

**State of New York  
Albany County**

**6PM  
SWITZKILL FARM PUBLIC HEARING**

Supervisor Palow made a motion seconded by Councilmember Thiem to open the public hearing Supervisor Palow & Councilmembers Doolin, Martin, Thiem and Vane all voting aye. Supervisor Palow asked everyone to stand for the Pledge of Allegiance, everyone stood.

**Public Comments regarding Switzkill Farm Transfer to Albany County**

Anita Clayton discussed her knowledge of the purchase about Switzkill Farm Trails and spoke of all the code violations, as well as the intention that was there for the building but unfortunately, there was never any money to make this a reality. The residents never had a say in the purchase. There are also many restraints of the conservation easement that were in place would not allow subdividing amongst many other possibilities for the property.

Michael Vincent said that Switzkill Farm Trails it is a very nice park, and he will be happy to know that it will stay at park 410 residence due to the easement.

Jolanta Jeanneney spoke of an event that she personally held at Switzkill Farm. It was a three-day event with about 80 people from all over the world. She also attended many other events at the property and was in support of the Board's intentions to transfer the property to Albany County.

Mark Hohengasser served as a five-year member of the Switzkill Farm Trails. He told the Board he was in support of the transfer to Albany County.

Karol and Jack Harlow advocated for Switzkill Farm Trails the trails also had a birthday party there and her photo in the Altamont Enterprise. Her husband Jack wanted to verify if the county will guarantee to keep the property in good condition.

Cathy Shultes spoke of her knowledge of the facilities and suggested a top 10 list of the things that will need to be done based off the counties many site visits with engineers.

Lisa Raymond had questions concerning the water at Switzkill Farm Trails and what the County planned to do.

Sean Lyons spoke of his time during his administration and his experience with the property. Experience firsthand of not being able to keep up with the property and it needs with the budget that was established by the board of \$150,000 and was happy to see this move forward as he understands the potential the property has.

Supervisor Palow made a motion to second Councilmember Doolin to close the Public Hearing at 6:49PM, Supervisor Palow, Councilmembers Doolin, Martin, Thiem and Vane all voting aye.

**REGULAR MONTHLY MEETING**

Town Supervisor Palow led the pledge of allegiance and called the meeting to order at 7:02PM with the following roll call attendance: Councilmembers Martin, Doolin, Thiem and Vane were present, also in attendance Highway Superintendent Bashwinger, Town Clerk De Oliveira and Attorney Afzali.

**ACCEPT MEETING MINUTES**

Supervisor Palow made a motion seconded by Councilmember Thiem to accept the meeting minutes from January 24, 2024, Supervisor Palow & Councilmembers Doolin, Martin, Thiem and Vane all voting aye.

**CORRESPONDENCE**

A thank you letter from St. Pauly Textiles summarizing the clothing donation bin for the year 2023 located at the Transfer Station. 19,492lbs of clothing was donated, enough to clothe an estimated 3,591 people all over the world and in addition to this the Town of Berne received \$780. Thank you for your donations!

Councilmember Joseph Martin discussed the goal to develop a Zoning Committee, information will be shared on the Town Website and interested persons can contact Town Clerk.

Supervisor Palow shared a thank you letter from Jim Kisselback who thanked Town Employees, Highway Department, Library, Town Clerk and Transfer Station Employees.

**DEPARTMENT REPORTS**

**Highway-** Superintendent Bashwinger put together a presentation to display all the roads in the town and give a total of miles driven as well as what type of roadways to give residents a better idea to understand when plowing.

**Library-** Director Kathy Stempel reminded residents of upcoming events at the Library involving speed dating with a business. The summer schedule for music in the park has also been established.

**Parks & Recreation- Chair** Claire Ansboro told the board of the developing plans for the Town Park as well as the idea that has been proposed by residents to make a multiuse field behind the Tennis Courts. Monthly Parks and Recreation Board Meetings will be held the second Tuesday of every month at 6PM located at 1360 Helderberg Trail

Parks and Recreation advisory Board appointments:

Councilmember Vane made a motion seconded by Councilmember Martin to appoint Mary Claire Ansbro as Chair to Parks and Celebration with a 2-year term ending 12/31/2025,

Councilmember Vane made a motion seconded by Councilmember Thiem to appoint Mary Alice Molgard to a 3-year term ending 12/31/2026 as Co-Chair,

Councilmember Vane made a motion seconded by Supervisor Palow to appoint Jennifer Lyons to a 2-year term ending 12/31/2025,

