

**6:30 PM – Continuation of Public Hearing on 2022 Preliminary Budget**

Supervisor Lyons reopened the floor to the public comment on the 2022 budget with the following members present: Supervisor Lyons & Councilmembers Palow & Vane. Town Clerk Clayton, Attorney Afzali & Senior Account Clerk Borst were also in attendance.

There being no further comments Supervisor Lyons made a motion seconded by Councilmember Palow allow to close the Public Hearing. Motion carried with the following roll call vote: Supervisor Lyons and Councilmembers Palow & Vane voting aye.

**REGULAR MEETING**

Supervisor Lyons led the Pledge of Allegiance and called the regular meeting to order at 7:00PM with the following members present: Supervisor Lyons & Councilmembers Palow, Vane & Willsey. Town Clerk Clayton and Attorney Afzali was also present.

Supervisor Lyons read the following statement and presented a power point in honor of Veteran's Day:

As Veteran's Day is tomorrow, I would like to take a quick moment to reflect on this day. On 11NOV1918 the armistice ending WW I went to effect, (I am sure so many know the phrase 11<sup>th</sup> hour, 11 Day, 11 month) the following year Woodrow Wilson proclaimed 11NOV as the first commemoration of Armistice Day to honor the Veterans of WW1. In MAY of 1938 November 11<sup>th</sup> would be a legal holiday each year and be called Armistice Day honoring those who served in WW I.

On 11 November 1921, one unidentified U.S. Service member received a state funeral ceremony and was interred in the newly created memorial. President Warren Harding bestowed the Medal of Honor on the unknown, placing the highest military honor on the unknown's casket prior to interment. Obviously, I am referring to the Tomb of the Unknown Soldier, our most sacred memorial celebrates 100 years of service this Veterans Day.

In 1954, after WW II and the greatest mobilization of Soldiers, sailors, marines and airmen in our Nation's history, the 83<sup>rd</sup> Congress amended the Act of 1938 striking the word Armistice and replacing it with Veteran making 11NOV a day to remember and honor American Veterans from ALL wars. We must also never forget so many still MIA/POW and fight to get them all home. Tomorrow we celebrate and honor America's veterans for their patriotism, love of country, and willingness to serve and sacrifice for the common good.

Dennis, Javid, Leo and all the other Veterans with us tonight I thank you and say welcome home. I ask our Veterans to remain seated and could I have everyone please stand to applaud and honor these American hero's.

God Bless America

## **NOVEMBER 10, 2021**

The minutes of 10/13/21 were reviewed and Supervisor Lyons made a motion seconded by Councilmember Palow to accept the minutes of 10/13/21 and the following roll call was taken; Supervisor Lyons, Councilmembers Palow & Vane voting aye; Councilmember Willsey abstained. The minutes of 10/18/21 were reviewed and Supervisor Lyons made a motion seconded by Councilmember Palow to accept the minutes of 10/18/21 and the following roll call was taken; Supervisor Lyons and Councilmembers Palow & Vane voting aye; Councilmember Willsey abstained. The minutes of 10/20/21 were reviewed and Supervisor Lyons made a motion seconded by Councilmember Palow to accept the minutes of 10/20/21 and the following roll call was taken; Supervisor Lyons and Councilmembers Palow & Vane voting aye; Councilmember Willsey abstained. The minutes of 11/03/21 were reviewed and Supervisor Lyons made a motion seconded by Councilmember Palow to accept the minutes of 11/03/21 and the following roll call was taken; Supervisor Lyons and Councilmembers Palow & Vane voting aye; Councilmember Willsey abstained.

## **CORRESPONDENCE**

Letter from Kathy Stempel resigning as highway clerk  
Letter from resident in favor of Helderberg Lake Tax District

## **ANNOUNCEMENTS**

- ACSO will host Thanksgiving meal.
- Supervisor Lyons thanked everyone who participated in Community Octoberfest
- Supervisor Lyons congratulated all the winners of the election.

## **GUESTS**

- A.J. Wright from Troop 1079 was present to discuss his Eagle Scout project
- Becky Wright discussed the 1/15/22 winter festival at the Town Park

## **PUBLIC COMMENT**

Cynthia Barnick was present to discuss farm animal issues on her property and requested the town to create a new ordinance.

