

**STATE OF NEW YORK
COUNTY OF ALBANY**

SEPTEMBER 14, 2016

7:15 PM Public Hearing Local Law # 3 of 2016

Supervisor Crosier declared the public hearing on Local Law #3 of 2016 known as the “Town of Berne Hydraulic Fracturing and/or Hydrofracking Law” open with the following members present Councilmembers Golden, Emory, Schimmer & Jordan. Supervisor Crosier opened the floor to guests:

Mark Hohengasser stated he was not in favor of fracking and the moratorium sets a precedent to protect the interest of the town and the future or water quality.

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, Emory, Schimmer & Jordan. Also present were Town Clerk Clayton; Attorney Conboy, and several interested citizens. The Pledge of Allegiance was led by Supervisor Crosier. Supervisor Crosier called the meeting to order at 7:30 PM, and on motion of Councilmember Emory and seconded by Councilmember Golden, the minutes of the meeting of 7/13/16 were approved as presented, Councilmembers Schimmer & Jordan abstained; Supervisor Crosier, Councilmembers Golden & Emory voting aye; and on motion of Councilmember Golden and seconded by Councilmember Schimmer, the minutes of the meeting of 8/10/16 were approved as presented ; Councilmember Emory abstained, Supervisor Crosier, Councilmembers Golden, Schimmer & Jordan voting aye; and on motion of Councilmember Jordan and seconded by Councilmember Schimmer, the minutes of the meeting of 9/6/16 were approved as presented with all members voting aye. Supervisor Crosier then opened the meeting to guests.

Tim Lippert – spoke in favor of more hours for the Library.

Anne Oldick – spoke in favor of more hours for the Library.

Phyllis Johnson – in favor of more hours for the Library, stated what an incredible job they do there every week; draft figure for the Berne Fire District for 2017 budget is \$372,895.06.

JoAnn Brady – Friends of Library lasagna dinner & cake walk on 10/1 at 5:30PM; in favor of 4 more hours per week for Library.

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Correspondence:

Letter of resignation from Gerald Larghe as a Planning Board member dated 9/14/16.

COMMITTEE REPORTS

HIGHWAY- Highway Superintendent Bashwinger submitted checks from Weitsman for scrap totaling \$1,184.26; PERMA is holding a 4 hour snowplowing workshop on 10/28/16 in Latham, which he will be attending along with 6 highway employees. Superintendent Bashwinger stated he has been in contact with Bellevue Builders regarding the damage on Filkins Hill Road.

EMERGENCY MANAGEMENT – Supervisor Crosier reported the town’s mitigation plan has been completed on has been filed with Albany County for future FEMA funding.

SENIORS – Councilmember Jordan reported they met on 9/10/16 and discussed the MOU. On 11/12 the Berne Reformed Church will have a turkey dinner; 12/10 Christmas celebration at Maple on the Lake; Westerlo is having a senior luncheon every 4th Thursday.

SENIOR MEAL PROGRAM – Councilmember Schimmer reported that the number of meals being served is consistent with 18 meals per session; building use policy; purchase of dishwasher was discussed; two new volunteers; 5 BKW students would like to volunteer on a regular basis, maybe alternating 2-3 per meal. Phyllis Johnson reported they served 150 meals in August and had various programs. They would like to request the Senior Shuttle on 10/23 to go to the Albany Festival of Nations.

PLANNING & ZONING – Councilmember Emory reported the planning board had minor subdivision applications; continue conversation on solar panels and are eager to get started.

SEWER DISTRICT – Supervisor Crosier stated there was a problem with a sewer lateral that was struck when digging then covered up without being repaired or notifying the town. The Town is responsible now for the repair and residents must contact “Call Before You Dig”.

YOUTH COUNCIL – Councilmember Jordan reported the Youth Council will be working on events for tweens and teens; a photography class will be held on 10/17 (alternate date of 10/16) and a painting party in November. Laser Tag is being explored.

SWITZKILL FARM– Councilmember Schimmer reported the HESO will be giving a proposal on 9/6 and stated they have their own project and this is not a Town project. The Harvest Festival will be held on 10/15.

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OLD BUSINESS

APPROVING EAGLE SCOUT PROJECT FOR JOHN MCGIVERN FOR HANDICAP RAMP AND SIGN AT THE TOWN OF BERNE COMMUNITY AND SENIOR SERVICES CENTER

After discussion, Councilmember Jordan made a motion seconded by Councilmember Schimmer approving the Eagle Scout project submitted by John McGivern to build a handicap ramp and planter to hold new sign at the Town of Berne Community and Senior Services Center. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Emory, Schimmer & Jordan.

