

**STATE OF NEW YORK
COUNTY OF ALBANY**

DECEMBER 9, 2020

PUBLIC HEARING

5:45 PM Public Hearing Local Law # 7 of 2020

Supervisor Lyons declared the public hearing on Local Law #7 of 2020 known as the 2020 “Town of Berne Solar Energy Facilities Law” open with the following members present Councilmembers Palow, Conklin, Harris, & Willsey. Town Clerk Clayton and Attorney Afzali were also present. Supervisor Lyons opened the floor to guests:

Karen Shimmer spoke regarding Comprehensive Plan consistency; Albany County Planning Board; Town Planning Board referral; Impact to adjacent property values.

Dawn Jordon spoke regarding incorrect notice time; website provides conflicting information; website does not provide zoom; 30-acre limit not in accordance with comp plan; 30-foot set back not in accordance with zoning; fees do not equal tax; what about fees from cell towers and franchises; there should be more economic benefit to residents / property owners; solar panels create waste afterwards; decommission issues; no way to hold owner accountable.

Kevin Crosier spoke regarding cutting out community from process; no need for change during pandemic; goes against comp plan; should wait until meetings are open.

Emily Vincent spoke regarding the economic impact of this law; opening up changes character of town; moving Special Use Permit to ZBA denial of due process; 30-foot set back does not work; should go to Planning Board; fees for annual renewal is needed.

Barbara Crosier stated that public hearings should not be held during a pandemic; should follow the Comprehensive Plan.

Matt Kryzak, Town of Westerlo Councilmember, stated that pilot programs are not useful; do due diligence and listen to residents.

Barb Kennedy stated that it will change the rural character.

Larry Zimmerman stated that this law should have gone to Planning Board.

Gunner LaCour stated that this is not good for residents; no one is speaking in favor of this law.

Supervisor Lyons stated that the Public Hearing on Local Law #7 will remain open until next board meeting on 1/13/21.

DECEMBER 9, 2020

Supervisor Lyons declared the public hearing on Local Law #8 of 2020 known as the 2020 “Town of Berne Home Occupations Law” open and with the following members present Councilmembers Palow, Conklin, Harris, & Willsey. Town Clerk Clayton and Attorney Afzali were also present. Supervisor Lyons opened the floor to guests:

Larry Zimmerman stated this law should have started with the Planning Board.

Emily Vincent said it will have an impact on property value.

Karen Schimmer asked why these laws are being presented now.

Dawn Jordon stated if Planning Board comes back with new changes, it must go to a public hearing; questions open meeting law violations; place holder for 50% square foot too large, should be 25%; business with no impact is needed; if too large, will change character of neighborhood.

Kevin Crosier stated should go to Planning Board; discussed during open meeting.

Tim Lippert said too many Laws at once; definitions are inconsistent; structure needs to meet building code/energy code etc.

Barbara Crosier said not appropriate to introduce during pandemic.

Supervisor Lyons stated that the Public Hearing on Local Law #8 will remain open and be referred to the Planning Board.

Supervisor Lyons declared the public hearing on Local Law #9 of 2020 known as the “Local Law modifying the Berne Town Code Related to Recreation and Parks Advisory Board” open and with the following members present Councilmembers Palow, Conklin, Harris, & Willsey. Town Clerk Clayton and Attorney Afzali were also present. Supervisor Lyons opened the floor to guests:

Karen Schimmer stated Switzkill Farm is unique and needs its own board.

Dawn Jordan stated Switzkill Farm is unique and needs its own board.

Tim Lippert stated Switzkill Farm is in disrepair; focus on property and not board.

Larry Zimmerman stated there should be an economic development plan and check comp plan for consistency. Karen Schimmer agreed.

Emily Vincent stated Switzkill is unique and needs a its own board.

Barbara Crosier agreed with above statements.

Supervisor Lyons stated that the Public Hearing on Local Law #9 will remain open until next board meeting on 1/13/21. At this time, a 5-minute recess was declared.

DECEMBER 9, 2020

REGULAR MEETING

Supervisor Lyons led the Pledge of Allegiance and called the regular meeting to order at 7:54PM with the following members present: Councilmembers Palow, Conklin, Harris & Willsey. Town Clerk Clayton and Attorney Afzali were also present.

