

**STATE OF NEW YORK
COUNTY OF ALBANY**

MARCH 14, 2018

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. Supervisor Lyons asked for a moment of silence in remembrance of Richard Guilz. The Pledge of Allegiance was led by Supervisor Lyons who then called the meeting to order at 7:00PM, and on motion of Councilmember Schimmer and seconded by Councilmember Jordan, the minutes of 02/14/18 and 2/28/18 were approved as presented with the following members voting aye; Supervisor Lyons; Councilmembers Schimmer, Jordan & Palow. Councilmember Willsey abstained. Supervisor Lyons opened the meeting to guests:

Gary Schultz – Lakeview Colony Assoc.; was present requesting a change in traffic flow on a portion of Mill Dam Road, East Berne, beginning the last day of school in June and ending on the first day of school in September.

Chuck Feldman, VP East Berne Fire Dept.; thanked the Town Board for support with the flags being flown at half-staff and discussed the funeral route for Richard Guilz.

Richard Ronconi – Switzkill Farm Board Member – read a letter from Ted Kunker and requested it become part of the record. (Letter attached to these minutes).

Terry Schwendeman – Switzkill Farm Board Member – requesting the letter composed by the Switzkill Farm Board be sent to Ms. Poole and Mr. Kent.

Karl Nichols – had questions regarding insurance for Switzkill Farm.

Emily Vincent – spoke regarding a story with one of her patients regarding how beautiful Switzkill Farm is.

Roger Chrysler – stated he was glad to see a large number of participants at the board meeting; Stated his equipment stored at Switzkill Farm is insured; discussed future programs at Switzkill Farm, i.e. community gardens with excess produce going to the seniors; agricultural museum; he stated it is a great property for the Town and everyone can use it.

Bill Keal – stated insurance for Switzkill Farm was critical and asked if inspections were done when the property was purchased.

Alexis Goldsmith –spoke that Switzkill Farm was paid in full, has received grant money and the Town owes no debt and how much she appreciates having it.

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Mike Vincent – stated he remembered when Switzkill Farm was built for private use; was involved with the drilling of the wells; spoke about the waste water sewer system. He stated no one was making more land.

Sue Hawkes-Teeter – stated Switzkill Farm is an amazing piece of property for a small amount of money and the Town is debt free.

Anne Oldick – stated she is not for or against Switzkill Farm but thanked Supervisor Lyons, Councilmember Palow and Highway Superintendent Bashwinger for doing their jobs.

Councilmember Schimmer – stated that Hudson Valley Wireless has received a grant for \$1,463,000 +/- for broadband for the towers on Pinnacle Road and Jansen Lane.

CORRESPONDENCE

Letter of resignation from Kathy Wank as Youth Council Director.

COMMITTEE REPORTS

HIGHWAY- Highway Superintendent Bashwinger stated there were 3 major snowstorms and tow trucks were needed; some trucks broke down and a truck was borrowed from Bethlehem. He discussed salt and sanding materials and amount of fuel used for the snow storms. He thanked the highway employees. BKW donated 3 radios so the highway garage can be in touch with bus drivers in the Hilltowns and also in Middleburgh and Schoharie. He presented a proposal for GPS systems in the trucks. Mr. Hampton spoke about the 2007 International truck (#37) and the cost of repairs were not worth it for this truck.

EMERGENCY MANAGEMENT- Supervisor Lyons stated that a State of Emergency was declared on 3/2/18 at 1:15 due to the snowstorm and an emergency order was issued give all departments the authority to assist with Fire, EMS, Police and residents in Berne. Supervisor Lyons wanted to thank Supervisor Lefkaditis, Sheriff Apple and Brian Wood and Tom Remer from EMO.

SENIORS - Councilmember Jordan stated the seniors held a successful luncheon at the Shell Inn. Next meeting will be 4/14 at 11 am with a pot luck lunch at noon.

SENIOR MEAL PROGRAM – Councilmember Schimmer spoke about the dedication of the women who keep the program going and fill a need in the community.

CONSERVATION BOARD – Councilmember Willsey stated he contacted Robyn Reynolds of the Capital District Planning Commission regarding a Clean Energy Communities Program and would like her to come to a board meeting to discuss the program and eligibility for a grant.

