

APRIL 10, 2024

**ALBANY COUNTY NEW YORK
REGULAR MONTHLY MEETING**

Supervisor Palow led the pledge of allegiance and called the meeting to order at 7:01PM with the following roll call attendance: Councilmembers Doolin, Martin, Thiem and Vane were present, also in attendance Highway Superintendent Bashwinger and Town Clerk De Oliveira.

ACCEPT MEETING MINUTES

Supervisor Palow made a motion seconded by Councilmember Doolin to make an amendment to the March 13, 2024 meeting minutes and to add the reason of “discuss personnel matters” to the motion to enter into Executive Session” with this amendment the following vote took place to accept the meeting minutes from March 13, 2024, Supervisor Palow and Councilmembers Doolin, Martin, Thiem and Vane all voting aye.

CORRESPONDENCE

Jason Preisner from Lamont Engineers was present to follow up briefly pertaining to the Highway Garage presentation last month. Jason Preisner also presented information regarding NYS Dec Mandated updates for Disinfection of the Water from the Towns Water Treatment Plant. The mandate’s goal is to limit the number of bacteria that filters into water and protect aquatic life as well as limit the spread of viruses.

RESOLUTION SEQ FOR SEWER PLANT DISINFECTION PROJECT

Supervisor Palow offered and moved the following resolution:

WHEREAS the Town Board of the Town of Berne is undertaking a project called the Sewer District No. 1 - Wastewater Treatment Plant Effluent Disinfection Project (hereinafter referred to as “the project”) to take steps to address a New York State mandate to provide disinfection of the effluent produced by the Town’s wastewater treatment plant; and

WHEREAS the Town Board of the Town of Berne intends to make improvements to its wastewater treatment plant to address the effluent disinfection mandate and other associated improvements to the facility; and

WHEREAS the Town Board of the Town of Berne intends to apply for grants and loans to undertake said improvements through the New York State Department of Environmental Conservation Water Quality Improvements Program and any other state or federal funding programs that may be available; and

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

1. The Town Board intends to proceed with the Sewer District No. 1 – Wastewater Treatment Plant Improvements Project to take steps to address a New York State mandate to provide disinfection of the effluent produced by the Town’s wastewater treatment plant; and
2. The Town Board hereby determines that the project is a Type I 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 pursuant to potential funding program requirements; and
3. The Town Board hereby declares itself SEQRA Lead Agency, provided that no involved agency objects within 30 days of the date of this resolution; and
4. The Town Board hereby instructs the Town Supervisor, with the assistance of the Town consulting engineer, to prepare a full Environmental Assessment Form and notify involved agencies of the Town Boards intent to serve as SEQRA Lead Agency and to further initiate the coordinated review of the Project under the SEQRA regulations; and
5. The Town Board authorizes the Town Supervisor to sign all environmental review documents and financing documents for the Project on their behalf.

By (unanimous/majority) roll call vote of the Town Board of the Town of Berne at its meeting of April 10, 2024.

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

UPDATE FROM ACO PAUL GRIBBIN ON KENNEL OPTIONS

Paul Gribbin, Town of Berne Animal Control Officer was present to discuss the idea of potential use of his home kennel space for the Town of Berne as opposed to the current arrangement with Daisey’s Doggie Daycare. His home is furnished with a separate garage with kennels that could be utilized for dogs. NYS Department of Agriculture and Markets already did an inspection and went over a list of updates and items needed. The Board agrees it is a great option and will explore the details and discuss further.

RESOLUTION SEQR FOR HIGHWAY GARAGE AS LEAD AGENCY

Supervisor Palow offered and moved the following resolution:

WHEREAS the Town Board of the Town of Berne is undertaking a project called the New Highway Garage Project (hereinafter referred to as “the Project”) to construct a new Town highway garage at the existing Town Highway garage site, and renovate or replace the existing Town Highway garage and other highway garage structures and facilities; and

WHEREAS the Town Board of the Town of Berne is undertaking the project to upgrade its existing Town Highway Department structures and facilities which have reached the end of their useful life, and do not currently meet the meet the needs of the Town Highway Department; and

WHEREAS the Town Board of the Town of Berne intends to (if available) apply for state and federal grants and loans to undertake said project; and