Councilmember Vane made a motion seconded by Supervisor Palow to appoint Dawn Douglas to a 2- year term ending 12/31/2025,

Councilmember Vane made a motion seconded by Supervisor Palow to appoint Francis Deegan 2-year term ending 12/31/2025,

Councilmember Vane made a motion seconded by Supervisor Palow to appoint Carrie Palow 2-year term ending 12/31/2025,

Councilmember Vane made a motion seconded by Councilmember Thiem to appoint Bonnie Conklin to a 3-year term ending 12/31/2026,

Councilmember Vane made a motion seconded by Supervisor Palow to appoint Sarah Frantzen to a 3-year term ending 12/31/2026,

Councilmember Vane made a motion seconded by Councilmember Doolin to appoint Beth Jones to a 3-year term ending 12/31/2026,

Councilmember Vane made a motion seconded by Councilmember Thiem to appoint Joe Nosal to a 3-year term ending 12/31/2026,

A roll call vote was taken to approve the above listed appointments and voting went as follows:

Supervisor Palow .....	aye	Councilmember Doolin.....	aye
Councilmember Martin .....	aye	Councilmember Thiem .....	aye
Councilmember Vane.....	aye		

**Zoning Board of Appeals-** Chairman Thomas Spargo spoke of the ongoing development of the proposed Solar Farm on Canaday Hill and Switzkill Farm. The application is under review by the Planning Board and will continue for months. Concerned residents can find information on the website pertaining to upcoming meetings. [www.berneny.org](http://www.berneny.org).

**OLD BUISNESS**

**Switzkill Farm EAF Part I, II & III**

Councilmember Martin read aloud the Environmental Assessment Forms for the Town Board to answer questions together. Supervisor Palow and the Town Board agreed there were no significant environmental effects and declared a negative declaration.

**Discuss/Approve Switzkill Farm Resolution**

Supervisor Palow read Resolution 2024-2-1 aloud regarding the transfer of ownership for Switzkill Farm 165 Game Farm Road, a roll call vote was taken:

Supervisor Palow .....	aye	Councilmember Doolin.....	aye
Councilmember Martin .....	aye	Councilmember Thiem .....	aye
Councilmember Vane.....	aye		

A copy of the Resolution in its entirety is attached at the end of these meeting minutes.

**Proposal Plan from Lamont Engineers to Rehab Senior Center**

Councilmember Thiem discussed a walk-through of the Senior Center with Lamont Engineers to discuss possible updates including a new heating system, ADA compliant restrooms, updating the building to suit more needs. Councilmember Martin made a motion seconded by Councilmember Thiem to approve the payment to Lamont Engineers in an amount not to exceed \$2800, Councilmembers Martin & Thiem vote aye, Supervisor Palow, Councilmember Vane and Councilmember Doolin voting nay. Motion fails to carry.

**Discuss and Approve Ch. 59 Parks and Recreation Advisory Board Chair Salary**

After appointing the nine members required for the Parks and Recreation Advisory earlier in the meeting, another point needed to be discussed that the last section of Ch.59 states that the Parks and Recreation Chair must be paid a salary. Supervisor Palow made a motion seconded by Councilmember martin to pay the Parks and Recreation Chair Mary Claire Ansbro \$1800 annually on a monthly basis for the year 2024, Supervisor Palow, Councilmembers Doolin, Thiem, Martin and Vane all voting aye.

**Appoint New Library Trustee**

Supervisor Palow made a motion seconded by Councilmember Martin to appoint Kathy Hill-Brown to the Board of Library Trustees for a 5-year term ending 12/31/2028 based off the recommendation letter and review of her resume by the Board since the last meeting, Supervisor Palow, Councilmembers Doolin, Thiem, Martin and Vane all voting aye.

**NEW BUSINESS**

**Parks and Recreation Truck Transmission Repair**

Supervisor Palow made a motion seconded by Councilmember Martin to approve payment in an amount not to exceed \$5633 to Opitz Transmission Inc including a 3-year warranty, Supervisor Palow & Councilmembers Doolin, Thiem, Martin and Vane all voting aye.

**Invoice for Truck #10 Watkins Springs**

Supervisor Palow made a motion seconded by Councilmember Martin to approve payment in an amount not to exceed \$3835.14 to Opitz Transmission Inc including a 3-year warranty, Supervisor Palow & Councilmembers Doolin, Thiem, Martin and Vane all voting aye.