APPROVING EAGLE SCOUT PROJECT FOR DEVON LOGENDYKE FOR REMODELING OFFICE AT THE TOWN OF BERNE COMMUNITY AND SENIOR SERVICES CENTER

After discussion, Councilmember Schimmer made a motion seconded by Councilmember Emory approving the Eagle Scout project submitted by Devon Logendyke to remodel an office at the Town of Berne Community and Senior Services Center. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Emory, Schimmer & Jordan.

AUTHORIZING HIRING OF SHUTTLE BUS DRIVER

After discussion, Councilmember Jordan made a motion seconded by Councilmember Schimmer authorizing the hiring of Deb Harnett as the Shuttle Bus Driver with Tessa Bouchard as substitute. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Emory, Schimmer & Jordan.

RESOLUTION AWARDDING CONTRACT NO. 2 – ROOFING SYSTEM CONSTRUCTION FOR THE SALT SHED PROJECT

WHEREUPON, Councilmember Emory offered and moved the following resolution seconded by Councilmember Golden

WHEREAS, The Town Board of the Town of Berne (“Town”) has issued solicitations for sealed bids for the construction of the Salt Storage Facility Project (“Project”) as set forth in the bid documents prepared by Lamont Engineers P.C.; and

WHEREAS, Lamont Engineers P.C. has reviewed the submitted bids for Contract No. 2 – Roofing System Construction, and has identified Clearspan Fabric Structures International, Inc. as the lowest responsive and responsible bidder and has recommended that the Town Board award Contract No. 2 in the amount of Ninety-Nine Thousand 00/100 Dollars (\$99,000.00); and

WHEREAS, the Town Board may issue the Notice of Award for Contract No. 2, upon review and approval of the low bid and engineers recommendation.

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NOW, THEREFORE BE IT RESOLVED, that the Town Board does hereby award Contract No. 2 – Roofing System Construction to Clearspan Fabric Structures International, Inc. in the amount of Ninety-Nine Thousand and 00/100 Dollars (\$99,000.00); and be it further

RESOLVED, that the Town Board authorizes and directs the Supervisor to execute the related contract documents necessary to implement the intent of the foregoing resolutions in a form acceptable to Lamont Engineers P.C. and the Counsel for the Town as appropriate.

The resolution was declared duly adopted by the following roll call vote: Supervisor Crosier, Councilmembers Golden, Emory, Schimmer & Jordan.....Aye.

APPROVING TOWN PARK PAVILION PERMIT

After discussion, Councilmember Schimmer made a motion seconded by Councilmember Jordan approving the Town Park Pavilion Permit. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Emory, Schimmer & Jordan.

APPROVING SWITZKILL FARM PERMIT

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

SECURITY CAMERAS – Supervisor Crosier discussed security cameras at the Town Hall, Highway Garage, Transfer Station and Sewer District; waiting for more quotes.

LOGO FOR SWITZKILL FARM – The logo presented by Overit was reviewed. Councilmember Schimmer will request a large print of logo.

NEW BUSINESS

ADOPTING LOCAL LAW #3 OF 2016

“Town of Berne Hydraulic Fracturing and/or Hydrofracking Law”

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

WHEREAS Local Law #3 of 2016 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 #3 of 2016** 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, Emory, Schimmer & JordanAye.

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TENTATIVE BUDGET – Supervisor Crosier submitted his Tentative Budget to the Town Clerk. He stated this is the first step in the budget process; there is a 3% property tax reduction for the 4th year in a row, with no cut in services.

AUTHORIZING TOWN CLERK TO PUBLISH CHANGE IN BUDGET WORKSHOP DATES

After discussion, Councilmember Schimmer made a motion seconded by Councilmember Jordan authorizing the Town Clerk to publish a budget workshop meeting to be held on 10/3/16 at 6:30PM at the Town Hall. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Emory, Schimmer & Jordan.

APPROVING BRICK WORK AT THE BERNE PUBLIC LIBRARY BY MARINELLO CONSTRUCTION

After discussion, Councilmember Golden made a motion seconded by Councilmember Jordan approving the brick work at the Berne Public Library by Marinello Construction Company, Inc. for an amount not to exceed \$7,155. Said work will be paid by a grant with the UHL and money donated from Senator Amadore. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Emory, Schimmer & Jordan.

