

**State of New York
Albany County**

7PM

ORGANIZATIONAL & REGULAR TOWN BOARD MEETING

Town Supervisor Palow led the pledge of allegiance and called the meeting to order at 7:00PM with the following roll call attendance: Councilmembers Doolin, LaCour and Palow were present, also in attendance Highway Superintendent Bashwinger, Town Clerk De Oliveira and Attorney McHugh.

CORRESPONDENCE

PERMA EDUCATION GRANT & PARK GRANT UPDATE

Town Clerk De Oliveira shared information about the Perma Grant, the Town of Berne was awarded receiving a new laptop and TV both to be used for training purposes. The Albany County Parks & Recreation Grant, awarded to the Town funding last summer was received and is waiting to be utilized.

SWITZKILL FARM UPDATE

After brief discussion, updating the sale of Switzkill Farm including the proposed change that should have been finalized in August to the deed. Supervisor Palow made a motion seconded by Councilmember Doolin to accept the deed as proposed by Albany County in conjunction with the Conservation Easement, Supervisor Palow, Councilmember Doolin and Councilmember LaCour all voting aye, motion carries.

ST. PAULY TEXTILES ANNUAL DONATIONS

The textile bin at the Transfer Station collects and sends clothing and other items all around the world, every year the Town receives a letter of what has been collected. This year the Town of Berne received \$952 for the 23,159lbs of textiles donated at the Transfer Station.

FIREWORKS JUNE 28, 2025

Supervisor Palow stated that the annual Independence Day fireworks would be held Saturday June 28, 2025, with festivities beginning around 4PM that day including free ice cream, pony rides, Smoking Pig Food truck services, and guests to include Helderberg Ambulance and Albany County Sheriff's.

KENNETH'S ARMY DONATION FOR BKW SENIORS

Due to this year's school budget cuts the BKW seniors are responsible for paying for their graduation, they contacted the Town Clerk regarding using the Pavillion for their senior picnic and asked if the fee could be waived. Kenneth's Army treasurer overheard and offered to donate and pay the fee to help support the BKW Senior Class.

DEPARTMENT REPORTS

Highway- Superintendent Bashwinger gave an update regarding issues with road salt and that the company who won the bid this year had no product to sell. Cobleskill Stone honored their original bid price and supplied the Town with sanding material. NYS contract bids dropped their current fuel vendor and switched for gasoline, luckily the Town did run into any issues or shortages. The new plow truck is still waiting for all the equipment to be added and the estimated time for pickup/delivery is October or November 2025.

Transfer Station- Superintendent Bashwinger informed the Town Board and public of the \$31 increase per ton at the Albany Landfill and urged residents to consider this when disposing of large items or things that are recyclable. In the last 8 months while there was no functioning Town Board the Town did have to enact a new mattress surcharge of \$25.

Library- Director Kathy Stempel requested that she have some extra time at the next meeting to go over the library's annual NYS report. Library Trustee president Lisa Raymond was also in attendance as they discussed their plans of a new shed at the library for the book sale collection. She also shared some upcoming events including the monthly adult craft night. Be sure to sign up for monthly newsletters that break down all the library has to offer!

Parks & Recreation- Parks and Recreation Chair Ansbro stated the park calendar was filling up already for the season and stated that we would be getting ready to open in April.

Zoning Board of Appeals- Chairman Thomas Spargo spoke of the ongoing development of the proposed Solar Farms within the Town as well as some setback issues on Woodstock Lake for residents making improvements to their seasonal residences.

OLD BUISNESS

RECLASSING SHAWN DUNCAN & STEVE KHOURY

Supervisor Palow made a motion seconded by Councilmember Doolin to approve the reclassification of Shawn Duncan as a part-time permanent General Fund employee under Parks, Buildings & Maintenance at \$ 20.75 (2025 rate) rate hourly to be paid biweekly up to 28 hours per week with vacation accruals and as Transfer station part-time permanent employee at \$ 20.75 (2025 rate) for 8 hours per week, FLSA non-exempt employee, unclassified, civil service exempt. Supervisor Palow, Councilmember Doolin and Councilmember LaCour all voting aye, motion carries.

