

**STATE OF NEW YORK
COUNTY OF ALBANY**

AUGUST 10, 2016

7:15 PM Public Hearing Local Law # 2 of 2016

Supervisor Crosier declared the public hearing on Local Law #2 of 2016 known as the “**Town of Berne Solar Energy System Moratorium Law**” open with the following members present Councilmembers Golden, Schimmer & Jordan. Supervisor Crosier opened the floor to guests:

Mike Vincent stated this was a good move and the Planning Board is willing to work on an ordinance.

Ed Hampton asked if this included all ground installation for residential.

There being no further comment, Supervisor Crosier declared the hearing closed at 7:18 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. Also present were Town Clerk Clayton; Attorney Conboy, and several interested citizens. Councilmember Emory was not in attendance. Supervisor Crosier called the meeting to order at 7:30 PM, and on motion of Councilmember Schimmer and seconded by Councilmember Jordan, the minutes of the meeting of 7/27/16 were approved as presented with all members voting aye; the minutes of 7/13/16 were tabled as there was not a majority vote. Supervisor Crosier then opened the meeting to guests.

George Christian asked about the DEC construction for the boat launch.

Mike Vincent asked about the possibility of purchasing Emma Wagner’s house and relocating the Historical Society Museum.

Sean Lyons asked if small, ground mount solar panels were affected by LL #2.

Correspondence:

Thank you note from Kim & Todd Dunston to Scott for a great time at the Town Park.

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COMMITTEE REPORTS

HIGHWAY- Highway Superintendent Bashwinger submitted checks from Weitsman for scrap. Discussed theft at the highway garage and the need for security cameras. Discussed NYS DOT auction regarding purchase of Badger.

SENIORS – Councilmember Jordan reported they will meet on 8/13 at 11AM.

SENIOR MEAL PROGRAM – Councilmember Schimmer reported that the number of meals being served is steady with 18 people average; new use policy was posted; appliances, design and programs & driver were discussed.

LIBRARY - Kathy Stempel requested the use of the Senior Shuttle for the end- of -year program to go to the Fun Plex in East Greenbush on 8/15/16 from 9AM to 1PM.

YOUTH COUNCIL – Councilmember Jordan reported the summer recreation program had 52 children; 25 from Berne; 25 from Knox and 2 from Westerlo. They will have a booth at Summerfest.

SWITZKILL FARM– Councilmember Schimmer reported the board met on 8/2/16 and will be discussing a fee schedule to submit to the Town Board; star gazer permit was discussed; Harvest Fest being planned for October; educational programming; trail markers are set on the trails.

SUMMERFEST – Councilmember Schimmer reported they have 17 booths registered so far and a list of vendors was reviewed.

OLD BUSINESS

APPROVING RENTAL OF GRADALL

After discussion, Councilmember Golden made a motion seconded by Councilmember Schimmer approving the rental of a Gradall, OGS Group #72007, OGS award #22935, Contract # PC67219 for one month in an amount not to exceed \$7,600. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Schimmer & Jordan.

APPROVING PURCHASE OF BACKPACKS FOR YOUTH COUNCIL

After discussion, Councilmember Schimmer made a motion seconded by Councilmember Jordan approving the purchase of 150 backpacks for the Youth Council in an amount not to exceed \$345.38 to be handed out at Summerfest. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Schimmer & Jordan.

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APPROVING TAG LINE FOR SWITZKILL FARM

After discussion, Councilmember Schimmer made a motion seconded by Councilmember Jordan approving tag line – “Berne – Escape to the Helderbergs” for Switzkill Farm. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Schimmer & Jordan.

NEW BUSINESS

AUTHORIZING KATHY STEMPEL TO DRIVE SHUTTLE BUS TO FUN PLEX

After discussion, Councilmember Golden made a motion seconded by Councilmember Schimmer authorizing Kathy Stempel to drive the shuttle to the Fun Plex on 8/15 from 9AM to 1PM. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Schimmer & Jordan.

ADOPTING LOCAL LAW #2 OF 2016

“Town of Berne Solar Energy System Moratorium Law”

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

WHEREAS Local Law #2 of 2016 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 RESOLVED**, that the Town Board of the Town of Berne hereby adopts **LOCAL LAW #2 of 2016** 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 & JordanAye.

