

**STATE OF NEW YORK  
COUNTY OF ALBANY**

**AUGUST 9, 2017**

**7:15 PM Public Hearing Local Law # 3 of 2017**

Supervisor Crosier declared the public hearing on Local Law #3 of 2017 known as the “**Town of Berne Solar Energy System Moratorium Law**” open with the following members present Councilmembers Golden, Schimmer, Jordan & Cooke. Supervisor Crosier opened the floor to guests: There being no comment, Supervisor Crosier declared the hearing closed at 7:16 PM.

**Public Hearing Local Law # 4 of 2017**

Supervisor Crosier declared the public hearing on Local Law #4 of 2017 known as the “**Town of Berne Hydraulic Fracturing and/or Hydrofracking Law**” open with the following members present Councilmembers Golden, Schimmer, Jordan & Cooke. Supervisor Crosier opened the floor to guests: Helen Lounsbury stated it was a good idea. There being no further comment, Supervisor Crosier declared the hearing closed at 7:17 PM.

**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 Crosier, Councilmembers Golden, Schimmer, Jordan & Cooke. Also present was Town Clerk Clayton, Attorney Conboy, County Legislator Travis Stevens, and several interested citizens. The Pledge of Allegiance was led by Supervisor Crosier who then called the meeting to order at 7:30 PM, and on motion of Councilmember Golden and seconded by Councilmember Cooke, the minutes of 7/14/17 were approved as presented with the following members voting aye; Supervisor Crosier; Councilmembers Golden, Schimmer & Cooke. Councilmember Jordan abstained. Supervisor Crosier opened the meeting to guests:

Robin Meszaros – stated she attended the public meeting regarding the highway consolidation and was asking about voting taking place on 9/15. Supervisor Crosier stated the voting discussed was to move the study forward; he stated that a referendum would be held for the residents to vote on the consolidation.

Scott Green – asked about the status of the bathrooms at the Town Park and work to be completed at Switzkill Farm.

Bill Keil – also inquired about the highway consolidation.

Meghann Hardyman – stated she works for NYS and has seen consolidation services before and her experience has not been positive; has seen increased costs, decreased positivity and unfavorable customer service and hope the study takes all of these factors into consideration.

Michael Hanley – stated there are many accusations with everyone assuming; he has seen great service from the highway department.

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Karl Nochols – inquired about property tax costs

Randy Bashwinger – spoke about the hearing regarding the consolidation and wanted to know why only one person makes the decisions. Supervisor Crosier stated that one representative e from each Town votes to move the study forward, but reiterated that there will be a vote by the residents on the consolidation.

**CORRESPONDENCE**

Thank you note from Bears Playground for being a customer.

Thank you note from Todd & Kim Dunston for use of the Town Park.

Thank you note from Kathy Want and the children who attended the Summer Recreation Program along with a picture.

**COMMITTEE REPORTS**

**HIGHWAY**- Highway Superintendent Bashwinger reviewed the road repair list and CHIPS money; he discussed the reclamation around the salt shed; requested Attorney Conboy to draft a policy regarding trees on phone lines; discussed the repair on Gulf Hill Road.

**SENIORS** - Councilmember Jordan stated they will meet on 8/12/17.

**SENIOR MEAL PROGRAM** – Councilmember Schimmer reported the meal program is moving along nicely, the Chair of the Board has been ill but the process in place has been working well, regulars are attending and some of the attendees are being transported in the senior van.

**PLANNING & ZONING** – Councilmember Jordan reported they have had 2 public hearings; they are working on the solar law and there will be a public hearing in September for the Zoning Board.

**YOUTH COUNCIL** – Councilmember Jordan reported that the Summer Recreation Program was a great success, Kathy Wank did a wonderful job and was almost \$300 under budget.

**SEWER DISTRICT** – Supervisor Crosier reported that checks have been issued for reimbursement for electrical usage for homes that have the grinder pumps.

**SWITZKILL FARM** – Councilmember Schimmer reported that the board met on 8/1/17 at the fire pit and will be working cooperatively with the BKW School for initiating programs.

