

At a Regular Meeting of the  
 Town Board of the Town of  
 Berne, held at the Town of  
 Berne Community & Senior  
 Services Center, 1360  
 Helderberg Trail in the Town  
 of Berne, on the 10<sup>th</sup> day of  
 November, 2021.

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In the Matter of the Establishment of the Proposed  
 HELDERBERG LAKE PARK DISTRICT in the  
  
 TOWN OF BERNE, COUNTY OF ALBANY  
 STATE OF NEW YORK

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**ORDER SCHEDULING  
 PUBLIC HEARING**

WHEREAS, a petition dated June 2021, has been duly presented to the Town Board of the Town of Berne, according to law, requesting that a Park District, as hereinafter described, be established in the Town of Berne, and

WHEREAS, the boundaries of the proposed park district and the parcels included therein are as follows:

**LIST OF INCLUDED TAX PARCELS**

The Helderberg Lake Park District shall include all of the tax map parcels listed below as taken from the Petition Signature Page Forms located in Schedule D thereof:

<b>Page 1</b>	<b>Page 2</b>	<b>Page 3</b>	<b>Page 4</b>	<b>Page 5</b>	<b>Page 6</b>	<b>Page 7</b>
92.4-1-57	92.4-1-59	92.4-1-34	92.4-1-26	92.4-1-10	92.4-1-32	92.4-1-48
92.4-1-61	92.4-1-60	92.4-1-8	92.4-1-17	92.4-1-11	92.4-1-7	92.4-1-47
92.4-1-28	92.4-1-16	92.4-1-24	92.4-1-19		92.4-1-21	92.4-1-51
92.4-1-9	92.4-1-37	92.-2-35	92.-2-26	92.-2-40	92.4-1-12	92.4-1-50
92.4-1-43	92.4-1-27	92.-2-20.1	92.4-1-68	92.-2-39	92.4-1-46.100	92.4-1-49
92.4-1-25	92.4-1-53	92.4-1-46.200	92.4-1-36	92.-2-38	92.-2-25	92.4-1-29
92.4.-1-45	92.4-1-13	92.4-1-14	92.4-1-63		92.4-1-23	92.-2-27
92.4-1-38	92.4-1-6	92.4-1-20	92.-2-20.2		92.-2-21	92.-2-45
92.4-1-42	92.4-1-65	92.-2-33			92.-2-23	92.-2-46
92.4.-1-41	92.4-1-69	92.4-1-15			92.4-1-62	92.-2-44
92.4-1-52		92.4-1-33			92.4-1-58	92.-2-42
92.4-1-18		92.4-1-30			92.4-1-56	92.-2-43
92.4-1-54		92.4-1-2				

**BOUNDARY DESCRIPTION**

Beginning at the Point of Beginning, said point describing the southwest corner of Albany County, New York tax map parcel 92.-2-44 (n/f of Hoose) thence running northly along the westerly lot line of said tax map parcel 92.-2-44 to its northwesterly corner of said lot at its intersection with Delaware Turnpike; thence crossing Delaware Turnpike and continuing northerly along the westerly boundary of tax map parcel 92.4-1-69 (n/f of Helderberg Lake Community Association) to its northwesterly corner at its intersection with Pinnacle Road; thence following the northerly boundary of said property of Helderberg Lake Community Association along Pinnacle Road to its northeasterly point; thence crossing Pinnacle Road and proceeding northerly along the westerly boundary of tax map parcel 92.-2-20.1 (n/f of Weinstock) to its northly point at its intersection with the southwesterly corner of tax map parcel 92.-2-21 (n/f of Brusio); and then continuing along the same line along the westerly boundary of tax map parcel 92.-2-21 (n/f of Brusio) to a point, said point being the northwesterly corner of said lot; thence easterly along the northerly property line of said tax map parcel 92.-2-21 to a point, said point being the northeasterly corner of said lot at its intersection with Pinnacle Road; thence southerly along the easterly line of said tax map parcel 92.-2-21 to a point being the southeasterly corner of said lot; thence westerly along the northly line of tax map parcel 92.-2-22 (n/f of Tennessee Gas Transmission Co.) to a point being the northwesterly corner of said lot; thence southerly along the westerly property boundary of lands n/f of tax map parcel 92.-2-22 to a point being the southwesterly corner of said lot; thence easterly along the southerly line of tax map parcel 92.-2-22 to a point at its intersection with Pinnacle Road; thence southerly along Pinnacle Road along the easterly line of tax map parcel 92.-2-23 to a point; thence southerly along Pinnacle Road along the easterly and southerly lines of tax map parcel 92.-2-25 (n/f of Parrott) to a point at its intersection with the southeasterly corner of tax map parcel 92.-2-26 (n/f of Brower); thence southerly crossing Pinnacle Road and following the easterly line of tax map parcel 92.4-1-69 (n/f of Helderberg Lake Community Association) to a point on Hillcrest Drive opposite the northeasterly corner of tax map parcel 92.-2-33 (n/f of Bobish); thence crossing Hillcrest Drive and proceeding easterly along the northerly line of lands n/f of tax map parcel 92.-2-33 to a point being the northeasterly corner of said lot; thence southerly along the easterly line of tax map parcel 92.4-1-69 (n/f of Helderberg Lake Community Association) to its intersection with Delaware Turnpike; thence westerly along the southerly lot line of tax map parcel 92.4-1-69 to a point opposite its intersection with Gulf Hill Road; thence southerly following the easterly line of Gulf Hill Road to its intersection with the northwesterly corner of tax map parcel 92.-2-40 (n/f of Lachance); thence easterly along the northerly lot line of tax map parcel 92.-2-40 to its intersection with the southerly side of Delaware turnpike; thence southerly along the easterly lot line of tax map parcel 92.-2-40 (n/f of Lachance); thence continuing southerly along the easterly lot line of 92.-2-39 (n/f of Diehl); thence continuing southerly along the easterly lot line of tax map parcel 92.-2-38 (n/f of Koch) to a point; thence westerly along the southerly line of tax map parcel 92.-2-38 crossing Gulf Hill Road; thence southerly along the easterly lot line of tax map parcel 92.-2-43 (n/f of Burt) to a point; thence westerly along the southerly line of tax map parcel 92.-2-43 to a point said point being the south easterly corner of tax map parcel 92.-2-44 (n/f of Hoose); thence westerly along the southerly line of tax map parcel 92.-2-44 to the southwesterly corner of said parcel, being the point or place of beginning and containing parcels constituting 73 tax map parcel numbers.

