

**STATE OF NEW YORK
COUNTY OF ALBANY**

MARCH 10, 2021

REGULAR MEETING

Supervisor Lyons led the Pledge of Allegiance and called the regular meeting to order at 7:02PM with the following members present: Councilmembers Palow, Conklin & Willsey. Town Clerk Clayton, Attorney Afzali and Highway Superintendent Bashwinger were also present. The minutes of 02/10/21 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 & Willsey.

APPOINTING INTERIM BOARD MEMBER

Supervisor Lyons made a motion seconded by Councilmember Palow to appoint Leo Vane as Town of Berne board member. Motion carried with the following board members voting aye; Supervisor Lyons, Councilmembers Palow & Conklin. Councilmember Willsey abstained.

CORRESPONDENCE

- Letter from Jodi Ebel, who was present via zoom, discussing the dangers of not having sidewalks in the Hamlet.
- Letter from Vickie Snyder regarding Industrial Solar Farms.

PUBLIC COMMENT AT BOARD MEETINGS

Councilmember Willsey made a motion seconded by Councilmember Conklin to allow public comment at beginning and/or end of meetings. Motion failed with the following roll call vote: Supervisor Lyons, Councilmembers Palow & Vane voting nay; Councilmembers Willsey & Conklin voting aye.

ANNOUNCEMENTS:

- Town has completed the payroll audit with PERMA
- James Bushnell resigned as Building Inspector
- MidTel is accepting pre applications on their website

DEPARTMENT REPORTS

HIGHWAY – Highway Superintendent Bashwinger discussed the issue with wage discrepancy between seasonal employee and transfer station attendant wage. He is requesting that the pay be increased to \$19 per hour. New truck will be done at end of next week; report was given for Transfer Station for the year; used 450 tons of salt so far; are currently filling washouts. Councilmember Willsey asked about one-way signs.

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PLANNING BOARD – Chairman Joe Martin reported on applications before the board; subdivisions, variance application; new construction; Solar & Home Occupation Laws have been reviewed; motion from Larry Zimmerman to study solar law by engineer; working with ZBA & CEO regarding code book.

SEWER DISTRICT – Supervisor Lyons discussed the error by the assessors regarding the underpayment of taxes for the sewer EDU's in the amount of \$34,000. Discussion was had on how to recover the money; petition legislator to adjust tax warrant to resubmit bills to cover the amount; omit tax & assess to next year as a separate fee and add on next year's tax bill; +/- \$300 each individual. Sending a letter to residents detailing how the error occurred was discussed and Councilmember Vane asked if the payments could be spread out over time.

EMERGENCY MANAGEMENT – Supervisor Lyons spoke regarding the vaccination clinic held on 3/7/21 by the Albany County Sheriff's Office for residents 65 and over and included residents with comorbidities. We are currently accepting names to compile a list for another clinic if it becomes available. Please contact the Town Clerk.

COMMITTEE REPORTS

Councilmember Conklin made a motion seconded by Councilmember Palow to name the Berne Christmas Parade the "Annual Pete Becker Christmas Parade". Motion Carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin & Vane voting aye. Councilmember Willsey abstained.

Councilmember Conklin reported that on April 10, 2021 an Earth Day event is being planned to clean up along the roadways. Information, along with an application, is available on our website; www.berneny.org or contact the Town Clerk.

Jennifer Lyons reported on the Hometown Heroes Banner project. The first 15 applications will be accepted on a first come, first serve basis. Information, along with an application, is available on our website; www.berneny.org or contact the Town Clerk.

Hilltown Farmers market was discussed but plans need to be submitted before permit can be finalized.

OLD BUSINESS

ACCEPTING PROCUREMENT POLICY

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow accepting the Town of Berne Procurement Policy, a complete copy which is attached to these minutes. Motion carried with the following roll call vote; Supervisor Lyons, Councilmembers Palow, Conklin & Vane voting aye. Councilmember Willsey abstained.

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HIRING AND APPOINTMENTS

Councilmember Vane made a motion, seconded by Councilmember Palow to postpone hiring and appointments (items 3-6 on agenda) until next month so he may have a chance to review applications. Motion carried with the following roll call vote; Supervisor Lyons, Councilmembers Palow, Conklin & Vane voting aye. Councilmember Willsey abstained.

NEW BUSINESS

FUNDING HOMETOWN HEROES BANNER PROGRAM

After discussion, Supervisor Lyons made a motion seconded by Councilmember Van o fund brackets from A7750E in an amount not to exceed \$1,000. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin, Vane & Willsey voting aye.

