

**December 22, 2021**

**State of New York  
County Of Albany**

**6:00 PM –Continuation of Public Hearing on Helderberg Lake Tax District**

Supervisor Lyons reopened the Public Hearing and led the Pledge of Allegiance and opened the floor to the public comment on the Helderberg Lake Tax District, with the following members present: Supervisor Lyons & Councilmembers Palow & Vane. Town Clerk Clayton & Attorney Afzali also in attendance. Supervisor Lyons opened the floor to public comment.

Victor Procopio: distributed reports and asked that other ways to raise money be looked into; some signatures on petition are no longer in the tax district; should have a vote with everyone who is a property owner; would like to see a guarantee of a one-time price; would rather pay what's owed up front.

Liz Smith: they are the highest assessed property; feels the repair is essential but is opposed to tax district and were not approached to sign petition; would like to see title searches conducted and noticed that a right of way was removed from a parcel of property.

Jean Horn submitted a letter stating that they do not oppose the repair of the dam but do oppose the tax district; tax should be based on a tiered or flat rate tax. NYS legislators are considering making additional resources available to fund dam repairs across the state and hopefully will have another means to fund the repair; strongly support the repair of the dam but disapprove of the tax district.

Toni Koch submitted a letter opposed to the tax district. They live on Gulf Hill Road and have lake rights but do not use it as it is too dangerous to get to from their location. Stated that the tax district would put them in debt and will decrease the value of their property.

Tom McQuade – President of the Helderberg Lake Association, stated he has been a resident for 40 years. He stated he sees no other way to repair the dam except by going by deeded lake rights.

Judy Clap – wants repairs and feels the tax district is the only way to pay fair share and is important to fix the dam.

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David Brusco stated he lives on Pinnacle Road; thanked the board for their time; association needs to prove that everyone would benefit from the tax district; please deny petition.

Lauren Leonard stated that the Lake Association owns property and asked who pays the taxes on that property.

Councilmember Palow made a motion seconded by Councilmember Vane to close the public hearing at 6:40PM. Motion carried with the following members voting aye: Supervisor Lyons, Councilmembers Palow and Vane.

### **Regular Meeting 7pm**

Supervisor Lyons led the Pledge of Allegiance and called the regular meeting to order at 7pm with the following members present; Supervisor Lyons, Councilmembers Palow and Vane. Attorney Afazil was also present

The minutes of 11-10-21 were reviewed and Supervisor Lyons made a motion to accept the minutes and was seconded by councilmember Vane. The following roll call was taken with Supervisor Lyons, Councilmembers Vane and Palow voting aye. The minutes from 12-1-2021 were reviewed and Supervisor Lyons made a motion seconded by Councilmember Vane to accept the minutes from 12-1-2021 and the following roll call was taken Vane, Palow voting aye.

### **Special Guests**

Ed Hampton retiring from the highway department was present and a proclamation was read for him by Supervisor Lyons and presented to him. The proclamation read as followed:

**WHEREAS, EDWARD HAMPTON** has faithfully served Berne's Highway Department and The residents of the Town of Berne as Heavy Equipment Operator and later as Deputy Highway Supervisor from (October) 2005 to September 2021, giving not only of his time and energies, but also of his leadership, competence, and knowledge; and

**WHEREAS,** in his career with the Town of Berne Highway Department Ed has worked under four Highway Superintendents and four Town Supervisors; and

**WHEREAS,** these years of service have been marked by exemplary dedication to the best interests of our community; and

**WHEREAS,** in his official capacity, **EDWARD HAMPTON** has diligently worked to increase the performance and capabilities of the Berne Highway Department and its resources, which contributes to the health, safety and comfort of this community; and

**WHEREAS, EDWARD HAMPTON,** as Deputy Highway supervisor, standardized and clarified procedures, instituting policies that streamlined Highway department operations; and

**WHEREAS, EDWARD HAMPTON** participated in, sustained and promoted community service, as a long standing member and currently the vice president of the Berne Fire Company; and

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**WHEREAS, EDWARD HAMPTON** with his extensive mechanical knowledge has taught, supervised and mentored countless individuals in the repair and maintenance of most of the equipment the Highway Department and Fire Company relies on to provide services to our community; and

**WHEREAS, EDWARD HAMPTON**, a long-time resident, having moved to town in 1968, along with his lovely wife Mary whom he married in 1973, and his family, is now enjoying his retirement.

**WHEREAS, EDWARD HAMPTON** during his career as a CSX railroad employee from 2002 to 2005 has encouraged his love of trains and enjoys collecting and operating old model trains;

**NOW, THEREFORE, BE IT RESOLVED** that as duly elected members of the Berne Town Board, we would like to congratulate and commend **EDWARD HAMPTON** for his years of dedicated and successful service in and for the Town of Berne and urge all citizens and employees to join me and the Town Board in congratulating Ed on an outstanding career with the Town of Berne and expressing our sincere appreciation to him for his unwavering dedication and service to our community. We wish him many continued years of happiness and good health.

## **Public Comment**

Mike Vincent was in to discuss his worry for the senior residents of the town and wanted to speak on their behalf to keep them in mind. He commented on the shortage of supplies in our country and difficulty the pandemic has created to complete projects for construction or just generally speaking to find things. He touched on the hope of senior citizen housing in our town and about the possibility of having covid vaccines and testing available for seniors.

