

**STATE OF NEW YORK
ALBANY COUNTY**

REGULAR MONTHLY MEETING

Town Supervisor Palow led the pledge of allegiance and called the meeting to order at 7:05PM with the following role call attendance: Councilmembers Clayton, Doolin, Thiem and Vane were present. Also in attendance Town Attorney Afzali and Town Clerk De Oliveira.

DISCUSS/APPROVE MEETING MINUTES

Supervisor Palow made a motion seconded by Councilmember Vane to approve the meeting minutes from September 27, 2023, Supervisor Palow & Councilmembers Clayton, Doolin, Thiem and Vane all voting aye.

CORRESPONDENCE

Supervisor Palow wanted to thank everyone for coming out for Oktoberfest despite the rainy cold weather. The Rabies Clinic was also held the same day on October 7, 2023, and an impressive 104 animals were vaccinated at the Highway Garage.

PUBLIC COMMENT

Supervisor Palow wanted to point out the new format for public comments on the agenda which now includes two sections, one for public comments on agenda items and one at the end of the meeting on any topic.

DEPARTMENT REPORTS

Highway- Deputy Superintendent Deitz said the Highway Department had been working on digging ditches and getting ready for winter. There are still a few plow trucks to get ready.

Library- Director Kathy Stempel passed out flyers for the Open House on October 25 from 4-6PM to celebrate 10 years in the current library space, but the Berne Library has been open for 62 years. There is a current food drive for nonperishable items in the Hilltowns and there are collection boxes located at the library. Director Stempel also urged residents to sign up for the e-newsletter online to stay current on upcoming events.

Zoning Board of Appeals- Chairman Thomas Spargo said the next meeting would be held on October 18, 2023, for an outstanding issue on Helderberg Lake. Mr. Spargo wanted to acknowledge and credit the Zoning Board Members for their attention and focus when handling variances.

Parks and Recreation Board- Chair Mary Claire Ansbro thanked all the volunteers who helped with Oktoberfest including members of Kenneth's Army. She also thanked Sue and Tracey for the delicious cookies they handmade and donated.

OLD BUISNESS

Discuss CHIPS New 284 Form for Callanan Paving on Woodstock Road

Supervisor Palow discussed with the Town Board that the original approved amount for Woodstock Road was increased due to the state of the road. A new 284 form was required in order to proceed with the CHIPS process through State Funding. Supervisor Palow made a motion seconded by Councilmember Vane to accept and sign the new 284 Form as well as approve the payment to Callanan in an amount not to exceed \$250,618.31, Supervisor Palow and Councilmembers Clayton, Doolin, Vane and Thiem all voting aye.

Animal Control Officer Vacancy Update

Supervisor Palow stated that the Town is still seeking someone to fill our Animal Control Officer vacancy and that he was able to contact Nichole Salisbury Town of Knox DCO who has agreed to step in to handle emergency situations. Supervisor Palow made a motion seconded by Councilmember Thiem to appoint Nichole Salisbury as the Town of Berne Emergency ACO at a rate of \$19.57 per hour/ \$24.57 differential per hour, Supervisor Palow and Councilmembers Clayton, Doolin, Vane and Thiem all voting aye.

NEW BUISNESS

Discuss Invoice from Blue Diamond Septic for Sewer Plant Pumping

An invoice was received from Blue Diamond Septic for hauling sludge from the Sewer Plant in an amount exceeding procurement. Supervisor Palow made a motion seconded by Councilmember Vane to approve the payment of Blue Diamond Septic in an amount not to exceed \$1775.00, Supervisor Palow and Councilmembers Clayton, Doolin, Vane and Thiem all voting aye.

Discuss Invoice from Anderson Equipment for Roller Rental

Supervisor Palow discussed the invoice for a Roller Rental by the Highway Department for use on dirt roads that were repaired, Supervisor Palow made a motion seconded by Councilmember Doolin to approve the payment to Anderson Equipment in an amount not to exceed \$3600.00, Supervisor Palow and Councilmembers Clayton, Doolin, Vane and Thiem all voting aye.

Introduction to Local Law #3-2023 Tax Levy Override

Supervisor Palow offered the following resolution and moved for its adoption:

WHEREAS, N.Y. General Municipal Law §3-c (the “Property Tax Cap Law”), authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board;

WHEREAS, this Board has been presented with a proposed Local Law No.3 of 2023 entitled “A Local Law to Override the Tax Levy Limit for Fiscal Year 2024”; and

WHEREAS, copies of the aforesaid proposed local law have been laid upon the desk of each member of this Board.

NOW, THEREFORE, BE IT RESOLVED that, draft Local Law No. 3 of 2023 entitled “A Local Law to Override the Tax Levy Limit for Fiscal Year 2024” be introduced to the Town of Berne at large pursuant to General Municipal Law §3-c;

BE IT RESOLVED that, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on said proposed Local Law No. 3 shall be held on the 8th day of November, 2023 at 6 o’clock pm;

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the Town of Berne of said public hearing at least five (5) days prior thereto;

BE IT FURTHER RESOLVED that the proposed action is a Type II action under the State Environmental Quality Review Act, and its implementing regulations 6 NYCRR 617.5 (26) and (33), requiring no further environmental review; and

BE IT FURTHER RESOLVED that the Town Supervisor or his designee is authorized to take any other action required under law in furtherance of this resolution and passage of the proposed local law.

