

**STATE OF NEW YORK
COUNTY OF ALBANY**

JANUARY 11, 2017

REGULAR MEETING

The regular monthly meeting of the Town Board of the Town of Berne was held on the above date with the following officers present: Supervisor Crosier, Councilmembers Golden, Emory, Schimmer & Jordan. Also present was Attorney Conboy, and several interested citizens. Supervisor Crosier called the meeting to order at 7:43 PM, and on motion of Councilmember Schimmer and seconded by Councilmember Golden, the minutes of 12/14/16 were approved as presented with the following members voting aye; Supervisor Crosier; Councilmembers Golden, Emory, Schimmer and Jordan.

Supervisor Crosier thanked everyone who make the Town of Berne a great place to live and work; the East Berne Fire Department, Berne Fire Department, Helderberg Ambulance, Friends of the Library, Helderberg Hilltown Assoc., who also promote agriculture and business in the community, Helderberg Senior volunteer meal program, Girls and Boy Scout programs, Kiwanis Club, Masonic Lodge, Switzkill Farm Board, all give selflessly to serve our town; the Highway Department, all the employees who keep our town roads safe and clean – job well done. The Transfer Station employees, Davey & Ryan who are always there, all the appointed boards who provide sound guidance to the Town Board, all our office staff who keep the day -to -day activities running smoothly, to all our appointed and elected officials, thank you for all your hard work. As we go into 2017, the Town of Berne is financially strong, building on a 4 year property tax reduction (3% in 2016); researching combined and shared services, the town could be looking at a 20-30% property tax cut per property owner, without affecting full time jobs and improving services. Berne has had major investments over the last few years; \$750,000 in equipment and improvements at the highway garage, including a new salt shed; the sewer project and library and many other projects. The Town has many community services; the Senior Shuttle, Senior Meal Program, Switzkill Farm, Summer Youth Work Program and many more. There are a lot of great things happening in Berne and it just doesn't happen with 5 people. There are numerous people who contribute to our community and everyone works hard, not just a few, and I am very proud of that. A movie was made here that one an award at the Sundance Film Festival; Berne is now a destination that people look at and our economic future is bright.

Supervisor Crosier opened the meeting to guests.

Frank Brady – spoke about a raise for the Highway Superintendent.

Roger Chrysler – had questions regarding property tax bill.

Mike Hanley – spoke regarding raises for employees and FOIL request for documents.

Tim Lippert – spoke regarding documents released with social security numbers.

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Mike Vincent – spoke regarding the efficiency of the wastewater treatment plant; projects that the Planning Board are working on; programs at the Community & Senior Services Center.

COMMITTEE REPORTS

HIGHWAY- Highway Superintendent Bashwinger reported on sanding materials and salt; discussed concrete in the pole barn to help protect the trucks.

SENIOR MEAL PROGRAM –Councilmember Schimmer reported numbers of meals continue to increase, six individuals use the bus for transportation; discussed training of volunteers; considering trip to Baseball Hall of Fame; special birthday celebrations are held monthly; County Legislator Chris Smith is donating the dishwasher; Knox will donate \$500 to the Helderberg Seniors; election of officers scheduled for annual meeting 1/30/17.

SENIORS – Councilmember Jordan reported the meeting is scheduled for 1/14/17.

CONSERVATION BOARD – Councilmember Schimmer reported meeting on 1/9/17 at Switzkill Farm; guide to Bio Blitz was introduced; contacted Steve Young, DEC regarding National Heritage Program; interface with BKW Science Department to involve students.

PLANNING & ZONING – Councilmember Emory reported the Planning Board is working on the solar zoning ordinance and will meet next on 1/19/17; Zoning Board will meet on 1/18/17.

LIBRARY – Judy Petrosillo thanked the Board for the additional Wednesday hours; reported on construction grant; talked about programs at the Library and the annual photo contest.

YOUTH COUNCIL – Councilmember Jordan reported meeting was held on 1/9/17; the Hilltown Winter Festival at Knox Town Park is on 1/14/17 which is a joint event. The Youth Council is loaning Legos for indoor activities and small stuffed toys were donated for game prizes. February tubing and ice skating trips have been cancelled.

SWITZKILL FARM – Councilmember Schimmer reported Helen Lounsbury will be on the grant committee; building bird blinds for wildlife observation was discussed; Jan and Ralph Miller donated bluebird houses; reviewed and updated the mission statement; HESO will now meet the 3rd Friday of each month; schedule of diverse programs was proposed; Winterfest will be held on 1/28/17 with a work bee on 1/27/17. Next meeting will be on 2/7/17 at Retreat House or in the event of inclement weather at the Berne Community & Senior Center.

