

**STATE OF NEW YORK
ALBANY COUNTY**

6:30PM

Public Hearing for LOCAL LAW 2 OF 2023 “REGARDING REAL PROPERTY TAX EXEMPTIONS FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE PERSONNEL PURSUANT TO SECTION 466-A OF REAL PROPERTY TAX LAW”

Deputy Supervisor Clayton opened the Public Hearing at 6:31PM by asking everyone to stand for the Pledge of Allegiance.

PUBLIC COMMENTS

Mary Alice Molgard Fire Commissioner for East Berne wanted to thank the board for the opportunity and consideration to offer this exemption especially to younger members of the community who are becoming homeowners.

Neil Hogan-Helderberg Ambulance Chairman thanked the board for continued support and is very hopeful that if the law is adopted it will help with recruiting volunteers.

Thomas Doolin- Town Board member had questions on tracking service and verifying how many years members had vested. Mary Alice Molgard assured them that they have all personnel records keeping track of start dates and any breaks in service. Neil Hogan assured the boards that they also keep diligent records and annually Medicaid and Medicare require reports detailing who is on every call and information on continued education is also required.

The Board wanted to confirm how detailed records would be kept verifying necessary qualifications for the exemption status as well as for some particular circumstances covered in the proposed law such as a spouse of a vested volunteer who is deceased.

Deputy Supervisor Clayton made a motion seconded by Councilmember Vane to adjourn at 6:49 PM and take short recess, Deputy Supervisor Clayton & Councilmembers Doolin, Thiem and Vane all voting aye.

7:00PM

REGULAR MONTHLY MEETING

Deputy Town Supervisor Clayton led the pledge of allegiance and called the meeting to order at 7:05 PM with the following roll call attendance: Councilmembers Doolin, Thiem and Vane were present. Also in attendance Highway Superintendent Bashwinger and Town Clerk Kristin De Oliveira.

DISCUSS/APPROVE MEETING MINUTES FROM APRIL

Deputy Supervisor Clayton made a motion seconded by Councilmember Thiem to approve the meeting minutes from May 10, 2023, Deputy Supervisor Clayton & Councilmembers Doolin, Thiem and Vane all voting aye.

CORRESPONDENCE

A reminder for Sunday July 2, 2023, fireworks with free ice cream and hot dogs for kids under 12 years old, more details would follow on website/ flyers with times and details.

Kennth's Army had the Annual Run Saturday June 3, 2023, and it was a great turn out the white tables in the newly redone Pavilion look great.

PUBLIC COMMENT

Roger Chrysler handed out a document to all board members listing proposals for Switzkill Farm concerning haying, plowing and mowing options.

Walter Galicki approached the board with a directory handout listing services and important contacts within The Town of Berne, the directory was created by a private organization. The Board thanked him for his time gathering information.

Victor Procopio approached the Town Board with concerns about his neighbor's property and current outstanding variances with the Zoning Board of Appeals. He was told to save his questions and handout for the Zoning Board of Appeals hearing June 21,2023 at 6:30PM.

Jason Preisner from Lamont Engineers discussed the magnitude of resources required to establish senior housing. He wanted to discuss the need for infrastructure within the town and the high cost of this. It was also noted that it would not be the responsibility of the Town to provide these items for Senior Housing to be possible. Also in order for a company to come in and undertake such a large project it must also be feasible for them.

DEPARTMENT REPORTS

Highway- Superintendent Bashwinger thanked the board for the recent motion to hire a diesel mechanic the whole department is currently caught up on routine maintenance and was able to get automatic shut offs installed into all the vehicles.

Transfer Station- Superintendent Bashwinger told of recyclable bottle money coming at \$1050.24 this month. The new compactor box was great but did not come with wheels so a part-time employee with welding experience was able to install push plates making it much easier to get onto the truck.

ZBA- Chairman Spargo told of an upcoming Public Hearing on June 21 for a few different variances.

Parks & Recreation- Parks and Recreation Chair said the time was not yet confirmed for the Independence Day but there would be live music, free cotton candy and ice cream as well free hot dogs and chips with a soda for kids under 12.

Building and Zoning- The department has been very busy with new permits including lot line adjustments and subdivisions.

OLD BUSINESS

Switzkill Farm Update

The Town Supervisor and Board have been back in communication with Albany County and have been holding meetings to negotiate a partnership which would still allow the Town ownership rights. The Town is waiting for an MOA and is hopeful to enter into an agreement.