**Invoices for Apalachee Salt**

Supervisor Palow made a motion seconded by Councilmember Vane to approve the payments to Apalachee Salt for rock salt in the amounts of \$4499.30, \$2214.85, and \$6671.51, Supervisor Palow, Councilmembers Doolin, Thiem, Martin and Vane all voting aye.

**Schedules Annual Internal Audits for Departments**

Supervisor Palow discussed the time of year has come again to schedule internal audits for all departments and went about assigning Board Members as follows:

Town Clerk Audit Report for Fiscal Reporting per NYS OSC : Councilmember Vane

Building and Zoning Office for Fiscal Reporting per NYS OSC: Councilmember Martin

Senior Accountant Clerk for Fiscal Reporting per NYS OSC : Councilmember Thiem

Audit of the Justices & Court for Fiscal Reporting per NYS OSC: Councilmember Doolin

**Building and Zoning Department Permit Application Fee Schedule**

Supervisor Palow made a motion seconded by Councilmember Doolin to accept the Building and Zoning fee schedule with updated fees, Supervisor Palow, Councilmembers Doolin, Thiem, Martin and Vane all voting aye.

**Authorize Town Clerk to Advertise for Highway Bids for 2024**

Supervisor Palow made a motion seconded by Councilmember Thiem authorizing Town Clerk De Oliveira to advertise bids for 2024 highway materials, Supervisor Palow, Councilmembers Doolin, Thiem, Martin 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 February 2024 seconded by Councilmember Vane including: • Packet A – Abstracts • Packet B- Budget to Actual Reports Supervisors’ reports for revenue per fund, Supervisor’s reports for expenditures per fund and budget transfers report if required. • Packet C – Bank Reconciliations and bank statements for December • Packet D - Cash balance report and Balance sheet Report motion carried with the following roll call vote: Supervisor Palow and Councilmembers Thiem and Vane voting aye, Councilmembers Doolin & Martin abstain.

Supervisor Palow made a motion to accept the Town Clerk’s Financial Report from February 2024 seconded by Councilmember Thiem, motion carried with the following roll call vote: Supervisor Palow and Councilmembers Thiem and Vane all voting aye, Councilmembers Doolin & Martin abstain.

Supervisor Palow made a motion to accept the Building and Zoning’s Financial Report from February 2024 seconded by Councilmember Martin, motion carried with the following roll call vote: Supervisor Palow and Councilmembers Thiem and Vane voting aye, Councilmembers Doolin & Martin abstain.

**APPROVING ABSTRACTS AND PAYMENT OF MONTHLY BILLS**

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

- Abstract #3 2024 \$283,137.08 (Voucher 75-110 & 139-205) Regular Abstract
- Abstract #4 2024 \$22,657.59 (Voucher 111-137) Prepaid Utilities
- Abstract #5 2024 \$1,951.80 (Voucher 206 & 207 Regular Abstracts

**Total Abstracts: \$307,746.47**

Motion carried with the following roll call vote: Supervisor Palow and Councilmembers Doolin, Martin, Thiem and Vane voting aye.

**Authorizing Budget Transfers for January 2024**

Supervisor Palow made a motion seconded by Councilmember Vane to approve the Budget transfer in packet b for the month of January , motion carried with the following roll call vote: Supervisor Palow and Councilmembers Doolin, Martin, Thiem and Vane voting aye.

**GENERAL FUND, HIGHWAY FUND, SEWER, UTILITIES WITHHOLDINGS FOR 2024**

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, Martin, Thiem and Vane voting aye.

**Motion to Move into Executive Session**

Supervisor Palow made a motion at 8:45PM seconded by Councilmember Martin to enter executive session to discuss personnel matters.

Supervisor Palow reconvened the meeting at 9:02PM and stated that no action had been taken.

**MOTION TO ADJOURN**

Town Supervisor Palow made the motion seconded by Councilmember Martin to adjourn the meeting. Motion carried with the following roll call vote: Supervisor Palow and Councilmembers Martin, Doolin, Thiem and Vane all voting aye. The meeting adjourned at **9:03 PM.**

Respectfully submitted,

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Kristin De Oliveira, Town Clerk

# Town of Berne

## RESOLUTION 2024-02-02

### AUTHORIZING SALE OF SURPLUS TOWN PROPERTY

**Dated: February 14, 2024**

At a meeting of the Town Board of the Town of Berne, Albany County, New York, held at the Town Hall, 1656 Helderberg Trail Road, Berne NY on the 14<sup>th</sup> day of February 2024, there were:

Supervisor Dennis Palow	Present
Councilmember Joesph Martin	Present
Councilmember Leo Vane	Present
Councilmember Thomas Doolin	Present
Councilmember Albert Thiem	Present

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

WHEREAS, the Town of Berne is the owner of a parcel of land located on Game Farm Road in the Town of Berne, New York, consisting of +/- 355.66 acres (the "Property"), and bearing Tax Assessment Map designation 90.-1-16.100 ; and

WHEREAS, pursuant to Town Law 64 (2), the Town Board is authorized to sell real property pursuant to a resolution which is subject to a permissive referendum, and provided the property is unneeded for town purposes and adequate consideration is received; and

WHEREAS, the Property is currently not being used for any public purpose, and there is no future use contemplated for that Property, and it is therefore unnecessary for Town purposes;

WHEREAS, the Town purchased the Property in January 2015 for \$150,000.00;

WHEREAS, the Property is subject to a conservation easement recorded in the records of the Albany County Clerk at Liber 3126 Page 199 prohibiting development but allowing such lands to be used for public recreational activities as defined therein ("Conservation Easement");

WHEREAS, the Property is subject to additional easements, restrictions, and covenants limiting its use;

WHEREAS, since its purchase, the structures on the Property have deteriorated, the repair of which would impose a significant financial burden on the Town and its taxpayers;



WHEREAS, the County of Albany (“County”) desires to purchase the Property for public purposes subject to the Conservation Easement and other existing easements, restrictions, and covenants;

WHEREAS, the County has offered to purchase the Property for \$150,000.00 (“Purchase Price”).

WHEREAS, in addition to the purchase price of the Property, all costs of the proposed transfer of title to the Property, including, but not limited to abstract, instrument survey, transfer of taxes, legal notice, recording and filing fees shall be borne exclusively by the County (the “Additional Consideration”); and

WHEREAS, in addition to the Purchase Price and Additional Consideration, any rights to public access on those portions of land as set forth in the Conservation Easement shall continue;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board finds that the Property is currently not being used for any public purpose, and there is no future use contemplated for that portion of the Property, and does hereby find and declare that the Property is surplus and may, therefore, be sold in accordance with the requirements of applicable law; and

BE IT FURTHER RESOLVED, that the Town Board finds that \$150,000.00 and the Additional Consideration are together fair and reasonable consideration for the Property;

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the sale, transfer and conveyance by the Town to the County, and further authorizes the Town Supervisor to execute the necessary documents to convey the Town’s right, title and interest in and to the Property, subject to any legally existing easements, for a purchase price of \$150,000.00 and upon such other terms and conditions as appropriate and consistent with this Resolution.

BE IT FURTHER RESOLVED, that in addition to the Purchase Price and Additional Consideration, there shall be recorded in the conveyance instrument a covenant that preserves the rights of public access to use the lands identified in the Conservation Easement for the uses and activities set forth therein add that such Conservation Easement shall not be terminated or modified without the written consent of the Town Board.

BE IT FURTHER RESOLVED that this Resolution is subject to a permissive referendum as provided in Section 64 (2) of the Town Law of the State of New York and shall not take effect until thirty (30) days after the date of its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the Town voting on such proposition, if within thirty (30) days after the adoption of this Resolution, there be filed with the Town Clerk of the Town a petition signed, and acknowledged or proved, or authenticated by electors of the Town qualified to vote upon a proposition to raise and expend money, in number equal to at least five per centum of the total vote cast for

**February 14, 2024**

governor in the Town at the last general election held for the election of State officers, but which shall not be less than one hundred in a town of the first class nor less than twenty-five in a town of the second class, protesting against this Resolution and requesting that it be submitted to the qualified electors of the Town, for their approval or disapproval.

BE IT FURTHER RESOLVED that as the sale of said Property is subject to a permissive referendum, the Town Clerk is directed to publish and post the notice of adoption of this resolution in accordance with Article 7 of the Town Law.

On a motion Supervisor Palow, seconded by Councilmember Thiem, the resolution was adopted on a roll call vote, the results which follow:

Supervisor Dennis Palow	Aye
Councilmember Joseph Martin	Aye
Councilmember Leo Vane	Aye
Councilmember Thomas Doolin	Aye
Councilmember Albert Thiem	Aye

5 Ayes 0 Nays

Dated: February 14, 2024

BY ORDER OF THE BERNE TOWN BOARD