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PLANNING & ZONING – Councilmember Jordan reported the Planning Board did not have any new business, she welcomed Mark Sengenberger to the board; ZBA will meet on 3/21/18 for a use variance request.

BUILDING & ZONING – Building & Zoning Administrator, Chance Townsend, is inspecting all the buildings and has updated the Town Hall, Switzkill Farm Lodge & Retreat House, Highway Garage with fire extinguishers and is working on the rest of the buildings.

SEWER DISTRICT – Supervisor Lyons reported there was one grinder pump repair, and is moving forward with pricing to repair small leak in the filter bed.

LIBRARY –Kathy Stempel and Marion Burghart presented the annual report for the library, brochures are available at the Town Clerk's office.

YOUTH COUNCIL – Jean Guarino gave a report on the programs they would like to initiate and further information will be gathered.

SWITZKILL FARM – Councilmember Schimmer read motions made at the Switzkill Farm board meeting; Donna Gwinn was contacted regarding the photo contest winners at the Library to see if they would like to hang their photographs at Switzkill Farm. There will be an Earth Day Celebration, more information to follow. Councilmember Schimmer discussed the roof project and money was set aside last year and a grant for \$150,000 was applied for to cover the roof, painting and parking; the International Dark Sky Certification is being worked on. Councilmember Palow discussed the visit that took place at the Retreat House.

TRANSFER STATION – Councilmember Willsey performed a walk through with Jeff Alexander and a full report will be issued next month.

OLD BUSINESS

Stove Hood at Community & Senior Center - Councilmember Schimmer reported that the company who was awarded the quote for the hood withdrew it and new quotes will have to be obtained.

AUTHORIZING SUPERVISOR LYONS TO ENTER INTO AGREEMENT WITH ROGER CHRYSLER

After discussion, Supervisor Lyons made a motion seconded by Councilmember Jordan to enter into a five year agreement to have Roger Chrysler continue to hay portions of the Switzkill Farm property at Game Farm Road and plow the driveways as well as brush hog the fields on said property as the Town may deem necessary. In consideration thereof the Town will allow him to store some of his haying equipment in the storage building on the property; and conditioned on Roger Chrysler agreeing to hold harmless and indemnifying the Town from any and all claims arising from said services and naming the Town on an insurance policy satisfactory to the Town. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

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NEW BUSINESS

RESOLUTION EXPRESSING APPRECIATION TO JUDITH PETROSILLO

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

AUTHORIZING EXPENDITURE FOR GPS SYSTEM FOR HIGHWAY TRUCKS FROM VERIZON/NETWORKFLEET

After discussion, Councilmember Schimmer made a motion seconded by Councilmember Willsey authorizing the expenditure under NYS OGS Contract #PT66910 for 10 units including monthly charges in an amount not to exceed \$3,500. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

AUTHORIZING LISTING OF 2007 INTERNATIONAL PLOW TRUCK (#37) WITH AUCTIONS INTERNATIONAL

After discussion, Councilmember Willsey made a motion seconded by Councilmember Palow authorizing listing the 2007 International Plow Truck (#37), VIN#1HTWDAAR17J444187, with Auctions International. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

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 Lyons 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 2018 with the bids to be received until 11 AM on Monday, April 9, 2018 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 Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

ACCEPTING RESIGNATION OF KATHY WANK

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow accepting the resignation of Kathy Wank as Youth Director. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

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APPROVING USE OF LIBRARY LAWN FOR MOHAWK HUDSON CYCLING CLUB

After discussion, Supervisor Lyons made a motion seconded by Councilmember Jordan approving the use of the Library lawn on 9/8/18 & 9/9/18 for the Mohawk Hudson Cycling Club, contingent upon producing a Certificate of Liability to the Town Clerk. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

APPROVING EXPENDITURE TO ALBANY FIRE EXTINGUISHER

After discussion, Supervisor Lyons made a motion seconded by Councilmember Schimmer approving the expenditure to Albany Fire Extinguisher in the amount of \$1,273.28 for fire extinguishers at the Switzkill Farm Lodge and Retreat House. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

