

**STATE OF NEW YORK  
ALBANY COUNTY**

**REGULAR MONTHLY MEETING**

Town Supervisor Palow led the pledge of allegiance and called the meeting to order at 7:08PM with the following roll call attendance: Councilmembers Clayton, Doolin, Thiem and Vane were present. Also present was Town Attorney Afzali, Highway Superintendent Bashwinger and Town Clerk Kristin De Oliveira.

**DISCUSS/APPROVE MEETING MINUTES FROM DECEMBER 2022**

Supervisor Palow made a motion seconded by Councilmember Thiem to approve the meeting minutes from December 14, 2022- Supervisor Palow & Councilmembers Clayton, Doolin, Thiem and Vane all voting aye.

**CORRESPONDENCE**

Town Clerk shared a letter received from Mohawk Hudson Conservatory regarding the property of Switzkill Farm and the Conservation Easement, to thank the Town for the compliance with the easement.

Supervisor Palow discussed the bids that were open on Monday January 9, 2023 for haying at Switzkill Farm. Supervisor Palow made a motion seconded by Councilmember Clayton to advertise for hay bids again with a minimum bid of \$3000 and a bid opening set on February 6<sup>th</sup> at 10 AM at 1656 Helderberg Trail Berne NY 12023.

**PUBLIC COMMENT**

Cynthia Barnick a Town resident from Irish Hill Road spoke of her concern with the two 90 degree turns on Irish Hill and lack of speed limit in regards to the proposed Local Law giving rights to ATV and OTVs on Town highways.

Another resident of Irish Hill road was present to discuss 6 auto accidents that occurred in 2022 on the roadway as well as to tell the Town Board about the children living on the road. He also expressed concern with the lack of a speed limit on the road.

Jeff Winestock handed out a list of questions to the board to consider when discussing the proposed Local Law #1 of 2023. He told the Board he was neither for or against but wanted to make sure all areas were concerned.

## DEPARTMENT REPORTS

**Highway-** Superintendent Bashwinger discussed a truck that was recently repaired by The Town of Guilderland who did not charge the town for labor only parts, so a big thank you for the help. He also told the board that the Department is still having trouble with availability of parts.

**Transfer Station-** The residents have been giving a lot of positive feedback about the cleanliness of the Transfer Station as well as the helpfulness of the staff.

**Planning Board-** Chairman Martin spoke of a subdivision that was underway on Long Road.

**ZBA-** Chairman Spargo said no news to report with no December Meeting.

**Building & Zoning-** Administrative Assistant Deitz sent in a report that Town Clerk De Oliveira read aloud.

**Library-** Director Kathy Stempel told of upcoming events including a movie being shown January 20<sup>th</sup> as well as “Take your Kid to the Library Day” February 2, 2023 from 12-3. Also an upcoming Estate planning and Medicare event.

**Assessor’s-** The Department mailed a report of activity to the Town Board.

**Senior Meals-** Mat Harris was present and reminded everyone that for the month of January lunches would only be on Fridays as the program will now be fully run by Life Path through Albany County. Karen Stark was a longtime volunteer who resigned at the end of 2022.

## OLD BUSINESS

### Switzkill Farm Update

Councilmember Clayton briefed the Board on the history and purchase of Switzkill Farm and the vision that was there but unfortunately there was no money to make it possible. The idea was there to create revenue through tourism and events also creating employment opportunities. But unfortunately, the zoning for the property is located in RAF Zone meaning it could not even be operated as a business under current Zoning Restrictions. The property lacks a septic system, a road that is accessible for Emergency Equipment vehicles and the multiple code violations would be over \$500k to repair. As discussed throughout the last year the Town is saddled with the financial responsibility and strict restrictions that come with the Conservation Easement.

**Discuss/Approve Transfer Station Compactor Box**

Supervisor Palow discussed that money was set aside in 2022 for a new Transfer Station Compactor Box. Supervisor Palow made a motion seconded by Councilmember Vane to modify the 2023 budget:

	From: decrease	To: Increase
A 230 Capital Reserve – Gen. Cap Reserve A878	\$10,371.00	
A8160e 22700		\$10,371.00

Supervisor Palow & Councilmembers Clayton, Doolin, Thiem and Vane all voting aye.