BOND RESOLUTION

Councilmember Golden offered and moved to adopt a bond resolution, Bond Resolution Authorizing the Construction of a 60 x 80 Salt Storage Facility on the property at 1811 Helderberg Trail, Berne, New York for use as a Salt Storage Facility at a total estimated cost of \$300,000 and Authorizing the Issuance of \$285,000 Serial Bonds of said Town to pay a portion of the cost thereof and directing the Town Clerk to publish the required estoppel notice.

The bond resolution was duly adopted by the following roll call vote:

Supervisor CrosierAye Opposed - none
Councilmember Golden.....Aye
Councilmember Schimmer.....Aye
Councilmember Jordan.....Aye

A complete copy of this bond resolution is attached to these minutes.

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PRESENTATION OF QUILT FROM PATRICIA FAVREAU

Patricia Favreau donated a quilt she made from t-shirts representing activities held in the Town of Berne. Said quilt is on display at the Town Hall. Thank you to Ms. Favreau for her dedication to the Town and her beautiful handiwork.

AUTHORIZING BUDGET WORKSHOP DATES

After discussion, Councilmember Golden made a motion seconded by Supervisor Crosier authorizing the following dates for budget workshop meetings at 6:30 PM as needed, 9/6/16; 9/7/16; 9/19/16; 9/21/16 and authorizing the Town Clerk to publish notice in The Enterprise. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Schimmer & Jordan.

**INTRODUCTION OF LOCAL LAW #3 OF 2016
“TOWN OF BERNE HYDRAULIC FRACTURING AND/OR HYDROFRACKING
LAW”**

After discussion, Supervisor Crosier introduced Local Law #3 of 2016 “**Town of Berne Hydraulic Fracturing and/or Hydrofracking Law**” and moved to set a public hearing on proposed Local Law #3 of 2016 for September 14, 2016 at 7:15 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 Schimmer seconded the introduction of the proposed local law and the motion. Motion carried with the following members voting aye: Supervisor Crosier, Councilmembers Golden, Schimmer & Jordan.

**APPROVING REQUEST FOR SENIOR SHUTTLE FOR SENIOR DAY AT
ALTAMONT FAIR**

After discussion, Councilmember Schimmer made a motion seconded by Councilmember Golden approving the use of the Senior Shuttle for Senior Day at the Altamont Fair; funding for trip was provided by County Legislators Christopher Smith and Travis Stevens. Motion carried with the following members voting aye: Supervisor Crosier, Councilmembers Golden, Schimmer & Jordan.

APPROVING STAR GAZING PERMIT FOR SWITZKILL FARM

After discussion, Councilmember Schimmer made a motion seconded by Councilmember Jordan approving the Star Gazing Permit for Switzkill Farm. Motion carried with the following members voting aye: Supervisor Crosier, Councilmembers Golden, Schimmer & Jordan.

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AUTHORIZING EXPENDITURES FOR SUMMERFEST

After discussion, Councilmember Jordan made a motion seconded by Councilmember Schimmer authorizing the expenditures for Summerfest for the following: Raptor Rehabilitator, \$300; Phil Singer, Caricaturist, \$300; 5 bands @ \$200 each for a total of \$1,000; Reptile Adventure, \$300;; Discount School Supply, \$100.12; Entertainment One Rentals for rock climbing wall, \$700; Satch Sales for golf cart, \$93; Accuprint for posters; \$30.54, in an amount not to exceed \$2,822.66. Motion carried with the following members voting aye: Supervisor Crosier, Councilmembers Golden, Schimmer & Jordan.

AUTHORIZING FIREWORKS EXPENDITURE FOR SUMMERFEST

After discussion, Councilmember Schimmer made a motion seconded by Councilmember Jordan authorizing the expenditure to Santore’s World Famous Fireworks, LLC for fireworks at Summerfest in an amount not to exceed \$3,000; which amount will be reimbursed. Motion carried with the following members voting aye: Supervisor Crosier, Councilmembers Golden, Schimmer & Jordan.

AUTHORIZING THE PURCHASE OF ROLL OFF CONTAINER FOR TRANSFER STATION

After discussion, Councilmember Golden made a motion seconded by Councilmember Jordan authorizing the purchase of one 22’x62” 30 cubic yard roll off container; two 3/8” crash plates and one 32 yd. 24’x62” specialty container in for the Transfer Station in an amount not to exceed \$9,165.75. Motion carried with the following members voting aye: Supervisor Crosier, Councilmembers Golden, Schimmer & Jordan.