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**OLD BUSINESS**

**AUTHORIZING PAVING & CHIP SEAL FOR FILKINS HILL ROAD**

After discussion, Councilmember Golden made a motion seconded by Councilmember Jordan authorizing the paving and chip seal for Filkins Hill Road in an amount not to exceed \$71,899.97. Motion carried with the following members voting aye: Councilmembers Golden, Schimmer, Jordan & Cooke. Supervisor Crosier abstained.

**AUTHORIZING PAVING, FOG SEAL AND GRINDING FOR BRADT HOLLOW ROAD**

After discussion, Councilmember Schimmer made a motion seconded by Councilmember Jordan authorizing the paving, fog seal and grinding for Bradt Hollow Road in an amount not to exceed \$125,915.58. Motion carried with the following members voting aye: Supervisor Crosier, Councilmembers Golden, Schimmer, Jordan & Cooke.

**AUTHORIZING PAVING AND GRINDING FOR LAWTON HOLLOW ROAD**

After discussion, Councilmember Golden made a motion seconded by Supervisor Crosier authorizing the paving and grinding for Lawton Hollow Road in an amount not to exceed \$3,376.20. Motion carried with the following members voting aye: Supervisor Crosier, Councilmembers Golden, Schimmer, Jordan & Cooke.

**AUTHORIZING GRINDING FOR FILKINS HILL ROAD, BRADT HOLLOW ROAD AND LAWTON HOLLOW ROAD**

After discussion, Councilmember Schimmer made a motion seconded by Councilmember Jordan authorizing the grinding for Filkins Hill Road, Bradt Hollow Road and Lawton Hollow Road in an amount not to exceed \$22,605.70. Motion carried with the following members voting aye: Supervisor Crosier, Councilmembers Golden, Schimmer, Jordan & Cooke.

**ADOPTING LOCAL LAW #3 OF 2017  
“Town of Berne Solar Energy System Moratorium Law”**

The following resolution was offered and moved by Councilmember Cooke and seconded by Supervisor Crosier:

**WHEREAS** Local Law #3 of 2017 known as the **“Town of Berne Solar Energy System Moratorium Law”** has been introduced by the Town Board of the Town of Berne and a public hearing has been duly called and held, **NOW, THEREFORE, BE IT**

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**RESOLVED**, that the Town Board of the Town of Berne hereby adopts **LOCAL LAW #3 of 2017** of the Town of Berne known as “**Town of Berne Solar Energy System Moratorium Law.**” The resolution was adopted by the following roll call vote: Supervisor Crosier & Councilmembers Golden, Schimmer, Jordan and Cooke.....Aye.

**ADOPTING LOCAL LAW #4 OF 2017**  
**“Town of Berne Hydraulic Fracturing and/or Hydrofracking Law”**

The following resolution was offered and moved by Councilmember Schimmer and seconded by Councilmember Cooke:

**WHEREAS** Local Law #4 of 2017 known as the “**Town of Berne Hydraulic Fracturing and/or Hydrofracking Law**” has been introduced by the Town Board of the Town of Berne and a public hearing has been duly called and held,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Berne hereby adopts **LOCAL LAW #4 of 2017** of the Town of Berne known as “**Town of Berne Hydraulic Fracturing and/or Hydrofracking Law.**” The resolution was adopted by the following roll call vote: Supervisor Crosier & Councilmembers Golden, Schimmer, Jordan and Cooke.....Aye.

**PLAYGROUND PROGRESS** – Supervisor Crosier reported that the first phase of the playground was almost completed and should be done by next week; Mark Hohengasser provided great ideas on the layout and the summer youth program participants worked on the project and really enjoyed contributing and were having a picnic on Friday for their last day.

**Albany County Shared Services & Taxpayer Savings Plan Draft** is available on the Town website and a copy is available at the Town Clerk’s Office.

**Thompson’s Lake Boat Launch** – Supervisor Crosier stated the launch will be closed until the middle of September and the lake has been stocked with rainbow and brown trout.

**NEW BUSINESS**

**RESOLUTION HONORING PHYLLIS JOHNSON**

**WHEREUPON**, Councilmember Schimmer offered and moved the following resolution seconded by Councilmember Jordan, **BE IT RESOLVED** that the Town Board of the Town of Berne hereby declares July 22 as Phyllis Johnson Day for her dedication and service to the Town of Berne. The resolution was adopted by the following roll call vote: Supervisor Crosier & Councilmembers Golden, Schimmer, Jordan and Cooke.....Aye.

