

REGULAR MEETING

Supervisor Lyons led the Pledge of Allegiance and called the regular meeting to order at 7:00PM with the following members present: Councilmembers Palow, Conklin, Harris & Willsey. Town Clerk Clayton and Attorney Afzali were also present. The minutes of 10/14/20 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 10/27/20 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 10/28/20 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.

ANNOUNCEMENTS

- Due to the rising numbers of COVID-19 cases the Town Hall and Building & Zoning Department will operate on an appointment only basis.

Municipal Meeting – Councilmember Palow attended the municipal meeting with County Executive Dan McCoy and the increasing rise in COVID-19 cases and deaths were discussed. Fines were discussed for people socializing at houses after the bars close. A plan for workers on the front lines and employees working remotely and by appointment only was discussed. If an employee is quarantined, they will be paid but if they travel on their own decision, they will not. The Albany Sheriff’s office has supplies and equipment for the towns.

DEPARTMENT REPORTS

HIGHWAY – Highway Superintendent Bashwinger thanked Sheriff Apple and the rescue squad for assisting with the tragedy with Mr. Becker and for meeting with employees of the town. The highway workers are getting ready for winter and a new employee, Jim Dietz, was hired full time. Highway Superintendent Bashwinger thanked the surrounding counties and towns for offered to help this winter.

COMMITTEE REPORTS

Councilmember Conklin reported the celebration committee is hosting a holiday car parade on 12/6/20 at 5:00PM with a special dedication to Peter Becker.

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OLD BUSINESS

ADOPTING FINAL BUDGET OF 2021

Supervisor Lyons stated that the budget hearing for the 2021 budget was held on November 4, 2020 and continued November 10, 2020 and that the preliminary budget was presented and discussed. **WHEREUPON**, Supervisor Lyons offered and moved the following resolution seconded by Councilmember Palow: **BE IT RESOLVED**, that the Town Board of the Town of Berne does hereby accept and adopt the final budget; and **BE IT FURTHER, RESOLVED**, that the Town Clerk prepare and certify duplicate copies of such budget and deliver the copies to the Supervisor and to the County Legislature of Albany, all as required by law. Resolution was declared duly adopted by the following roll call vote:
Supervisor Lyons... aye Councilmember Harris.....aye
Councilmember Palow.....aye Councilmember Willsey.....nay
Councilmember Conklin...aye
A complete copy of the budget is attached to these minutes.

**ADOPTING LOCAL LAW #6 OF 2020
“Small-Scale Battery Energy Storage System”**

The following resolution was offered and moved by Supervisor Lyons and seconded by Councilmember Harris:
WHEREAS Local Law #6 of 2020 known as the “**Small-Scale Battery Energy Storage System**” 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 #6 of 2020** of the Town of Berne known as “**Small-Scale Battery Energy Storage System**”. The resolution was adopted by the following roll call vote: Supervisor Lyons & Councilmembers Palow Conklin, Harris & Willsey – Aye.

APPROVING PAYMENT TO MIRABITO FOR EMERGENCY REPAIR TO SWITZKILL FARM PROPANE TANKS

After discussion, Supervisor Lyons made a motion seconded by Councilmember Willsey to approve payment to Mirabito for \$7,821 from A7111E for emergency repair to Switzkill Farm propane tanks. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin, Harris & Willsey voting aye.

SWITZKILL FARM CHIMNEY CAP REPAIR

Supervisor Lyons stated that only one quote has been received for \$3200. Cornerstone has serviced all furnaces in buildings and discussed winterizing the lodge. They suggested low level heating for the winter.

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AUTHORIZING NATIONAL GRID OPTION FOR LED STREETLIGHTS

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow authorizing the National Grid option for LED streetlights. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin & Willsey voting aye. Councilmember Harris abstained.

FUEL TANK REPLACEMENT

Jason Priesner from Lamont Engineers will put together a bid packet regarding fuel tank replacement at the Highway Garage.

