

**STATE OF NEW YORK
COUNTY OF ALBANY**

February 13, 2019

**6:45 PM Public Hearing Local Law # 1 of 2019
Public Hearing Local Law # 2 of 2019**

Supervisor Lyons declared the public hearing on Local Law #1 of 2019 known as the “**Town of Berne Industrial-scale Solar Energy System Moratorium Law**” and Local Law #2 of 2019 known as the “**Town of Berne Hydraulic Fracturing and/or Hydrofracking Law**” open with the following members present Councilmembers Schimmer, Jordan, Palow & Willsey.

Supervisor Lyons opened the floor to guests:

Several interested citizens spoke regarding each Local Law. There being no further comment, Supervisor Lyons declared the hearing closed at 6:55 PM.

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 Lyons, Councilmembers Schimmer, Jordan, Palow & Willsey. Also present were Town Clerk Clayton, Attorney Conboy, and several interested citizens. The Pledge of Allegiance was led by Supervisor Lyons who then called the meeting to order at 7:00 PM. The minutes of the Organization Meeting of 1/9/18 and the Regular Meeting of 1/9/19 were presented and on motion of Supervisor Lyons and seconded by Councilmember Jordan, the minutes were accepted with the following members voting aye; Supervisor Lyons; Councilmembers Schimmer, Jordan, Palow & Willsey.

CORRESPONDENCE

- Resignation letter from Ian Guarino, Youth Council Member
- Resignation letter from Chance Townsend, Building & Zoning Administrator
- Letter from St. Pauly Textile, Inc. regarding clothing drop off shed

ANNOUNCEMENTS

- Winterfest this coming Saturday from 11:00 to 3:00 rain, snow or shine. If the outside conditions are not very winter-like, we will have additional activities for kids inside.
- Seniors will not be using facility the 2nd Saturday in March as they will be dining out
- Rabies clinic March 16, 1:00 PM – 4:00 PM

GUESTS

Kathy Stempel , Library Manager, spoke about programs at the Berne Public Library

PUBLIC COMMENT

Concerned citizens spoke regarding matters in the Town.

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DEPARTMENT/LIAISON REPORTS

SWITZKILL FARM – Councilmember Schimmer reported that a Stop The Bleed workshop was held at the lodge, hosted by 2 ER Nurses; Winterfest will be held on 2/16/19.

CONSERVATION BOARD – Councilmember Willsey mentioned that the street light purchase needs to be finished.

PLANNING & ZONING – Councilmember Jordan reported the Planning Board is working on new guidance documents and forms; ZBA will meet on 2/20/19 at 7:00PM.

YOUTH COUNCIL – Ms. Guarino reported that there will be a St. Patrick’s Dance at the Lutheran Church; they need members and volunteers and a calendar for the year will be available soon.

OLD BUSINESS

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow to set a public hearing and presentation on March 13, 2019 at 6:30PM to discuss the NYPA Energy Efficiency Program on the proposed purchase or financing of LED Street Lights for the Town of Berne. Motion carried with the following members voting aye: Supervisor Lyons, Councilmembers Schimmer, Jordan, Palow and Willsey.

NEW BUSINESS

ADOPTING LOCAL LAW #1 OF 2019

“Town of Berne Industrial-scale Solar Energy System Moratorium Law”

The following resolution was offered and moved by Supervisor Lyons and seconded by Councilmember Schimmer:

WHEREAS Local Law #1 of 2019 known as the **“Town of Berne Industrial-scale Solar Energy System Moratorium Law”** has been introduced by the Town Board of the Town of Berne and a public hearing has been duly called and held, **NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Berne hereby adopts **LOCAL LAW #1 of 2019** of the Town of Berne known as **“Town of Berne Industrial-scale Solar Energy System Moratorium Law.”** The resolution was adopted by the following roll call vote:
Councilmembers Schimmer, Jordan, and Willsey.....Aye
Supervisor Lyons and Councilmember Palow.....Nay.

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**ADOPTING LOCAL LAW #2 OF 2019
“Town of Berne Hydraulic Fracturing and/or Hydrofracking Law”**

The following resolution was offered and moved by Supervisor Lyons and seconded by Councilmember Schimmer:

WHEREAS Local Law #1 of 2019 known as the **“Town of Berne Hydraulic Fracturing and/or Hydrofracking Law”** has been introduced by the Town Board of the Town of Berne and a public hearing has been duly called and held, **NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Berne hereby adopts **LOCAL LAW #2 of 2019** of the Town of Berne known as **“Town of Bern Hydraulic Fracturing and/or Hydrofracking Law”**. The resolution was adopted by the following roll call vote: Supervisor Lyons & Councilmembers Schimmer, Jordan, Palow and Willsey.....Aye.