Greg Jackson was present to discuss the issue of the pigs running loose on Irish Hill Road

Forest Rolston was present to discuss that he also has issues with cows on his property.

Rick Rapp addressed the board regarding the issue of the road on Drive and requested that the Town have Lamont Engineers perform a survey.

**NOVEMBER 10, 2021**

**DEPARTMENT REPORTS**

**HIGHWAY** – Highway Superintendent Bashwinger discussed the issue with the tv’s at the Transfer Station and problems with company that picks them up. He thanked the Guilderland Highway garage for their help in fixing the transfer station truck and to Knox and Westerlo for helping with the truck runs. Stated trucks are ready for snow and has 400 tons of salt and 1500 tons of sanding material

**COMMITTEE REPORTS**

Jennifer Lyons spoke regarding the Hometown Heroes banner ceremony on 11/14/21 at 1:30PM at the Berne Community & Senior Center.

**HOMETOWN HEROES**

Jennifer Lyons announced a celebration to be held on Sunday, 11/14 at 1:30PM at the Berne Community & Senior Center to distribute the Hometown Heroes banners. Also, the 2<sup>nd</sup> annual Peter Becker Christmas Parade will be held on 12/5/21 at 4:30PM with a snow date of 12/12/21. Discussed the purchase of walkie talkies and a pa system.

**OLD BUSINESS**

**DCO POSITION**

Supervisor Lyons stated that Knox is offering DCO services to Berne with use of kennels and to include their DCO in interview process

**INTERVIEWS**

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow to set interviews for 11/29/21 for DCO and Planning Board positions beginning at 6:00 PM, every 15 minutes. Motion carried with the following roll call vote: Supervisor Lyons and Councilmembers Palow, Vane & Willsey voting aye.

**AUTHORIZING VEHICLE PURCHASE PROSESS**

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow to start the vehicle request process outlined in the mini bid process. Motion carried with the following roll call vote: Supervisor Lyons and Councilmembers Palow, Vane & Willsey voting aye.

**ADOPTING PHEAR PLAN**

After discussion, Councilmember Vane made a motion seconded by Supervisor Lyons to adopt the PHEAR Plan as written. Motion carried with the following roll call vote: Supervisor Lyons and Councilmembers Palow, Vane & Willsey voting aye.

**NOVEMBER 10, 2021**

**AUTHORIZING PUBLIC HEARING FOR HELDERBERG LAKE TAX DISTRICT**

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow to set a Public Hearing on 12/1/21 at 6:00PM and authorize the Town Clerk to publish notice in The Enterprise. Motion carried with the following roll call vote: Supervisor Lyons and Councilmembers Palow & Vane voting aye. Councilmember Willsey voting nay.

**NEW BUSINESS**

**ACCEPTING PROPOSAL FOR EAGLE SCOUT PROJECT**

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow To accept the proposal for A. J Wright to repair the WWII memorial at the Town Park in an amount not to exceed 3,500. Motion carried with the following roll call vote: Supervisor Lyons and Councilmembers Palow, Vane & Willsey voting aye.

**ACCEPTING PROPOSED AMENDMENTS FOR LOCAL LAW TO ESTABLISH AN ANIMAL CONTROL OFFICER**

After discussion, Supervisor Lyons made a motion seconded by Councilmember Vane to accept the proposed amendments for a Local Law to establish an ACO in the Town of Berne. Motion carried with the following roll call vote: Supervisor Lyons and Councilmembers Palow & Vane voting aye. Councilmember Willsey abstained.

**SETTING PUBLIC HEARING FOR ACO LOCAL LAW**

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow to schedule a Public Hearing on 1/12/22 at 6:00 PM to establish an ACO in the Town of Berne. Motion carried with the following roll call vote: Supervisor Lyons and Councilmembers Palow & Vane voting aye. Councilmember Willsey abstained.

**APPROVING EXPENSES FOR PUBLIC ANNOUNCEMENT SYSTEM**

After discussion, Supervisor Lyons made a motion seconded by Councilmember Vane to authorize the purchase of walkie talkies and a pa system in an amount to exceed \$827.47 should the Celebration Committee not get assistance from Fire or Ambulance Department to use their equipment. Motion carried with the following roll call vote: Supervisor Lyons and Councilmembers Palow, Vane & Willsey voting aye.

