  
Deputy Supervisor Grant  
Councilperson Swanson  
Supervisor Haywood

Submitted September 15, 2026



**SECTION 1.0  
STATUTORY AUTHORIZATION AND PURPOSE**

**1.1 FINDINGS**

The Town of Bergen finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Bergen and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

**1.2 STATEMENT OF PURPOSE**

It is the purpose of this local law to promote public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

**1.3 OBJECTIVES**

The objectives of this local law are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;



- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

## SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

**"Accessory Structure"** is a structure used solely for parking (two-car detached garages or smaller) or limited storage, represent a minimal investment of not more than 10 percent of the value of the primary structure, and may not be used for human habitation.

**"Appeal"** means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

**"Area of shallow flooding"** means a designated AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**"Area of special flood hazard"** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, AR, A99. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Local Law, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

**"Base flood"** means the flood having a one percent chance of being equaled or exceeded in any given year.

**"Basement"** means that portion of a building having its floor subgrade (below ground level) on all sides.

**"Building"** see "Structure"

**"Cellar"** has the same meaning as "Basement".

**"Crawl Space"** means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

**"Development"** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

**"Elevated building"** means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V,

"elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

**"Federal Emergency Management Agency"** means the Federal agency that administers the National Flood Insurance Program.

**"Flood"** or **"Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

**"Flood Boundary and Floodway Map (FBFM)"** means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

**"Flood Elevation Study"** means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

**"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**"Flood Insurance Study"** see "flood elevation study".

**"Floodplain"** or **"Flood-prone area"** means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

**"Floodproofing"** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**"Floodway"** - has the same meaning as "Regulatory Floodway".

**"Functionally dependent use"** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

**"Highest adjacent grade"** means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

**"Historic structure"** means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (i) by an approved state program as determined by the Secretary of the Interior or
  - (ii) directly by the Secretary of the Interior in states without approved programs.

**"Local Administrator"** is the person appointed by the community to administer and implement this local law by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

**"Lowest floor"** means lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

**"Manufactured home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle"

**"Manufactured home park or subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"Mean sea level"** means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**"Mobile home"** - has the same meaning as "Manufactured home".

**"New construction"** means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

**“New York State Special Flood Hazard Area (NYS SFHA)”** is the greater of the following two areas:

1. The area within a floodplain subject to a 0.2-percent or greater chance of flooding in any year, as mapped in the Flood Insurance Rate Maps listed in Section 3.2.
2. The area designated as a flood hazard area on a community’s flood hazard map, or otherwise legally designated.

**Note:** Locations defined as “AREA WITH REDUCED FLOOD RISK DUE TO LEVEE ZONE X” are excluded from the NYS SFHA.

**"One hundred year flood" or "100-year flood"** has the same meaning as "Base Flood".

**"Principally above ground"** means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

**"Recreational vehicle"** means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"Regulatory Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.4-2 of this Law.

**“Required Flood Elevation (RFE)”**: At a minimum, the RFE shall be the higher of the following:

- (1) The base flood elevation at the depth of peak elevation of flooding, including wave height, that has a 1-percent or greater chance of being equaled or exceeded in any given year
  - a. plus 2 feet of freeboard, and
  - b. plus a sea level rise of 18 inches in flood hazard areas adjacent to tidal areas.
- (2) The elevation of the design flood associated with the area designated on a flood hazard map adopted by the community.

**"Start of construction"** means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"Structure"** means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

**"Substantial damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**"Substantial improvement"** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not include:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official, and which are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a "Historic structure", provided that the alteration will not preclude the structure's continued designation as a "Historic structure".

**"Tidal Areas":** According to NYCRR Title 6 Part 490, New York State tidal areas are defined to include the marine coasts of Nassau, Suffolk, and Westchester counties and the five boroughs of New York City, and the main stem of the Hudson River, north from New York City to the federal dam at Troy.

**"Variance"** means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

**"Violation"** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

## **SECTION 3.0 GENERAL PROVISIONS**

### **3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES**

This local law shall apply to all areas of special flood hazard within the jurisdiction of the Town of Bergen.

### **3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard for the Town of Bergen, Community Number 361137 are identified and defined on the following documents prepared by the Federal Emergency Management Agency.

