

**STATE OF NEW YORK
COUNTY OF ALBANY**

JANUARY 20, 2021

REGULAR MEETING

Supervisor Lyons led the Pledge of Allegiance and called the regular meeting to order at 7:13PM with the following members present: Councilmembers Palow, Conklin, Harris & Willsey. Town Clerk Clayton and Attorney Afzali were also present. The minutes of 12/09/20 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 01/06/21 were presented and motion was made by Councilmember Willsey and seconded by Councilmember Conklin to attach the proposed resolution made by Councilmember Willsey to the minutes. Motion carried with the following roll call vote; Supervisor Lyons, nay; Councilmembers Palow, Conklin, Harris & Willsey voting aye. The minutes of 01/14/21 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 & Willsey.

CORRESPONDENCE

- Resume received for Media Specialist position
- Letter from Sandra Kisselback regarding Historian position

ANNOUNCEMENTS

- Governor Cuomo has extended heap for a second time and applications will be accepted beginning 2/18/21 to apply for second exemption. Information is available on HEAP website and with the Hilltown Access Office.

DEPARTMENT REPORTS

HIGHWAY – Highway Superintendent Bashwinger stated that Jason Geel and Ed Hampton fitted the new plow truck with plow and wing; two months to receive box.

BUILDING CODE ADMINISTRATION – Code Enforcement Officer Townsend reported on the unfortunate fire at 370 Long Road; he met with owners along with Berne Fire Chief, Jason Smith, on 1/18/21. It was determined that the house was a complete loss and house should be demolished; owners agreed and has no intention of rebuilding. Stand along garage was spared and they would like to keep that structure. The Albany County Sheriff's will supply an incident report after state fire concludes investigation and a final report will be put together and filed with the Albany County /clerk according to Chapter 91. The owners asked for additional time to demolish until weather is more suitable. Mr. Townsend presented his December building report.

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PLANNING BOARD – Chairman Joe Martin stated that the January meeting had been rescheduled for 1/14/21 and 3 action items were addressed; Borelli subdivision approved and reviewing final plat; Whipple subdivision had map change and Conservation Board is reviewing; Helderberg Bluestone lot line adjustment rejected by ACPB, they will revise it; discussed Conservation Board having more time to review maps; discussed SEQR review; stated what an excellent job Cathy Shultes does.

COMMITTEE REPORTS

LIBRARY – Kathy Stempel discussed the curbside service and new site on website using your library card for various services.

CELEBRATION COMMITTEE – Councilmember Conklin stated that the committee met on 1/9/21 and discussed parade; earth day cleanup and day at Switzkill Farm; fireworks with ice cream social; Farmer’s market at Town Park in Spring and Fall flea market at Town Park.

NEWSLETTER – Town Clerk Clayton discussed getting a newsletter together to send out in April covering Spring through early Fall and one in October to cover Fall through Winter.

OLD BUSINESS

Proposed LL#7 of 2020 will be left open and will be sent to Planning Board and ACPB for review.

Proposed LL#8 of 2020 will be left open and will be sent to Planning Board and ACPB for review.

CLOSING PUBLIC HEARING ON PROPOSED LL#9

Supervisor Lyons made a motion seconded by Councilmember Harris to close the public hearing on Proposed LL#9. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin & Harris voting aye. Councilmember Willsey did not respond.

ADOPTING LOCAL LAW #1 OF 2021

“Modifying the Berne Town Code Related to Recreation and Parks Advisory Board”

The following resolution was offered and moved by Supervisor Lyons and seconded by Councilmember Harris:

WHEREAS Local Law #1 of 2021 known as the “Local Law Modifying the Berne Town Code Related to Recreation and Parks Advisory Board” 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 #1 of 2022** of the Town of Berne known as “Local Law Modifying the Berne Town Code Related to Recreation and Parks Advisory Board”. The resolution was adopted by the following roll call vote: Supervisor Lyons & Councilmembers Palow & Harris– aye; Councilmembers Conklin & Willsey - nay.

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ABANDONMENT PROCEDURES FROM DEC-PARTRIDGE RUN ROAD

A memo will be sent to DEC for procedures and noticed to abandon Partridge Run Road.

