

**STATE OF NEW YORK  
COUNTY OF ALBANY**

**APRIL 10, 2019**

**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 03/13/19 were presented and on motion of Supervisor Lyons and seconded by Councilmember Schimmer, the minutes were accepted with the following members voting aye; Supervisor Lyons; Councilmembers Schimmer, Jordan, Palow & Willsey.

**ANNOUNCEMENTS**

- Burn Ban in effect from March 16 through May 14
- The Town of Berne is seeking an individual interested in serving on the Switzkill Farm Board. Please contact the Berne Town Clerk at 518-872-1448 ext. 101 or [bernenyclerk@gmail.com](mailto:bernenyclerk@gmail.com) for an application or download one from website.
- Bowls for Books – Saturday, 4/13/19 – Town of Berne Library – Buy a unique hand-made soup bowl, filled with the soup/chili of your choice; \$12 for adults, \$10 for children 12 and under. Proceeds fund Summer Reading activities at the Berne Library
- Senior Luncheons – Calling all seniors! Lunch is available every Monday, Tuesday & Friday at the Town of Berne Community & Senior Services Center, 1360 Helderberg Trail, Berne, NY. Doors open at 11:00 am with lunch served beginning at 12:00 noon
- Earth Day Celebration – Switzkill Farm – 4/27/19
- Family Farm Day sponsored by Albany County Coop Ext. will be held at Two Rock Ranch the weekend of 9/8/19

**CORRESPONDENCE**

Letter or resignation from Alexis Goldsmith as Planning Board member  
Letter from Kiwanis Club of the Helderbergs regarding Memorial Day Parade

**PUBLIC COMMENT**

Concerned citizens spoke regarding matters in the Town.  
Marie Chase requested that her concerns regarding the deterioration of Hungerford Road be on the record.

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**DEPARTMENT/LIAISON REPORTS**

**SENIORS** – Councilmember Jordan stated the seniors will meet on 4/13/19 at 11:00am.

**PLANNING & ZONING** – Councilmember Jordan reported the Planning Board had a meeting on 4/3/19 and is attending a seminar on solar panel battery storage and will meet again on 5/2/19; ZBA will have a public hearing on 4/17.

**YOUTH COUNCIL** – Councilmember Schimmer reported that the trip to Rollarama was cancelled; will participate in Earth Day at Switzkill 4/27/19 11:00AM-3:00PM; on 5/11 at 1:00PM will be a Mother’s Day Tea at the Library; Summer Recreation Program will be held the weeks of 8/5/19 and 8/12/19 for K-end of 6th Grade – contact Jean Guarino.

**SWITZKILL FARM** – Councilmember Schimmer reported that they are working on water for community gardens ; developing a pollinator garden; Earth Day Celebration on 4/27/19; barns are being cleaned out; updated Strategic Plan and wants to develop own website.

**SENIOR MEAL PROGRAM** – Councilmember Schimmer reported that the meal program is going strong; will have Tai Chi & bingo; requesting locking cabinets.

**TRANSFER STATION** – Councilmember Willsey reported he has been in contact with Chief Becker regarding fire prevention for the compactor bin.

**CONSERVATION BOARD** – Councilmember Willsey stated there were not enough members present for a quorum and discussed the need for new members; discussion was had regarding solar and actions for designation as clean energy community and LED conversion; first two steps are done. Councilmember Willsey suggested a committee be formed to help steer the LED conversion.

**LIBRARY** – Kathy Stempel reported on programs at the Library.

**SEWER DEPARTMENT** – Supervisor Lyons stated that grinder pump manuals will be passed out to residents. Councilmember Schimmer inquired about reimbursement.

**HIGHWAY DEPARTMENT** – There was discussion regarding Superintendent Bashwinger’s contact with employees when he was not present; there was a concern that it should be shown that Superintendent Bashwinger does not use the town truck to drive to another job; there was discussion about a policy for residents accessing the salt shed; five year plan was requested.

**OLD BUSINESS** –

**APPROVING SEXUAL HARASSMENT POLICY AND COMPLAINT FORM**

After discussion, Supervisor Lyons made a motion seconded by Councilmember Jordan approving the Sexual Harassment Policy and Complaint Form. Motion carried with the following members voting aye: Supervisor Lyons, Councilmembers Schimmer, Jordan and Willsey & Palow.

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**APPROVING CATHY SHULTES AS PERMANENT PART TIME**

After discussion, Supervisor Lyons made a motion seconded by Councilmember Jordan approving Cathy Shultes from probationary to permanent part time Administrative Assistant I. Motion carried with the following members voting aye: Supervisor Lyons, Councilmembers Schimmer, Jordan, Palow and Willsey.

**NEW BUSINESS**

**AUTHORIZING TOWN CLERK TO ADVERTISE FOR CONSERVATION BOARD MEMBERS**

After discussion, Councilmember Jordan made a motion seconded by Councilmember Schimmer authorizing the Town Clerk to advertise for four (4) Conservation Board members. Motion carried with the following members voting aye: Supervisor Lyons, Councilmembers Schimmer, Jordan, Palow and Willsey.

**ACCEPTING RESIGNATION OF ALEXIS GOLDSMITH AND AUTHORIZING TOWN CLERK TO ADVERTISE POSITION**

After discussion, Supervisor Lyons made a motion seconded by Councilmember Schimmer to accept the resignation of Alexis Goldsmith from the Planning Board and authorize the Town Clerk to advertise for one Planning Board member. Motion carried with the following members voting aye: Supervisor Lyons, Councilmembers Schimmer, Jordan, Palow and Willsey.