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.
A copy of the Proposed Local Law #3-2023 will be attached at the end of these minutes.

Motion to Advertise for Weekly Transportation Driver on Thursdays

Through CDTA Transit services the Town of Berne can provide senior transportation off the hill once a week. Currently Kathy Stempel drives but is seeking replacement, the position is about 4-6hours weekly at \$19.57 an hour. Supervisor Palow made a motion seconded by Councilmember Clayton authorizing Town Clerk De Oliveira to advertise for the position. Supervisor Palow and Councilmembers Clayton, Doolin, Vane and Thiem all voting aye.

Unsafe Building Proceeding at 120 Church Road

Code Enforcement Officer, Jason Priesner, informed the Board and presented a detailed letter with pictures indicating that a building at 120 Church Road, SBL #114.-2-19, has deteriorated and roof structural members have collapsed. Based on the review of the structure, it is unsafe, dangerous and cannot be occupied. It is recommended that the structure be condemned, and that action as described in Chapter 91 of the Town Code (Unsafe Buildings) be taken and that the structure be removed. The removal of the structure shall commence within thirty (30) days (November 10, 2023) and shall be completed within sixty (60) days (December 10, 2023) thereafter.

Supervisor Palow offered and moved the above resolution, seconded by Councilmember Clayton and determined that the building located at 120 Church Road is unsafe. The following roll call vote was taken:

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.

Unsafe Building Proceeding at 1628 Helderberg Trail

Code Enforcement Officer, Jason Priesner, informed the Board and presented a detailed letter with pictures indicating that a building at 1628 Helderberg Trail, SBL #79.1-1-19, has deteriorated and the back of the building has collapsed. Based on the review of the structure, it is unsafe, dangerous and cannot be occupied. It is recommended that the structure be condemned, and that action as described in Chapter 91 of the Town Code (Unsafe Buildings) be taken and that the structure be removed. The removal of the structure shall commence within thirty (30) days (November 10, 2023) and shall be completed within sixty (60) days (December 10, 2023) thereafter.

Supervisor Palow offered and moved the above resolution, seconded by Councilmember Doolin and determined that the building located at 120 Church Road is unsafe. The following roll call vote was taken:

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.

Adoption of 2024 Preliminary Budget

After a discussion regarding the tentative budget, Supervisor Palow offered and moved the following resolution seconded by Councilmember Clayton: BE IT RESOLVED that the Town Board of the Town of Berne does hereby accept and approve the Preliminary budget of the Town of Berne for the fiscal year of 2023 filed by the Supervisor; the itemized statement of expenditures and revenues is hereto attached and made part of this resolution and; BE IT FURTHER, RESOLVED, that this board shall meet at 6:00 PM on the 8th day of November 2023 at 1360 Helderberg Trail for the purpose of holding a Public Hearing in the manner provided in section 108 of Town Law, and, further, that the Town Clerk shall publish notice of such meeting. Resolution was declared duly adopted by 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.

Discuss/Approve Town Visa Payment for October

Supervisor Palow made a motion seconded by Councilmember Thiem to pay the Town Visa bill in an amount not to exceed \$1741.05, Supervisor Palow, Councilmembers Clayton, Doolin, Thiem and Vane all voting aye.

Public Comment Non- Agenda Items

Bonnie Conklin shared an email with everyone that she had sent to the Board earlier that week concerning the blue building located at 1628 Helderberg Trail that had recently started collapsing into the creek. She thanked the Board for taking such quick action in resolving this.

DISCUSSION AND APPROVAL OF MONTHLY FINANCIAL REPORTS

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

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

MOTION TO ADJOURN

Town Supervisor Palow made the motion seconded by Councilmember Doolin to adjourn the meeting. Motion carried with the following roll call vote: Supervisor Palow and Councilmembers Clayton, Doolin, Thiem and Vane all voting aye. The meeting adjourned at **7:53 PM**.

Respectfully submitted,

Kristin De Oliveira, Town Clerk

Town of Berne

Proposed Local Law No.3 of the Year 2023

“A Local Law to Override the Tax Levy Limit for Fiscal Year 2024”

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

Section 1. TITLE AND AUTHORITY. This Local Law is enacted pursuant to subdivision 5 of N.Y. General Municipal Law §3-c (the “Property Tax Cap Law”), which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 2. LEGISLATIVE INTENT. The purpose of this local law is to permit the Town Board to override the tax levy limit on the amount of property taxes that may be levied by the Town of Berne pursuant to the Property Tax Cap Law, and to allow the Town to adopt a budget for Fiscal Year 2024 that requires a real property tax levy in excess of the “tax levy limit” as defined by the Property Tax Cap Law. Such override is necessary and in the best interests of the Town.

Section 3. TAX LEVY LIMIT OVERRIDE. The Town of Berne Town Board is hereby authorized to override the Tax Levy Limit established pursuant to N.Y. General Municipal Law §3-c, for Fiscal Year 2024, and to adopt a budget for Fiscal Year 2024 that requires a real property tax levy in excess of the amount otherwise prescribed in N.Y. General Municipal Law §3-c.

Section 4. SEVERABILITY. If any clause, sentence, paragraph, section or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such order or judgment shall be rendered.

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.