- (1) Flood Insurance Rate Map (FIRM) Panels:

36037C0095E, 36037C0125E, 36037C0210E, 36037C0220E, 36037C0227E, 36037C0229E, 36037C0230E, 36037C0231E, 36037C0233E, 36037C0240E

whose effective date is February 19, 2027, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

- (2) A scientific and engineering report entitled "Flood Insurance Study, Genesee County, New York, All Jurisdictions" dated February 19, 2027.

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at: 10 Hunter Street. Bergen, NY 14416.

### **3.3 INTERPRETATION AND CONFLICT WITH OTHER LAWS**

This Local Law includes all revisions to the National Flood Insurance Program and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

### **3.4 SEVERABILITY**

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

### **3.5 PENALTIES FOR NON-COMPLIANCE**

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than

\$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Bergen from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the developer and/or owner has not applied for and received an approved variance under Section 6.0 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

### **3.6 WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the Town of Bergen, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made there under.

## SECTION 4.0 ADMINISTRATION

### 4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Code Enforcement Officer is hereby appointed Local Administrator to administer and implement this local law by granting or denying floodplain development permits in accordance with its provisions.

### 4.2 THE FLOODPLAIN DEVELOPMENT PERMIT

#### 4.2-1 PURPOSE

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 3.2, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

#### 4.2-2 FEES

All applications for a floodplain development permit shall be accompanied by an application fee as required by the Bergen Town Board by resolution and published in the Town of Bergen fee schedule. In addition, the applicant shall be responsible for reimbursing the Town of Bergen for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500.00 to cover these additional costs.

### 4.3 APPLICATION FOR A PERMIT

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- (1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved residential structure to be located in the NYS SFHA. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- (2) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved non-residential structure to be located in the NYS SFHA. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- (3) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.

- (4) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 5.2-3, UTILITIES.
- (5) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section 5.4, NON-RESIDENTIAL STRUCTURES.
- (6) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 3.2, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- (7) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (8) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

#### **4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR**

Duties of the Local Administrator shall include, but not be limited to the following.

##### **4.4-1 PERMIT APPLICATION REVIEW**

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (1) Review all applications for completeness, particularly with the requirements of subsection 4.3, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this law.
- (2) Review subdivision and other proposed new development, including manufactured home parks, to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 5.0, CONSTRUCTION STANDARDS and, in particular, sub-section 5.1-1 SUBDIVISION PROPOSALS.
- (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 5.0, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

#### **4.4-2 USE OF OTHER FLOOD DATA**

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 4.3(8), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.
- (2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.
- (3) When an area of special flood hazard, base flood elevation, and/or floodway data are available from a Federal, State or other authoritative source, but differ from the data in the documents enumerated in Section 3.2, the Local Administrator may reasonably utilize the other flood information to enforce more restrictive development standards.

#### **4.4-3 ALTERATION OF WATERCOURSES**

- (1) Notification to adjacent municipalities that may be affected and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse and submit evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

#### **4.4-4 CONSTRUCTION STAGE**

- (1) Within the NYS SFHA, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by the same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).

- (2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

#### **4.4-5 INSPECTIONS**

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

#### **4.4-6 STOP WORK ORDERS**

- (1) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.
- (2) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.

#### **4.4-7 CERTIFICATE OF COMPLIANCE**

- (1) In areas of special flood hazard, as determined by documents enumerated in Section 3.2, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this local law.
- (2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 4.4-5, INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

#### **4.4-8 INFORMATION TO BE RETAINED**

The Local Administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;
- (2) Certifications of as-built lowest floor elevations of structures, required pursuant to sub-sections 4.4-4(1) and 4.4-4(2), and whether or not the structures contain a basement;
- (3) Floodproofing certificates required pursuant to sub-section 4.4-4(1), and whether or not the structures contain a basement;

- (4) Variances issued pursuant to Section 6.0, VARIANCE PROCEDURES; and,
- (5) Notices required under sub-section 4.4-3, ALTERATION OF WATERCOURSES.
- (6) Base flood elevations developed pursuant to sub-section 4.3(8) and supporting technical analysis.