BILLS AND REPORTS

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

Councilmember Jordan made the motion seconded by Councilmember Schimmer to approve payment of the following bills:

GENERAL FUND, HIGHWAY FUND & SEWER 2016.....	\$103,404.41
ABSTRACT#081016.....	\$ 98,704.41
ABSTRACT#081116.....	\$ 4,700.00

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

MOTION TO ADJOURN

There being no further business, Councilmember Schimmer made the motion seconded by Councilmember Golde4n to adjourn the meeting. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Schimmer & Jordan. Meeting adjourned at 8:52 PM.

Respectfully submitted,

**BOND RESOLUTION OF THE TOWN OF BERNE DATED AUGUST 10, 2016
AUTHORIZING THE CONSTRUCTION OF A 60 X 80 SALT STORAGE FACILITY ON
THE PROPERTY AT 1811 HELDERBERG TRAIL, BERNE, NEW YORK FOR USE AS
A SALT STORAGE FACILITY FOR A TOTAL ESTIMATED COST OF \$300,000 AND
AUTHORIZING THE ISSUANCE OF \$285,000 SERIAL BONDS OF SAID TOWN TO
PAY A PORTION OF THE COST THEREOF**

By: The Town Board of the Town of Berne

WHEREAS, The Town Board of the Town of Berne finds that the construction of a Salt Storage Facility on the property owned by the Town at 1811 Helderberg Trail, Berne, New York, for use by the Town as a Salt Storage Facility is in the overall public interest;

NOW, THEREFORE, be it resolved by the Town Board of the Town of Berne by unanimous vote as follows:

Section 1. The specific objects or purposes for which obligations are to be issued pursuant to this resolution is to finance a portion of the cost of the construction of a 60 X 80 Salt Storage Facility on property owned by the Town at 1811 Helderberg Trail, Berne, New York for the purpose of use by the Town as a Salt Storage Facility.

Section 2. The total estimated maximum costs of the aforesaid objects or purposes is \$300,000 and the plan for the financing of such total estimated costs is as follows:

(A) By the payment of the sum of \$15,000 from funds currently appropriated in the Town's Capital Projects Fund.

(B) By the issuance of serial bonds (and bond anticipation notes in anticipation of the issuance of such serial bonds) of said Town in an amount not to exceed \$285,000 which serial bonds are hereby authorized to be issued pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined and declared that the period of probable usefulness of the objects or purposes set forth in Section 1 of this resolution is fifteen (15) years and that subdivision 11. of paragraph (c). of Section 11.00 of the Local Finance Law applies to said objects or purposes. It is hereby further determined that the proposed maturity of the serial bonds authorized herein shall not exceed fifteen (15) years.

Section 4. The faith and credit of the Town of Berne, Albany County, New York are hereby irrevocably pledged to the payment of the principal of and interest on said bonds as the same respectively come due and payable. An annual appropriation of the Town of Berne shall be made in each year sufficient to pay the principal of and interest on such bond becoming due and payable in such year.

Section 5. Subject to the provisions of the Local Finance Law, the power to fix the terms and conditions of said serial bonds and to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer. Such notes shall be on such terms, form and contents, and shall be sold in such manner as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265 (b)(3)(B)(i) of the Code.

Section 7. By separate resolution or resolutions, the Town has complied with the provisions of the State Environmental Quality Review Act (“SEQRA”) with respect to the capital project described in this resolution as follows: the Town has determined that the capital project described in this resolution is a Type II action under SEQRA. and a negative declaration has been issued.

Section 8. The Town may initially use funds from the General Fund or such other funds that may be available to pay the costs of the specific objects or purposes authorized by this resolution, pursuant to Section 165.10 of the Local Finance Law. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2. of this resolution. This resolution shall constitute the declaration of the Town’s “official intent” to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

Section 9. The validity of such bonds and any notes issued in anticipation of the sale of said bonds, may be contested only if:

1. Such bonds are authorized for an object or purpose for which said Town is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such bonds are authorized in violation of the provisions of the Constitution of New York.

Section 10. This resolution shall take effect immediately.