

**STATE OF NEW YORK
COUNTY OF ALBANY**

APRIL 11, 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. The Pledge of Allegiance was led by Supervisor Lyons who then called the meeting to order at 7:00PM, and on motion of Councilmember Jordan and seconded by Councilmember Willsey, the minutes of 03/14/18 were approved as presented with the following members voting aye; Supervisor Lyons; Councilmembers Schimmer, Jordan, Palow & Willsey. Supervisor Lyons opened the meeting to guests:

Clair Ansbro-Ingalls and Dawn Gibson from Kenneth's Army spoke regarding their organization and presented information for Kenneth's Ride on Saturday, June 2, 2018. Brochures are available at the Town Clerk's office.

Helen Lounsbury spoke about a beautification program to improve the Town's image.

Ted Kunker asked for an update regarding the retreat house; spoke about permitting issues and water testing.

Debra Bajouwa spoke about the Hilltown Garden Exchange (which has now been cancelled).

Mary Jo McKeon spoke in favor of a committee for a beautification program.

Roger Chrysler spoke about his program to start a community garden.

Scott Green spoke about the issues at Switzkill Farm; incomplete information circulation and the conduct of the Town Board.

Bonnie Conklin also spoke in favor of a beautification program; spoke in favor of Switzkill Farm but felt the retreat house shouldn't be rented and was in support of an after school program hosted by the Youth Council.

Bryan Fesler thanked Highway Superintendent Bashwinger and the Highway Department for their work this winter.

CORRESPONDENCE

Thank you note from Judy Petrosillo.

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COMMITTEE REPORTS

HIGHWAY- Highway Superintendent Bashwinger reported that the GPS system has been installed in 8 out of 10 trucks. The highway department is working on repairing pot holes and doing tree trimming; the chipper is being repaired, and Highway Superintendent Bashwinger is requesting renting a Gradall for two months.

EMERGENCY MANAGEMENT- Supervisor Lyons stated that he is meeting with the ACSO on 4/26/18 and has received training.

SENIORS - Councilmember Jordan stated the seniors will meet on 4/14/18.

SENIOR MEAL PROGRAM – Councilmember Schimmer gave an update on the hood unit for the stove and the condition of the water heater.

CONSERVATION BOARD – Robyn Reynolds of the Capital District Planning Commission gave a short presentation regarding a Clean Energy Communities Program and the eligibility for receiving grant money.

PLANNING & ZONING – Councilmember Jordan reported their the Planning Board does not have new business and there is no meeting scheduled for the ZBA.

BUILDING & ZONING – Building & Zoning Administrator, Chance Townsend, gave an update on the progress of the all the buildings regarding safety and water quality, progress is being made and thanked the Board for their help.

SEWER DISTRICT – Supervisor Lyons reminded residents again to please not add extra water to the sewer lines.

LIBRARY –Supervisor Lyons reminded residents about the Bowl for Books on 4/14/18 from 11:30AM to 1PM.

YOUTH COUNCIL – Jean Guarino reported on the summer recreation program, ratio of adults to children, money expended and the status of the after school program.

SWITZKILL FARM – Councilmember Schimmer reported that 60 people attended the breakfast and snowshoe hike, thanked the volunteers for their work; spoke about the Earth Day Celebration on 4/22/18; the board is working on updating the strategic plan; the benches in storage are being oiled and finished for use; made a request for the money set aside for an intern be used to canvas colleges for an intern to do landscaping as part of their internship.

TRANSFER STATION – Solid Waste Coordinator, Jeff Alexander, reported that DEC checked the old landfill and the drilled wells and reported that there is no leeching from them.

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OLD BUSINESS

Mill Dam Road – Mr. Schultz was present to discuss status of request for limited use of Mill Dam Road for the summer.

Stove/Hood quotes at Berne Sr. & Community Center – Councilmember Schimmer is still waiting for quotes.

Youth Council Background Checks – the issue was discussed and is still being looked into.