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

6. The Town Board intends to proceed with the New Highway Garage project to replace and upgrade its existing Town Highway Garage structures and facilities which have reached the end of their useful life, and do not currently meet the meet the needs of the Town Highway Department; and
7. The Town Board hereby determines that the project is a 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 pursuant to potential funding program requirements; and
8. The Town Board hereby declares itself SEQRA Lead Agency, provided that no involved agency objects within 30 days of the date of this resolution; and
9. The Town Board hereby instructs the Town Supervisor, with the assistance of the Town consulting engineer, to prepare a full Environmental Assessment Form and notify involved agencies of the Town Boards intent to serve as SEQRA Lead Agency and to further initiate the coordinated review of the Project under the SEQRA regulations; and
10. The Town Board authorizes the Town Supervisor to sign all environmental review documents and financing documents for the Project on their behalf

By (unanimous/majority) roll call vote of the Town Board of the Town of Berne at its meeting of April 10, 2024.

Supervisor Palow.....aye

Councilmember Doolin.....aye

Councilmember Thiem.....aye

Councilmember Martinaye

Councilmember Vane.....aye

PUBLIC COMMENT: AGENDA ITEMS

Anita Clayton wanted to share her ideas on the recent discussion of changes and plans for the Community Center. She stated that when she was on the Board she had hopes for more programs and to let residents use the space in the off season when the pavilion is not available. Another concern she made was about the proposed LED Lights in the Town Park, aside from baseball why lights are required when the park closes at Dusk.

Michael Vincent invited Supervisor Palow and the Town Board members to attend the meeting on Saturday April 13 for the Hilltown Seniors so they could hear their input and concerns or ideas for the Community Center.

Barbara Hoerning thanked the Board for agreeing to attend Saturdays Hilltown Senior meeting and asked if the Board would be willing to waive the fee for the Hilltown Seniors Picnic in July so there would be no fee for the Pavilion. Supervisor Palow made a motion seconded by Councilmember Martin to approve no fee for the reservation in the name of The Hilltown Seniors on Saturday July 13, Supervisor Palow and Councilmembers Doolin, Martin, Thiem and Vane all voting aye.

DEPARTMENT REPORTS

HIGHWAY- Highway Superintendent Bashwinger stated that they were taking out the sanders and getting ready for spring. The Highway Department has been out working to fill potholes, digging ditches, and working down at the Town Park.

TRANSFER STATION- Highway Superintendent said things are going smoothly and had been busy with spring cleaning, reminded residents to bring their recyclables and shared that The Town will no longer charge for TV & Computer Disposal.

LIBRARY- Library Director Kathy Stempel said she was still waiting to hear from Upper Hudson regarding the request to amend the grant and add an automated door with the remaining funds available. She thanked the Board for the new toilet paper and paper towel dispenser.

PARKS & RECREATION- Chair Claire Ansbro talked of the recent Advisory Board Meeting and some of the ideas that were discussed including a walking path with pavers that can be made in honor of loved ones for memory.

ZONING BOARD- Chairman Spargo said that the Zoning Board of Appeals was still waiting on the Planning Board to reach their conclusions and that the Zoning Board would be and is the lead agency for the Proposed Solar on Canaday Hill and Switzkill Road.

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PLANNING BOARD- Planning Board Chairman Kris Bremer sent a report to the Board for the month including a new application for a Lot Line Adjustment and an update on the TJA Solar Project that they were waiting for more information. The documents for the Solar Project are linked to the homepage of the Town's website at www.berneny.org.

OLD BUSINESS

MOTION TO DISCUSS OLD BUSINESS: COMMUNITY CENTER

Supervisor Palow made a motion seconded by Councilmember Vane to approve and authorize the payment to Lamont Engineers in an amount not to exceed \$2800 from A1440e 44045 Engineering fees to create this building capital project. These engineer plans are to improve the Community Center and are to seek grant monies to fund said building capital project. There was also discussion pertaining to establishing a Capital Fund for the Community Center in the future. Supervisor Palow and Councilmembers Doolin, Thiem, Vane and Martin all voting aye.