A moment of silence was observed for former Town Clerk, Patricia Favreau; the face of the town of Berne for many years.

The minutes of 11/04/20 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 11/10/20 were presented and on motion of Supervisor Lyons and seconded by Councilmember Conklin, the minutes were accepted with the following members voting aye; Supervisor Lyons; Councilmembers Palow, Conklin, & Harris. Councilmember Willsey abstained. The minutes of 11/18/20 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.

Correspondence – A letter was received from County Executive, Dan McCoy, regarding the Advance Albany County Alliance (AC’s Economic development arm) asking the Town of /berne to designate a principal economic person, someone from the board or community.

Announcements – thank you to Highway Superintendent Bashwinger and all the committee members and participants making the First Annual Town of Berne/Christmas Parade a huge success. Councilmember Willsey stated it was an accomplishment under these circumstances.

DEPARTMENT REPORTS

Highway – Highway Superintendent Bashwinger stated the parade was a success and everyone worked very hard on a very cold night. He sated that so far 168 tons of sanding material has been used.

Emergency Management – Supervisor Lyons stated that ACHD will be setting up a POD in the Hilltowns for vaccinations.

Library – Kathy Stempel reminded residents to view the library website for current hours. She stated that there will some pre recorded events and live telecasts with hosts next year and free classes online. Also said thank you for the lights in the new shed.

COMMITTEE REPORTS

Celebration Committee – Councilmember Conklin stated that the will hold a zoom meeting on 12/19/20 and designate a contact person for celebrations.

DECEMBER 9, 2020

OLD BUSINESS

Local Laws – Items 1, 2 & 3 on the agenda will be tabled.

AUTHORIZING TOWN CLERK TO ADVERTISE FOR OPEN APPOINTMENTS

After discussion, Supervisor Lyons made a motion seconded by Councilmember Conklin authorizing the Town Clerk to advertise for Code Enforcement Officer; Dog Control Officer; Historian; Tax Collector. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin & Harris voting aye. Councilmember Willsey abstained.

Councilmember Willsey made a motion, seconded by Councilmember Conklin to advertise for a new attorney. The following roll call vote was made: Supervisor Lyons, Councilmembers Palow and Harris voting nay. Councilmembers Willsey & Conklin voting aye. Motion did not pass.

APPROVING INTERVIEW DATES FOR OPEN APPOINTMENTS AND PLANNING BOARD MEMBER & ALTERNATE

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow scheduling Planning Board interviews on 12/22/20 beginning at 5:00PM, every 15 minutes and scheduling open appointment interviews on 12/23/20 beginning at 5:00PM, every 15 minutes to be held at the Berne Community Center and that applicants will wait in car and be called in. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin, Harris & Willsey voting aye.

PARTRIDGE RUN – there was discussion about the abandonment of this road.

NEW BUSINESS

APPROVING DATE FOR ORGANIZATIONAL MEETING

After discussion, Supervisor Lyons made a motion seconded by Councilmember Harris Approving the Town of Berne Organizational Meeting to be held on January 6, 2021 at 7:00PM at the Berne Community & Senior Center, 1360 Helderberg Trail, Berne, NY. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin & Harris voting aye. Councilmember Willsey abstained.

Albany County Mental Health Extension Services – Supervisor Lyons stated that Albany County would like to use the Berne Community & Senior Center as a satellite location for mental health screening. The Town is waiting on a letter and plan to reopen discussion; Councilmember Harris stated that another presentation should be done and maybe another location should be had. Supervisor Lyons will extend an invitation to the County for a presentation.

Zoom Policy to be tabled.