Senior Meal Program Update with Life Path

Deputy Town Supervisor Clayton discussed concerns with attendance for the Senior Meal program and that the menus were an issue found residents were unhappy with the food choices. The menus have been revamped and will be shared on the Town website as well as copies available at Town Hall. There is a need for volunteers and entertainment which would help engage residents and keep them coming back.

Discuss/ Approve Kennel Usage Contract with Daisey’s Doggie Retreat

Deputy Supervisor discussed the contract which had been written for an agreement between Daisey’s Doggie Retreat and the Town of Berne to utilize their kennel space. Deputy Supervisor Clayton made a motion to purchase enter into an agreement paid on a monthly basis \$300 monthly, \$3600 yearly with 30-day notice cancellation by either party seconded by Councilmember Vane, Deputy Supervisor Clayton and Councilmembers Doolin, Thiem and Vane all voting aye.

NEW BUSINESS

ADOPTING LOCAL LAW # 2 FIREFIGHTER & AMBULANCE LAW

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 14th day of June, 2023, there were:

Supervisor Dennis Palow	Not Present
Deputy Town Supervisor Anita C. Clayton	Present
Councilmember Thomas Doolin	Present
Councilmember Leo Vane	Present
Councilmember Albert Thiem	Present

Deputy Supervisor Clayton offered and moved the following resolution.

WHEREAS, proposed local law 2 of 2023 was developed with the assistance of the Town’s consultants and was distributed to and reviewed by the Town Board members.

WHEREAS, on May 10, 2023, this Board introduced proposed local law 2 of 2023 regarding real property tax exemptions for volunteer firefighters and ambulance personnel pursuant to section 466-a of the Real Property Tax Law;

WHEREAS, a duly noticed public hearing was held on June 14, 2023 and any public comments were considered by the Town Board members;

WHEREAS, a Part 1 short environmental assessment form was prepared under NYS Environmental Quality Review Act (SEQRA), and the Town Board determined that adoption of the proposed legislative act is a Type II action under NYCRR 617.5 (33) requiring no further environmental review; and

WHEREAS, the Town Board, after due deliberation, finds it in the best interest of public health, safety, and welfare to adopt said Local Law.

NOW THEREFORE BE IT RESOLVED that, the Town Board hereby adopts Local Law No. 2 of 2023, a copy of which is attached hereto, which shall take effect upon filing with the New York State Secretary of State; and

BE IT FURTHER RESOLVED that, the Town Clerk is hereby directed to enter said Local Law in the minutes of this meeting and in the Town of Berne files and give timely notice of the adoption of said Local Law to the Secretary of State, as required by law.

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

Supervisor Dennis Palow	Not Present
Deputy Town Supervisor Anita C. Clayton	Aye
Councilmember Thomas Doolin	Aye
Councilmember Leo Vane	Abstain/ Recuse
Councilmember Albert Thiem	Aye
	3 Ayes 0 Nays

Resolution Passes and Local Law #2 2023 is effective immediately.

Discuss/Approve Water Testing for Town Facilities

The Town received a quote for testing of the water at all town properties which is done on a yearly basis. Deputy Supervisor Clayton made a motion seconded by Councilmember Vane to approve the annual water testing through Adirondack Water in an amount not to exceed \$1606.50, Deputy Supervisor Clayton and Councilmembers Doolin, Thiem and Vane all voting aye.

Option for Employees to withhold ROTH Contributions via Payroll

Deputy Supervisor Clayton made a motion seconded by Councilmember Thiem to authorize for the option to create a new payroll withholding according to NYS Law to withhold ROTH IRA benefits from payroll, Deputy Supervisor Clayton and Councilmembers Doolin, Thiem and Vane all voting aye.

Discuss/ Approve PERMA Transitional Duty Program

Deputy Town Supervisor Clayton made a motion seconded by Councilmember Thiem to approve of transitional duty as opposed to only offering light duty for employees returning to work on a case-by-case basis determined by PERMA (Town's Workers Compensation Company.) Deputy Supervisor Clayton and Councilmembers Doolin, Thiem and Vane all voting aye.

Discuss/Approve New Highway Employees Slingerland & Epting

Two new full-time employees have been hired for the Highway Department. Deputy Supervisor Clayton made a motion seconded by Councilmember Doolin to approve the pay rate of \$24.51 per hour for William Slingerland and Thomas Epting as full time permanent, civil service exempt highway employees. Deputy Supervisor Clayton and Councilmembers Doolin, Thiem and Vane all voting aye.