DISCUSS BERNE MEMORIAL TOWN PARK SIGN ARTIST WINNER

Supervisor Palow discussed the BKW drawings that had been submitted to redo the Berne Memorial Town Park Sign at 1883 Helderberg Trail. The drawings were on display for voting at the February Meeting and then after at the library for open voting. The drawing labeled #6 was the winner and the sign would be painted the student.

DISCUSS/APPROVE HIGHWAY GARAGE DOOR BILL TO OVERHEAD DOORS

Supervisor Palow made a motion seconded by Councilmember Doolin to approve and authorize the payment to Albany Overhead Doors in an amount not to exceed \$3007.60 for the purchase of a new garage door previously approved at the February 14 2024 meeting. Supervisor Palow and Councilmembers Doolin, Thiem, Vane and Martin all voting aye.

DISCUSS/APPROVE TOWN PARK AND BKW LITTLE LEAGUE

Councilmember Vane briefed the Town Board and attendees on the plans and next steps for the LED Lights at the Town Park. The Lights were purchased with BKW Little League, and the electric work and other expenses will also be cost-shared. At this time no action was taken as more quotes are needed.

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In other discussions related to the Town Park the concern of the back openings in the Pavilion was addressed, Supervisor Palow made a motion seconded by Councilmember Thiem to approve the purchase of two garage doors to enclose the pavilion in an amount not to exceed \$1000. Supervisor Palow and Councilmembers Doolin, Thiem, Vane and Martin all voting aye.

NEW BUSINESS

AWARDING OF BIDS

WASHED CRUSHED STONE, SANDING MATERIALS, ASPHALT CONCRETE

Supervisor Palow discussed the Annual Bid Opening that was held April 9, 2024 at 10AM at Town Hall, Town Clerk De Oliveira read the numbers allowed and announced the awarded bids as follows:

The Town Board received bids from the following:

For washed crushed stone from:

Cobleskill Stone Product, Inc., Callanan Industries, Inc., Carver Sand & Gravel, Inc. and Larned & Sons.

For sanding materials from:

Cobleskill Stone Product, Inc., Callanan Industries, Inc., Carver Sand & Gravel, Inc. and Larned & Sons.

For asphalt concrete and winter mix from:

Cobleskill Stone Product, Inc., Callanan Industries, Inc., Carver Sand & Gravel, Inc. and Larned & Sons.

The Board noted that in awarding the aforesaid bids, the location of the work which the Town is undertaking along with the products and the proximity of the plants to said work location and the costs of the Town transporting the necessary product to the work location were considered.

After reviewing the above said bids, Supervisor Palow made a motion which was seconded by Councilmember Palow to award the following for the year 2020 as follows:

To: **Carver Sand & Gravel/LLC**
Delivered:

Stone - # 1A; #1ST; #1; #2; #3; Screening; ITEM 4; Stone Fill Medium; Stone Fill Heavy; Gabion Stone; 3/8 Millings or Less, Sanding Material Washed Delivered

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To: Cobleskill Stone Products

#1A/1ST 50/50 Blend, #1,#2,#3, HPR & delivered; 5 Railroad Ballast; Stone Blend Fibre Winter mix

To: Larned & Sons

Crusher Run (pick-up); Shale (pick up & delivered)

To: Callanan – Albany

Base Course 1; Binder Course 3; Top Course 6; Top Course Marshall 6F; Top Course 7; Top Course Marshall 7F; Winter Mix (cold patch), Washed Sanding Material

Supervisor Palow made a motion to accept the 2024 Highway Material Bids seconded by Councilmember Thiem, Supervisor Palow and Councilmembers Doolin, Thiem, Vane and Martin all voting aye.

DISCUSS/APPROVE ANNUAL DEPARTMENT AUDITS

Supervisor Palow stated that all the internal audits for 2023 per NYS Comptrollers recommendations had been completed. Supervisor Palow made a motion seconded by Councilmember Thiem to accept the Audit of the Justice Court Funds and authorize the Town Clerk to file them with the New York State OCA Internal Audits , Supervisor Palow and Councilmembers Doolin, Thiem, Vane and Martin all voting aye.