**Discuss/Approve Town Clerk to Advertise for Board of Assessment Review**

After discussion Supervisor Palow made a motion seconded by Councilmember Clayton to authorize the Town Clerk to advertise for a member to appoint to The Board of Assessment Review, Supervisor Palow & Councilmembers Clayton, Doolin, Thiem and Vane all voting aye.

**Water Filtration System at Community Center Update**

After discussion at the last Town Board meeting for installing a water filter to make the water at the Community Center drinkable. A water test was completed and the best solution is still being researched. A water softener was suggested but extra sodium would be added to the water which could be a health concern for some senior citizens. Councilmember Thiem and Mat Harris will continue to work together for the best solution.

**NEW BUSINESS**

**NYS Comptroller’s 2021 Audit Resolution**

Supervisor Palow briefly discussed the Audit conducted by OSG in 2021 with a follow-up in the fall of 2022. The Town Board discussed the corrective action letter that would be submitted to NYS Comptrollers. Supervisor Palow offered and moved the following Resolution:

**WHEREAS**, the Office of the State Comptroller (OSC) selected the Town of Berne for a routine audit in September 2021; and

**WHEREAS**, OSC performed a follow-up audit in October 2022

**WHEREAS**, the OSC identified eleven recommendations relating to the Town’s fiscal management; and

**WHEREAS**, the Town has prepared a corrective action plan to respond to the OSC recommendations, which is attached hereto and made a part of this Resolution; and

**WHEREAS**, the Town Board must approve of the corrective action plan prior submission to the OSC.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board does hereby approve the corrective action plan for submission to the Office of the State Comptroller.

On a motion by Supervisor Palow seconded by Councilmember Clayton the Resolution was adopted on a roll call vote,

Supervisor Palow.....Aye	Councilmember Thiem.....Aye
Councilmember Clayton.....Aye	Councilmember Vane .....Aye
Councilmember Doolin.....Aye	

**Introduce Local Law # 1 2023 ATV**

After discussion, Supervisor Palow introduced Local Law #1 of 2023 "A local law Regulating Use of Limited Use Vehicles and All-Terrain Vehicles on Town Highways" and moved to set a public hearing on proposed Local Law #1 of 2023 for February 8, 2023 at 6:00 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, Councilmember Thiem seconded the introduction of the proposed local law and the motion. Motion carried with the following members voting aye: Supervisor Palow & Councilmembers Clayton, Doolin, Thiem and Vane.

**Introduce Local Law #2 2023 Assessor**

After discussion, Supervisor Palow introduced Local Law #1 of 2023 "A local law to Establish the Office of Single Appointed Assessor Pursuant to Real Property Tax Law § 328" and moved to set a public hearing on proposed Local Law #1 of 2023 for February 8, 2023 at 6:00 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 Councilmember Thiem seconded the introduction of the proposed local law and the motion. Motion carried with the following members voting aye: Supervisor Palow & Councilmembers Clayton, Doolin, Thiem and Vane.

**Discuss/ Approve Ambient Environmental Pre- Demo for Highway Garage**

Councilmember Clayton discussed the contract and work to be completed by Lamont Engineering and made a motion seconded by Councilmember Vane in an amount not to exceed \$1675.00. Motion carried with the following members voting aye: Supervisor Palow & Councilmembers Clayton, Doolin, Thiem and Vane.

**Discuss Purchase of Dog Kennel for Town**

As previously discussed, but now the need for a kennel is more apparent as the agreement with Knox for use of their kennel has dissolved. NYS Ags & Markets has strict requirements to follow, there is also possible Grant money becoming available in February. Installing a kennel could open the Town up to future partnerships. Councilmember Vane would report back with more quotes and information.

**Certificate of Appreciation for Karen Stark**

Supervisor Palow discussed the change coming this year for the Senior Meal Program, Supervisor Palow presented and read aloud a Certificate of Appreciate for Karen Stark who volunteered for years running the Senior Meal Luncheon program. The program would now be run in Agreement with Life Path through the county of Albany. Supervisor Palow made a motion to enter into an agreement with LifePath seconded by Councilmember Thiem, Motion carried with the following members voting aye: Supervisor Palow & Councilmembers Clayton, Doolin, Thiem and Vane.