HILLTOWNS MEMORIAL DAY PARADE

The parade this year will assemble in East Berne and move out along Helderberg Trail (Route 443) to the Hamlet of Berne. Fire and emergency apparatus, antique military vehicles, floats and other vehicles are welcome. There will be no marchers this year, as the lengthened parade route will require speeds no human will want to match. We encourage those organizations which have marched in previous years to consider entering a float in the parade instead. There will be no judging this year. The usual ceremonies in front of the Berne-Knox-Westerlo School will not be held this year. Instead there will be a private ceremony, by invitation only, in the courtyard of the BKW campus. Up to 4 representatives of each first responder organization will be invited to represent their group. Up to 2 representatives of any other organization participating in the parade will also be invited, along with any veteran who wishes to attend. Masks will be required, and proper social distancing will be observed.

MIDTEL QUOTES

Supervisor Lyons stated that MidTel will be providing quotes for internet service at the Library and has offered free installation.

AUTHORIZING PAYMENT TO SIEWART EQUIPMENT

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow to authorize payment to Siewert Equipment for grinder pump repairs to add 3 spare units to the inventory for Sewer Capital Reserve 9335 not to exceed \$4,940. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin, Vane & Willsey voting aye.

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AUTHORIZING PAYMENT TO GENERAL CODE

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow to authorize payment to General Code for annual E-Code maintenance in the amount of \$1,195 from A1620E 44041. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin & Vane voting aye. Councilmember Willsey abstained.

AUTHORIZING PAY INCREASE FOR PART TIME TRANSFER STATION LABORER

After discussion, Supervisor Lyons made a motion seconded by Councilmember Vane to increase the pay for part time transfer station laborer to \$19 per hour effective 3/10/21. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin, Vane & Willsey voting aye.

ACCEPTING SUPERVISOR'S MONTHLY REPORTS FOR FEBRUARY

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

ACCEPTING TOWN CLERK'S MONTHLY REPORT FOR FEBRUARY

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

ACCEPTING BUILDING & ZONING MONTHLY REPORT FOR FEBRUARY

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

AUTHORIZING BUDGET TRANSFERS FOR FEBRUARY

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

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APPROVING ABSTRACTS

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

GENERAL FUND, HIGHWAY FUND, SEWER, UTILITIES, WITHOLDINGS FOR 2021.....	\$640,426.44
Abstract #9 of 2021.....	\$ 16,633.67
Abstract #10 of 2021.....	\$431,791.00
Abstract #11 of 2021.....	\$ 8,300.00
Abstract #12 of 2021.....	\$ 94,031.00
Abstract #13 of 2021.....	\$ 600.00
Abstract #14 of 2021.....	\$ 9,932.00
Abstract #15 of 2021.....	\$ 20,836.16
Abstract #16 of 2021.....	\$ 58,242.61
Abstract #17 of 2021.....	\$ 60.00

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

APPROVING MONTHLY PAYMENT OF BILLS

After discussion, Councilmember Palow made a motion seconded by Supervisor Lyons to approve the payment of the monthly bills. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Conklin & Vane voting aye. Councilmember Willsey abstained.

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, Vane & Willsey voting aye. Meeting adjourned at 8:29PM.

Respectfully submitted,

Anita C. Clayton, Town Clerk

Town of Berne
 Budget Transfers
 02/28/2021

Budget Transfers General Fund			
	2/28/2021	To	From
A -13-3620-0000-44300	DUES/MEMBERSHIP/SUBSCRIPTION	\$ 65.00	
A -15-5132-0000-44028	SAFETY SUPPLIES	\$ 121.00	
A -15-5132-0000-44036	TELEPHONE	\$ 2,800.00	
A -15-5132-0000-44101	ELECTRIC	\$ 655.00	
A -15-5182-0000-44101	ELECTRIC	\$ 955.00	
A -17-7110-0000-44101	ELECTRIC	\$ 46.00	
A -17-7111-0000-44106	SEWER CHARGES/PORTABLE TOLIETS	\$ 50.00	
A -17-7410-0000-44101	ELECTRIC	\$ 275.00	
A -17-7989-0000-44036	TELEPHONE	\$ 284.00	
A -17-7989-0000-44101	ELECTRIC	\$ 90.00	
A -18-8160-0000-44036	TELEPHONE	\$ 300.00	
A -18-8160-0000-44101	ELECTRIC	\$ 777.00	
A -11-1990-0000-44999	MISC CONTRACTUAL EXPENSES		\$ 6,418.00
		\$ 6,418.00	\$ 6,418.00