DISCUSS/APPROVE RABIES SHOTS FOR ACO

Supervisor Palow discussed the concern for the Town Animal Control Officer to be vaccinated against the rabies virus, after consulting with NYS Ags & Markets it was also said that the preventative care route is much more cost effective than treating an infection after a situation with an infected animal. Supervisor Palow made a motion seconded by Councilmember Thiem to approve the 3 series of vaccines for Paul Gribbin, Town ACO to be vaccinated against Rabies at a cost not to exceed \$900, Supervisor Palow and Councilmembers Doolin, Martin, Thiem and Vane all voting aye. \

DISCUSS SEWER BILL FOR LUTHERAN CHURCH

At the end of 2023 there was an issue with the Sewer line at the Berne Lutheran Church, there was much discussion about the situation and research done pertaining to the incident and repair. Supervisor Palow made a motion to remit payment for half of the bill in an amount not to exceed \$600 to Becker and Sons Septic, Supervisor Palow and Councilmembers Doolin, Thiem, Vane and Martin all voting aye.

DISCUSS/APPROVE QUOTE FOR ANNUAL WATER TESTING

Supervisor Palow stated every year the Town is required to do annual water testing at all of our properties and the quote was received from Adirondack Environmental, Supervisor Palow made a motion to schedule the annual water testing and to authorize payment to Adirondack Environmental seconded by Councilmember Thiem in an amount not to exceed \$1652.40 , Supervisor Palow and Councilmembers Doolin, Thiem, Vane and Martin all voting aye.

DISCUSS/APPROVE LEASE FOR XEROX AT TOWN

The Xerox machine at Town Hall has been under a 5-year lease from North Country Digital and the lease is soon up, the company sent over a new proposed lease for a machine of the same capabilities at the same cost the town is paying now. Supervisor Palow made a motion seconded by Councilmember Thiem to approve and enter into a new 5-year lease agreement with North Country Digital, Supervisor Palow and Councilmembers Doolin, Thiem, Vane and Martin all voting aye.

DISCUSS/APPROVE REHIRING OF HIGHWAY/MAINTENANCE EMPLOYEES

Supervisor Palow made a motion approving the hiring of David Doolin as a part-time permanent highway employee for the Buildings and Maintenance Department as Building Laborer 2 at \$20.00 hourly biweekly up to 28 hours weekly with vacation accruals, FLSA non-exempt employee, unclassified, civil service exempt, effective 04/10/2024. Supervisor Palow and Councilmembers Doolin, Thiem, Vane and Martin all voting aye.

Supervisor Palow made a motion approving the hiring of Shawn Duncan as a part-time permanent highway employee at \$20.15 hourly biweekly up to 28 hours weekly with vacation accruals and as a Transfer Station part-time permanent employee at \$20.15 for 8 hours weekly, FLSA non-exempt employee, unclassified, civil service exempt, effective 04/10/2024. Supervisor Palow and Councilmembers Doolin, Thiem, Vane and Martin all voting aye.

Note: Shawn Duncan is holding 2 part time positions that do not qualify him for full time

DISCUSSION AND APPROVAL OF MONTHLY FINANCIAL REPORTS

Supervisor Palow made a motion to accept the Supervisor's Financial Reports from March 2024 seconded by Councilmember Doolin 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 March • Packet D - Cash balance report and Balance sheet Report. Motion carried with the following roll call vote Supervisor Palow and Councilmembers Doolin, Martin, Vane and Thiem all voting aye.

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

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

APPROVING ABSTRACTS AND PAYMENT OF MONTHLY BILLS

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

Abstract #10 2024 \$14,274.50 (Voucher 355-383) Prepaid Utilities

Abstract #11 2024 \$2,135.49 (Voucher 385-387) Regular Abstracts

Abstract #12 2024 \$39,061.90 (Voucher 390-474) Regular Abstracts

Total Abstracts: \$45,753.94

Motions carried with the following role call vote: Supervisor Palow and Councilmembers Martin, Vane and Thiem all voting aye.

Authorizing Budget Transfers for March

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

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

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

MOTION TO ADJOURN

Supervisor Palow made the motion seconded by Councilmember Thiem to adjourn the meeting. Motion carried with the following roll call vote: Supervisor Palow and Councilmembers Doolin, Martin, Thiem and Vane all voting aye. The meeting adjourned at **9:41PM**.

Respectfully submitted,

Kristin De Oliveira, Town Clerk