APPROVING SENIOR SHUTTLE BUS FOR THE SENIOR MEAL PROGRAM TO THE ALBANY FESTIVAL OF NATIONS

After discussion, Councilmember Schimmer made a motion seconded by Supervisor Crosier approving the request for the Senior Shuttle Bus to take members from the Senior Meal Program to the Albany Festival of Nations at the Egg on 10/23/16. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Emory, Schimmer & Jordan.

AUTHORIZING THE FILING BY THE TOWN SUPERVISOR ON BEHALF OF THE TOWN OF BERNE OF THE SEPTEMBER 9, 2016 TRAIL GRANT PROGRAM APPLICATION FOR FUNDING BY THE HUDSON RIVER VALLEY GREENWAY CONSERVANCY

WHEREAS, The Town Supervisor has filed on behalf of the Town of Berne a September 9, 2016 Trail Grant Program Application for funding by the Hudson River Valley Greenway Conservancy of a portion of the costs related to the implementation of a trails plan for the property owned by the Town and now known as the Switzkill Farm including the construction of seven miles of new sustainable multi-use trails and the improvement of several areas along existing woodlands roads for use as multi-use trails, and

WHEREAS, The total project costs set forth in the application is \$20,000 and the application requests funding from the Greenway for \$10,000 with matching funding from the Town of \$5000 and an additional \$5000 in funding through in-kind services to be provided through the Town, now, therefore be it

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RESOLVED, By the Town Board of the Town of Berne that the September 9, 2016 application filed by the Town Supervisor on behalf of the Town of Berne to the 2016 Trail Grant Program for funding by the Hudson River Valley Greenway Conservancy is hereby authorized and approved. The resolution was declared duly adopted by the following roll call vote: Supervisor Crosier & Councilmembers Golden, Emory, Schimmer & JordanAye.

PURCHASING PROCEDURES - Supervisor Crosier discussed purchasing procedures and stated that the Town must be notified prior to purchasing of anyone using a Town account.

RESOLUTION AUTHORIZING JUSTICE COURT TO APPLY FOR GRANT THROUGH THE JUSTICE COURT ASSISTANCE PROGRAM

WHEREUPON, Councilmember Schimmer offered and moved the following resolution seconded by Councilmember Jordan, **BE IT RESOLVED** the Town Board of the Town of Berne authorizes and directs that the Justice Court may request up to the maximum amount available through the Justice Court Assistance Program Grant Application; and that this Resolution take effect immediately. The resolution was declared duly adopted by the following roll call vote: Supervisor Crosier, Councilmembers Golden, Emory, Schimmer & Jordan.....Aye.

ACCEPTING RESIGNATION OF GERALD LARGHE AS PLANNING BOARD MEMBER

After discussion, Councilmember Golden made a motion seconded by Supervisor Emory accepting the resignation of Gerald Larghe as Planning Board member effective 9/14/16. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Emory, Schimmer & Jordan.

AUTHORIZING TOWN CLERK TO ADVERTISE FOR PLANNING BOARD POSITION

After discussion, Councilmember Schimmer made a motion seconded by Councilmember Jordan authorizing the Town Clerk to advertise for a Planning Board member. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Emory, Schimmer & Jordan.

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BILLS AND REPORTS

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

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

GENERAL FUND, HIGHWAY FUND & SEWER 2016.....	\$122,195.69
ABSTRACT#091416.....	\$107,209.69
ABSTRACT#091516 – CAPITAL PROJECT/SALT SHED.....	\$ 14,231.00
ABSTRACT#091916.....	\$ 755.00

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

EXECUTIVE SESSION – 9:00 PM

Councilmember Schimmer made the motion seconded by Councilmember Golden to enter into executive session for the purpose of discussing a contract personnel matter. Motion carried with all members voting aye.

9:46PM

Supervisor Crosier reconvened the meeting and reported that no action had taken place.

ADJOURN

There being no further business, Councilmember Golden made the motion seconded by Councilmember Jordan to adjourn the meeting. Motion carried with the following members voting aye: Supervisor Crosier and Councilmembers Golden, Emory, Schimmer & Jordan. Meeting adjourned at 9:47 PM.

Respectfully submitted,

Anita C. Clayton, Town Clerk