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**APPROVING EXPENDITURE TO COLONIE BLOCK**

After discussion, Councilmember Golden made a motion seconded by Councilmember Cooke approving the expenditure to Colonie Block in the amount of \$555 for the septic tank cover and drain grate at the Town Park parking lot. Motion carried with the following members voting aye: Supervisor Crosier, Councilmembers Golden, Schimmer, Jordan & Cooke.

**APPROVING EXPENDITURE TO ALBANY FIRE EXTINGUISHER (AFE)**

After discussion, Councilmember Jordan made a motion seconded by Councilmember Schimmer approving the expenditure to AFE in the amount of \$419.05 for service of existing fire extinguishers and the purchase of 3 new ones for the Town Park, Transfer Station and Sewer buildings. Motion carried with the following members voting aye: Supervisor Crosier, Councilmembers Golden, Schimmer, Jordan & Cooke.

**AUTHORIZING SENIOR ACCOUNT CLERK TO ATTEND NYS OGS CONFERENCE**

After discussion, Councilmember Golden made a motion seconded by Councilmember Schimmer authorizing the Senior Account Clerk to attend the NYS OGS Conference in Cooperstown on 9/8/17. Motion carried with the following members voting aye: Supervisor Crosier, Councilmembers Golden, Schimmer, Jordan & Cooke.

**APPROVING CONSTRUCTION GRANT FOR THE BERNE PUBLIC LIBRARY**

After discussion, Councilmember Golden made a motion seconded by Councilmember Schimmer approving the construction grant for the Library for roof repairs and LED lights with the Town's share being \$8,128. Motion carried with the following members voting aye: Supervisor Crosier, Councilmembers Golden, Schimmer, Jordan & Cooke.

**Tippling Fees at Answers Plant** – Supervisor Crosier reported that the closure date of the Answers Plant could be within 5 years and the Town needs to be pro-active in a future plan for disposing of trash.

Supervisor Crosier also stated EMS services are changing and there is a possibility that the Town would need to pay for an EMT.

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**AUTHORIZING BUDGET TRANSFERS**

After discussion, Councilmember Jordan made a motion seconded by Councilmember Schimmer 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>	
A1620E 22150	A1620e 44024	\$ 100.00	buildings
A7110e 44101	A7110e44022	\$ 500.00	housekeeping supply maintenance supplies
A1990e 44999	A7111e 44022	\$ 400.00	parks
A8010e 44045	A8010e 44047	\$ 200.00	maintenance supply
A1990e 44999	A8020e 11190	\$ 2000.00	zoning consulting fees
A8160e 44050	A8160e 44070	\$ 1000.00	planning board clerk Transfer station vehicle maintenance

**Highway fund:**

<b>From</b>		<b>To</b>	<b>Amount</b>	
Da 1990e 44999	\$ 770.00	Da513010e 44070	\$ 20.00	Truck # 10
		Da 513027 44070	\$ 750.00	Truck # 27

**Sewer fund:**

<b>From:</b>	<b>To:</b>	<b>Amount:</b>	
SS9901e 99960 \$ 1200.00	SS8110e 4407	\$ 1200.00	Equipment repair

Motion carried with the following members voting aye: Supervisor Crosier, Councilmembers Golden, Schimmer, Jordan & Cooke.

**BILLS AND REPORTS**

The Supervisor's, Town Clerk's and Building & Zoning Administrator's monthly reports were received and accepted.

Councilmember Cooke made the motion seconded by Councilmember Golden to approve payment of the following bills:

<b>GENERAL FUND, HIGHWAY FUND &amp; SEWER 2017.....</b>	<b>\$38757.78</b>
<b>ABSTRACT#080917.....</b>	<b>\$37,347.19</b>
<b>ABSTRACT#081117.....</b>	<b>\$ 1,410.59</b>

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Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Schimmer, Jordan and Cooke.

**MOTION TO ADJOURN**

There being no further business, Councilmember Schimmer made the motion seconded by Councilmember Cooke to adjourn the meeting. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Schimmer, Jordan and Cooke. Meeting adjourned at 8:42 PM.

Respectfully submitted,

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Anita C. Clayton, Town Clerk