AUTHORIZING ATTORNEY AFZALI TO ESTABLISH LIEN ON 564 HELDERBERG TRAIL

After discussion, Councilmember Harris made a motion seconded by Councilmember Palow authorizing the Attorney Afzali to establish lien on 564 Helderberg Trail. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin, Harris & Willsey voting aye.

COUNTY PLAN FOR COUNTY MENTAL HEALTH FACILITY AT THE BERNE COMMUNITY CENTER

Supervisor Lyons read power point submitted by the County showing the draft layout and building modification and stated that there would be no cost to the Town. Councilmember Harris asked if other towns were approached and what other locations are available. Plans are posted on the Town of Berne website.

APPROVING TOWN OF BERNE ZOOM POLICY

After discussion, Councilmember Palow made a motion seconded by Supervisor Lyons to approve the Town of Berne Zoom Policy. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin & Harris voting aye. Councilmember Willsey abstained.

NEW BUSINESS

ACCEPTING RESIGNATION OF COUNCILMEMBER HARRIS

After reading Councilmember Harris' resignation letter of 1/4/21, Supervisor Lyons made a motion seconded by Councilmember Palow to accept resignation of Councilmember Harris. Motion carried with the following roll call vote: Supervisor Lyons, nay; Councilmembers Palow, Conklin, Harris & Willsey voting aye. Councilmember Harris stated that he must step aside due to personal and professional obligations but is thankful for the opportunity to have served the Town and will work till his last day.

AUTHORIZING TOWN CLERK TO ADVERTISE FOR CONSERVATION BOARD MEMBERS

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

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ACCEPTING RESIGNATION OF TOWN HISTORIAN

After reading resignation letter of Town Historian, Supervisor Lyons made a motion seconded by Councilmember Conklin to accept resignation of Town Historian, Kathleen Putzig. Motion carried with the following roll call vote: Supervisor Lyons, Councilmembers Palow, Conklin, & Harris voting aye, Councilmember Willsey, nay.

APPOINTING TOWN HISTORIAN

After discussion, Supervisor Lyons made a motion seconded by Councilmember Harris, appointing Sandra Kisselback as Town Historian for a term of one year. Motion carried with the following roll call vote: Supervisor Lyons, Councilmembers Palow, Conklin, Harris & Willsey voting aye.

LIMITING HEAVY TRUCK ACCESS ON WARNER'S LAKE ROAD BETWEEN THACHER PARK ROAD AND KNOX CAVE ROAD

Supervisor Lyons will write a letter to Larned Bros. asking them to limit heavy truck traffic on these roads with a possible alternate route.

AUDITING JUSTICE COURT RECORDS FOR 2020

Councilmembers Palow & Conklin will contact the Justice Court Clerk to set a date and time to audit 2020 records.

AUTHORIZING PAYMENT TO CORNERSTONE HEATING

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow authorizing the payment to Cornerstone Heating in the amount of \$882.59 for service at the Berne Community & Senior Center. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin, Harris & Willsey voting aye.

AUTHORIZING SUPERVISOR TO WRITE LETTER TO STATE REPRESENTATIVES REGARDING INTERNET SERVICE

After discussion, Councilmember Palow made a motion seconded by Councilmember Harris authorizing Supervisor Lyons to write a letter to Governor Cuomo and State Representatives urging them to immediately address and correct the lack of internet service coverage in the Town. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin, Harris & Willsey voting aye.

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OLSON ROAD COMPLAINT/INVESTIGATION

Councilmember Palow received a complaint from Cynthia Barnick regarding an issue with riding her horse off Olson road onto Partridge run. The path is now blocked and there was discussion regarding an existing right of way. Councilmember Palow drove to the sight and investigated the issue and concluded that there needs to be establishment of legal ownership. He also discussed that if a resident would like to speak regarding an issue to please contact the board to be placed on the agenda.

ACCEPTING SUPERVISOR’S MONTHLY REPORT FOR DECEMBER

After discussion, Supervisor Lyons made a motion seconded by Councilmember Harris to accept the Supervisor’s December 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 DECEMBER

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow to accept the Town Clerk’s December 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 DECEMBER

After discussion, Supervisor Lyons made a motion seconded by Councilmember Harris to accept the Building & Zoning’s December 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 DECEMBER

After discussion, Supervisor Lyons made a motion seconded by Councilmember Conklin that the budget transfers for December be authorized. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin & Harris voting aye. Councilmember Willsey abstained.

