

**STATE OF NEW YORK
COUNTY OF ALBANY**

JULY 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 Supervisor Lyons and seconded by Councilmember Palow, the minutes of 6/13/18 were accepted as presented with the following members voting aye; Supervisor Lyons; Councilmembers Schimmer, Palow & Willsey; Councilmember Jordan abstained; and on motion of Supervisor Lyons and seconded by Councilmember Palow the minutes of 6/27/18 were accepted (with one minor change) with the following members voting aye; Supervisor Lyons; Councilmembers Schimmer, Palow, Jordan & Willsey.

Presentation from Kenneth's Army - Clair Ingalls and Dawn Gibson were present to thank the Town for sponsoring the 3rd Annual ride for Kenneth White. They also thanked the volunteer fire companies, Assemblyman Angelo Santabarbara and Tim Drawbridge for their support and made a \$125 donation to the Town Park.

EXECUTIVE SESSION – 7:12PM

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.

8:05PM

Supervisor Lyons reconvened the meeting and reported that one action had taken place regarding the position of Code Enforcement Officer/Building & Zoning Administrator and will be discussed under new business.

DEPARTMENT/LIAISON REPORTS

HIGHWAY- Highway Superintendent Bashwinger stated that they have been using the Gradall and 31 culverts have been installed; they are tree trimming and ditching and that Mr. Horl is doing an excellent job mowing. Highway Superintendent Bashwinger discussed the truck used for the Transfer Station; crushing of the metal bin, the overflow of the couch bins and will present a five year plan for equipment.

SENIORS - Councilmember Jordan stated the seniors will meet on 7/14/18; discussed some issues regarding the kitchen cabinets.

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PLANNING & ZONING – Councilmember Jordan reported the Planning Board met on 6/5/18, and the ZBA will have a public hearing on 8/1/18 for a variance request from Dollar General for parking lot issue.

YOUTH COUNCIL – Ms. Guarino reported that the Youth Council will have a booth at Heldercon; and Mr. Bashwinger volunteered to be an assistant at the Summer Recreation Program. Councilmembers Jordan, Schimmer & Willsey stated they do not approve of Mr. Bashwinger in the position of volunteer.

SENIOR MEAL PROGRAM - Councilmember Schimmer stated that the volunteers at the meal program do an excellent job and work extremely hard to keep this program going.

SWITZKILL FARM – Councilmember Schimmer reported that there are four community gardens going; a handicap picnic table has been built and barbeque grills installed; a work bee is scheduled to refinish 14 teak benches; she thanked the Highway Department for removing the broken guardrail and placing boulders by lodge.

CONSERVATION BOARD - Mr. Schwendeman stated that 2 actions for the NYSERDA protocol have been completed so far and a quote should be received from National Grid next week for the upgrade to the street lights.

TRANSFER STATION – Councilmember Willsey reported that there has been trouble with the electronic pickup and Supervisor Lyons stated the price per ton for comingle has doubled.

LIBRARY –Supervisor Lyons reminded everyone that Music in the Park is every Wednesday night through late August.

ANNOUNCEMENTS

- Household Hazardous Waste Day has been scheduled for 8/25/18
- The resurfacing of the tennis court and basketball court at the Town Park has been completed
- Wireless internet has been installed at the Berne Community & Senior Center
- County Executive Meet & Greet Hilltown Tour will be held at the Berne Community & Senior Center on 7/28/18 from 9:30AM-12:30PM.

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OLD BUSINESS

AUTHORIZING THE ADVERTISING FOR BIDS FOR 2004, OR NEWER GRADALL

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow directing the Town Clerk to advertise for bids for 2004, or newer, Gradall or equivalent, 3100xl series, less than 10,000 hours with the bids to be received until 10 AM on Tuesday, August 14, 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, Palow & Willsey. Councilmember Jordan abstained.

INTRODUCTION OF LOCAL LAW #4 OF 2018

“TOWN OF BERNE INDUSTRIAL SCALE SOLAR ENERGY SYSTEM MORATORIUM LAW”

After discussion, Supervisor Lyons introduced Local Law #4 of 2018 **“Town of Berne Industrial Scale Solar Energy System Moratorium Law”** and moved to set a public hearing on proposed Local Law #4 of 2018 for August 8, 2018 at 6:30 PM and directing the Town Clerk to give notice of such public hearing in the manner provided in Section 20 of the Municipal Home Rule Law, and Councilmember Schimmer seconded the introduction of the proposed local law and the motion. Motion carried with the following members voting aye: Supervisor Lyons, Councilmembers Schimmer, Jordan, Palow and Willsey.

INTRODUCTION OF LOCAL LAW #5 OF 2018

“TOWN OF BERNE HYDRAULIC FRACTURING AND/OR HYDROFRACKING LAW”

After discussion, Supervisor Lyons introduced Local Law #5 of 2018 **“Town of Berne Hydraulic Fracturing and/or Hydrofracking Law”** and moved to set a public hearing on proposed Local Law #5 of 2018 for August 8, 2018 at 6:45 PM and directing the Town Clerk to give notice of such public hearing in the manner provided in Section 20 of the Municipal Home Rule Law, and Councilmember Jordan seconded the introduction of the proposed local law and the motion. Motion carried with the following members voting aye: Supervisor Lyons, Councilmembers Schimmer, Jordan, Palow and Willsey.