DECEMBER 9, 2020

ACCEPTING SUPERVISOR’S MONTHLY REPORT FOR NOVEMBER

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow to accept the Supervisor’s November monthly report. 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 NOVEMBER

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

ACCEPTING BUILDING CODE ADMINISTRATION’S MONTHLY REPORT FOR NOVEMBER

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow to accept the Building Code Administration’s November 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 NOVEMBER

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow that the budget transfers for November 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.....	\$59,063.85
ABSTRACT 12022020.....	\$ 7,857.53
ABSTRACT 12032020.....	\$12,311.69
ABSTRACT 12092020.....	\$12,754.51
ABSTRACT 12152020.....	\$15,152.10
ABSTRACT 12162020.....	\$10,988.02

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

DECEMBER 9, 2020

Senior Shuttle Bus – Councilmember Harris stated the bus will run to Walmart and Whole Foods and return twice a week. Information is on website; 4 passengers allowed, first come, first served.

AUTHORIZING PUBLIC COMMENTS AT BOARD MEETING

Councilmember Conklin made a motion seconded by Councilmember Willsey that public comments be allowed at board meetings. The following roll call vote was had: Councilmembers Conklin & Willsey voting aye; Supervisor Lyons, Councilmembers Palow & Harris voting nay. Motion did not carry.

MOTION TO ADJOURN

There being no further comment, Supervisor Lyons made a motion, seconded by Councilmember Harris to adjourn the meeting. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin & Harris voting aye. Councilmember Willsey disconnected from zoom. Meeting was adjourned at 8:48PM.

Respectfully submitted,

Anita Clayton, Berne Town Clerk

Sewer Fund				
Budget transfers 11/30/2020				
			To	From
SS8110E	17340	SEWER TREATMENT OFFICER	\$ 253.00	
SS8110E	44036	TELEPHONE	\$ 160.00	
SS8110E	44046	FEES FOR SERVICES		\$ 83.00
SS8110E	44070	EQUIPMENT REPAIRS/MAINTENANCE	\$ 83.00	
SS8110E	44100	FUEL OIL		\$ 160.00
SS8110E	44101	ELECTRIC		\$ 253.00

Highway Fund Budget Transfers				
11/30/2020				
			To	From
DA5110E	17200	FOREMAN	\$ 2,964.00	
DA5110E	19990	OVERTIME		\$ 2,964.00
DA5110E	44077	ROAD MATERIALS/SAND AND SALT		\$ 5,114.00
DA5112E	44075	BRIDGE/ROAD REPAIR	\$ 5,114.00	

Budget Transfers General Fund				
11/30/2020			To:	From:
A1110E	44040	BOOKS TRANSCRIPTS	\$ 43.00	
A1620E	44035	POSTAGE	\$ 113.00	
A1620E	44036	TELEPHONE	\$ 655.00	
A1620E	44041	COMPUTER FEES	\$ 428.00	
A3620E	44036	TELEPHONE	\$ 180.00	
A5010E	44028	SAFETY SUPPLIES	\$ 600.00	
A5010E	44047	CONSULTANT FEES	\$ 158.00	
A5132E	44999	MISC CONTRACTUAL EXPENSES	\$ 311.00	
A7110E	44106	SEWER CHARGES	\$ 200.00	
A7111E	44101	ELECTRIC	\$ 600.00	
A7989E	44036	TELEPHONE	\$ 500.00	
A8160E	44050	REFUSE CHARGES	\$ 1,437.00	
A1110E	44047	CONSULTANT FEES		\$ 43.00
A1620E	44106	SEWER CHARGES		\$ 113.00
A1620E	44253	FOOD AND CONCESSIONS		\$ 428.00
A1620E	44999	MISC CONTRACTUAL EXPENSES		\$ 655.00
A1990E	44999	MISC CONTRACTUAL EXPENSES		\$ 600.00
A3620E	44040	BOOKS TRANSCRIPTS		\$ 180.00
A5010E	44003	CLOTHING ALLOWANCE		\$ 758.00
A5132E	44253	FOOD AND CONCESSIONS		\$ 311.00
A7110E	22300	SAFETY EQUIPMENT		\$ 200.00
A7989E	44100	FUEL OIL		\$ 500.00
A8160E	44070	EQUIPMENT REPAIRS/MAINTENANCE		\$ 1,437.00
			Increase	From
A7111E	44100	FUEL OIL/PROPANE	\$ 5,946.00	
A7111E	44999	MISC CONTRACTUAL EXPENSES	\$ 2,370.00	
		Switzkill Farm Escrow		\$ 8,316.00