Budget Transfers Sewer Fund			
	2/28/2021	To	From
SS -18-8110-0000-44036	TELEPHONE	\$ 400.00	
SS -18-8110-0000-44046	FEES FOR SERVICES		\$ 400.00
SS -18-8110-0000-44070	EQUIPMENT REPAIRS/MAINTENANCE	\$ 2,500.00	
SS -18-8110-0000-44101	ELECTRIC	\$ 708.00	
SS -20-9901-0000-99960	TRANSFER CAPITAL REPAIR RESERV		\$ 3,208.00
		\$ 3,608.00	\$ 3,608.00

Budget Transfers Highway Fund			
	2/28/2021	To	From
DA -15-5110-0000-44046	FEES FOR SERVICES	\$ 1,102.00	
DA -15-5130-024-44070	EQUIPMENT REPAIRS/MAINTENANCE	\$ 1,482.00	
DA -15-5142-0000-44046	FEES FOR SERVICES	\$ 1,002.00	
DA -11-1990-0000-44999	MISC CONTRACTUAL EXPENSES		\$ 3,586.00
		\$ 3,586.00	\$ 3,586.00

TOWN OF BERNE PROCUREMENT POLICY

50-1. Applicability ; yearly purchasing estimates

The Town Supervisor acts as the Chief Procurement Officer and shall be responsible for assuring that all purchases are made in accordance with this procurement policy.

Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law (GML) § 103.

Every procurement official with the requisite purchasing authority (hereinafter "purchaser") shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other Town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

All purchases over \$500 from the General Fund shall require prior approval of the Town Board.

The following titles are considered "purchasers" for the purposes of this policy.

Town Supervisor

Town Clerk

Superintendent of Highways

Senior Account Clerk

Clerk to Justices

Code Enforcement Clerk

The Chief Procurement Officer may grant other Town Officials with purchasing authority for one time purchases in accordance with the policy.

50-2. Formal bids required

All purchases of supplies or equipment which will exceed \$10,000 in the fiscal year or public works contracts over \$20,000 shall be formally bid pursuant to GML § 103.

50-3. Quotes and RFPs

A. All estimated purchases of:

(1) Less than \$10,000 but greater than \$3,000 require a written request for a proposal (RFP) and written/fax quotes from three vendors.

(2) Less than \$3,000 but greater than \$1,000 require an oral request for the goods or services and oral/fax quotes from vendors.

(3) Less than \$1,000 but greater than \$500 are left to the discretion of the purchaser.

B. All estimated public works contracts of (definition: construction projects, such as highways or dams, financed by public funds and constructed by a government for the benefit or use of the general public):

(1) Less than \$20,000 but greater than \$10,000 require a written RFP and fax/proposals from three contractors.

(2) Less than \$10,000 but greater than \$3,000 require a written RFP and fax/proposals from two contractors.

(3) Less than \$3,000 are left to the discretion of the purchaser.

C. All written RFPs shall describe the desired goods, quantity and the particular of delivery. The purchaser shall compile a list of all vendors from whom written, fax/oral quotes have been requested and the written, fax/oral quotes offered.

D. All information gathered in complying with the procedures of this section shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

E. In connection with every prospective purchase of goods or services the purchaser shall evaluate whether or not the goods or services may be available through New York State contract and/or the Albany County Purchasing Department for a price or sum more favorable than the proposals or price quotes solicited by the Town.

F. All purchases of goods or services by a Town officer, board, department head or other personnel with the requisite purchasing authority shall require a purchase order.

G. Except in emergencies, all vouchers and bills to be considered for approval of payment by the Town Board at its regular bi-monthly meeting (on the second Wednesday of the month) must be submitted to the Town on or before the first Wednesday of the month.

50-4. Award of bid

The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

50-5. Solicitation of quotes and/or proposals

A good-faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

50-6. Written proposals not required

Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- A. Acquisition of professional services; except when the Town Board has directed the use of formal requests for proposals;
- B. Emergencies;
- C. Sole-source situations;
- D. Goods purchased from agencies for the blind or severely handicapped;
- E. Goods purchased from correctional facilities;

F. Goods purchased from another government agency;

G. Goods purchased at auction;

H. Goods purchased for less than \$500;

I. Public works contracts for less than \$3,000.

J. the HIGHWAY SUPERINTENDENT be and he hereby is authorized to purchase gas and diesel fuel through state contract.

K. The HIGHWAY SUPERINTENDENT is authorized to spend up to \$2,500 for purchase of tools, tires and equipment from New York State contract and/or the Albany County Purchasing Department; other County, State or Federal contracts without prior approval by the Town Board

50.6.1. Documentation of Delivery

The Chief Procurement Officer must attest to the delivery of commodities or services through vendors awarded bids, and also for purchases of a general nature below the bid standard. Such documentation must be presented to the Town Clerk.

Documentation must consist of a packing slip, Purchase Order number and invoice signed by the purchaser or designee indicating receipt of commodities or services.

50.7. Annual review of policy

This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.