**APPROVING REQUEST FROM KIWANIS CLUB FOR MEMORIAL DAY PARADE**

After discussion, Supervisor Lyons made a motion seconded by Councilmember Schimmer approving the following requests from Kiwanis Club for the Memorial Day Parade on 5/27/19: Close Helderberg Trail from Turner Road to Canaday Hill from 9:45AM-11:45AM; close Rt. 156 from Rock Road to Helderberg Trail from 9:45AM-10:45AM; Authorize Town Clerk to send letter to Albany County Sheriff and to advertise road closure; open rest rooms at the Berne Community & Senior Center from 8:30Am-10:00AM; donate \$150 for support of parade. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

**AWARDING OF BIDS**

**WASHED CRUSHED STONE, SANDING MATERIALS, ASPHALT CONCRETE**

The Town Board reviewed the bids received on 4/09/19 from the following:

For washed crushed stone from:

Cobleskill Stone Product, Inc., Callanan Industries, Inc., Carver Sand & Gravel, Inc.

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For sanding materials from:

Cobleskill Stone Product, Inc., Callanan Industries, Inc., Carver Sand & Gravel, Inc.

For asphalt concrete and winter mix from:

Cobleskill Stone Product, Inc., Callanan Industries, Inc., Dolomite Products Company, Inc.

The Board noted that in awarding the aforesaid bids, the location of the work which the Town is undertaking along with the products and the proximity of the plants to said work location and the costs of the Town transporting the necessary product to the work location were considered.

After reviewing the above said bids, Supervisor Lyons made a motion which was seconded by Councilmember Schimmer to award the following for the year 2019 as follows:

To: **Carver Sand & Gravel/LLC**

**Delivered:**

Stone - # 1A; #1ST; #1; #2; #3; #1A/1<sup>ST</sup> 50/50 Blend; Crusher Run; Crusher Run, HPR; Screening; ITEM 4; Stone Fill Light; Stone Fill Medium; Stone Fill Heavy; Stone Blend; Sanding Material Washed,

To: **Cobleskill Stone Products**

Sanding Material - Dry

To: **Callanan – South Bethlehem**

5 Railroad Ballast; Gabion Stone.

**Callanan – Albany**

Base Course 1; Binder Course 3; Top Course 6; Top Course Marsall 6F; Top Course 7; Top Course Marshall 7F; Fibre Winer mix.

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

## **RESOLUTION**

### **BUDGET AMENDMENT**

**WHEREUPON**, Supervisor Lyons offered and moved the following resolution seconded by Councilmember Schimmer, **BE IT RESOLVED** that the Town Board of the Town of Berne authorize a budget transfer of \$52,322.22 from the Capital Reserve Project General Fund to the A1620E 22999 for the purchase of 11 Passenger Bus from Award 22945 NYS Office of General Services Contracts Group 40523-22945 Buses, Transit, Lot E – Contract PC 67314 SB Shepard Bros, Inc. – Federal ID 16-1147478 and NYS Vendor ID 1000015441 LOT E Base Item Price \$52,322.22. The resolution was declared duly adopted by the following roll call vote: Supervisor Lyons, Councilmembers Schimmer, Jordan & Palow...Aye, Councilmember Willsey abstained.

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**RESOLUTION  
PURCHASE OF 11 PASSENGER BUS**

**WHEREUPON**, Supervisor Lyons offered and moved the following resolution seconded by Councilmember Palow, **BE IT RESOLVED** that the Town Board of the Town of Berne authorizes the purchase of one 11 Passenger Bus from Award 22945 NYS Office of General Services Contracts Group 40523-22945 Buses, Transit, Lot E – Contract PC 67314 SB Shepard Bros, Inc. – Federal ID 16-1147478 and NYS Vendor ID 1000015441 LOT E Base Item Price \$52,322.22 from A1620E 22999. The resolution was declared duly adopted by the following roll call vote: Supervisor Lyons, Councilmembers Schimmer, Jordan & Palow...Aye, Councilmember Willsey abstained.

**AUTHORIZING BUDGET TRANSFERS**

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

**General Fund.**

<b>From:</b>		<b>To:</b>	<b>Amount:</b>
A1990e 44999	\$ 5227.000	A1355e 44020	\$ 207.00
		A1355e 44047	\$ 220.00
		A1620e 44036	\$ 1400.00
		A1620e 44041	\$ 3400.00
A5132e 44999		A5132e 22080	\$ 250.00
A7111e 44999		A7111e 44101	\$ 341.00
A8160e 44999		A8160e 44070	\$ 30.00

**Sewer Fund**

<b>From:</b>		<b>To:</b>	<b>Amount:</b>
SS9901e 99960	\$ 750.00	SS8110e 44046	\$ 750.00
SS8110e 44999	\$ 120.00	SS8110e 44036	\$ 90.00
		SS8110e 44070	\$ 30.00

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

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**MONTHLY REPORTS**

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

**PAYMENT OF BILLS**

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

**GENERAL FUND, HIGHWAY FUND & SEWER 2019.....\$26,613.02**  
**ABSTRACT# 041019..... ..\$26,613.02**

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

**EXECUTIVE SESSION – 9:35PM**

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

**10:17 PM**

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

**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 10:18PM.

Respectfully submitted,

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Anita C. Clayton, Town Clerk