## **SECTION 5.0 CONSTRUCTION STANDARDS**

### **5.1 GENERAL STANDARDS**

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

#### **5.1-1 SUBDIVISION AND DEVELOPMENT PROPOSALS**

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage;
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.
- (4) Proposed development shall not result in physical damage to any other property (e.g., stream bank erosion or increased flood velocities). If requested by the Local Administrator, the applicant shall provide a technical analysis, by a licensed professional engineer, demonstrating that this condition has been met.
- (5) Proposed development shall be designed, located, and constructed so as to offer the minimum resistance to the flow of water and shall be designed to have a minimum effect upon the height of flood water.
- (6) Any equipment or materials located in a special flood hazard area shall be elevated, anchored, and floodproofed as necessary to prevent flotation, flood damage, and the release of hazardous substances.
- (7) No alteration or relocation of a watercourse shall be permitted unless:
  - (i) a technical evaluation by a licensed professional engineer demonstrates that the altered or relocated segment will provide conveyance equal to or greater than that of the original stream segment and will not result in physical damage to any other property;
  - (ii) if warranted, a conditional revision of the Flood Insurance Rate Map is obtained from the Federal Emergency Management Agency, with the applicant providing the necessary data, analyses, and mapping and reimbursing the Town of Bergen for all fees and other costs in relation to the application; and
  - (iii) the applicant provides assurance that maintenance will be provided so that the flood carrying capacity of the altered or relocated portion of the watercourse will not be diminished.

#### **5.1-2 ENCROACHMENTS**

- (1) Within Zones A1-A30, AE, and AH on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
  - (i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,
  - (ii) the Town of Bergen agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Bergen for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Bergen for all costs related to the final map revision.
- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 3.2, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
  - (i) a technical evaluation by a licensed professional engineer demonstrates through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
  - (ii) the Town of Bergen agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Bergen for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Bergen for all costs related to the final map revisions.

## **5.2 STANDARDS FOR ALL STRUCTURES**

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

### **5.2-1 ANCHORING**

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

### **5.2-2 CONSTRUCTION MATERIALS AND METHODS**

- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

- (3) For enclosed areas below the lowest floor of a structure within the NYS SFHA new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

- (i) a minimum of two openings of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

- (ii) the bottom of all such openings no higher than one foot above the lowest adjacent finished grade and;

- (iii) openings not less than three inches in any direction.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

### **5.2-3 UTILITIES**

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located above the Required Flood Elevation (RFE), or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

### **5.2-4 STORAGE TANKS**

- (1) Underground tanks shall be anchored to prevent flotation, collapse and lateral movement during conditions of the base flood.
- (2) Above-ground tanks shall be:

- a. anchored to prevent floatation, collapse or lateral movement during conditions of the base flood, and;
- b. installed at or above the Required Flood Elevation (RFE).

### **5.3 RESIDENTIAL STRUCTURES**

#### **5.3-1 ELEVATION**

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within the NYS SFHA, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above the Required Flood Elevation (RFE).
- (2) Within Zone A, if the Base flood elevation is not specified, a base flood elevation shall be determined by either of the following:
  - a. Obtain and reasonably use data available from a federal, state or other source or:
  - b. Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering practices. Determinations shall be undertaken by a registered design professional who shall document that the technical methods used reflect currently accepted engineering practice. Studies, analyses, and computations shall be submitted in sufficient detail to allow thorough review and approval.
- (3) Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section 3.2 plus one foot of freeboard, or not less than 3 feet if a depth number is not specified.
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

### **5.4 NON-RESIDENTIAL STRUCTURES**

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within the NYS SFHA, new construction and substantial improvements of any non-residential structure shall either:
  - (i) have the lowest floor, including basement or cellar, elevated to or above the Required Flood Elevation (RFE); or

- (ii) be floodproofed so that the structure is watertight below the Required Flood Elevation (RFE), including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the Required Flood Elevation (RFE) must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:
  - (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM plus one foot (at least three feet if no depth number is specified), or
  - (ii) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in sub-section 5.4(1)(ii)
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 5.4(1)(ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
- (5) Within Zone A, if the base flood elevation is not specified, a base flood elevation shall be determined by either of the following:
  - a. Obtain and reasonably use data available from a federal, state or other source or:
  - b. Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering practices. Determinations shall be undertaken by a registered design professional who shall be documented that the technical methods used reflect currently accepted engineering practice. Studies, analyses, and computations shall be submitted in sufficient detail to allow thorough review and approval.