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OLD BUSINESS

**INTRODUCTION OF LOCAL LAW #1 OF 2017
“TOWN OF BERNE SOLAR ENERGY SYSTEM MORATORIUM LAW”**

After discussion, Supervisor Crosier introduced Local Law #1 of 2016 “**Town of Berne Solar Energy System Moratorium Law**” and moved to set a public hearing on proposed Local Law #1 of 2017 for February 8, 2017 at 7:15 PM and directing the Town Clerk to give notice of such public hearing in the manner provided in Section 20 of the Municipal Home Rule Law, and Councilmember Schimmer seconded the introduction of the proposed local law and the motion. Motion carried with the following members voting aye: Supervisor Crosier, Councilmembers Golden, Emory, Schimmer and Jordan.

INTERVIEWS FOR ZBA

Interviews for ZBA members will be scheduled on January 21, 2017 at 9:30 AM.

NEW BUSINESS

ACCEPTING RESIGNATIONS OF YOUTH COUNCIL MEMBERS

After discussion, Councilmember Golden made a motion seconded by Councilmember Jordan accepting resignations of Chuck Conklin, Erin Rappaport and Stefanie Scram as Youth Council members. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Emory, Schimmer & Jordan.

APPROVING YOUTH COUNCIL JOB DESCRIPTION

After discussion, Councilmember Schimmer made a motion seconded by Councilmember Jordan to approving the Youth Council job description. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Emory, Schimmer & Jordan.

AUTHORIZING TOWN CLERK TO ADVERTISE FOR YOUTH COUNCIL MEMBERS

After discussion, Councilmember Emory made a motion seconded by Councilmember Jordan authorizing the Town Clerk to advertise for Youth Council members. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Emory, Schimmer & Jordan.

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AUTHORIZING THANK YOU LETTER

After discussion, Councilmember Schimmer made a motion seconded by Councilmember Jordan authorizing a thank you letter be sent to Donald Lee for donating the fireplace grates to Switzkill Farm. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Emory, Schimmer & Jordan.

APPROVING CASH PROCEDURE FOR BERNE PUBLIC LIBRARY

After discussion, Councilmember Golden made a motion seconded by Councilmember Schimmer approving the cash procedure for the Berne Public Library. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Emory, Schimmer & Jordan.

AUTHORIZING EXPENDITURE TO MEYERS ELECTRICAL & CONSTRUCTION

After discussion, Councilmember Jordan made a motion seconded by Councilmember Emory Authorizing expenditure of \$355 to Meyers Electrical & Construction for a light over the fuel station at the highway garage. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Emory, Schimmer & Jordan.

**PROCUREMENT POLICY
APPROVE ADDITIONAL REQUIREMENTS**

Supervisor Crosier led a discussion on the proposed changes to the procurement policy. After discussion, Councilmember Schimmer made the motion seconded by Councilmember Golden to add the following language to the policy under 50-3, E, pg.2 - **“other County, State or Federal contracts.”** Motion carried with the following members voting aye: Supervisor Crosier; Councilmembers Golden, Emory, Schimmer & Jordan. A complete copy is attached to these minutes.

ACCEPTING RESIGNATION OF PHYLLIS JOHNSON

After discussion, Councilmember Emory made a motion seconded by Supervisor Crosier accepting the resignation of Phyllis Johnson from the Zoning Board of Appeals. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Emory, Schimmer & Jordan.

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AUTHORIZING THE ADVERTISING FOR BIDS FOR PLAYGROUND EQUIPEMENT AT THE TOWN PARK

After discussion, Councilmember Schimmer made a motion seconded by Councilmember Jordan directing the Town Clerk to advertise for bids for Playground Equipment at the Town Park with the bids to be received until 10 AM on Monday, March 6, 2017 at which time said bids will be opened and read at the Berne Town Hall, 1656 Helderberg Trail, Berne, NY. Motion carried with the following members voting aye: Supervisor Crosier, Councilmembers Golden, Emory, Schimmer & Jordan.

APPROVING REQUEST FROM LITTLE LEAGUE TO BUILD A 10x10 FOOT STORAGE SHED AT THE TOWN PARK

After discussion, Supervisor Crosier made a motion seconded by Councilmember Emory, Approving request from Little League to build a 10x10 foot storage shed at the Town Park. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Emory, Schimmer & Jordan.