Schedule of Uses & Definitions – A workshop meeting will be held on April 30, 2018 at 6:00PM to begin discussion.

NEW BUSINESS

RESOLUTION AWARDING CONTRACT NO. 1 – ROOF REPLACEMENT

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

WHEREAS, The Town Board of the Town of Berne (“Town”) has issued solicitations for sealed bids for the replacement of the existing roof on the Switzkill Farm Lodge (“Project”) as set forth in the bid documents prepared by Lamont Engineers P.C.; and

WHEREAS, Lamont Engineers P.C. has reviewed the submitted bids for Contract No. 1 – Roof Construction, and has identified Star Roofing and Restoration of Albany, New York as the lowest responsive and responsible bidder and has recommended that the Town Board award Contract No. 1 in the amount of Thirty-Eight Thousand-Nine-Hundred-Seventy-Five and 00/100 Dollars (\$38,975.00); and

WHEREAS, the Town Board may issue the Notice of Award for Contract No. 1, upon review and approval of the low bid and engineer’s recommendation.

NOW, THEREFORE BE IT RESOLVED, that the Town Board does hereby award Contract No. 1 – Roof Construction to Star Roofing and Restoration in the amount of Thirty-Eight-Thousand-Nine-Hundred-Seventy-Five and 00/100 Dollars (\$38,975.00)

RESOLVED, that the Town Board authorizes and directs the Supervisor to execute the related contract documents necessary to implement the intent of the foregoing resolutions in a form acceptable to Lamont Engineers P.C. and the Counsel for the Town as appropriate.

The resolution was adopted by the following roll call vote:

Supervisor Sean Lyons	nay
Councilmember Karen Schimmer	aye
Councilmember Dawn Jordan	aye
Councilmember Dennis Palow	nay
Councilmember Joel Willsey	aye

The resolution was thereupon declared adopted.

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**AWARDING OF BIDS
WASHED CRUSHED STONE, SANDING MATERIALS, ASPHALT CONCRETE**

The Town Board reviewed the bids received on 4/09/18 from the following:

For washed crushed stone from:

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

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 Palow to award the following for the year 2018 as follows:

To: **Carver Sand & Gravel**

Delivered:

Stone - # 1A; #1ST;#1; #2; #3; #1A/1ST 50/50 Blend ; Crusher Run; ITEM 4;
5 Railroad Ballast, Stone Fill Light; Stone Fill Medium; Stone Fill Heavy; Gabion Stone;
Stone Blend; Sanding Material.

To: **Cobleskill Stone Product**

Delivered:

Asphalt Concrete Base Course 1; Binder Course 3; Top Course 6; Top Course Marshall
6F; Top Course 7; Top Course Marshall 7F; Fibre Winter Mix.

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

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APPROVING REQUEST FROM KIWANIS CLUB FOR MEMORIAL DAY PARADE

After discussion, Councilmember Palow made a motion seconded by Councilmember Willsey approving the following requests from Kiwanis Club for the Memorial Day Parage on 5/28/18: 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 Sherrif and to advertise road closure; open rest rooms at the Berne Community & Senior Center from 8:30Am-10:00AM; provide use of Senior Van to transport Veterans from 9:15AM-11:45AM; donate \$150 for support of parade. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

ACCEPTING RESIGNATION OF ZBA MEMBER AND AUTHORIZE TOWN CLERK TO ADVERTISE

After discussion, Councilmember Willsey made a motion seconded by Councilmember Schimmer accepting resignation of Samuel Clayton from the ZBA and authorizing the Town Clerk to advertise position. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

AUTHORIZING EXPENDITURE TO AFE

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow authorizing the expenditure to Albany Fire Extinguisher for new brackets and hooks and signs at the Berne Community & Senior Center in an amount not to exceed \$514.80. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

