

**STATE OF NEW YORK
COUNTY OF ALBANY**

APRIL 15, 2020

REGULAR MEETING

The regular monthly meeting of the Town Board of the Town of Berne was held on the above date by video or telephonic conference with the following officers present: Supervisor Lyons, Councilmembers Palow, Conklin, Harris & Willsey. Also present were Town Clerk Clayton, Attorney Javid Afzali, Highway Superintendent Bashwinger and Code Enforcement Officer, Chance Townsend. The Pledge of Allegiance was led by Supervisor Lyons who then called the meeting to order at 7:00 PM.

CORRESPONDENCE

- Letter from Jennifer Merrill-Fuller in support of Cheryl Baitsholts.
- Letter from St. Pauly Textile thanking Town for support of clothing drop-off shed and the Town collected \$975 in 2019.
- Resignation letter from Attorney William Conboy.
- Letter addressed to the Town Board from the Planning Board advising of a Chair.
- Letter addressed to Supervisor Lyons, signed by Lawrence Zimmerman, requesting the Planning Board be allowed to hold virtual meetings.

ANNOUNCEMENTS

- Burn Ban in effect through May 15, 2020
- Supervisor Lyons reported on COVID-19 cases in Albany County with, sadly, a loss of 20 lives

DEPARTMENT REPORTS:

Highway – Highway Superintendent Bashwinger discussed the bids for paving materials and the 284 Forms along with the balance of CHIPS.

Transfer Station – Highway Superintendent Bashwinger discussed the need for keeping permits up to date.

Emergency Dept. – Supervisor Lyons stated he has requested masks and so far 16 Executive Orders from the Governor’s office have been issued.

APRIL 15, 2020

COMMITTEE REPORTS:

Banners – Councilmember Conklin reported that the banners are on hold for now as they are not being made at this time.

Beautification Committee -Councilmember Conklin stated that the flower boxes are being prepared and two donations of perennials have been received. A request has been made to pull the stumps left from the trees cut down at library along with landscaping and putting up a flagpole. Councilmember Palow thanked Luke Valachovic for the Eagle Scout project he completed at the Town Park. Councilmember Willsey asked if there were plans to repair the WWII monument; Supervisor Lyons stated he would reach out to the Boy Scouts for another potential Eagle Scout project.

OLD BUSINESS

Highway Bids – bids were reviewed and tabled until next board meeting.

NEW BUSINESS

ACCEPTING RESIGNATION FROM ATTORNEY WILLIAM CONBOY, III

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow to accept the resignation of Attorney William Conboy, III effective March 31, 2020. Motion carried with the following roll call vote; Supervisor Lyons, Councilmembers Palow, Conklin & Harris voting aye. Councilmember Willsey abstained.

AUTHORIZING SUPERVISOR TO ENTER INTO AGREEMENT WITH BOND, SCHOENECK & KING

After discussion, Supervisor Lyons made a motion seconded by Councilmember Harris to authorize Supervisor Lyons to enter into agreement with Bod, Schoeneck & King as General Municipal Counsel for the remainder of 2020. Motion carried with the following roll call vote; Supervisor Lyons, Councilmembers Palow, Conklin & Harris voting aye. Councilmember Willsey abstained.

AUTHORIZING PAYMENT TO ALL IN HIGHWAY SERVICES, LLC.

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow to authorize payment to All In Highway Services, Inc. in the amount of \$27,261 from CHIPS line DA5112e 44075, piggyback contract with Monroe County Bid#1914, for repair of three guardrails on Bradt Hollow Road. Motion carried with the following roll call vote; Supervisor Lyons, Councilmembers Palow, Conklin, Harris voting aye. Councilmember Willsey voting nay.

APRIL 15, 2020

AUTHORIZING PAYMENT TO DEWEY MECHANICAL SERVICES

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow to authorize payment to Dewey Mechanical Services in an amount not to exceed \$548.09, from line 7410e 44999, for emergency repair to Library furnace. Motion carried with the following roll call vote; Supervisor Lyons, Councilmembers Palow, Conklin, Harris & Willsey voting aye.

AUTHORIZING THE PURCHASE OF LAPTOP & IPS MOBILE APP

After discussion, Supervisor Lyons made a motion seconded by Councilmember Conklin authorizing the purchase of a laptop and IPS mobile app for the Code Enforcement Officer in an amount not to exceed \$2500, from line 1620e 22050. Motion carried with the following roll call vote: Supervisor Lyons and Councilmembers Palow, Conklin, Harris voting aye. Councilmember Willsey abstained.