WHEREAS, the Petition has been duly signed by the owners of taxable real property

situate in the proposed district owning in the aggregate at least one-half of the assessed valuation of all the taxable real property of the proposed district as shown on the latest completed assessment roll of the Town; and

WHEREAS, there are resident owners and the Petition has been duly signed by the resident owners of taxable real property situate in the proposed district owning in the aggregate at least one-half of the assessed valuation of all the taxable real property of the proposed district owned by resident owners as shown on the latest completed assessment roll of the Town; and

WHEREAS, the Petition duly describes the boundaries of the proposed District in a manner sufficient to identify the lands included therein as in a deed of conveyance; and

WHEREAS, the Petition was signed by Petitioners and acknowledged or proved in the manner as a deed to be recorded or authenticated in the manner provided in the election law for the authentication of nominating petitions; and

WHEREAS, the Petition requests the improvement of the dam forming Helderberg Lake and states the maximum amount to be expended therefor as \$500,000.00; and

WHEREAS, the Petition does not propose the acquisition of any property as the dam is presently owned by the Helderberg Lake Community Association and the properties included in the proposed district are all members of the Helderberg Lake Community Association; and

WHEREAS, a Detailed Explanation of how the cost of cost of the District to the typical property and the typical one or two family home was computed and is on file in the Office of the Town Clerk; and

WHEREAS, the improvements will generally consist of: (i) placement of stone fill on the downstream face of the dam as required to increase the downstream slope stability to acceptable levels; (ii) buttressing the leaning concrete core wall to stabilize the wall and prevent the wall from leaning further; (iii) increasing the height of the concrete core wall to reduce the risk of overtopping during a major flood event; (iv) sealing cracks in the concrete core and spillway walls; (v) spot patching of deteriorated concrete spillway features; (vi) filling the existing low-level outlet pipe with grout to complete abandonment and to guard against corrosion and failure of the low-level outlet pipe and valve; and (vii) developing a plan for use of a permanent siphon or high-capacity temporary pumps.

WHEREAS, the maximum amount to be expended (cost) for the proposed park district \$500,000.00 which will be financed through the sale of municipal bonds and amortized over a period of 30 years pursuant to Local Finance Law § 11(a)(22)(a) and/or 11(a)(94)

WHEREAS, the “cost of the district to a typical property,” in the first year after formation as defined in Town Law §193, is \$401.64 (property with assessed value of \$75,000) or \$669.40 (property with assessed value of \$125,000); and

WHEREAS, the cost to the “typical one or two family home, ” in the first year after

formation as defined in Town Law §193, is \$669.40 (property with assessed value of \$125,000);

BE IT RESOLVED, that it is hereby determined by the Town Board of the Town of Berne as follows:

IT IS ORDERED, that the Town Board of the Town of Berne shall meet at the Berne Community & Senior Services Center, 1360 Helderberg Trail, Town of Berne, New York, on the 1<sup>st</sup> day of December 2021, at 6 o'clock P.M., to consider said petition and hear all persons interested in the subject thereof, and further

IT IS ORDERED, that the Town Clerk of the Town of Berne is hereby authorized and directed to publish a certified copy of this order in The Altamont Enterprise and to post a copy of same on the sign-board of the Town of Berne, and cause the notice to be displayed and accessible on the Town's website, in the time and manner required by law, not less than 10 and not more than 20 days prior to the hearing.

IT IS ORDERED, that this Resolution shall be entered in the minutes of the Town Board's proceedings.

The Foregoing resolution, offered by Supervisor Lyons and seconded by Councilmember Palow, was duly put to a roll call vote as follows:

COUNCILMAN PALOW  
COUNCILMAN VANE  
COUNCILMAN WILLSEY  
SUPERVISOR LYONS

VOTING: aye  
VOTING: aye  
VOTING: nay  
VOTING: aye

STATE OF NEW YORK            }  
COUNTY OF ALBANY           }  
TOWN OF BERNE                }

I have compared the preceding copy with the original Resolution on file in this office adopted by the Town Board of Berne at a regular meeting held November 10, 2021, and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

MEMBERS PRESENT	MEMBERS ABSENT	VOTE
Supervisor Lyons		aye
Councilmember Palow		aye
Councilmember Vane		aye
Councilmember Willsey		nay

Witness my hand and the seal of the Town of Berne, this 15<sup>th</sup> day of November, 2021.

Anita C. Clayton  
TOWN CLERK  
TOWN OF BERNE