Discuss/Approve 284 Forms for 2023 CHIPS Funding Projects

NYS offers CHIPS money for road repair and paving throughout the year. The 284 Forms are used to break down exactly what roads and where they will be paved prior to the work being completed. Superintendent Bashwinger presented the Board with 284 forms showing work to be done from High Point Road – to Bradt Hollow Road with a price of \$192,807.50 and Remley Lane to Woodstock Road with a price of \$168,345. On a motion made by Deputy Town Supervisor Clayton and seconded by Councilmember Thiem to approve of the 284 forms for the year 2023 Deputy Supervisor Clayton and Councilmembers Doolin, Thiem and Vane all voting aye.

Discuss/Approve Jeff Thomas Escrow Return

In the past there was a hold in the form of escrow accounts for varying projects within the Town. Deputy Supervisor Clayton made a motion to return Jeff Thomas's escrow established for Senior Housing years ago in an amount of \$4,484.44, Deputy Supervisor Clayton and Councilmembers Doolin, Thiem and Vane all voting aye.

Discuss/ Approve Escrow Transfer for Senior Transportation

Deputy Supervisor Clayton made a motion seconded by Councilmember Vane to transfer funds from A899 to A878 in an amount of \$5,012.13 for unused funds for senior transportation to miscellaneous capital funds. Deputy Supervisor Clayton and Councilmembers Doolin, Thiem and Vane all voting aye.

Discuss Letter from Helder-Herdwyck Farm

Earlier in the week the Building Department received a letter requesting a letter of support for a local farm feeling developmental pressure. The email sent samples letters the town could use. After discussion Deputy Supervisor Clayton tabled the matter to find out more information.

Approve Payment to Ambient Environmental for Highway Demo

Earlier on in the year the Town Board approved an initial quote for Ambient Environmental to perform a pre demo survey for the Town Highway Garage. The final bill was recently received, Deputy Supervisor Clayton made a motion to pay Ambient Environmental in an amount not to exceed \$3204.00 from A1620E-44028 Deputy Supervisor Clayton and Councilmembers Doolin, Thiem and Vane all voting aye.

Proposal from Roger Chrysler regarding Maintenance at Switzkill Farm

After discussion on the proposal given to the Town Board regarding mowing and haying at Switzkill Farm Councilmember Vane made a motion seconded by Deputy Supervisor Clayton to wait on quotes with Albany County in anticipation of entering an MOU. Deputy Supervisor Clayton, Councilmembers Thiem and Vane voting aye and Councilmember Doolin voting nay. Motion carries.

DISCUSSION AND APPROVAL OF MONTHLY FINANCIAL REPORTS

Deputy Supervisor Clayton made a motion to accept the Supervisor's Financial Reports from May 2023 seconded by Councilmember Doolin including:

- Packet A – Abstracts
- Packet B- Budget to Actual Reports Supervisors' reports for revenue per fund, Supervisors reports for expenditures per fund and budget transfers report if required
- Packet C – Bank Reconciliations and bank statements for May
- Packet D - Cash balance report and Balance sheet Report

Motion carried with the following roll call vote: Deputy Supervisor Clayton and Councilmembers Doolin, Thiem and Vane all voting aye.

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

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

AUTHORIZING BUDGET TRANSFERS FOR MAY

After discussion, Deputy Supervisor Clayton made a motion seconded by Councilmember Thiem that the budget transfers for May be authorized. Motion carried with the following vote: Deputy Supervisor Clayton and Councilmembers Doolin, Thiem and Vane all voting aye.

APPROVING ABSTRACTS AND PAYMENT OF MONTHLY BILLS

After discussion, Deputy Supervisor Clayton made a motion seconded by Councilmember Clayton to approve the following abstracts and payment bills:

- Abstract #25 2023 \$ 5,534.32 (Voucher 494-509) Prepaid Utilities
- Abstract #26 2023 \$ 2,242.90(Vouchers 516-520) Prepaid Utilities
- Abstract #27 2023 \$80,200.35 (Vouchers 521-640) Board Approved

Total Abstracts: \$87,977.57

GENERAL FUND, HIGHWAY FUND, SEWER, UTILITIES WITHHOLDINGS FOR 2023

Deputy Supervisor Clayton made a motion seconded by Councilmember Vane to authorize payment of bills -motion carried with the following roll call vote: Deputy Supervisor Clayton, and Councilmembers Doolin, Thiem and Vane voting aye.

