

**STATE OF NEW YORK
COUNTY OF ALBANY**

MARCH 8, 2017

7:15 PM Public Hearing Local Law # 2 of 2017

Supervisor Crosier declared the public hearing on Local Law #2 of 2017 known as the “**Town of Berne Hydraulic Fracturing and/or Hydrofracking Law**” open with the following members present Councilmembers Golden, Schimmer, Jordan & Cooke. Supervisor Crosier opened the floor to guests: Judy Petrosillo stated it should be continued. There being no further comment, Supervisor Crosier declared the hearing closed at 7:17 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 Crosier, Councilmembers Schimmer, Jordan & Cooke. Also present was Town Clerk Clayton, Attorney Conboy, County Legislators Travis Stevens and Christopher Smith and several interested citizens. Councilmember Golden was not in attendance. The Pledge of Allegiance was led by Top Sgt. Palow. Supervisor Crosier called the meeting to order at 7:30 PM, and on motion of Councilmember Schimmer and seconded by Councilmember Cooke, the minutes of 2/8/17 were approved as presented with the following members voting aye; Supervisor Crosier; Councilmembers Golden, Schimmer, Jordan & Cooke.

RESOLUTION EXPRESSING APPRECIATION TO EMMA DETLEFSEN FOR HER SERVICE TO THE LYMPHATIC EDUCATION AND RESEARCH NETWORK

A complete copy of the resolution attached to these minutes was offered and moved by Councilmember Schimmer and seconded by Councilmember Jordan. Resolution was carried with the following members voting aye: Supervisor Crosier, Councilmembers Schimmer, Jordan & Cooke.

Supervisor Crosier opened the meeting to guests:

Tim Lippert – asked what happened to the metal detector in courtroom, Supervisor Crosier responded that it was broken and could not be fixed, the repair was \$2,500 and the company could not guarantee the repair and a new one is \$3,000. Mr. Lippert spoke about application an from T-mobile.

Anne Oldick – Asked why there was a charge for star gazing permits; residents were not asked about purchase of Switzkill Farm property which she felt should have been voted on; spoke regarding Stage Road and safety to highway workers; not in favor for a County consolidation.

Dennis Palow – asked about status of purchasing Gradall, pay raises for highway employees, cleaning up properties in the Town; what has the Town done for veteran’s and Mr. Golden’s statement regarding plowing residential driveways. Supervisor replied that the County has two new Gradalls that they would let the Town borrow and that we have a Veteran’s Memorial at the Town Park; Veteran’s Tax Exemption; Memorial Highway for Glenn R. Gilbert.

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Roger Chrysler – stated it was good to see so many people attending meetings

Mike Vincent – stated the Planning Board is looking at damage of property after the 2011 flood and would like to see properties cleaned up

Richard Ganza – asked Mr. Lippert about Fox Creek Market expansion.

CORRESPONDENCE

Letter from Jackie Murray commending the highway employees on helping her in the 2/7/17 ice storm

Letter from Marcelle Reilly from NYS Traumatic Brain Injury Program asking how road closures (Stage Road) are advertised.

COMMITTEE REPORTS

LIBRARY – Judy Petrosillo presented the annual report for the Berne Public Library.

HIGHWAY- Highway Superintendent Bashwinger reported he has the authority and ability to declare roads seasonal and has the ability to close a road that has other access. There was discussion with Councilmember Cooke on addressing the situation.

SENIORS – Councilmember Jordan reported the Seniors will hold a luncheon at the Berne Reformed Church on Saturday, 3/11/17.

SENIOR MEAL PROGRAM – Councilmember Schimmer expressed sympathy to Alice Wagoner on the loss of Vern who did so much for the Town.

CONSERVATION BOARD – Councilmember Schimmer reported they are working on a bio blitz to be held at Switzkill Farm. More to follow.

PLANNING & ZONING – Councilmember Jordan reported the Planning Board is working on minor subdivision/lot line adjustment; reviewing job description for members; continuing to work on Solar Ordinance and decided to split residential and commercial. Next meeting is 3/16/17. ZBA will hold a hearing on 3/15/17.