## **5.5 MANUFACTURED HOMES AND RECREATIONAL VEHICLES**

The following standards in addition to the standards in Section 5.1, GENERAL STANDARDS, and Section 5.2, STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
  - (i) be on site fewer than 180 consecutive days,
  - (ii) be fully licensed and ready for highway use, or
  - (iii) meet the requirements for manufactured homes in paragraphs 5.5(2), (3) and (4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- (2) A manufactured home that is placed or substantially improved in the NYS SFHA shall be elevated on a permanent foundation such that the bottom of the frame of the manufactured home chassis is elevated to or above the Required Flood Elevation (RFE) and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (3) Within Zone AO, the bottom of the frame of the manufactured home chassis shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in Section 3.2 plus one foot (at least three feet if no depth number is specified).
- (4) The foundation and anchorage of manufactured homes to be located in identified floodways shall be designed and constructed in accordance with Section 5.2-1, ANCHORING.

## **5.6 ACCESSORY STRUCTURES INCLUDING DETACHED GARAGES**

The following standards apply to new and substantially improved accessory structures, including detached garages, in the NYS SFHA.

- (1) The accessory structure must meet the definition of structure, for floodplain management purposes, provided in 44 CFR § 59.1, where walled and roofed shall be interpreted as having two outside rigid walls and a fully secured roof.
- (2) The accessory structure should be small, as defined by the community and approved by FEMA, and represent a minimal investment. Accessory structures of any size may be considered for a variance; however, FEMA considers accessory structures that meet the following criteria to be small and therefore not necessarily in need of a variance, if the community chooses to allow it:
  - a. Located in an area of special flood hazard and less than or equal to the size of a one-story, two-car garage.
- (3) Accessory structures must meet the standards of Section 5.2-1, ANCHORING,
- (4) The portions of the accessory structure located below RFE must be constructed with flood-resistant materials.
- (5) Mechanical and utility equipment for the accessory structure must be elevated or dry floodproofed to or above RFE.
- (6) Within Zone AO if no depth number is specified, areas below three feet above the highest adjacent grade shall be constructed using methods and practices that minimize flood damage.
- (7) The accessory structure must comply with the floodway encroachment provisions of the NFIP.
- (8) The accessory structure must be wet floodproofed to protect the structure from hydrostatic pressure. The design must meet the NFIP design and performance standards for openings per 44 CFR §

60.3(c)(5) and must allow for the automatic entry and exit of floodwaters without manual operation or the presence of a person (or persons).

**SECTION 6.0**  
**VARIANCE PROCEDURE**

**6.1 APPEALS BOARD**

- (1) The Zoning Board of Appeals as established by the Town of Bergen shall hear and decide appeals and requests for variances from the requirements of this local law.
- (2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this local law.
- (3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Zoning Board of Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this local law and:
  - (i) the danger that materials may be swept onto other lands to the injury of others;
  - (ii) the danger to life and property due to flooding or erosion damage;
  - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (iv) the importance of the services provided by the proposed facility to the community;
  - (v) the necessity to the facility of a waterfront location, where applicable;
  - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (vii) the compatibility of the proposed use with existing and anticipated development;
  - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
  - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
  - (xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - (xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

- (5) Upon consideration of the factors of Section 6.l(4) and the purposes of this local law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.
- (6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

## **6.2 CONDITIONS FOR VARIANCES**

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 6.l(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
  - (i) the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met; and
  - (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Variances shall only be issued upon receiving written justification of:
  - (i) a showing of good and sufficient cause;
  - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (6) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
  - (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
  - (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in Section 4.4-8 of this Local Law.

Be it enacted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by the Town Board of the Town of Bergen, Genesee County, New York, to be effective immediately upon filing with the NYS Secretary of State.

\_\_\_\_\_  
Ernest Haywood, Supervisor

\_\_\_\_\_  
Belinda Grant, Town Councilperson

\_\_\_\_\_  
Mark Swanson, Town Councilperson

\_\_\_\_\_  
Karen Ely, Town Councilperson

\_\_\_\_\_  
Cindy Anderson, Town Councilperson

SEAL

\_\_\_\_\_  
  
ATTEST Teresa Robinson, TOWN CLERK