EXECUTIVE SESSION – 8:10PM

Supervisor Lyons made the motion seconded by Councilmember Palow to enter into executive session for the purpose of litigation. Motion carried with the following roll call vote; Supervisor Lyons, Councilmembers Palow, Conklin, Harris & Willsey voting aye.

8:56 PM

Supervisor Lyons reconvened the meeting and Councilperson Harris offered the following resolution and moved for its adoption:

WHEREAS, by order of the NYS Supreme Court, Albany County, dated March 13,2020, the Towns Board’s January 1, 2020 Resolution No. 1 regarding Emily Vincent’s appointment as an alternate board member has been annulled.

WHEREAS, this Town Board, having considered its options under the law, has determined that the best course of action is to expand membership of the Berne Planning Board to allow continued participation by all currently appointed members and allow for the proper review and administration of planning matters that may come before the Planning Board;

WHEREAS, this Board has been presented with a proposed Local Law #4 of 2020 to resolve said issue, titled “Planning Board Membership”;

NOW, THEREFORE, BE IT RESOLVED that, draft Local Law #4 of 2020 titled “Planning Board Membership” be introduced to the Town of Berne at large pursuant to authority under the New York State Constitution, the provisions of § 10 of the New York State Municipal Home Rule Law, § 10 of the New York State Statute of Local Governments, and § 271(6) of the New York State Town Law.

BE IT RESOLVED that, pursuant to Section 20 of the Municipal Home Rule Law and Section 271 of Town Law of the State of New York, a public hearing on said proposed Local Law #4 shall be held on the 29th day of April, 2020 at 6:00 PM. at the Berne Community & Senior Center, 1360 Helderberg Trail Road, Berne, New York;

BE IT FURTHER RESOLVED, that said meeting shall be held in accordance with New York State Executive Order 202 which restricts physical attendance at the meeting but allows public participation and comment by video or telephonic conference;

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law be laid upon the desk of each member of this Board; and

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the Town of Berne of said public hearing at least five (5) days prior thereto, and consistent with New York State Executive Order 202;

BE IT FURTHER RESOLVED that the proposed action is a Type II action under the State Environmental Quality Review Act, and its implementing regulations 6 NYCRR 617.5(26) and (33), requiring no further environmental review; and

BE IT FURTHER RESOLVED that the Town Supervisor or his designee is authorized to take any other action required under law in furtherance of this resolution and passage of the proposed local law.

On a motion by Councilperson Harris, seconded by Councilmember Palow the resolution was adopted on a roll call vote, the results which follow:

Supervisor Lyons.....aye	Councilmember Harris....aye
Councilmember Palow.....aye	Councilmember Willsey...nay
Councilmember Conklin...aye	

AUTHORIZING PUBLIC HEARING ON PROPOSED LL #4 OF 2020

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow to schedule the Public Hearing on Proposed LL#4 of 202 on April 29 ,2020 at 6:00PM. Motion carried with the following roll call vote; Supervisor Lyons, Councilmembers Palow, Conklin, Harris & Willsey voting aye.

APRIL 15, 2020

AUTHORIZING MEETING BE HELD IN ACCORDANCE WITH NYS EXECUTIVE ORDER 202

Supervisor Lyons made a motion seconded by Councilmember Harris that said meeting shall be held in accordance with New York State Executive Order 202 which restricts physical attendance at the meeting but allows public participation and comment by video or telephonic conference. Motion carried with the following roll call vote: Supervisor Lyons and Councilmembers Palow, Conklin, Harris voting aye. Councilmember Willsey voting nay.

AUTHORIZING PROPOSED COPIES OF LL#4 BE PROVIDED TO TOWN BOARD COUNCILMEMBERS

Supervisor Lyons made a motion seconded by Councilmember Harris that copies of the aforesaid proposed local law be provided to each member of this Board via email, pick up or postal delivery. Motion carried with the following roll call vote; Supervisor Lyons, Councilmembers Palow, Conklin, Harris & Willsey voting aye.

