

**STATE OF NEW YORK
ALBANY COUNTY**

REGULAR MONTHLY MEETING

Town Supervisor Palow led the pledge of allegiance and called the meeting to order at 7:00PM with the following roll call attendance: Councilmembers Clayton, Doolin, Thiem and Vane were present. Also, in attendance Highway Superintendent Bashwinger and Town Clerk Kristin De Oliveira.

DISCUSS/APPROVE MEETING MINUTES FROM FEBRUARY & MARCH

Supervisor Palow made a motion seconded by Councilmember Doolin to approve the meeting minutes from February 20, 2023, and March 8, 2023, Supervisor Palow & Councilmembers Clayton, Doolin, Thiem and Vane all voting aye.

CORRESPONDENCE

Supervisor Palow shared a recommendation letter from the library board of trustees, and made a motion seconded by Councilmember Clayton to appoint Walter Galiki to fill a vacancy effective immediately with a term ending 12/31/2027, Supervisor Palow & Councilmembers Clayton, Doolin, Thiem and Vane all voting aye.

Supervisor Palow welcomed Kenneth's Army founder Mary Claire Ansboro wanted to share a reminder and details for the upcoming event June 3. The event is a ride with both breakfast and lunch included at the Berne Town Park, there are raffle prizes and funds raised are used to adopt a student and fund a thanksgiving meal for a family anonymously. The not-for-profit organization was established 9 years ago in remembrance of the death of Kenneth White.

PUBLIC COMMENT

Roger Chrysler made a statement about Switzkill Farm not being plowed in the March 2023 snowstorm.

Mike Vincent wanted to revisit the topic of Senior living in the Town of Berne and told that at the last Hilltown Seniors meeting out of 88 seniors present, 26 would be interested in local assisted living. He recommends the Town look into the American Rescue Plan to see if there are opportunities for funding.

Cathy Shultes wanted to add to the conversation a reminder that the Senior Living had been previously pursued and there was no municipal water, also with the zoning in the town there is no commercial area.

DEPARTMENT REPORTS

Highway- Superintendent Bashwinger stated they had been taking sanders and plows off trucks. The Highway staff recently completed flag training, they had been working on the pavilion at the Town Park and filling potholes around town. Still waiting on some trucks to be repaired.

Transfer Station- Superintendent Bashwinger stated he had gotten an email that Tire (up to 18 inches) prices were now going up to \$5 with a 5% fuel surcharge. The landfill pricing has increased to \$72 a ton.

Planning Board- Chairman Martin stated there was a public hearing 3/23/2023 for the Sission Subdivision and that the application was approved with a lot line adjustment. The department has gotten many new applications to address, and they are hoping to mail out a public survey soon to help work on zoning issues.

ZBA- Chairman Spargo said no news to report with no March meeting.

Parks & Recreation- Chair Mary Claire Ansboro thanked the highway and maintenance departments for their hard work making improvements at the park. She mentioned to the board a vision to also offer free hot dogs for children on July 3 as well as free ice cream. At the next meeting quotes for batting cages will be discussed. Councilmember Vane made a motion seconded by Supervisor Palow to amend the fee schedule for the Town Park Pavilion Reservation Fee to exclude Town Organizations Supervisor Palow & Councilmembers Clayton, Doolin, Thiem and Vane all voting aye.

Library- Director Kathy Stempel said the library has received 5 new tablets with Wi-Fi for use of residents to be signed out. She was interested in setting up a bicycle safety course for the spring/summer and asked for suggestions of who could train.

OLD BUSINESS

DISCUSS DOG KENNELS FOR TOWN

Councilmember Vane discussed that the grant money opportunity for the Kennels was missed due to the many requirements and narrow window of time. The Board is hopeful to revisit the idea of leasing Daisy's Doggie Daycare on Price Road. A meeting is scheduled for 4/14/2023 with NYS Ags & Markets to tour the space and give any additional requirements aside from a contract.

ADOPTING LOCAL LAW # 1 ASSESSOR’ S LAW

Supervisor Palow offered and moved the following resolution.