AUTHORIZING EXPENDITURE TO TYCO SIMPLEX GRINNELL

After discussion, Councilmember Schimmer made a motion seconded by Councilmember Willsey authorizing the expenditure to Tyco SimplexGrinnell for repair of the fire alarm system at the Berne Public Library in an amount not to exceed \$536. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

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 Jordan and seconded by Councilmember Schimmer. Resolution was carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

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SCHEDULING INTERVIEWS FOR YOUTH COUNCIL

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow scheduling interviews for Youth Council members on Saturday, April 21, 2018 beginning at 9:00AM and running every 15 minutes. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

APPROVING EMPLOYEE INFORMATION FORM

After discussion, Councilmember Palow made a motion seconded by Councilmember Jordan approving the use of the Employee Information Form. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

APPROVING RENTAL OF GRADALL

After discussion, Supervisor Lyons made a motion seconded by Councilmember Willsey approving the rental, and obtaining a rental agreement, for one Gradall for two months for the highway department in an amount not to exceed \$7,500 per month. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

AUTHORIZING TRANSFER FROM CONTINGENCY LINE (A1990e) TO SWITZKILL FARM LINE (A7111e)

After discussion, Councilmember Schimmer made a motion seconded by Councilmember Jordan authorizing the transfer of \$4,000 from the Contingency line (A1990e) to the Switzkill Farm line and to canvas for an internship. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

AUTHORIZING TRANSFER FROM CAPITAL PROJECTS BUILDING EQUIPMENT RESERVE FUND INTO TOWN PARK RESERVE FUND (SWITZKILL FARM)

After discussion, Supervisor Lyons made a motion seconded by Councilmember Schimmer authorizing the transfer of \$40,000 from the Capital Projects Building Equipment Reserve Fund into the Town Park Reserve Fund (Switzkill Farm). Motion carried with the following members voting aye; Councilmembers Schimmer, Jordan & Willsey; Supervisor Lyons, Councilmember Palow, nay.

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AUTHORIZING BUDGET TRANSFERS

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

General Fund

From:	To:	Amount:
A1300e 44039	A1330e 44038	\$ 230.00
A1100e 22050	A1410e 22080	\$ 200.00
A1620e 22999	A1620e 22750	\$ 600.00
A1990e 44999	A1910e 44030	\$ 150.00
	A7111e 44022	\$ 1000.00
	A7111e44100	\$ 200.00
	A7111e44999	\$1000.00
	A8160e44070	\$ 150.00
	A8160e44072	\$ 180.00
A7989e 44100	A7989e 44079	\$ 800.00

Highway fund

From:	To:	Amount:
Da5130e 44070	Da513010 44070	\$ 500.00
	Da513022 44070	\$ 560.00
	Da513026 44070	\$ 245.00
	Da513027 44070	\$2800.00
	Da513030 44070	\$ 28.00

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 Palow to approve payment of the following bills:

GENERAL FUND, HIGHWAY FUND & SEWER 2018.....	\$50,265.99
ABSTRACT#041118.....	\$46,250.72
ABSTRACT#041018.....	\$ 4,015.27

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

EXECUTIVE SESSION – 9:05PM

Councilmember Palow 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.

11:01 PM

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

MOTION TO ADJOURN

There being no further business, Councilmember Palow made the motion seconded by Councilmember Jordan to adjourn the meeting. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey. Meeting adjourned at 11:04PM.

Respectfully submitted,

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

ELECTED OFFICIALS

Councilmember, Dennis Palow	6 hrs.	1/1/18-12/31/21	Y	4.91
Councilmember, Joel Willsey	6 hrs.	1/1/18-12/31/21	Y	9.03

APPOINTED OFFICIALS

Town Attorney William Conboy, III	6 hrs	1/1/18 – 12/31/18	Y	2.77
Acct. Clerk – Kathy Stempel	6 hrs	1/1/18-12/31/18	Y	Dependent on time sheets
Acct. Clerk I – Katherine Hill Brown	6 hrs.	1/1/18-12/31/18	Y	Dependent on time sheets