MOTION TO ADJOURN

There being no further business or discussion, Deputy Supervisor Clayton made the motion seconded by Councilmember Thiem to adjourn the meeting. Motion carried with the following roll call vote: Deputy Supervisor Clayton and Councilmembers Doolin, Thiem, and Vane voting aye. The meeting adjourned at **8:33 PM**.

Respectfully submitted,

Kristin De Oliveira, Town Clerk

Town of Berne

Introductory Proposed Local Law No. 2 of the Year 2023

“A Local Law to the Town of Berne providing Real Property Tax Exemptions for Volunteer Firefighters and Ambulance Personnel Pursuant to Section 466-A of Real Property Tax Law”

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

Section II. Legislative intent and purpose:

a. The Town Board of the Town of Berne finds and determines that attracting and retaining quality volunteer firefighters and emergency medical personnel is one of the most critical problems facing our community and that maintaining effective emergency protection depends on the ability to train and retain volunteers.

b. The Town Board finds and determines that it is essential for the Town to provide real property tax exemptions as an incentive to attract new volunteers and help combat a persistent and alarming decline in the number of volunteers serving as active responders to fire and medical emergencies and unless recruits are found to replace retiring volunteers and seasoned members are encouraged to continue their volunteer service, the health and safety of citizens served by the volunteer firefighter and emergency medical personnel corps may be jeopardized.

c. The Town Board further finds and determines that real property tax exemptions are an appropriate way to recognize the personal sacrifices and dedication of these community-spirited men and women who unselfishly give their time and risk their safety to protect their neighbors without compensation. d. The purpose of this Local Law is to adopt the real property tax exemptions provided for volunteer firefighters and emergency medical personnel in accordance with Section 466-a of the Real Property Tax Law to read as follows.

Section 1. Real Property Tax Exemption. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in the Town of Berne shall be exempt from taxation to the extent of 10 percent of the assessed value of such property for Town purposes, exclusive of special assessments.

Section 2. Qualifications. Such exemption shall only be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance services if:

(a) the applicant resides in the Town of Berne and is a member of an incorporated volunteer fire company or fire department or incorporated voluntary ambulance service which provides service within the town.

(b) the real property which is the subject of such exemption is the primary residence of the applicant.

(c) the real property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this Local Law.

(d) the applicant has obtained and displayed a certificate issued by the authority having jurisdiction for the incorporated volunteer fire company or fire department indicating that the applicant has been an enrolled member of such incorporated volunteer fire company or fire department for at least two years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least two years.

Section 3. Continuation of eligibility requirements. The applicant shall maintain continual eligibility for the exemption by being a continuously active member of the incorporated volunteer fire company, fire department, fire district, or incorporated voluntary ambulance service. An active member shall meet the requirements for active service as defined by each company, department, or corporation. Annual attestation by such company, district or corporation is required to maintain this exemption.

Section 4. Twenty-year active members. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service, as defined in Section 3 hereof, and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within the Town of Berne.

Section 5. Un-remarried Surviving Spouses of Volunteers killed in the line of duty. An un-remarried spouse of a volunteer firefighters or volunteer ambulance workers killed in the line of duty may receive the real property tax exemption if:

1. Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated volunteer ambulance service who was killed in the line of duty; and.

2. Such deceased volunteer had been an enrolled member for at least five years; and.

3. Such deceased volunteer had been receiving the exemption prior to his or her death.

Section 6. Un-remarried Surviving Spouses of Volunteers with at least Twenty Years of Service. An un-remarried spouse of a volunteer firefighters or volunteer ambulance workers with twenty years of service may receive the real property tax exemption if:

1. Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated volunteer ambulance service.

2. Such deceased volunteer had been an enrolled member for at least twenty years.

3. Such deceased volunteer and un-remarried spouse had been receiving the exemption of such property prior to the death of such volunteer.

Section 7. Application process.

1. Applications for such an exemption shall be filed with the assessor of the town on or before the taxable status date on a form as prescribed by the New York State Commissioner for the Office of Real Property Tax Services.

2. The assessor of the town shall have the duty and responsibility of procuring and filing a copy of such certification prior to granting the exemption provided for by this Local Law.

Section 8. No diminution of current benefits. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of law on the effective date of this Local Law shall suffer any diminution of such benefit because of the provisions of this Local Law.

SECTION II. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.