AUTHORIZING THE TOWN CLERK TO ADVERTISE FOR A CLEANING SERVICE

After discussion, Supervisor Lyons made a motion seconded by Councilmember Schimmer authorizing the Town Clerk to advertise for a cleaning service for the Berne Community & Senior Service Center once a week and after events at the Switzkill Farm Lodge. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

AUTHORIZING USE OF VISA CARD FOR OFFICE PURCHASES

After discussion, Supervisor Lyons made a motion seconded by Councilmember Jordan authorizing the Town Clerk to use the Visa card for office and building supplies. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

AUTHORIZING REIMBURSEMENT FOR EAGLE SCOUT PROJECT

After discussion, Supervisor Lyons made a motion seconded by Councilmember Willsey authorizing the reimbursement, upon receipt of expenditures, to Kiernan Hanley for his Eagle Scout project at the Library, in an amount not to exceed \$500. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

HOMETOWN HEROES BANNER PROGRAM SPONSORSHIP OPPORTUNITY

Michelle Viola- Straight gave a presentation regarding the Hometown Heroes Banner Program and stated she would help the Town initiate such a program.

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The following agenda items were tabled:

Appointment to Board of Assessment Review; Appointments to Youth Council/background checks; Advertising for Youth Director.

AUTHORIZING BUDGET TRANSFERS

After discussion, Supervisor Lyons 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:
A1110e 44021	A1110e 44040	\$ 100.00
A1330e 44021	A1330e 44038	\$ 200.00
A1620e 44999	A1620e 44027	\$ 330.00
A1990e 44999	A1910e 44030	\$ 1000.00
	A7111e 22300	\$ 3000.00
A7989e 44100	A7989e 44999	\$ 500.00
A8160e 17360	A8160e 44070	\$ 351.00

Highway fund

From:	To:	Amount:
Da1430e 44047	Da1430e 44021	\$ 150.00
Da1990e 44999 \$ 548.00	Da513022 44070	\$ 180.00
	Da513026 44070	\$ 368.00
Da5130e 44070	Da5130e 44072	\$ 4200.00

Sewer fund:

From:	To:	Amount:
SS8110e 44101	SS8110e 44020	\$ 15.00

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

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BILLS AND REPORTS

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

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

GENERAL FUND, HIGHWAY FUND & SEWER 2018.....\$26,909.82
ABSTRACT#031418.....\$26,909.82

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

EXECUTIVE SESSION – 10:05PM

Supervisor Lyons made the motion seconded by Councilmember Schimmer to enter into executive session for the purpose of discussing a personnel matter. Motion carried with all members voting aye.

12:01 AM

Supervisor Lyons reconvened the meeting and reported that no action had taken place.

MOTION TO ADJOURN

There being no further business, Councilmember Schimmer made the motion seconded by Supervisor Lyons to adjourn the meeting. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.
Meeting adjourned at 12:02AM.

Respectfully submitted,

Anita C. Clayton, Town Clerk

**EXPRESSING APPRECIATION TO
JUDITH PETROSILLO**

By the Town Board of the Town of Berne

WHEREAS, JUDITH PETROSILLO has faithfully served Berne's Public Library and its patrons as Library Director from October 2009 to March 2018, giving not only of her time and energies, but also of her leadership, competence, and intelligence; and

WHEREAS, in her official capacity, **JUDITH PETROSILLO** has diligently worked to increase access to the Library and its resources, expanding the hours of operation from 25 to 36 weekly and thereby significantly increasing circulation; and

WHEREAS, in her capacity as Director, **JUDITH PETROSILLO** increased programming at the Library, offering patrons diverse workshops and informational sessions on subjects such as local history; science; financial issues; crafts; and computer use; and

WHEREAS, JUDITH PETROSILLO, fostered greater book literacy with summer reading programs for both children and adults; arranged author visits and creative programming for young patrons; and

WHEREAS, JUDITH PETROSILLO, as Library Director, standardized and clarified procedures, instituting policies that streamlined Library operations; and

WHEREAS, in her leadership role, **JUDITH PETROSILLO** used funding from the Library Services Technology Act to team students with senior citizens to record memories of growing up in Berne; and

WHEREAS, JUDITH PETROSILLO developed and sustained community service opportunities for young adults, helped several scout groups earn badges, and instituted the My Card program to provide all Berne Knox Westerlo Central School students greater access to a public library card; and

