

**State of New York
Albany County**

**6:30PM Public Hearing- Sewer District Bond for Mandated DEC
Disinfection Project**

7PM Regular Town Board Meeting

Town Supervisor Palow led the pledge of allegiance and called the meeting to order at 6:30PM with the following role call attendance: Councilmembers Doolin, Giebelhaus, laCour and Palow were present, also in attendance Town Clerk De Oliveira, Highway Superintendent Bashwinger, Wastewater Treatment Facility staff Marc Shultes, Town Engineer Jason Preisner and Attorney McHugh.

Public Hearing: Sewer District Bond Counsel

Supervisor Palow checked the sign in sheet and no residents or guests had signed up to speak on the subject. Supervisor Palow allowed Town Engineer Jason Preisner to speak regarding some concerns and interesting information regarding the 18 inches of rain the Town received in the last week and effects at the Wastewater Treatment plant as well as some steps necessary to address this in the future.

Jason Preisner also discussed the need to make sure the necessary steps are continuing to move forward and that the timeline for completing construction for the sewer mandate is done in the next year before winter sets in, ensuring readiness for spring operations.

A brief discussion on Sewer District Improvements and the Bond Resolutions on the table was had between Town Board about the need for approval for the improvement and bond resolution actions for legal purposes moving forward.

Supervisor Palow made a motion seconded by Councilmember Doolin to close the public hearing Supervisor Palow, Councilmember Doolin, laCour and Giebelhaus voting aye. Motion carries.

REGULAR MONTHLY MEETING

Town Supervisor Palow called the meeting to order at 7:01PM with the following role call attendance: Councilmembers Doolin, Giebelhaus, laCour and Palow were present, also in attendance Town Clerk De Oliveira, Highway Superintendent Bashwinger, Wastewater Treatment Facility staff Marc Shultes, Town Engineer Jason Preisner and Attorney McHugh.

DISCUSS/APPROVE MEETING MINUTES FROM MAY

Supervisor Palow made a motion seconded by Councilmember Doolin to approve the meeting minutes from May 6, 2025, Supervisor Palow & Councilmembers Doolin, laCour and Giebelhaus all voting aye.

CORRESPONDENCE

Transfer Station Concerns: Supervisor Palow wanted to remind residents of the hours of operation for the Transfer Station and ensure there is no dumping outside of these hours- Monday 4PM-8PM Wednesday 12PM-8PM and Saturday 8AM-4PM. The security cameras will be used to monitor and potentially identify vehicles through license plates.

Grant Opportunities for Town Park- Current Grant opportunities include up to \$15,000 in municipal park improvement through Albany County. The Town Board discussed suggestions including pickleball courts, walking trails, fitness equipment, and playground improvements. The Town Board agreed to request funding for a walking path which would pair nicely with the MVP Workout Station going this year.

DEPARTMENT REPORTS

Library Announcements- Director Kathy was unable to attend but Supervisor Palow shared information for upcoming events such as "Bigfoot" on June 14th, summer reading kickoff, ice cream social on June 22 at the Town Park, and adult craft night events.

Planning Board Updates- Discussions on proposals, site visits for potential liquor stores, and road maintenance concerns.

Hometown Hero Banners- Reminder Hometown Heros Banners will be redisplayed for the Summer, if you have a banner in your possession you would like redisplayed please return to Town Clerks Office.

Highway- Superintendent Bashwinger shared the crews have been out digging, doing culvert repairs and repairing potholes.

Park and Recreations- Reminder that the Fireworks on Saturday June 28, 2025 with ice cream, cotton candy and popcorn for all and hot dogs & chips for kids under 12.

Transfer Station- Superintendent Bashwinger reminder not to dump outside of hours.

OLD BUSINESS

ALS/BLS Contract Agreement Update

Supervisor Palow discussed based off the signed passing ALS/BLS Contract with Albany County at the May 6, 2025 meeting he wanted to provide clarification on funding sources for ALS/BLS services, including leftover funds from sales tax revenues and the sale of Switzkill Farm.