**ACCEPTING SEASONAL ROAD LIST**

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow to accept the Seasonal Road list which is attached to these minutes. Motion carried with the following roll call vote: Supervisor Lyons and Councilmembers Palow & Vane voting aye. Councilmember Willsey voting nay.

**NOVEMBER 10, 2021**

**RESOLUTION FOR SPEED LIMIT STUDY ON BEAVER DAM ROAD**

WHEREUPON: Supervisor Lyons offered and moved the following resolution seconded by Councilman Palow BE IT RESOLVED that the Town of Berne hereby requests the Department of Transportation, pursuant to section 1622.1 of the Vehicle and Traffic Law to establish a lower maximum speed at which vehicles may proceed on CR 303 (Beaver Dam Road), a county road between Town of New Scotland line and State Route 157A. Resolution was declared duly adopted with the following members voting aye: Supervisor Lyons, Councilmembers Palow, Vane & Willsey voting aye.

**RESOLUTION FOR SPEED LIMIT STUDY ON PINNACLE ROAD**

WHEREUPON: Supervisor Lyons offered and moved the following resolution seconded by Councilman Palow BE IT RESOLVED that the Town of Berne hereby requests the Department of Transportation, pursuant to section 1622.1 of the Vehicle and Traffic Law to establish a lower maximum speed at which vehicles may proceed on CR 303 (Pinnacle Road), a county road between Town of New Scotland line and State Route 443. Resolution was declared duly adopted with the following members voting aye: Supervisor Lyons, Councilmembers Palow, Vane & Willsey voting aye.

**AUTHORIZING PERMANENT FULL TIME POSITION FOR CHERYL RUDOLPH**

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow to authorize a permanent full-time position, civil service, for Cheryl Rudolph as Keyboard Specialist/Administrative Assistant I. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Palow, Vane & Willsey voting aye.

**APPROVING PATRICIA BOICE AS HIGHWAY CLERK**

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow to approve Patricia Boice as permanent, part time, civil service exempt, Highway Clerk for 10 hours per week. Motion carried with the following roll call vote: Supervisor Lyons and Councilmembers Palow, Vane & Willsey voting aye.

**SETTING PUBLIC HEARING FOR RESERVE FUNDS**

After discussion, Councilmember Palow set a Public Hearing for 1/12/21 at 6:30PM to discuss altering the Switzkill Farm reserve fund and creating a Parks & Recreation and Ambulance reserve fund line. Motion carried with the following roll call vote: Supervisor Lyons and Councilmembers Palow & Vane voting aye. Councilmember Willsey abstained.

**NOVEMBER 10, 2021**

Councilmember Palow read the following Resolution Establishing A Type - Equipment Highway Reserve Fund

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the “Equipment Highway Reserve Fund” (hereinafter “Reserve Fund”). The equipment to be financed from the Reserve Fund is the acquisition of Snow Removal Equipment.

The chief fiscal officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The chief fiscal officer may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town of Berne. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition of the Reserve Fund.

Except as otherwise provided by law, expenditures from the Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing board. subdivision 4 of Section 6-c (subdivision 7 of Section 6-g).

#### **AUTHORIZING TRANSFER OF FUNDS**

After discussion, Councilmember Palow made a motion seconded by Supervisor Lyons to decrease DA915 Unappropriated Fund Balance by \$ 200,000.00 and increase DA878 Type Highway Equipment by \$ 200,000.00. . Motion carried with the following roll call vote: Supervisor Lyons and Councilmembers Palow, Vane & Willsey voting aye.

#### **AUTHORIZING PAYMENT TO SHRIER MARTIN FOR SEWER PUMP REPLACEMENT**

After discussion, Councilmember Vane made a motion seconded by Councilmember Palow authorizing the payment to Shrier Martin in an amount not to exceed \$3,858.73 for sewer pump replacement. Motion carried with the following roll call vote: Supervisor Lyons and Councilmembers Palow, Vane & Willsey voting aye.

**NOVEMBER 10, 2021**

**Motion for reserve for repairs to SS230**

**SEWER DISTRICT DEBT**

Councilmember Palow wanted the residents to be aware that the Town of Berne took a 1.1 million dollar loan, 0% interest for 30 years, until 2043. Balance today is \$897,206. Councilmember Palow feels that the residents were misled when it was previously stated in the past that the Town was debt free.