WHEREAS, JUDITH PETROSILLO sought and received over \$240,000 in grants, which improved the Library's access to technology, information and materials, and allowed the purchase of a "Through the Wall" book drop to facilitate return of Library materials; and

WHEREAS, in her official capacity, **JUDITH PETROSILLO** coordinated the Library's move from space in Berne's Town Hall to its present location in the former St. Bernadette's Church in October of 2013; and

WHEREAS, JUDITH PETROSILLO improved communication with the public, writing regular newspaper columns to inform patrons of upcoming library events; working with others to produce newsletters and informative bulletins; producing annual reports for the edification of Town officials and residents; and

WHEREAS, in 2014 at the New York State Library Association conference, **JUDITH PETROSILLO** accepted the Public Library Section's Building Award for a library serving fewer than 20,000 citizens; and

WHEREAS, on April 6, 2018, **JUDITH PETROSILLO** will be awarded the Albany County Women of Distinction, Unsung Heroes Award;

NOW, THEREFORE, BE IT RESOLVED that as duly elected members of the Berne Town Board, we would like to congratulate and commend **JUDITH PETROSILLO** for her years of dedicated and successful service.

In witness thereof, we have hereunto set our hands and caused the seal of the Town of Berne to be affixed this 11th day of March, 2018.

Sean S. Lyons
Supervisor

Karen Schimmer
Town Council

Dawn Jordan
Town Council

Anita C. Clayton
Town Clerk

Dennis Palow
Town Council

Joel Willsey
Town Council

I have been involved in The Switzkill Farm property owned by The Town of Berne since the town purchased it over three and a half years ago. We have been working on programs and activities to welcome guests to this unique property and introduce them to this diamond in the rough while polishing this diamond and attempting to make it sparkle on a shoe string budget. In January Sean Lyons became Town Supervisor unseating Kevin Crosier by campaigning on a platform suggesting that Kevin Crosier was over reaching his authority and running his own fiefdom. One of the items highlighted by Mr. Lyons was negotiating the purchase of Switzkill Farm for the Town without approval by referendum from the town residents and a general lack of transparency on Mr. Crosier part.

I reached out to Mr. Lyons after he took office and invited him to come up and see the property and join us at our monthly board meetings in January and then again in February when he could not make it in January. I indicated I felt it was important for us to start a dialogue and I wanted to better understand the direction he envisioned for Switzkill Farm as the new town superintendent. Saturday, February 17th Mr. Lyons and two other individuals took it upon himself to tour the property and stop by the retreat house where a few renters occupy that location and pay the town rent. One of the residents introduced themselves and offered to show the group the retreat house and supplied them a key to access the lodge, another building on the property.

Over a week later the afternoon of Tuesday February 27th the newly appointed building inspector by Mr. Lyons was requested by Mr. Lyons to do an inspection of the retreat house. The inspector inspected the retreat house and notified the residents that they had two hours to vacate and that they were being evicted because of the smoke alarms were not operating correctly.

On the surface I could see such a stance by the building inspector especially with what is going on with the building inspector in Schenectady. However, after I drilled down into this issue I feel maybe an over reaching use of power took place with unclear motivation. The building inspector was told to do a review of the location several days after Mr. Lyons toured the property. I understand that Mr. Lyons has experience and an understanding of what is needed for a rental property to be in compliance.

It would have been nice if Mr. Lyons gave a heads up to someone of his concerns and indicate that he was going to escalate his concerns. If the issue was so critical to evict the residents the day of the inspection then Mr. Lyons should have addressed those concerns the day he did his tour and not many days after. If Mr. Lyons saw this as such a significant concern he could have reached out to a town maintenance employee, who is also the building inspector, or one of many other individuals to address this problem. A trip to the hardware store for smoke alarms or batteries could have saved significant anxiety by the renters.

I have personally apologized to the individuals who were evicted and I am very embarrassed by the way it was handled. As of the writing of this letter, Thursday March 1st, I have not been informed of this turn of event by the town, it makes one wonder why town residents would be treated this way and could it have been handled better.

Ted Kunker
Chair Switzkill Farm