RESOLUTION#6.2025: TO ADOPT AND ALLOCATE FUNDS FOR AN OUTDOOR FITNESS COURT® AS PART OF THE 2025 NATIONAL FITNESS CAMPAIGN

WHEREAS, the Town of Berne has submitted a Grant Application to National Fitness Campaign (NFC) for participation in their 2025 initiative to install and activate outdoor Fitness Courts® in over 1000 municipalities and schools across the country, and;

WHEREAS, the Town of Berne will accept a \$30,000.00 National Grant from the NFC Grant Committee and Statewide Partners, and endeavor to provide a local match in the amount of \$140,000 from Albany County within fiscal year 2025 to promote and implement a free-to-the-public outdoor Fitness Court®, and;

WHEREAS, the Town of Berne will endeavor to provide a local funding confirmation in the amount designated on the quote detailing the remaining funds for participation, provided by the National Fitness Campaign no later than June 18, 2025 as identified on the official Grant Program Requirement document.

WHEREAS, the Town Board of Berne believes joining the National Fitness Campaign is an important step in building a healthier community, commits to funding/fundraising to participate in NFC's 2025 Campaign, and will earn local and regional recognition as a leader in providing accessible health and wellness infrastructure and programs.

NOW THEREFORE:

BE IT RESOLVED, that the Town of Berne will collaborate with NFC to join the National Fitness Campaign, implement the outdoor Fitness Court® program, and make fitness free for community residents and visitors. Supervisor made a motion seconded by Councilmember Doolin to adopt the resolution:

Supervisor Palow....aye
Councilmember Doolin....aye

Councilmember Giebelhaus...aye
Councilmember laCouraye

4 Aye 0 Nay Town of Berne Resolution #6.2025 carries.

Sewer Disinfection Mandate Resolution # 7.2025:“IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF THE SEWER DISTRICT NO. 1 IN THE TOWN OF BERNE, COUNTY OF ALBANY, STATE OF NEW YORK PURSUANT TO ARTICLE 12 OF THE TOWN LAW”

Supervisor Palow offered and moved the following resolution:

WHEREAS, the Town Board of the Town of Berne (herein called "Town Board" and "Town", respectively), in the County of Albany, New York, on behalf of its Sewer District No. 1 in the Town, requested Lamont Engineers, P.C., engineers duly licensed by the State of New York (herein called "Engineers") to prepare a report assessing alternatives for the improvement of facilities of the District, consisting of certain improvements to the District wastewater treatment plant including disinfection of the wastewater treatment plant effluent, repair of sand filter liner, and related improvements, and including original furnishings, equipment, machinery and apparatus required therefor; and pursuant to the direction of the Town Board, the Engineers have completed and filed with the Town Board such report for the improvement of Sewer District No. 1 dated April 9, 2024, and the Engineers have estimated the total cost thereof not to exceed \$100,000; and

WHEREAS, the Engineers completed such report and filed the same with the Town Board, and the Town Board thereafter adopted an order describing in general terms the proposed improvement of facilities, specifying the estimated total cost thereof and stating that the Town Board would meet to hear all persons interested in said improvement of facilities on June 11, 2025 at 6:30PM at the Berne Community and Senior Services Building in the Town; and

WHEREAS, notice of such order was published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on this 11th day of June, 2025 at 6:30PM at the Berne Community and Senior Services Building in the Town, and considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said improvement of the facilities; and

WHEREAS, it has been determined that the aforesaid purpose constitutes a Type I Action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQR not to have a significant impact on the environment;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Berne as follows:

1. On the basis of the information given at such hearing, it is hereby determined that it is in the public interest to improve the facilities of the Berne Sewer District No. 1 as hereinabove described and referred to at the estimated total cost of \$100,000.
2. It is hereby ordered that the facilities of the District shall be so improved.
3. Definite plans, specifications, and a careful estimate of the expense of the improvement are hereby directed to be prepared and the Attorneys for the Town are hereby directed to assist in the preparation of a proposed contract and to submit the same to this Town Board for examination and approval.
4. This Resolution shall take effect immediately.