AUTHORIZING TOWN CLERK TO ADVERTISE FOR PLANNING BOARD CHAIR, MEMBER AND ALTERNATE

After discussion, Supervisor Lyons made a motion seconded by Councilmember Harris authorizing the Town Clerk to advertise in the Altamont Enterprise for Planning Board Chair, member and alternate member. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin, Harris & Willsey voting aye.

INTRODUCTION OF PROPOSED LOCAL LAW #7 OF 2020 “TOWN OF BERNE SOLAR ENERGY FACILITIES LAW”

After discussion, Supervisor Lyons introduced Local Law #7 of 2020 “**Town of Berne Solar Energy Facilities Law**” and moved to set a public hearing on proposed Local Law #7 of 2020 for December 9, 2020 at 5:45 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 Palow seconded the introduction of the proposed local law and the motion. Motion carried with the following members voting aye: Supervisor Lyons, and Councilmembers Palow, Conklin & Harris. Councilmember Willsey voted nay.

INTRODUCTION OF PROPOSED LOCAL LAW #8 OF 2020 “TOWN OF BERNE HOME OCCUPATION LAW”

After discussion, Supervisor Lyons introduced Local Law #8 of 2020 “**Town of Berne Home Occupation Law**” and moved to set a public hearing on proposed Local Law #8 of 2020 for December 9, 2020 at 6:00 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 Palow seconded the introduction of the proposed local law and the motion. Motion carried with the following members voting aye: Supervisor Lyons, and Councilmembers Palow, Conklin & Harris. Councilmember Willsey voted abstained.

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INTRODUCTION OF PROPOSED LOCAL LAW #9 OF 2020 “TOWN OF BERNE RECREATION & PARKS ADVISORY BOARD LAW”

After discussion, Supervisor Lyons introduced Local Law #8 of 2020 “**Town of Berne Recreation & Parks Advisory Board Law**” and moved to set a public hearing on proposed Local Law #9 of 2020 for December 9, 2020 at 6:15 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 Palow seconded the introduction of the proposed local law and the motion. Motion carried with the following members voting aye: Supervisor Lyons, and Councilmembers Palow, Conklin & Harris. Councilmember Willsey voted abstained.

AUTHORIZING TOWN CLERK TO POST SEASONAL ROAD CLOSURE

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow authorizing the Town Clerk to post the seasonal road closure with the Altamont Enterprise and on the official board for the Town Hall. Motion carried with the following members voting aye: Supervisor Lyons and Councilmembers Palow, Conklin & Harris. Councilmember Willsey voting nay. Said road closure is attached to these minutes.

ACCEPTING SUPERVISOR’S MONTHLY REPORT FOR OCTOBER

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

ACCEPTING TOWN CLERK’S MONTHLY REPORT FOR OCTOBER

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

ACCEPTING BUILDING & ZONING MONTHLY REPORT FOR OCTOBER

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

AUTHORIZING BUDGET TRANSFERS FOR OCTOBER

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow that the budget transfers for October 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.

APPROVING PAYMENT OF MONTHLY BILLS

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

GENERAL FUND, HIGHWAY FUND, SEWER, UTILITIES, WITHOLDINGS FOR 2020.....	\$74,150.94
ABSTRACT 11032020.....	\$ 4,024.80
ABSTRACT 11042020.....	\$10,266.59

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

CARETAKER AGREEMENT AT SWITZKILL FARM

Councilmember Palow made a motion, seconded by Supervisor Lyons to authorize the Town Attorney to provide legal options to the Town Board on the town’s rights and obligations regarding termination of the caretaker agreement at Switzkill Farm. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin & Harris voting aye. Councilmember Willsey voting nay.

MOTION TO ADJOURN

There being no further business or discussion, Supervisor Lyons made the motion seconded by Councilmember Conklin 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 8:21PM.

Respectfully submitted,

Anita C. Clayton, Town Clerk

Budget, seasonal roads and budget transfers will be attached.