ACCEPTING RESIGNATION OF IAN GUARINO AND AUTHORIZE ADVERTISING

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow accepting the resignation of Ian Guarino and authorizing the Town Clerk to advertise for a Youth Council position. Motion carried with the following members voting aye: Supervisor Lyons, Councilmembers Schimmer, Jordan, Palow and Willsey.

ACCEPTING AUDIT REPORT OF JUSTICES RECORDS

After discussion, Supervisor Lyons made a motion seconded by Councilmember Schimmer to accept the Audit Report for the Town Justice records. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

SETTING YOUTH COUNCIL TERM DATES

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow setting the term dates for Youth Council members as follows: Jean Guarino, two year term ending 12/31/2020; Lisa Raymond, 2 year term ending 12/31/20; Kathy Stempel, 2 year term ending 12/31/20; Stacy Wright, 1 year term ending 12/31/2019; 1 year term vacant, ending 12/31/19. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

APPOINTING SWITZKILL FARM BOARD MEMBERS

After discussion, Supervisor Lyons made a motion, seconded by Councilmember Schimmer to appoint Martin Szinger to the Switzkill Farm Board for a 3 year term; Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, & Willsey; Councilmember Palow – nay; appoint Dee Woessner to the Switzkill Farm Board for a 3 year term and Anne Cook as a provisional member for a 2 year term. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

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SETTING PAY PERIOD FOR DEPUTY TAX COLLECTOR

After discussion, Supervisor Lyons made a motion, seconded by Councilmember Jordan to set the pay period as an annual payment for the Deputy Tax Collector. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

ACCEPTING TOWN OF BERNE PARENTAL CONSENT FORM

After discussion, Supervisor Lyons made a motion, seconded by Councilmember Schimmer accepting the Town of Berne Parental Consent form. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

AUTHORIZING SUPERVISOR TO SIGN AGREEMENT WITH TOWN OF RENSSELAERVILLE FOR ANIMAL CONTROL

After discussion, Councilmember Jordan made a motion, seconded by Councilmember Palow authorizing the Supervisor to enter into agreement with the Town of Rensselaerville for Animal Control. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

AUTHORIZING SUPERVISOR TO SIGN CAPITAL REGION SOLID WASTE MANAGEMENT PARTNERSHIP PLANNING UNIT RECYCLING COORDINATOR INTERMUNICIPAL AGREEMENT

After discussion, Councilmember Schimmer made a motion, seconded by Councilmember Willsey authorizing the Supervisor to sign Capital Region Solid Waste Management Partnership Planning Unit Recycling Coordinator Intermunicipal Agreement for 1/1/19 through 12/31/21. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

ACCEPTING RESIGNATION OF CHANCE TOWNSEND, BUILDING & ZONING ADMINISTRATOR

After discussion, Supervisor Lyons made a motion, seconded by Councilmember Palow accepting the resignation of Chance Townsend, Building & Zoning Administrator. Motion carried with the following members voting aye Councilmembers Schimmer, Jordan, Palow & Willsey; Supervisor Lyons – nay.

APPOINTING ANIMAL CONTROL OFFICER

After discussion, Supervisor Lyons made a motion, seconded by Councilmember Schimmer appointing Cheryl Teffts-Baitsholts as Animal Control Officer for one year. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

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**RESOLUTION
ROLE OF LIAISON**

After discussion, Councilmember Schimmer offered and moved the following Resolution, seconded by Councilmember Jordan:

RESOLUTION ESTABLISHING A POLICY THAT THE ROLE OF LIAISON WILL BE USED FOR COMMUNICATION BETWEEN THE TOWN BOARD AND THE BOARDS, COMMITTEES, DEPARTMENTS, AND COUNCILS WITHIN THE TOWN

WHEREAS, Liaisons from the Town Board are the central point of contact between Boards, Committees, Departments and Councils within the Town, and our government, and

WHEREAS, the role of Liaison is essential for effective and immediate communication between the Town Board and the Committee, Board, Department, or Council to which they liaise, and

WHEREAS, Liaisons regularly attend Board, Committee, Department, and Council meetings to monitor problems, activities, concerns, recommendations, or proposals, and answer questions for their members, and

WHEREAS, Liaisons inform the Town Board and the general public of the ongoing activities and programs of the Board, Committee, Department, or Council, and

WHEREAS, Liaisons update the Town Board on the progress of projects, effectiveness of programs, and feedback from residents and participants, and