YOUTH COUNCIL – Councilmember Jordan reported that summer activities are being planned at Switzkill Farm; Summer Recreation Program will be July 17-21. Next meeting will be 3/13/17 at 6PM.

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SWITZKILL FARM – Councilmember Schimmer reported a bio blitz will be held at Switzkill Farm; a stage has been purchased and a music festival will be held on 7/22/17; apple tree pruning demonstration will be held on 3/11/17 at 10:00 AM. Karol Harlow is Chair for the Friends of Switzkill Farm.

OLD BUSINESS

BROADBAND WIRELESS – Supervisor Crosier reported that high speed broadband will be in the Hilltowns later this fall; thanked County Legislators Travis Stevens and Christopher Smith for their efforts and Hudson Valley Wireless has been awarded the franchise.

ADOPTING LOCAL LAW #2 OF 2017

“Town of Berne Hydraulic Fracturing and/or Hydrofracking Law”

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

WHEREAS Local Law #2 of 2017 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 2017** of the Town of Berne known as **“Town of Berne Hydraulic Fracturing and/or Hydrofracking Law.”** The resolution was adopted by the following roll call vote: Supervisor Crosier & Councilmembers Schimmer, Jordan and Cooke.....Aye.

**AWARDING OF BIDS
PLAYGROUND EQUIPMENT**

The Town Board reviewed the bid received on 3/6/17 from the following:

Bears Playgrounds \$16,768,68

After reviewing the above said bid, Councilmember Schimmer made a motion which was seconded by Councilmember Jordan to award the bid to Bears Playground in an amount not to exceed \$16,768. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Schimmer, Jordan & Cooke.

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AUTHORIZING PAYMENT TO QUICK RESPONSE FOR EMERGENCY CLEAN UP AT LIBRARY

After discussion, Councilmember Jordan made a motion seconded by Councilmember Schimmer authorizing payment to Quick Response for emergency clean up at the Berne Public Library in an amount not to exceed \$4,000. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Schimmer, Jordan & Cooke.

APPOINTING ZBA MEMBER

After discussion, Councilmember Schimmer made a motion seconded by Councilmember Jordan appointing Samuel Clayton as ZBA member with term expiring 12/31/18. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Schimmer, Jordan & Cooke.

APPOINTING ZBA MEMBER

After discussion, Councilmember Jordan made a motion seconded by Councilmember Schimmer appointing Denise Manning as ZBA member with term expiring 12/31/20. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Schimmer, Jordan & Cooke.

APPOINTING ALTERNATE ZBA MEMBER

After discussion, Councilmember Schimmer made a motion seconded by Councilmember Jordan appointing Donald Bauer as an alternate ZBA member with term expiring 12/31/17. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Schimmer, Jordan & Cooke.

AWARDING BID FOR JUSTICE BENCH

After discussion, Councilmember Schimmer made a motion seconded by Councilmember Jordan awarding Jesse Eberhard of Creative Finishes the bid for the Justice Bench in an amount not to exceed \$11,995. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Schimmer, Jordan & Cooke.

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NEW BUSINESS

AUTHORIZING THE ADVERTISING FOR BIDS FOR CRUSHED STONE, ASPHALT, CONCRETE, WINTER FIBRE MIX & SANDING MATERIAL

After discussion, Councilmember Schimmer made a motion seconded by Supervisor Crosier directing the Town Clerk to advertise for bids for crushed stone, asphalt, concrete sanding material, washed crushed stone, concrete, winter fibre mix and sanding material for use by the Highway Department for the year 2017 with the bids to be received until 10 AM on Monday, April 10, 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 Schimmer, Jordan & Cooke.

AUTHORIZING PAYMENT TO KIWANIS TO OFFSET COST OF PARADE

After discussion, Councilmember Cooke made a motion seconded by Supervisor Crosier authorizing payment of \$150 to Kiwanis Club of the Helderbergs to offset cost for the Memorial Day Parade. Motion carried with the following members voting aye: Supervisor Crosier, Councilmembers Schimmer, Jordan & Cooke.