WHEREAS, the Town Board of the Town of Berne (Town) has developed Local Law #1 for 2023 - ***A local law to Establish the Office of Single Appointed Assessor Pursuant to Real Property Tax Law § 328***, and

WHEREAS, the purpose of this Single Appointed Assessor law is to abolish the board of elected assessors

Be it enacted by the Town Board of the Town of Berne as follows:

Section 1. Authority, and Intent. This local law is intended to abolish the board of elected assessors pursuant to Real Property Tax Law § 328 and establish the office of single appointed assessor pursuant to Real Property Tax Law § 310.

Section 2. On and after April 12, 2023, the offices of assessor in the Town of Berne created under Local Law 1 of 1971 shall be abolished and there shall be but one Assessor for the Town of Berne, appointed by the Town Board, in accordance with the provisions of § 310 of the Real Property Tax Law of the State of New York.

The terms of office of Assessors presently serving the Town of Berne shall terminate at midnight on September 30, 2025.

Section 3. No Referendum. Pursuant to Real Property Tax Law § 328, this local law shall not be subject to a referendum.

Section 4. Severability. Should any Section or provision of this Local Law be declared invalid, such decision shall not affect the validity of the remaining portions hereof.

Section 5. Effective Date. This Local Law shall become effective upon filing with the Secretary of State of the State of New York as provided by the Municipal Home Rule Law.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF BERNE

On a motion by Supervisor Palow, seconded by Councilmember Clayton, the resolution was adopted with the following roll call vote:

Supervisor Dennis Palow	Aye
Councilmember Anita Clayton	Aye
Councilmember Leo Vane	Aye
Councilmember Thomas Doolin	Aye
Councilmember Albert Thiem	Aye

By the order of The Town Board the motion carries and resolution passes.

AWARD HIGHWAY MATERIAL BIDS FOR 2023

Awarding of Highway Bids

The Town Board reviewed the bids received on 4/11/2023 from the following:

For washed crushed stone from:

Cobleskill Stone Product, Inc., Callanan Industries, Inc., Carver Sand & Gravel, Inc. & Larned & Sons Inc.

For sanding materials from:

Cobleskill Stone Product, Inc., Callanan Industries, Inc., Carver Sand & Gravel, Inc. & Larned & Sons Inc.

For asphalt concrete and winter mix from:

Cobleskill Stone Product, Inc. & Callanan Industries, Inc.

The Board noted that in awarding the aforesaid bids, the location of the work which the Town is undertaking along with the products and the proximity of the plants to said work location and the costs of the Town transporting the necessary product to the work location were considered.

After reviewing the above said bids, Supervisor Palow made a motion which was seconded by Councilmember Clayton to award the following for the year 2023 as follows:

To: **Callahan**

Pick up or delivered

Asphalt Concrete Pick-up or HPR Base Course 1; Binder Course 3; Top Course 6; Top Course Marshall 6F; Top Course 7; Top Course Marshall 7F & Winter Mix Cold Patch

Sanding Materials Washed & Sanding Materials Unwashed

To: **Cobleskill**

Pick up or delivered.

ITEM 4; Railroad Ballast, Stone Fill Light, Stone Fill Medium, Stone Fill Heavy, and Stone Blend.

To: **Carver Sand & Gravel/LLC**

Pick up or delivered.

Stone - # 1A; #1ST, #1, #2, #3, #1A/1ST or 50/50 BLEND, Crusher Run, Screenings (Stone Dust) and Gabion Stone

To: Larned and Sons

Pick up or Delivered

Shale

This is an accepted bid write in however can only be used as one of the requirements for procurement. Shale was not listed on the published quote sheet provided to bidders and therefore all vendors did not have the opportunity to include shale in their bids.

DISCUSS BUDGET MODIFCATION FOR HIGHWAY DIESEL MECHANIC PART TIME AND NEW PAYROLL CODE

Supervisor Palow made a motion to make the following budget transfer for a part time diesel mechanic to perform routine maintenance on town vehicles and to create a new payroll code for 2023 Da5110e 17032:

	From: Decrease	To: Increase
Da5110e 17032 to be added to the 2023 budget in the amount of		\$ 22,800.00.
Decrease Da5110e 17220 in the amount of	\$ 11,400.00.	
Decrease Da5142e 17220 in the amount of	\$ 11,400.00.	

Motion carried with the following members voting aye: Supervisor Palow & Councilmembers Clayton, Doolin, Thiem and Vane.

