

**STATE OF NEW YORK
COUNTY OF ALBANY**

MAY 13, 2020

PUBLIC HEARING

6:38 PM Public Hearing Proposed Local Law # 4 of 2020

The Pledge of Allegiance was led by Supervisor Lyons who declared the continuation for the public hearing on Local Law #4 of 2020 known as the “**Town of Berne Planning Board Membership**” open with the following members present: Councilmembers Palow, Conklin, Harris, & Willsey. Town Clerk Clayton and Attorney Afzali were also present.

Councilmember Harris explained that while researching LL#4 the original law establishing the planning board in 1972 was not done and that this law should be tabled while another remedy is pursued.

Supervisor Lyons made a motion, seconded by Councilmember Conklin to table LL#4 until further notice. Motion carried with the following roll call vote: Councilmember Willsey – abstain; Councilmembers Palow – aye; Councilmember Harris – aye; Councilmember Conklin – aye; Supervisor Lyons – aye.

Supervisor Lyons made a motion, seconded by Councilmember Harris to adjourn the public hearing. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin, Harris & Willsey voting aye. Meeting adjourned at 8:48PM.

REGULAR MEETING

Supervisor Lyons called the regular meeting to order at 7:03PM. with the following members present: Councilmembers Palow, Conklin, Harris, & Willsey. Town Clerk Clayton and Attorney Afzali were also present. The minutes of 04/15/20 were presented and on motion of Supervisor Lyons and seconded by Councilmember Palow, the minutes were accepted with the following members voting aye; Supervisor Lyons; Councilmembers Palow, Conklin, & Harris. Councilmember Willsey abstained. The minutes of 04/22/20 were presented and on motion of Supervisor Lyons and seconded by Councilmember Palow, the minutes were accepted with the following members voting aye; Supervisor Lyons; Councilmembers Palow, Conklin, & Harris. Councilmember Willsey abstained.

DEPARTMENT REPORTS:

Transfer Station/Highway – Highway Superintendent Bashwinger stated that over \$600 for bottle returns has been collected to date; discussed the metal to repair the compactor with one of the town employees to do the welding. The plows are off the trucks and some sanding/salt material is left. Councilmember Willsey has concerns about having more of the taller cones put in at the Transfer Station.

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COMMITTEE REPORTS:

Beautification Committee -Councilmember Conklin stated the flower boxes are being weeded and annuals are being purchased and residents donated perennials; boxes on bridge will be worked on along with the boxes on the Town welcome signs; will work on a maintenance group for watering. Inquired about placing wood ships on the path being Fox Creek that leads to the pocket park. BKW shop students were going to build flower boxes but that was put on hold for next year along with the high school class making a collage of Berne history pictures.

Heritage Days – Councilmember Conklin reported that Heritage Day is being set for 8/1/20 but the plans need to be finalized asap. She is working with Councilmember Palow with some options being; fireworks with all events; fireworks with limited events. Some events may include hayrides, food truck, ice cream social, Hilltown Ramblers will perform, possible car show and asked if advertising can be done through Facebook. Councilmember Palow stated that the fireworks have been set and Sheriff Apple offered to help with expense.

Farmer’s Market – Councilmember Conklin stated the she would like to form a farmer’s market committee with a liaison, three volunteers interested, and develop a compliant farmer’s market; has six vendors interested so far.

OLD BUSINESS

LED Streetlight – Councilmember Harris led the discussion regarding the ownership and maintenance of the LED Streetlights with the Town having ownership and maintenance of by having National Grid own and maintain. Todd Schwendeman and the Conservation Board has done the vast amount of research and presented their recommendations. After a great deal of discussion it is was determined that the project will continue to move forward with gathering of more information.

NEW BUSINESS

Bus Contract with CDTA – Supervisor Lyons stated there was a change to the contract and will present it at the next board meeting for authorization to sign.

AUTHORIZING KATHY STEMPEL AS INTERIM DRIVER FOR CDTA PROGRAM

After discussion, Councilmember Conklin made a motion seconded by Councilmember Palow authorizing Kathy Stempel as interim driver for the CDTA program. Motion carried with the following roll call vote; Supervisor Lyons, Councilmembers Palow, Conklin & Harris voting aye. Councilmember Willsey abstained.

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**RESOLUTION
SPEED LIMIT STUDY**

The following resolution was offered and moved by Supervisor Lyons and seconded by Councilmember Willsey:

The Town Board of the Town of Berne, by a resolution adopted May 13, 2020 and the County Superintendent of Highways of the County of Albany, hereby request the Department of Transportation, pursuant to Section 1622(1) of the Vehicle and Traffic Law, to establish a lower maximum speed at which vehicles may proceed on CR 252 (Knox Cave Rd.) a County Road and Town highway between Town of Knox line and State Route 157A.

Upon receipt of the notice that the regulation herein requested has been established, the County of Albany will provide install and maintain signs in accordance with the Vehicle and Traffic Law and conforming to 17 NYCRR Chapter V.

The resolution was adopted by the following roll call vote: Supervisor Lyons & Councilmembers Palow, Conklin, Harris and Willsey – aye.

AUTHORIZING PURCHASE OF SHIELD FOR TOWN CLERK’S OFFICE

After discussion, Supervisor Lyons made a motion seconded by Councilmember Conklin authorizing the purchase of polycarbonate shields from Altamont Glass for the Town Clerk’s office in an amount not to exceed \$440. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin, Harris & Willsey voting aye.