AUTHORIZING BUDGET TRANSFERS

After discussion, Councilmember Schimmer made a motion seconded by Supervisor Crosier that the following fund transfers be authorized in the amounts and manners as set forth:

Highway fund:

From	To	Amount	
Da 5130e 44070 \$1215.00	Da 513010 44070	\$150.00	Truck #10
	Da 513022 44070	\$460.00	Truck #22
	Da 513027 44070	\$ 20.00	Truck #27
	Da 513030 44070	\$550.00	Truck #30
	Da 513037 44070	\$ 35.00	Truck #37

Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Emory, Schimmer & Jordan.

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BILLS AND REPORTS

The Supervisor's, Town Clerk's and Building & Zoning Administrator's monthly reports were received and accepted.

Councilmember Emory made the motion seconded by Councilmember Jordan to approve payment of the following bills:

GENERAL FUND, HIGHWAY FUND & SEWER 2017.....	\$174,367.51
ABSTRACT#122916.....	\$ 42,638.67
ABSTRACT#011117.....	\$131,728.84
CAPITAL PROJECT SALT SHED.....	\$ 909.25
ABSTRACT#011017.....	\$ 909.25

Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Emory, Schimmer & Jordan.

MOTION TO ADJOURN

There being no further business, Councilmember Jordan made the motion seconded by Councilmember Schimmer to adjourn the meeting. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Emory, Schimmer & Jordan. Meeting adjourned at 8:40 PM.

Respectfully submitted,

Anita C. Clayton, Town Clerk

**TOWN OF BERNE
PROCUREMENT POLICY**

50-1. Applicability ; yearly purchasing estimates

The Town Clerk shall be responsible for assuring that all purchases are made in accordance with this procurement policy. Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law (GML) § 103. Every Town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter "purchaser") shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other Town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity. All purchases over \$350 from the General Fund shall require a prior approval of the Town Board.

50-2. Formal bids required

All purchases of supplies or equipment which will exceed \$10,000 in the fiscal year or public works contracts over \$20,000 shall be formally bid pursuant to GML § 103.

50-3. Quotes and RFPs

A. All estimated purchases of:

- (1) Less than \$10,000 but greater than \$3,000 require a written request for a proposal (RFP) and written/fax quotes from three vendors.
- (2) Less than \$3,000 but greater than \$1,000 require an oral request for the goods or services and oral/fax quotes from vendors.
- (3) Less than \$1,000 but greater than \$250 are left to the discretion of the purchaser.

B. All estimated public works contracts of:

- (1) Less than \$20,000 but greater than \$10,000 require a written RFP and fax/proposals from three contractors.
- (2) Less than \$10,000 but greater than \$3,000 require a written RFP and fax/proposals from two contractors.
- (3) Less than \$3,000 but greater than \$500 are left to the discretion of the purchaser.

C. All written RFPs shall describe the desired goods, quantity and the particular of delivery. The purchaser shall compile a list of all vendors from whom written, fax/oral quotes have been requested and the written, fax/oral quotes offered.

D. All information gathered in complying with the procedures of this section shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

E. In connection with every prospective purchase of goods or services the Town officer, board, department head or other personnel with the requisite purchasing authority

shall evaluate whether or not the goods or services may be available through New York State contract and/or the Albany County Purchasing Department; other County, State or Federal contracts for a price or sum more favorable than the proposals or price quotes solicited by the Town.

- F. All purchases of goods or services by a Town officer, board, department head or other personnel with the requisite purchasing authority shall require a purchase order.
- G. Except in emergencies, all vouchers and bills to be considered for approval of payment by the Town Board at its regular monthly meeting (on the second Wednesday of the month) must be submitted to the Town on or before the first Wednesday of the month.

50-4. Award of bid

The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

50-5. Solicitation of quotes and/or proposals

A good-faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the view a specific community's Code please visit their website or go to the

50-6. Written proposals not required

Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- A. Acquisition of professional services; except when the Town Board has directed the use of formal requests for proposals;
- B. Emergencies;
- C. Sole-source situations;
- D. Goods purchased from agencies for the blind or severely handicapped;
- E. Goods purchased from correctional facilities;
- F. Goods purchased from another government agency;
- G. Goods purchased at auction;

H. Goods purchased for less than \$250;

I. Public works contacts for less than \$500.

50-7. Annual review of policy

This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

As modified 1/11/17