**ADOPTING FINAL BUDGET OF 2022**

Supervisor Lyons stated that the budget hearing for the 2022 budget was held on November 3, 2021, and that the preliminary budget was presented and discussed. **WHEREUPON** Supervisor Lyons offered and moved the following resolution seconded by Councilmember Palow: **BE IT RESOLVED**, that the Town Board of the Town of Berne does hereby accept and adopt the final budget; and

**BE IT FURTHER, RESOLVED**, that the Town Clerk prepare and certify duplicate copies of such budget and deliver the copies to the Supervisor and to the County Legislature of Albany, all as required by law. Resolution was declared duly adopted by the following roll call vote:

Supervisor Lyons... aye	Councilmember Vane.....aye
Councilmember Palow.....aye	Councilmember Willsey.....nay

A complete copy of the budget is attached to these minutes.

**ACCEPTING SUPERVISOR’S MONTHLY REPORTS FOR OCTOBER**

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

**ACCEPTING TOWN CLERK’S MONTHLY REPORT FOR OCTOBER**

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

**ACCEPTING BUILDING & ZONING MONTHLY REPORT FOR OCTOBER**

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

**NOVEMBER 10, 2021**

**AUTHORIZING BUDGET TRANSFERS FOR OCTOBER**

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

**APPROVING ABSTRACTS**

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

<b>GENERAL FUND, HIGHWAY FUND, SEWER, UTILITIES, WITHOLDINGS FOR 2021.....</b>	<b>\$ 444,951.17</b>
<b>Abstract #74a of 2021.....</b>	<b>\$ 220.43</b>
<b>Abstract #75 of 2021.....</b>	<b>\$ 18,117.43</b>
<b>Abstract #76 of 2021.....</b>	<b>\$ 2,658.85</b>
<b>Abstract #77 of 2021.....</b>	<b>\$ 590.58</b>
<b>Abstract #78 of 2021.....</b>	<b>\$ 540.00</b>
<b>Abstract #79 of 2021.....</b>	<b>\$ 9,869.37</b>
<b>Abstract #80 of 2021.....</b>	<b>\$ 7,791.60</b>
<b>Abstract #81 of 2021.....</b>	<b>\$ 18,713.47</b>
<b>Abstract #82 of 2021.....</b>	<b>\$ 277,603.30</b>
<b>Abstract #83 of 2021.....</b>	<b>\$ 10,826.14</b>
<b>Abstract #84 of 2021.....</b>	<b>\$ 98,020.00</b>

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

**AUTHORIZING PAYMENT OF BILLS FOR OCTOBER**

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

**MOTION TO ADJOURN**

There being no further business or discussion, Supervisor Lyons made the motion seconded by Councilmember Vane to adjourn the meeting. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Vane & Willsey voting aye. Meeting adjourned at 9:47PM.

Respectfully submitted,

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Anita C. Clayton, Town Clerk



## SEASONAL ROADS FOR THE TOWN OF BERNE

December 1, 2021 through April 1, 2022

Gulf Hill Rd. from one-quarter mile south of NYS Route 443(Helderberg Trail) and NYS Route 85(Delaware Turnpike) to one-half mile north of Duck Hill Rd.

West Woodstock Rd. from County Route 2(Cole Hill Rd.) to one-half mile north of Switzkill Rd.

Beaver Rd. from one-quarter mile north of Bradt Hollow Rd. to County Route 13(Sickle Hill Rd.)

Shultes Rd from Cook Hill Rd. to one-half mile north of Peasley Rd.

Partridge Run Rd. from one quarter mile west of County Route 1 Switzkill Rd.) to County Route 6(Ravine Rd.)

Smokey Hollow Rd. from one-quarter mile west of NYS Route 85 (Delaware Turnpike) to one-half mile east of Joslyn School Road.

Wood Rd. from intersection of Peasley Rd. to the Town of Rensselaerville line.

Dyer Rd.

Cook Hill Rd. from two miles west of Bradt Hollow Rd. to 500' east of County Route 10 (Huntersland Rd.)

Stage Rd. from 182 Stage Rd. west to the intersection of 1490 Helderberg Trail.