AUTHORIZING TOWN CLERK TO PUBLISH NOTICE OF PUBLIC HEARING

Councilmember Harris made a motion, seconded by Councilmember Palow, that the Town Clerk publish or cause to be published a public notice in the official newspaper of the Town of Berne of said public hearing at least five (5) days prior thereto, and consistent with New York State Executive Order 202. Motion carried with the following roll call vote; Supervisor Lyons, Councilmembers Palow, Conklin, Harris & Willsey voting aye.

ACCEPTING SEQR REVIEW OF PROPOSED LL#4 OF 2020

Councilmember Harris made a motion seconded by Councilmember Palow that the proposed LL#4 of 2020 is a Type II action under the SEQR act and no further environmental review is required. Motion carried with the following roll call vote: Supervisor Lyons and Councilmembers Palow, Conklin, Harris voting aye. Councilmember Willsey abstained.

AUTHORIZING SUPERVISOR TO TAKE ACTION TO FURTHER RESOLUTION AND PASS PROPOSED LL#4 OF 2020

Councilmember Harris made a motion seconded by Councilmember Palow that the Town Supervisor or his designee is authorized to take any other action required under law in furtherance of this resolution and passage of the proposed local law. Motion carried with the following roll call vote; Supervisor Lyons, Councilmembers Palow, Conklin, Harris & Willsey voting aye.

APRIL 15, 2020

AUTHORIZING BUDGET TRANSFERS FOR MARCH

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow that the fund transfers for March be authorized in the amounts and manners as attached to these minutes. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin & Harris voting aye. Councilmember Willsey abstained.

ACCEPTING MONTHLY REPORTS FOR JANUARY AND FEBRUARY

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow to accept the Supervisor, Town Clerk and Building & Zoning Administrator’s March monthly reports. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin & Harris voting aye. Councilmember Willsey roll call vote abstained.

APPROVING PAYMENT OF MONTHLY BILLS FOR MARCH

After discussion, Supervisor Lyons made a motion seconded by Councilmember Conklin to approve payment of the following bills: which also include utility payments:

GENERAL FUND, HIGHWAY FUND, SEWER 2020.....\$41,705.45
ABSTRACT03112020.....\$41,705.45

Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin & Harris voting aye. Councilmember Willsey abstained.

AUTHORIZING SANDER FOR 2006 CHEVROLET TO BE PUT ON AUCUTIONS INTERNATIONAL

Supervisor Lyons made a motion seconded by Councilmember Harris authorizing Highway Superintendent Bashwinger to put the stainless steel, gas engine sander for ¾ ton pick up on Auctions International. Motion carried with the following roll call vote; Supervisor Lyons, Councilmembers Palow, Conklin, Harris & Willsey voting aye.

MOTION TO ADJOURN

There being no further business, Supervisor Lyons made the motion seconded by Councilmember Palow to adjourn the meeting. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin, Harris & Willsey voting aye. Meeting adjourned at 9:26PM.

Respectfully submitted,

Anita C. Clayton, Town Clerk

General fund transfers			
3/31/2020			
		From:	To:
A -11-1330-0000-44038	TRAVEL MILEAGE FREIGHT		\$ 329.00
A -11-1355-0000-44300	DUES/MEMBERSHIP/SUBSCRIPTION		\$ 75.00
A -11-1410-0000-44020	OFFICE SUPPLIES		\$ 20.00
A -15-5010-0000-44020	OFFICE SUPPLIES		\$ 105.00
A -17-7111-0000-44022	MAINTENANCE SUPPLIES		\$ 101.00
A -17-7111-0000-44999	MISC CONTRACTUAL EXPENSES		\$ 20.00
A -17-7320-0000-11205	YOUTH PROGRAM REC PERSONAL SER		\$ 406.00
A -17-7320-0000-44253	FOOD AND CONCESSIONS		\$ 50.00
A -17-7989-0000-44999	MISC CONTRACTUAL EXPENSES		\$ 100.00
A -11-1990-0000-44999	MISC CONTRACTUAL EXPENSES	\$ 1,206.00	

Town of Berne			
Highway Expenditures			
3/31/2020			
		From	To
DA -11-1430-0000-44038	TRAVEL MILEAGE FREIGHT		\$ 12.00
DA -11-5130-0000-44072	VEHICLE MAINTENANCE		\$ 600.00
DA -15-5142-0000-44046	FEES FOR SERVICES		\$ 108.00
DA -11-1990-0000-44999	MISC CONTRACTUAL EXPENSES	\$ 720.00	