Donna Ferraino the town DOC wanted to update the Town Board on her progress and new registration form to help make the process of registering dogs easier on the residents. Ferraino also spoke of getting new equipment such as kennels for housing of the animals.

An announcement was also made about a mass food distribution that would be held on 12-28-2021 at BKW School.

## **Department Reports**

### **Highway**

Mat Harris was in on account for Highway Superintendent Randy Bashwinger to report that in the month of December the department used 225 tons of salt for our roadways. Bashwinger also congratulated Dietz on his position as the new Highway Superintendent Deputy. He wanted to also assure that the transfer station would be checking permits and did inform the board members that Bush drive was good to go and did not need any further work.

### **Library**

Kathy Stempel was in to comment on the Library's book club that has been occurring one Sunday evening a month, and another book club once a month Tuesday during the day. The library has also started a knitting club as well as a new series "let's talk" each month featuring a new topic, January 2022 is let's talk about cannabis and February 2022 will feature let's talk about our environment.

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She also requested permission to hold an art contest and for the winner to be able to paint a mural on the utility closest door. Stempel also touched on the well at the library requiring work and the parking lot as well to need repair.

### **Committee Reports**

Jennifer Lyons spoke regarding the annual Peter Becker Christmas Parade had a wonderful turn out with much more participation than the previous year and was very thankful for the sound system that had been donated. Regarding the Hometown Hero Banners that have now been taken down until next year a new application will be available in February to register new Veterans to be honored. Supervisor Lyons discussed the possibility of keeping them up for more time as the banners are very weather resistant.

### **Old Business**

#### **Capital- Type General Reserve Fund for Highway Department**

The following resolution was offered and moved by Supervisor Lyons to establish a Type- Capital Improvements General Reserve fund for the highway department.

**Be it Resolved** that the fund would be put into place. Resolution was declared duly adopted with the following role call vote:

Supervisor Lyons...aye  
Councilmember Palow... aye  
Councilmember Vane....aye

#### **Approving Planning Board Alternate**

Upon discussion the board members considered the recommendations from other residents and Supervisor Lyons made a motion second by Councilmember Palow to approve Peg Warner and Kris Bremmer as planning board alternates. The role call was taken and Councilmembers Palow and Vane voting aye along with Supervisor Lyons voting aye.

#### **Authorizing Vehicle Purchase**

A new vehicle proposed to be purchased for the use of zoning and planning board along with building inspectors. After reviewing documentation for the new vehicle for the town Supervisor Lyons made a motion, seconded by Vane, for the price not to exceed \$26,426 role call taken Supervisor Lyons and Councilmembers Palow & Vane voting aye.

### **New Business**

#### **Accepting New Library Trustees**

The Board discussed recommendations for the Library Board of Trustees. Sean made a motion to accept and appoint Jodi Ebel and John Valachovic, seconded by councilmember Palow. Motion carried with the following role call: Supervisor Lyons and Councilmembers Palow & Vane voting aye.

#### **Approving Computer Expense**

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After discussion and viewing support documentation Supervisor Lyons made a motion seconded by Councilmember Palow to authorize a purchase of computer monitors in an amount not to exceed \$1300. Motion carried with the following roll call vote Supervisor Lyons and Councilmembers Palow & Vane voting aye.

### **Authorizing Double Building Fee Reimbursement**

Upon review of a letter received from Chance Townsend proposing to reimburse a resident due to a double permit fee that was charged without cause. Councilmember Vane made a motion seconded by Supervisor Lyons to send a check in the amount of \$479 to Mr. Spallone. Motion carried with the following role call Supervisor Lyons, Councilmembers Palow & Vane voting aye.

### **Introducing Local Law #4 of 2021**

Supervisor Lyons made a motion to accept the draft seconded by Councilmember Palow. A role call was taken with Supervisor Lyons, Councilmembers Palow & Vane voting aye. A public hearing will be held on January 12, 2022 at 6pm.

### **Discuss and Approve Monthly Financial Reports**

#### **Accepting Supervisors Monthly Report for November**

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

#### **Accepting Town Clerk's Monthly Report for November**

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

#### **Accepting Building and Zoning Monthly Report for November**

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

#### **Authorizing Budget Transfers for November**

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

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### **Approving Abstracts**

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

1. ABSTRACT: 93 2021 AMOUNT: \$ 66,916.80
  2. ABSTRACT: 94 2021 AMOUNT: \$ 9,744.15
  3. ABSTRACT: 95 2021 AMOUNT: \$ 113,337.08
  4. ABSTRACT: 96 2021 AMOUNT: \$ 4,920.90
  5. ABSTRACT: 97 2021 AMOUNT: \$ 73,114.44
- TOTAL: \$268,033.37

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

### **Motion to Adjourn**

After brief words from Town Clerk Anita C. Clayton and Councilmember Palow thanking and congratulation Supervisor Lyons on his 4 year term, Supervisor Lyons made a motion to adjourn the meeting seconded by councilmember Palow. Motion carried with the following roll call vote: Supervisor Lyons and councilmembers Vane & Palow voting aye. Meeting adjourned at 8:42pm

Respectfully Submitted,

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Kristin De Oliveira, Town Clerk