NEW BUSINESS

AUTHORIZING REIMBURSEMENT TO AMERICAN LEGION HELDERBERG POST 977 FOR FLAGS

After discussion, Councilmember Schimmer made a motion seconded by Councilmember Jordan authorizing the reimbursement to the American Legion Helderberg Post 977 in the amount of \$205.60 for the cost of flags to be placed on Veteran’s graves on Memorial Day at the cemeteries in the Town of Berne. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

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AUTHORIZING ROAD CLOSURE FOR FOX CREEK RACE

After discussion, Supervisor Lyons made a motion seconded by Councilmember Schimmer to authorize the Town Clerk to send a letter to the Sheriff's Office to close Helderberg Trail (NYS Rt. 443), from the U.S. Post Office in the Hamlet of Berne, west to the intersection with Switzkill Road (Co. Rt.1); Switzkill Road, from Helderberg Trail south to the intersection with Canaday Hill Road (Co. Rt. 9); and Canaday Hill Road, from Switzkill Road east to the intersection with Helderberg Trail. Roads will be closed to traffic from 9AM to 10AM on Saturday, August 4, 2018 for the duration of the Fox Creek 5K race and to publish a notice in The Altamont Enterprise. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

APPROVING JUDITH PETROSILLO AS SUBSTITUTE AT LIBRARY

After discussion, Councilmember Jordan made a motion seconded by Councilmember Schimmer approving Judith Petrosillo as substitute at the Berne Public Library at \$12.61 per hour. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

AUTHORIZING SUPERVISOR LYONS TO ENTER INTO AGREEMENT WITH ACCESS TRANSIT AUTHORITY FOR 2018

After discussion, Councilmember Schimmer made a motion seconded by Supervisor Lyons authorizing Supervisor Lyons to enter into an agreement with Access Transit Authority for 2018, (provides the service for the Senior Shuttle shopping trips) with reimbursement to the Town at \$337.50 per month. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

APPROVING SAVANNAH COLLINS AS ASSISTANT FOR SUMMER RECREATION PROGRAM

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow approving Savannah Collins as assistant for the Summer Recreation Program at \$10.40 per hour, not to exceed 17.5 hours. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

APPROVING REMOVAL OF CHANCE TOWNSEND AS FULL TIME CODE ENFORCEMENT OFFICER AND HIRING AS PART TIME BUILDING & ZONING ADMINISTRATOR

Supervisor Lyons made a motion to remove Chance Townsend as full time Code Enforcement Officer and approving the hiring of Chance Townsend as a part-time permanent Building & Zoning Administrator @ \$19 per hour not to exceed 35 hours per week; FLSA non-exempt employee, unclassified, civil service exempt, effective immediately. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey.

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PUBLIC COMMENT

Councilmember Jordan and Councilmember Schimmer stated that vicious untrue rumors are being spread by an individual saying that they are trying to close down the small breweries operating in town. The Board is working on the Schedule of Uses in our Zoning Laws to allow breweries to operate in the town.

Several citizens spoke regarding matters in the Town and before the Board.

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

From:	To:	Amount:
A1010e 44047	A1010e 44031	\$ 150.00
A1330e 44020 \$ 571.00	A1330e 44038	\$ 265.00
	A1330e 44039	\$ 306.00
A1355e 44999	A1355e 44035	\$ 1.00
A1410e 44999	A1410e 44301	\$ 75.00
A1620e 44025	A1620e 44035	\$ 50.00
A3620e 44021	A3620e 44020	\$ 150.00
A5010e 44003	A5010e 44028	\$ 530.00
A7110e 22080	A7110e 44022	\$ 700.00
A7110e 22700 \$ 1690.00	A7111e 44022	\$ 1240.00
	A7111e 44106	\$ 230.00
	A7111e 44253	\$ 220.00
A7410e 44100	A7410e 44999	\$ 571.00
A7989e 44100	A7989e 44079	\$ 225.00
A8160e 44999	A8160e 44070	\$ 100.00

Highway Fund

From:	To:	Amount:
Da5142e 44077 \$ 1714.00	Da513010 44070	\$ 281.00
	Da513022 44070	\$ 428.00
	Da513026 44070	\$ 703.00
	Da513027 44070	\$ 64.00
	Da513030 44070	\$ 238.00
Da5142e 44999	Da5142e 44070	\$ 200.00
Da 89050	Da 89040	\$ 170.00

Sewer fund:

From:	To:	Amount:
SS8110e 17340	SS8110e 17345	\$ 170.00
SS8110e 44037	SS8110e 89040	\$ 454.00

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

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.....\$126,379.65
ABSTRACT#070618.....\$126,379.65

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

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 members voting aye: Supervisor Lyons and Councilmembers Schimmer, Jordan, Palow & Willsey. Meeting adjourned at 9:50PM

Respectfully submitted,

Anita C. Clayton, Town Clerk