RESOLUTION AUTHORIZING THE TOWN BOARD OF THE TOWN OF BERNE TO SET THE STANDARD WORKDAY FOR ELECTED AND APPOINTED OFFICIALS AND AUTHORIZE POSTING

A complete copy of the resolution attached to these minutes was offered and moved by Councilmember Schimmer and seconded by Councilmember Cooke. Resolution was carried with the following members voting aye: Supervisor Crosier, Councilmembers Schimmer, Jordan & Cooke.

APPROVING QUOTE FOR TABLES AND CHAIRS AT SWITZKILL FARM

After discussion of quotes received from WB Mason for \$4110.01; EventsTable for \$4,933 and Wholesale Folding, \$5,238, Councilmember Cooke made a motion seconded by Councilmember Schimmer to approve the quote from WB Mason in an amount not to exceed \$4,110.01. Motion carried with the following members voting aye: Supervisor Crosier, Councilmembers Schimmer, Jordan & Cooke.

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RESOLUTION DECLARING 1425 HELDERBERG TRAIL UNSAFE BUILDING OR STRUCTURE

WHEREUPON, Councilmember Cooke offered and moved the following resolution seconded by Councilmember Schimmer, **BE IT RESOLVED** that the Town Board of the Town of Berne determines that the building/structure at 1425 Helderberg Trail, Berne, NY, is unsafe. The resolution was declared duly adopted by the following roll call vote: Supervisor Crosier, Councilmembers Schimmer, Jordan & Cooke.....Aye.

AUTHORIZING USE OF SENIOR SHUTTLE BUS

After discussion, Councilmember Cooke made a motion seconded by Councilmember Schimmer authorizing the use of the Senior Shuttle Bus for a trip to the Hudson Valley Flower Show on March 24, 2017. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Schimmer, Jordan & Cooke.

AUTHORIZING BUDGET TRANSFERS

After discussion, Councilmember Jordan 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 \$ 4400.00	A1620e 44022	\$ 4000.00	Buildings maintenance supplies
	A8160e 44072	\$ 400.00	Transfer Station Vehicle
A1110e 44999 \$ 700.00	A1110e 22080	\$ 50.00	Town court specialty equip
	A1110e 44021	\$ 50.00	office supplies
	A1110e 44040	\$ 600.00	town court books and publications
A1355e 44301 \$ 15.00	A1355e 44300	\$ 15.00	dues memberships
A1990e 44999 \$ 1700.00	A7111e 44100	\$ 1400.00	Switzkill Farm fuel oil
	A7111e 44999	\$ 300.00	Switzkill Farm food
A8020e 44047 \$ 150.00	A8020e 44042	\$ 100.00	planning printing
	A8020e 44300	\$ 50.00	planning dues membership

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Highway fund:

From		To	Amount	
Da 5130e 44070	\$ 2121.00	Da 513010 44070	\$ 41.00	Truck # 10
		Da 513019 44070	\$ 37.00	Truck # 19
		Da 513022 44070	\$ 319.00	Truck # 22
		Da 513026 44070	\$ 36.00	Truck # 26
		Da 513027 44070	\$ 1688.00	Truck # 27

Sewer fund:

From:		To:	Amount:	
Ss8110e 44999	\$ 150.00	SS8110e 44070	\$ 150.00	Equipment repair

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

BILLS AND REPORTS

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

Councilmember Schimmer made the motion seconded by Councilmember Cooke to approve payment of the following bills:

GENERAL FUND, HIGHWAY FUND & SEWER 2017.....\$84,165.45
ABSTRACT#030817.....\$84,165.45

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

MOTION TO ADJOURN

There being no further business, Councilmember Cooke made the motion seconded by Councilmember Jordan to adjourn the meeting. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Schimmer, Jordan & Cooke. Meeting adjourned at 9:12 PM.