**Discuss and Approve LifePath Agreement for Senior Meals**

The program would now be run in Agreement with Life Path through the county of Albany. Supervisor Palow made a motion to enter into an agreement with LifePath as well as for LifePath to complete and agree to the terms of use for the Senior Center Building, seconded by Councilmember Thiem, Motion carried with the following members voting aye: Supervisor Palow & Councilmembers Clayton, Doolin, Thiem and Vane.

**Appointments for Celebration Committee 1-year Terms**

Supervisor Palow made a motion to appoint Mary Alice Molgard as the Celebration Committee Chair, Mary Alice Molgard- Chair , Sarah Frantzen, Amy Santandrea, Jennifer Lyons and Stacy Ebel, seconded by Councilmember Doolin. Motion carried with the following members voting aye: Supervisor Palow & Councilmembers Clayton, Doolin, Thiem and Vane.

**NYS Comptroller’s Office Annual AUD Filing Extension**

After discussion Supervisor Palow made a motion to request a 60-day extension from the NYS Comptroller’s office for the submission of the AUD which is a very extensive report, seconded by Councilmember Doolin. Motion carried with the following members voting aye: Supervisor Palow & Councilmembers Clayton, Doolin, Thiem and Vane.

**Discuss and Approve Salary for Newly Appointed Deputy Tax Collector**

Tax Collector Debra Flagler appointed a Deputy Tax Collector Barbara Hoerning, Supervisor Palow made a motion to transfer \$2000 to fund the Deputy Tax Collector line seconded by Councilmember Clayton:

	From: decrease	To: Increase
A1990e 44999	\$2000.00	
A1330e 10016		\$ 2000.00

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

**Motion to Pay Fox Valley Excavating Bill for Shale at Town Park**

After discussion about the completion of Kenneth’s Way Roadway at Town Park to Switzkill Road, 62 loads of shale were delivered, and trees were cut down and trimmed. Supervisor Palow made a motion to make the following budget transfer :

	From: decrease	To:
Increase		
A 230 Capital Reserve – Parks and Recreation Reserve A878	\$16,500.00	
A7110e 22700 Parks Specialty		\$ 16,500.00

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

**Discuss/Approve Grant Writer for the Town**

After discussion regarding the Grant Writers Supervisor Palow made a motion to approve the contract with Jeff Abraham through Grant City LLC seconded by Councilmember Clayton. Motion carried with the following members voting aye: Supervisor Palow & Councilmembers Clayton, Doolin, Thiem and Vane.

**Discussion and Approval of Monthly Financial Reports**

Supervisor Palow made a motion to accept the Supervisor’s Financial Report from December 2022 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 Town Clerk’s Financial Report from December 2022 seconded by Councilmember Vane, 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 December 2022 seconded by Councilmember Clayton, motion carried with the following roll call vote: Supervisor Palow and Councilmembers Clayton, Doolin, Thiem and Vane voting aye.

**AUTHORIZING BUDGET TRANSFERS FOR DECEMBER**

After discussion, Supervisor Palow made a motion seconded by Councilmember Clayton that the budget transfers for December to 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:

**GENERAL FUND, HIGHWAY FUND, SEWER, UTILITIES WITHHOLDINGS FOR 2022**

- 1. Abstract #65 \$8,185.25 (Voucher 1544-1556) Prepaid Utilities
- 2. Abstract #66 \$35,185.00 (Vouchers 1558-1559) Board Approved Vouchers
- 3. Abstract #67 \$2,598.59 (Vouchers 1560-1570) Prepaid Utilities
- 4. Abstract #68 \$54,525.55 (Vouchers 1571-1650) Year End
- 5. Abstract #1 \$7,822.85 (Voucher 1-10) Prepaid Utilities
- 6. Abstract 2 \$113,855.26 (Voucher 11-23) January Bills
- **Abstracts #65-68 2022 and Abstracts #1-2 2023 Total: \$270,009.61**

January 10, 2023

Supervisor Palow made a motion seconded by Councilmember Thiem 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 Doolin, Thiem and Vane voting aye. Meeting adjourned **8:55 PM.**

Respectfully submitted,

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Kristin De Oliveira, Town Clerk