

**STATE OF NEW YORK**

**ALBANY COUNTY**

**REGULAR MONTHLY MEETING**

Supervisor Palow led the pledge of allegiance and called the meeting to order at 7:02PM with the following members present, Councilmembers Clayton, Doolin, Thiem and Vane & Town Clerk Kristin De Oliveira.

**Discuss/Approve Meeting Minutes from April 13,2022**

Supervisor Palow made a motion seconded by Councilmember Clayton to approve the meeting minutes from April 13, 2022- Supervisor Palow & Councilmembers Clayton, Doolin, Thiem and Vane all voting aye.

**CORRESPONDENCE**

**Kenneth's Army**

Representatives of Kenneth's Army were present to discuss the 8<sup>th</sup> Annual Scheduled Kenneth's Ride on June 4<sup>th</sup> and thanked the town for all of their continued support in keeping the non-profit charity going strong.

**ATV on Roadways in Town**

Residents were present to discuss the idea of allowing ATVs on certain roadways by purchasing a yearly permit through the Town Clerk's office. It was discussed that this could be a source of revenue for the town as well a way to add safety.

**DEPARTMENT REPORTS**

**Highway**

Highway Superintendent Deitz spoke of the cardboard bailer being down but will be repaired in a few short days, trees in the town have been trimmed and planning roads to be black topped.

**Planning Board**

Mr. Martin, Planning Board Chair discussed issues of residents building without permits.

**Zoning Board of Appeals**

Mr.Spargo, Zoning Board Chair, currently stated that building and zoning is moving forward and will soon have issues to address.

## **Building & Zoning Department**

Councilmember Clayton spoke on behalf of the department. Mr. Presiner of Lagmont Engineering has been currently filling in as Code Enforcement for the Town. Many permits have been issues, there was \$1000 of revenue for the month of April. Building Inspector Mr. Heigel is training in the IPS system, and they are continuing to organize the office.

## **Library**

Library Director Kathy Stempel was not present however the well grant had been approved for up to \$18000, the bid is out for the well. The plants for the front of the library have been removed and new plants for the front will be purchased.

## **Assessors**

No one present was from the department, the board is still waiting on a letter to mail to residents concerning the Tax Levy for the Sewer District and also awaiting on the report of new homes in the Town.

## **Sewer Plant**

Mr. Shultes was present and asked about ordering a new grinder pump to have an extra one on hand in case of an emergency. Supervisor Palow made a motion seconded by Councilmember Thiem to purchase a new grinder pump in an amount not to exceed \$4000 taken from the Sewer Fund, motion carried with Supervisor Palow and Councilmembers Clayton, Doolin, Thiem and Vane all voting aye.

## **REPORTS**

### **Celebration Committee**

Hometown Heroes banners have been ordered and will be displayed before Memorial Day Weekend.

### **Senior Meals**

Mr. Harris told of the health inspection for the Community Center Building being rescheduled. Also a great thanks to Dennis Ryan for replacing the hot water heater over the weekend.

## OLD BUSINESS

### Discuss/ Approve Library Well Quote

Supervisor Palow made a motion seconded by Councilmember Doolin to approve a Quote from Lawrence Water Wells in an amount not to exceed \$2551.63 from the reserve fund to be reimbursed with the grant money and the work must be completed by September. Motion carried with Supervisor Palow and Councilmembers Clayton, Doolin, Thiem and Vane voting aye.

The Highway Department will need to rent a machine to dig the trench and the maintenance men will lay the piping, once the well is put in the parking lot will be resurfaced.

### Adopting Local Law 2022 # 3 “Solar Law Energies”

Supervisor Palow offered and moved the following resolution

WHEREAS, the Town Board of the Town of Berne (Town) has developed Local Law #3 for 2022 - Solar Energy Facilities (Law), and

WHEREAS, the purpose of this Solar Energy Facilities local law is to plan for well-sited solar energy generating systems and equipment, and to protect and promote the health, safety, and welfare of the community in accordance with the following objectives:

- A. Allowing Town of Berne residents, landowners, farms, and government to take advantage of solar energy resources in a way that is consistent with the nature and character of the Town in accordance with the Town of Berne Comprehensive Plan.
- B. To further state and local renewable energy goals and combat climate change.
- C. To protect the property values of those properties neighboring and within the view shed of certain solar energy facilities.
- D. To take advantage of a safe, abundant, renewable and non-polluting energy source.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF BERNE AS FOLLOWS:

1. The Town Board, pursuant to 6 NYCRR Part 617, has designated itself as Lead Agency, and will conduct an environmental review to assess the impacts of the proposed local law; and

2. The Town Board has determined that the project is an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA), Article 8 of the New York Environmental Conservation law and its implementing regulations, 6 NYCRR Part 617; and
3. The Town Board instructs the Supervisor, with the assistance of the Towns consulting engineer and Town Counsel to complete a Short Environmental Assessment Form to help assess the potential environmental impacts of the proposed local law.

WHEREAS Local Law #3 of 2022 known as the “Solar Energies Facilities Law” has been introduced by the Town Board of the Town of Berne and a public hearing has been duly called and held, NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Berne hereby adopts Local Law #3 of 2022 of the Town of Berne known as the “Solar Energy Facilities.” The resolution was 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.

## **NEW BUSINESS**

### **Fee Schedule for Building and Zoning Department**

The Building and Zoning Department has been working to create a more uniform fee schedule for permits, the plan going forward is to review the fees annually and ensure they are working well. Also new forms and permits are in the making. Councilmember Clayton made a motion seconded by Councilmember Thiem to accept the building and zoning department’s new fee schedule, Supervisor Palow and Councilmembers Clayton, Doolin, Thiem and Vane all voting aye.