Seconded by Councilmember Doolin, Roll Call Vote:

Supervisor Palow.... aye
Councilmember Doolin.... aye

Councilmember Giebelhaus...aye
Councilmember laCouraye

Sewer Disinfection Resolution #8.2025: “A BOND RESOLUTION AUTHORIZING IMPROVEMENTS TO FACILITIES OF THE BERNE SEWER DISTRICT NO. 1 AT AN ESTIMATED MAXIMUM COST OF \$100,000, AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF BERNE, ALBANY COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$100,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH COST, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR”

Councilmember Doolin offered and moved the following resolution:

BE IT RESOLVED, by the Town Board of the Town of Berne, Albany County, New York (the "Town") (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

SECTION 1. The improvement to the facilities of the Berne Sewer District No. 1, including improvements to provide for disinfection of the wastewater treatment plant effluent, repair of sand filter liner, and related improvements, including original furnishings, equipment, machinery and apparatus required therefore, is hereby authorized at an estimated maximum cost of \$100,000, and said amount is hereby appropriated therefore. It is hereby determined that said purpose is an object or purpose described in subdivision 4 of paragraph a of Section 11 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty years.

SECTION 2. It is hereby determined that the aforesaid purpose constitutes a Type I action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQRA not to have a significant impact on the environment.

SECTION 3. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five years from the original date of issuance of such obligation.

SECTION 4. The Town Board plans to finance the total cost of said purpose by the issuance of serial bonds of the Town in an amount not to exceed \$100,000, hereby authorized to be issued therefore pursuant to the Local Finance Law.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 6. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations.

SECTION 7. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, and the power to issue bonds as statutory installment bonds, is hereby delegated to the Town Supervisor,

the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of the Town to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(I) of the Code.

SECTION 10. The Supervisor is further authorized, in his discretion, to execute a note purchase agreement, project financing and loan agreement and any other agreements with the New York State Environmental Facilities Corporation and/or the New York State Department of Environmental Conservation and/or the New York State Department of Health, and amendments thereto, and to take such actions and execute such documents as may be necessary to provide for the financing or refinancing of the specific object or purpose set forth herein, or a portion thereof, by a serial bond and/or bond anticipation note issue of the Town and the sale of such issue or issues to the New York State Environmental Facilities Corporation or its designee.

SECTION 11. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with;

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 12. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Altamont Enterprise, being a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 13. This resolution shall take effect immediately.

Seconded by Supervisor Palow, Roll Call Vote:

Supervisor Palow....aye
Councilmember Doolin....aye

Councilmember Giebelhaus...aye
Councilmember laCouraye

NEW BUSINESS

Keeplock Security Camera Invoice for Town Buildings

Supervisor Palow made a motion seconded by Councilmember Doolin to approve payment to Keeplock Security \$1,151.80 to repair cameras for Town Buildings, Supervisor Palow and Councilmember Doolin, Giebelhaus, laCour all voting aye.

Kingsley Generator Invoice for Sewer District

Supervisor Palow made a motion seconded by Councilmember Doolin to approve payment to Kingsley in an amount not to exceed \$1,151.80 to repair the generator at the main trail pump of intersections at Rt 443 & 156, Supervisor Palow and Councilmember Doolin, Giebelhaus, laCour all voting aye.

Hometown Hero Program/ Damaged Banner Replacements

Supervisor Palow and Town Clerk De Oliveira discussed managing veteran banners, including maintenance challenges and volunteer needs. The Board gave a big thank you to Jennifer Lyons for years of service and helping to implement such a wonderful program for the Town to honor Veterans.

Senior Bus Driver Position

Supervisor Palow made a motion seconded by Councilmember Doolin to hire Jonathan Heigel for the position of Senior Bus driver as a part-time employee, shuttle bus driver, FLSA Non-Exempt, Classified Service, Competitive class, Probationary Employee at \$20.55 an hour up to 4 hours weekly with a probationary period for six months ending on December 11, 2025, Supervisor Palow and Councilmember Doolin, Giebelhaus, laCour all voting aye.

ZBA Chair Appointment

Supervisor Palow stated that since the resignation of Thomas Spargo from the Zoning Board of Appeals had been without a chairman. Donald Bauer was recommended by all the current Zoning Board members to be appointed he has served the community for over 8 years. Supervisor Palow made a motion to appoint Donald Bauer as Zoning Board of Appeals Chairman with a term ending 2027 and a salary of \$2500 annually

seconded by Councilmember Doolin, Supervisor Palow and Councilmember Doolin, Giebelhaus, and laCour all voting aye.