AUTHORIZING PURCHASE OF NEW LAPTOP FOR SUPERVISOR

After discussion, Councilmember Palow made a motion seconded by Councilmember Harris authorizing the purchase of a new laptop for outdated windows 7 for the Town Supervisor in an amount not to exceed \$900. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin, Harris & Willsey voting aye.

PUBLIC HEARINGS

Discussion was had on procedures for public hearings and they will be postponed until a time the public can participate openly.

**RESOLUTION
INTRODUCTION OF PROPOSED LOCAL LAW #5 “PLANNING BOARD”**

The following resolution was offered and moved by Councilmember Harris and seconded by Supervisor Lyons :

WHEREAS, this board has determined that a defect may exist in the creation of the Berne Planning Board,

And, it is in the interest of the Town to allow continued participation by all the currently appointed members, Todd Schwendeman, Mike Vincent, Mark Sengenberger, Lawrence Zimmerman and Emily Vincent, to allow for the proper review and administration of planning matters that may come before the Planning Board:

WHEREAS, draft local law number 5 of 2020 was developed with the assistance of the Town's consultants and was distributed to, and reviewed by this board;

WHEREAS, Said Purpose and Intent of draft local law number 5, establishes a Town Planning Board, consisting of five members, repeals any conflicting or inconsistent provisions of all former or other local laws, ordinances or resolutions that may have been adopted by the Town Board of the Town of Berne as they may pertain to the Town of Berne Planning Board, ratifies and carries forward All previous findings, determinations and decisions rendered by the existing Planning Board of the Town of Berne, and appoints all regular and / or alternate members of the current Planning Board serving at the adoption and effective date of this local law to serve the balance of their unexpired terms. Thereafter, all appointments or reappointments shall be made for a five-year term.

WHEREAS, the Town Board is the only involved agency for this type II action under New York State Environmental Quality Review Act and the NYCRR 617.5 subpart 26 and 33, requiring no further environmental review;

WHEREAS, the Town Board introduce LL5 "Planning Board" and that a duly noticed public hearing be scheduled to hear and consider public comment.

The resolution was adopted by the following roll call vote: Supervisor Lyons & Councilmembers Palow, Conklin, and Harris - aye; Councilmember Willsey abstained

AUTHORIZING PURCHASE FROM ALBANY STEEL

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow authorizing the purchase of four sheets, 4x8 1/4" steel for \$144 each from Line 81160e to repair box at transfer station. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin, Harris & Willsey voting aye.

AUTHORIZING A FARMERS MARKET COMMITTEE

After discussion, Supervisor Lyons made a motion seconded by Councilmember Conklin authorizing that a Farmers Market Committee be created. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin, Harris & Willsey voting aye.

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AUTHORIZING BUDGET TRANSFERS FOR APRIL

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow that the fund transfers for April 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 APRIL

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

APPROVING PAYMENT OF MONTHLY BILLS FOR April

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

GENERAL FUND, HIGHWAY FUND, SEWER 2020.....\$33,206.23
ABSTRACT 05132020.....\$33,206.23

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

UNION CONTRACT

Councilmember Willsey inquired about negotiations for the union contract with Town highway employees. Supervisor Lyons stated that due to COVID-19 the negotiations are on hold till a meeting can be scheduled.

Councilmember Willsey inquired about the cell phone purchase and policy.

PARTRIDGE RUN ROAD

After discussion with Highway Superintendent Bashwinger, Attorney Afzali requested that a request be made to NYSDOT for a resolution that the part of Partridge Run Road from the State side becomes abandoned and is removed from Chips money.

VOLUNTEERS

Councilmember Conklin thanked Jean Guarino and Carrie Needham for establishing and distributing food to residents for the Hilltowns and that the Lutheran Church has been packed with food donations.

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LIBRARY

Also thank you to Kathy Stempel for providing broadband story time and evening trivia games with help from the Friends of Switzkill Valley.

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 9:05PM.

Respectfully submitted,

Anita C. Clayton, Town Clerk

Highway

		Budget Transfers May 13, 2020	To:	From:
	DA -15-5130-010 -44070	EQUIPMENT REPAIRS/MAINTENANCE	\$ 930.55	
	DA -15-5130-026 -44070	EQUIPMENT REPAIRS/MAINTENANCE	\$ 982.10	
	DA -15-5130-027 -44070	EQUIPMENT REPAIRS/MAINTENANCE	\$ 332.39	
	DA -11-5130-0000-44072	VEHICLE MAINTENANCE	\$ 600.00	
	DA -15-5142-0000-44046	FEES FOR SERVICES	\$ 107.70	
	DA -11-5130-0000-44070			\$ 2,952.74

		Budget Transfers	To:	From:
		General 05/13/2020		
A	-11-1330-0000-44038	TRAVEL MILEAGE FREIGHT	\$ 329	
A	-11-1355-0000-44300	DUES/MEMBERSHIP/SUBSCRIPTION	\$ 75	
A	-11-1410-0000-44020	OFFICE SUPPLIES	\$ 20	
A	-11-1410-0000-44046	FEES FOR SERVICES	\$ 17	
A	-13-3620-0000-22080	SPECIALTY EQUIPMENT	\$ 399	
A	-15-5010-0000-22999	MISCELLANEOUS EQUIPMENT	\$ 212	
A	-15-5010-0000-44020	OFFICE SUPPLIES	\$ 105	
A	-17-7111-0000-44022	MAINTENANCE SUPPLIES	\$ 100	
A	-17-7410-0000-44106	SEWER CHARGES	\$ 148	
A	-17-7989-0000-44999	MISC CONTRACTUAL EXPENSES	\$ 100	
A	-11-1990-0000-44999	CONTINGENCY		\$ 1,504