WHEREAS, Liaisons communicate recommendations and advice from the Boards, Committees, Departments and Councils to the Town Board which are designed to improve programs and results-based management, and

WHEREAS, Liaisons serve as reliable sources of information about government actions, laws, and programs for the Boards, Committees, Departments and Councils, and

WHEREAS, Liaisons help ensure the Boards, Committees, Departments and Councils are operating in accordance with Town policies, procedures, laws and plans, and

WHEREAS, Liaisons assist Boards, Committees, Departments, and Councils adhere to procurement policies and assist with purchasing, and

WHEREAS, Liaisons provide informed guidance supporting the work and interests of the liaison affiliate, and

WHEREAS, Liaisons help coordinate programs, events and activities undertaken by the Boards, Committees, Departments, and Councils, and

WHEREAS, Liaisons assist Boards, Committees, Departments, and Councils in aspects of planning, implementation and evaluations of projects and programs, and

WHEREAS, Liaisons reflect the Town Board's appreciation and organized support of the work undertaken and accomplished by the Boards, Committees, Departments, and Councils, and

WHEREAS, Liaisons have been an integral element of Berne's regular Town Board meetings since prior to 2004, providing a comprehensive overview of Town activities, and serving as important conduit of information directly and indirectly impacting the lives of the Berne's residents to the Town Board and the general public;

NOW, THEREFORE, BE IT RESOLVED, that Liaisons shall be appointed annually at each Town of Berne organizational meeting for positions to the Conservation Board, Helderberg Senior Services, Hilltown Senior Citizens, Library Trustees, Planning Board, Sewer District, Switzkill Farm Board, the Transfer Station, Youth Council, and Zoning Board of Appeals, the specific position assigned to each Town Board member by consensus among the Town Board members, and

BE IT FURTHER RESOLVED, that the appointed Liaison give a verbal monthly report at each regular Town Board meeting to inform all those interested in the issues involving each of those Boards, Committees, Departments and Councils.

Resolution was adopted by the following roll call vote:

Supervisor Lyons.....Nay
 Councilmember Shimmer.....Aye
 Councilmember Jordan.....Aye
 Councilmember Palow.....Nay
 Councilmember Willsey.....Aye

AUTHORIZING BUDGET TRANSFERS

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

General Fund.

From:	To:	Amount:
A1990e 44999 \$ \$ 2553.00	A1620e 11165	\$ 843.00
A1620e 22750 \$ 26.00	A1620e 17230	\$ 1,736.00
A1620e 44071 \$ 52.00	A1620e 44101	\$ 52.00
A1450e 44047 \$ 2311.00	A3620e 11150	\$ 2311.00
A5132e 44999 \$ 6.00	A5132e 44036	\$ 6.00
A7110e 22700 \$2421.00	A7110e 11178	\$ 1607.00
	A7111e 44100	\$ 722.00
	A7111e 44101	\$ 92.00
A7320e 44999 \$ 323.00	A7320e 11205	\$ 323.00
A7989e 44036 \$ 170.00	A7989e 11215	\$ 170.00

A8160e 17360 \$ 1999.00	A8160e 17350	\$ 1999.00
A8160e 44020 \$ 111.00	A8160e 44020	\$ 111.00
A9060e 44976 \$3000.00	A9060e 89030	\$ 3000.00

Highway fund

From:	To:	Amount:
Da 89050	Da 89030	\$ 1,166.00

Sewer fund:

From:	To:	Amount:
SS8110e 44037 \$ 105.00	SS8110e 17340	\$ 286.00
SS8110e 44106 \$ 454.00	SS8110e 44101	\$ 477.00
SS8110e 44100 \$ 96.00		
SS8110e 89030 \$ 67.00		
SS8110e 44999 \$ 38.00		
SS8110e 44020 \$ 3.00		

MONTHLY REPORTS

Supervisor Lyons made a motion seconded by Councilmember Palow to accept the Supervisor’s and Town Clerk’s monthly reports as received. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

MONTHLY BILLS

Supervisor Lyons made a motion seconded by Councilmember Palow to approve payment of the following bills:

GENERAL FUND, HIGHWAY FUND & SEWER 2019.....\$113,189.57
ABSTRACT# 021319..... ..\$113,189.57

Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

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MOTION TO ADJOURN

There being no further business, Supervisor Lyons made the motion seconded by Councilmember Schimmer to adjourn the meeting. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey. Meeting adjourned at 9:30PM.

Respectfully submitted,

Anita C. Clayton, Town Clerk