### **RESOLUTION SETTING STANDARD WORKDAY FOR NYS RETIREMENT FOR APPOINTED AND ELECTED OFFICIALS**

A complete copy of the resolution attached to these minutes was offered and moved by Supervisor Palow and seconded by Councilmember Clayton,

Resolution was carried with Supervisor Palow, Councilmembers Clayton, Doolin, Thiem and Vane all voting aye. This resolution is attached at the end of the minutes.

### **Accept and Approve Fox Valley Shale Bill**

Fox Valley Excavating delivered 35 additional loads of shale to the Town Park for the new roadway construction. Supervisor Palow made a motion to approve payment of the amount not to exceed \$7700 from parks and recreation reserve, seconded by Councilmember Vane, Supervisor Palow and Councilmembers Clayton, Doolin, Thiem and Vane all voting aye.

### **DISCUSSION AND APPROVAL OF MONTHLY FINANCIAL REPORTS**

Supervisor Palow made a motion to accept the Supervisor's Financial Report from April 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 Town Clerk's Financial Report from April 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 Building and Zoning Department Financial Report from April 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 APRIL**

After discussion, Supervisor Palow made a motion seconded by Councilmember Clayton that the budget transfers for April and May 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 Vane to approve the following abstracts and payment bills:

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

<b>Abstract #20 of 2022.....</b>	<b>\$9,785.11</b>
<b>Abstract #21 of 2021.....</b>	<b>\$22,741.17</b>
<b>Abstract #22 of 2022.....</b>	<b>\$13,486.87</b>
<b>Abstract #23 of 2022.....</b>	<b>\$6000.00</b>
<b>Abstract #24 of 2022.....</b>	<b>\$10,371.08</b>
<b>Abstract #25 of 2022.....</b>	<b>\$27,436.77</b>

**Abstract # 20-25 2022 Total: \$ 89,821.00**

Motion carried with the following roll call vote: Supervisor Palow, and Councilmembers Clayton, 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 Clayton, Doolin, Thiem and Vane voting aye. Meeting adjourned at 8:14PM.

Respectfully submitted,

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Kristin De Oliveira, Town Clerk

SEQR Resolution - Negative Declaration

May 11, 2022

WHEREAS, the Town Board of the Town of Berne (Town) has developed Local Law #3 for 2022 - Solar Energy Facilities (Law), and

WHEREAS, the purpose of this Solar Energy Facilities local law is to plan for well-sited solar energy generating systems and equipment, and to protect and promote the health, safety, and welfare of the community in accordance with the following objectives:

- E. Allowing Town of Berne residents, landowners, farms, and government to take advantage of solar energy resources in a way that is consistent with the nature and character of the Town in accordance with the Town of Berne Comprehensive Plan.
- F. To further state and local renewable energy goals and combat climate change.
- G. To protect the property values of those properties neighboring and within the view shed of certain solar energy facilities.
- H. To take advantage of a safe, abundant, renewable and non-polluting energy source.

WHEREAS, the Town Board, pursuant to 6 NYCRR Part 617, has designated itself as Lead Agency, and has conducted an environmental review to assess the impacts of the proposed local law; and

WHEREAS, the Town Board has completed a Short Environmental Assessment Form to assist with determining the potential environmental impacts of the Law, and

WHEREAS, the probable environmental impacts of the Law have been carefully considered by the Town Board.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF BERNE AS FOLLOWS:

1. The Town Board adopts the findings and conclusions of the projects probable environmental impacts that have been described and identified in the attached Short Environmental Assessment Form and accompanying documentation; and
2. The Town Board has determined that based on the findings and conclusions contained in the Short Environmental Assessment Form and accompanying documentation that the proposed Project will not result in any significant adverse environmental impacts; and
3. The Town Board authorizes the Supervisor to take such further steps as may be necessary to discharge the Boards responsibility as lead agency for the project.



**RESOLUTION FOR RETIREMENT SYSTEM**

Be it resolved that the Town Board hereby establishes the following standard workday for elected and appointed officials for the purpose of determining days worked reportable to the “New York State and Local Employees Retirement System”

**Elected officials:**

Supervisor, Town Clerk, Councilmember, Tax Collector, Assessors  
6 hour day – 30 hours per week

Superintendent of Highways  
8 hour day – 40 hours per week

Highway employees  
8 hour day - 40 hours per week

**Appointed officials**

Full time - 8 hour day – 40 hours per week  
Part time - 6 hour day – 30 hours per week

**BE IT RESOLVED**, that the Town of Berne hereby establishes the following as standard work days for elected and appointed officials; and will report the following days worked to the New York State and Local Employees Retirement System based on the record of activities maintained and submitted by the below listed officials to the clerk of this board.

Title	Name	Standard Work Day	Term Begins - Ends	Record of Time Worked	ReportedDays Per Month
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**ELECTED OFFICIALS:**

Town Clerk	Kristin De Oliveira	6 hrs.	1/1/2022 -12/31/2025	Y	20
Town Supervisor	Dennis Palow	6 hrs.	1/1/2022-12/31/2025	Y	20
Highway Superintendent	Randy Bashwinger	8 hrs	1/1/2022 -12/31/205	Y	20

**APPOINTED OFFICIALS**

Planning Board Alternate	Kris Bremer	6 hrs	1/1/2022-12/31/2025	Y	.43
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