UPDATE ON LED LIGHTS FROM NATIONAL GRID

Supervisor Palow shared that he had been in contact with the residents who previously had concerns with street lighting near their homes. If any residents have concerns regarding the new LED lights, they can call the Town Clerk and file a complaint and National Grid can add a shield to the lights.

NEW BUSINESS

DISCUSS AND APPROVE ROA UPDATES FOR ELECTED OFFICIALS

Supervisor Palow made a motion seconded by Councilmember Clayton to adjust the pay frequency for Town Clerk De Oliveira to semimonthly and Supervisor Palow to monthly on the NYSRLS form, Supervisor Palow & Councilmembers Doolin, Thiem and Vane all voting aye.

CERTIFICATES OF APPRECIATION FOR MARION BURGHARD & REBECCA WALDENMEIR

Certificates were made to honor Marion Burghart with 16 years on the Board of Library Trustees and one also to honor Rebecca Waldenmeir for 9 years of voluntary services provided to the Library Board of Trustees. The Town Board signed the certificates, and they would be presented to the individuals to commend them for their time and services.

DISCUSSION AND APPROVAL OF HIGHWAY BILLS FOR PAYMENT

Supervisor Palow made a motion seconded by Councilmember Clayton to modify the 2023 Budget by using the following Capital Reserve Fund SS878 Repair Reserve to SS8110e44070 in the amount of \$281.44 for payment to Milton Cat. Supervisor Palow & Councilmembers Doolin, Thiem and Vane all voting aye.

Supervisor Palow made a motion seconded Councilmember Doolin to modify the 2023 Budget from DA882 Capital Reserve Repair Reserve to AD5130e44070 from \$9,316.35 for payment Allegiance Truck in the amount of \$9,316.35, Supervisor Palow & Councilmembers Doolin, Thiem and Vane all voting aye.

DISCUSSION AND APPROVAL OF MONTHLY FINANCIAL REPORTS

Supervisor Palow made a motion to accept the Supervisor's Financial Reports From March 2023 including Packet A – Abstracts Packet B- Budget to Actual Reports Supervisors' reports for revenue per fund, Supervisors reports for expenditures per fund and budget transfers report if required, Packet C – Bank Reconciliations and bank statements for February, Packet D - Cash balance report and Balance sheet Report seconded by Councilmember Vane, motion carried with the following roll call vote: Supervisor Palow and Councilmembers Doolin, Thiem and Vane voting aye.

Supervisor Palow made a motion to accept the Town Clerk's Financial Report from March 2023 seconded by Councilmember Clayton, motion carried with the following roll call vote: Supervisor Palow and Councilmembers Clayton Doolin, Thiem and Vane voting aye..

Supervisor Palow made a motion to accept the Building and Zoning's Financial Report from March 2023 seconded by Councilmember Doolin, motion carried with the following roll call vote: Supervisor Palow and Councilmembers Clayton Doolin, Thiem and Vane voting aye.

AUTHORIZING BUDGET TRANSFERS FOR MARCH

After discussion, Supervisor Palow made a motion seconded by Councilmember Thiem that the budget transfers for March be authorized. Motion carried with the following roll call vote: Supervisor Palow and Councilmembers Clayton Doolin, Thiem and Vane voting aye.

APPROVING ABSTRACTS AND PAYMENT OF MONTHLY BILLS

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

- Abstract #16 2023 \$1,668.14 (Voucher 268) Utilities
- Abstract #17 2023 \$5,962.72 (Vouchers 270-284) Utilities
- Abstract #18 2023 \$2,558.17 (Vouchers 285-289) Utilities
- Abstract #19 2023 \$52,752.74 (Vouchers 290-367) Regular Abstract
- **Total Abstracts: \$62,941.77**

GENERAL FUND, HIGHWAY FUND, SEWER, UTILITIES WITHHOLDINGS FOR 2023

Supervisor Palow made a motion seconded by Councilmember Clayton to authorize payment of bills -motion carried with the following roll call vote: Supervisor Palow, and Councilmembers Doolin, Thiem and Vane voting aye.

MOTION TO ADJOURN

There being no further business or discussion, Supervisor Palow made the motion seconded by Councilmember Clayton to adjourn the meeting. Motion carried with the following roll call vote: Supervisor Palow, and Councilmembers Clayton, Doolin, Thiem and Vane voting aye. The meeting adjourned at **8:40 PM.**

Respectfully submitted,

Kristin De Oliveira, Town Clerk