Community Center Roof Discussion

Supervisor Palow discussed plans to repair leaks around the chimney that were made apparent after heavy rain fall the last week. While Town Engineer Jason Preisner was there to check the roof he also pointed out some cleaning that needed to be done for the furnace.

Raymond Bradt Part Time Seasonal Highway Hire

Supervisor Palow made a motion seconded by Councilmember Doolin to hire Raymond Bradt as a part-time highway seasonal employee FLSA non- exempt, unclassified non-competitive civil service at \$20.00 an hour, Supervisor Palow and Councilmember Doolin, Giebelhaus, laCour all voting aye.

Siewert Equipment Invoice & Budget Modification

Supervisor Palow discussed the purchase of emergency grinder pumps for the main trail pump at the intersection of 156 & RT. 443 back in January. The Town did not have a board at that time and it was an emergency as only one pump was working which could risk overflow. The invoice was just received and Supervisor Palow made a motion to modify the budget moving \$8600 from SS18-8110-0000-22999 to SS20-9901-0000-99960 and pay Siewart Equipment in an amount not to exceed \$ 7516.94, Supervisor Palow and Councilmember Doolin, Giebelhaus, laCour all voting aye.

Fireworks June 28, 2025 Payment

Supervisor Palow made a motion seconded by Councilmember Doolin to transfer \$3000 from A01-7755-00000-044999 to A11-9919-0000-44999 for the 4th of July Independence Day town fireworks display on Saturday June 28th to celebrate Berne's 275th anniversary at the Berne Memorial Town Park, Supervisor Palow and Councilmember Doolin, Giebelhaus, laCour all voting aye.

DISCUSSION AND APPROVAL OF MONTHLY FINANCIAL REPORTS

Supervisor Palow made a motion to accept the Supervisor's Financial Reports From May 2025 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, seconded by Councilmember Doolin, motion carried with the following vote: Supervisor Palow and Councilmembers Doolin, Giebelhaus and laCour voting aye.

Supervisor Palow made a motion seconded by Councilmember Giebelhaus to accept the Town Clerk's Financial Report from May, Supervisor Palow and Councilmembers Doolin, Giebelhaus and laCour voting aye.

Supervisor Palow made a motion seconded by Councilmember Doolin to accept the Building and Zoning Financial Report from May, Supervisor Palow and Councilmembers Doolin, Giebelhaus and laCour voting aye.

AUTHORIZING BUDGET TRANSFERS & AMENDMENTS FOR MAY

After discussion, Supervisor Palow made a motion seconded by Councilmember Doolin that the budget transfers and amendments for May be authorized. Motion carried with the following vote: Supervisor Palow and Councilmembers Doolin, Giebelhaus voting aye and Councilmember laCour voting nay.

APPROVING ABSTRACTS AND PAYMENT OF MONTHLY BILLS

After discussion, Supervisor Palow read aloud the below abstracts made a motion seconded by Councilmember Doolin to approve the following abstracts, Supervisor Palow and Councilmembers Doolin, Giebelhaus and laCour voting aye.

Abstract #15 (277) \$176,372.00 Board Approved 5/6/25 CHIPS Trucks
Abstract #16 (279-294) \$2,869.95 Prepaid Utilities Electronic Payment
Abstract #16 Check Total \$12,557.97 Utility Payments
Abstract #17 (295-315) \$11,315.51 Regular Abstract for Board Approval
Abstract #18 (316-331) \$17,703.49 Regular Abstract for Board Approval
Total Abstracts \$220,638.92

Supervisor Palow made a motion seconded by Councilmember Doolin to authorize payment of bills -motion carried with the following vote: Supervisor Palow, and Councilmembers Doolin, Giebelhaus and laCour voting aye.

MOTION TO ADJOURN

There being no further business or discussion, Supervisor Palow made the motion seconded by Councilmember Doolin to adjourn the meeting. Motion carried with the following vote: Supervisor Palow and Councilmembers Doolin, Giebelhaus and laCour voting aye. The meeting adjourned at **8:01 PM.**

Respectfully submitted,

Kristin De Oliveira, Town Clerk