Respectfully submitted,

Anita C. Clayton, Town Clerk

**EXPRESSING APPRECIATION TO
EMMA DETLEFSEN FOR HER SERVICE
TO THE LYMPHATIC EDUCATION AND RESEARCH NETWORK**

By the Town Board of the Town of Berne:

Whereas, Emma Detlefsen, a resident of Berne, NY, has been a Youth Ambassador for Lymphatic Education & Research Network since September of 2015, and

Whereas, it is the mission of the Lymphatic Education & Research Network to fight lymphatic disease and lymphedema through education, research and advocacy and to seek to accelerate the prevention, treatment and cure of the disease while bringing patients and medical professionals together to address the unmet needs surrounding lymphatic disorders, and

Whereas, Lymphedema is a disease that affects up to 10 million Americans and 170 million people worldwide. It can be hereditary or acquired as a result of cancer treatment or physical trauma, and

Whereas, many children are born with this disease and there is currently no cure. The diseases effects are lifelong, drastically affect quality of life, and can lead to shortened lifespan, and

Whereas, in 2016, the United States Senate established each March 6th as World Lymphedema Day, and

Whereas, Emma Detlefsen, now 8 years old, was Emma was diagnosed with Primary Lymphedema when she was 16 months old, and

Whereas, in April of 2016, as a 7 year old, Emma traveled to Washington D.C. to act as a lobbyist in support of The Lymphedema Treatment Act and attended 12 congressional meetings with legislative health aides, and members of both houses of the United States Congress, and

Whereas, Emma annually fundraises for and attends the annual Lymphatic Education & Research Network New York Walk in Brooklyn, NY., and

Whereas, Emma Detlefsen has made these, as well as many other tireless efforts to bring attention to lymphatic diseases and lymphedema in our community, as well as our state, in hopes that new treatments will be discovered and so that we will one day have a cure, and

Whereas, the dedicated service of Emma Detlefsen to our community clearly warrants our heartfelt appreciation and recognition, now, therefore be it

Resolved, That in recognition of the very dedicated service and untiring commitment of Emma Detlefsen, a resident of the Town of Berne, we hereby extend on behalf of all of the residents of the Town of Berne our thanks and appreciation to Emma Detlefsen for her faithful service and efforts regarding lymphatic diseases and lymphedema and The Town of Berne would also like to recognize March 6th of each year as World Lymphedema Day.

In witness thereof, we have hereunto set our hands and caused the seal of the Town of Berne to be affixed this 8th day of March, 2017.

Kevin G. Crosier
Town Supervisor

Joseph A. Golden
Town Councilperson

James W. Cooke
Town Councilperson

Karen E. Schimmer
Town Councilperson

Dawn G. Jordan
Town Councilperson

Anita C. Clayton
Town Clerk

RESOLUTION FOR RETIREMENT SYSTEM

Be it resolved that the Town Board hereby establishes the following standard workday for elected and appointed officials for the purpose of determining days worked reportable to the “New York State and Local Employees Retirement System”

Elected officials:

Supervisor, Town Clerk, Councilmember, Tax Collector, Assessors
6 hour day – 30 hours per week

Superintendent of Highways 8 hour day – 40 hours per week	Highway employees 8 hour day - 40 hours per week
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Appointed officials

Full time - 8 hour day – 40 hours per week
Part time - 6 hour day – 30 hours per week

BE IT RESOLVED, that the Town of Berne hereby establishes the following as standard work days for elected and appointed officials; and will report the following days worked to the New York State and Local Employees Retirement System based on the record of activities maintained and submitted by the below listed officials to the clerk of this board.

Day		Standard	Term	Employee Record of	Reported
Title	Name	Work Day	Begins – Ends	Time Worked	Per Month

APPOINTED OFFICIALS

Town Attorney William Conboy, III	6 hrs	1/1/17 – 12/31/17	Y	2.77
Acct. Clerk – Kathy Stempel sheets	6 hrs	1/1/17-12/31/17	Y	Dependent on time
Acct. Clerk I – Katherine Hill Brown sheets	6 hrs.	1/1/17-12/31/17	Y	Dependent on time
Building & Zoning Adm. Tim Lippert	6 hrs	1/1/17-12/31/17	Y	10