APPROVING ABSTRACTS AND PAYMENT OF MONTHLY BILLS

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

GENERAL FUND, HIGHWAY FUND, SEWER, UTILITIES, WITHOLDINGS FOR 2021.....	\$100,920.23
Abstract #1 of 2021.....	\$13,008.95
Abstract #2 of 2021.....	\$67,781.77
Abstract #3 of 2021.....	\$20,129.51

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

Councilmember Conklin congratulated President Biden and offered the following quote from President Kennedy “Neither the fanatics nor the faint-hearted are needed. And our duty as a Party is not to our Party alone, but to the nation, and, indeed, to all mankind. Our duty is not merely the preservation of political power but the preservation of peace and freedom. So, let us not be petty when our cause is so great. Let us not quarrel amongst ourselves when our Nation’s future is at stake. Let us stand together with renewed confidence in our cause – united in our heritage of the past and our hopes for the further – and determined this land we love shall lead all mankind into new frontiers of peace and abundance.

Supervisor Lyons congratulated President Biden and Vice President Harris for making history; a great day for women.

MOTION TO ADJOURN

There being no further business or discussion, Supervisor Lyons made the motion seconded by Councilmember Harris 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 8:53PM.

Respectfully submitted,

Anita C. Clayton, Town Clerk

		General Fund			
		Budget transfers 12/31/2020		To	From
A1110E	44040	BOOKS TRANSCRIPTS	\$ 36.00		
A1110E	44047	CONSULTANT FEES			\$ 144.00
A1110E	44300	DUES/MEMBERSHIP/SUBSCRIPTION	\$ 108.00		
A1430E	10015	SENIOR ACCOUNT CLERK	\$ 366.00		
A1440E	44045	ENGINEERING FEES	\$ 536.00		
A1620E	10016	ACCOUNT CLERK I	\$ 102.00		
A1620E	11165	CUSTODIAN WORKER			\$ 102.00
A1620E	44022	MAINTENANCE SUPPLIES			\$ 1,017.00
A1620E	44024	HOUSEKEEPING SUPPLIES			\$ 170.00
A1620E	44025	ELECTRICAL SUPPLIES			\$ 340.00
A1620E	44035	POSTAGE	\$ 1,543.00		
A1620E	44036	TELEPHONE	\$ 2,516.00		
A1620E	44041	COMPUTER FEES	\$ 35.00		
A1620E	44065	PHOTOCOPIER LEASE	\$ 91.00		
A1620E	44999	MISC CONTRACTUAL EXPENSES			\$ 126.00
A1990E	44999	MISC CONTRACTUAL EXPENSES	\$ 7,000.00		
A1990E	44999	MISC CONTRACTUAL EXPENSES			\$ 8,511.00
A3620E	11150	BUILDING/ ZONING INSPECTOR	\$ 399.00		
A3620E	11160	CLERK BUILDING INSPECTOR			\$ 399.00
A5010E	10030	SUPERINTENDENT OF HIGHWAYS	\$ 2,220.00		
A5010E	44028	SAFETY SUPPLIES	\$ 150.00		
A7111E	44100	FUEL OIL/PROPANE	\$ 201.00		
A7111E	44101	ELECTRIC	\$ 44.00		
A7111E	44253	FOODS/CONCESSIONS SUPPLIES			\$ 44.00
A7410E	11180	LIBRARY PERSONAL SERVICES	\$ 400.00		
A7410E	44101	ELECTRIC	\$ 215.00		
A7989E	11215	CULTURAL PERSONAL SENIOR TRANS	\$ 77.00		
A7989E	44079	SENIOR TRANSPORTATION	\$ 701.00		
A8160E	17350	TRANSFER STATION I			\$ 7,000.00
A8160E	17355	TRANSFER STATION II	\$ 941.00		
A8160E	44050	REFUSE CHARGES	\$ 172.00		
A9060E	44976	PREMIUM PAYMENT	\$ 1,046.00		
A9060E	44977	INSURANCE BUY OUT			\$ 1,046.00
			\$ 18,899.00		\$ 18,899.00