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

Supervisor Palow made a motion seconded by Councilmember Doolin to approve the reclassification of Steve Khoury as a part time permanent General Fund employee under Buildings & Maintenance at \$ 20.60 an hour up 28 hours weekly as FLSA non-exempt employee, unclassified, civil service exempt. Supervisor Palow, Councilmember Doolin and Councilmember LaCour all voting aye, motion carries.

APPROVING ROSITA HERRRERA AS DEPUTY TOWN CLERK

Supervisor Palow made a motion seconded by Councilmember Doolin A motion to approve Rosita Herrera as Deputy Town Clerk, part-time permanent at \$20.60 per hour not to exceed 18 hours per week with vacation accruals, FLSA non-exempt employee, unclassified non-competitive civil service.

APPROVING ROSITA HERRRERA AS COURT CLERK

A motion to approve Rosita Herrera as Court Clerk, part-time permanent at \$20.60 per hour with vacation accruals up to 10 hours per week with regular office hours and an additional 5 hours per week for training, FLSA non-exempt employee, unclassified non-competitive civil service. Supervisor Palow, Councilmember Doolin and Councilmember LaCour all voting aye, motion carries.

APPROVING JOSHUA GEBE PART TIME HIRE

Supervisor Palow made a motion seconded by Councilmember laCour approving the hiring of Joshua Gebe as a part-time temporary highway employee for the Highway Department at \$20.00 hourly biweekly, FLSA non-exempt employee, unclassified, civil service exempt, Supervisor Palow, Councilmember Doolin and Councilmember LaCour all voting aye, motion carries.

APPROVING RICHARD POST AS PART – TIME HIRE

Supervisor Palow made a motion seconded by Councilmember Doolin approving the hiring of Richard Post as a part-time permanent Parks, Buildings & Maintenance, Highway at \$20.00 hourly biweekly up to 28 hours weekly and as a Transfer Station part-time permanent employee at \$20.00 for 12 hours weekly, FLSA non-exempt employee, unclassified, civil service exempt. Supervisor Palow, Councilmember Doolin and Councilmember LaCour all voting aye, motion carries.

APPROVING DALE PASTORE FULL TIME HIGHWAY EMPLOYEE

Supervisor Palow made a motion seconded by Councilmember Doolin to hire Dale Pastore as a full-time Union employee for the Highway department at \$26.01 (effective 03/15/2025), 40 hours a week with accruals, healthcare benefits FLSA nonexempt, civil service exempt employee (probationary period over effective today and accruals will start today), Supervisor Palow, Councilmember Doolin and Councilmember LaCour all voting aye, motion carries.

LIBRARY UV WATER SYSTEM REPLACEMENT PARTS

Supervisor Palow discussed the new replacement parts on the UV water system at the library which makes the water drinkable for guests and employees. Supervisor Palow made a motion seconded by Councilmember Doolin to approve the payment in an amount not to exceed \$875.65 Supervisor Palow, Councilmember Doolin and Councilmember LaCour all voting aye, motion carries.

PAYMENT TO TRACEY TRUCKS FOR TRANSFER STATION CONTRACT INCREASE

Supervisor Palow discussed the new Transfer Station truck had been delivered back in July and due to the inflation and time it took to build the truck the price had increased. The original amount of \$198,097.00 was submitted. Supervisor Palow made a motion seconded by Councilmember Doolin to remit the payment of \$6,078.00 to Tracey Trucks, Supervisor Palow, Councilmember Doolin and Councilmember LaCour all voting aye, motion carries.

DISCUSS/APPROVE SIEWART EQUIPMENT CHARGES FOR DAMAGED GRINDER PUMPS

Supervisor Palow discussed some damaged grinder pumps that had been removed from homes and some from the main trail pump after a power outage when the generator was not working. He discussed the Sewer Law Ch. 153 discusses the right of the Town Board to hold violators responsible with fines ranging from \$500-\$1000 depending on number of offenses. The biggest issue that destroys the grinder pumps is wipes that should not be flushed. The Town will be sending letters to all homes in the sewer district reminding them of the rules of use. In the meantime, Supervisor Palow stated the Town currently only has one grinder pump back up and made a motion seconded by Councilmember Doolin to approve the three open repair quotes in amounts not to exceed \$2,881.00, \$1,368.00, and \$1913.00, Supervisor Palow, Councilmember Doolin and Councilmember LaCour all voting aye, motion carries.

NEW BUSINESS

ADOPT 2025 PROCUREMENT POLICY

Supervisor Palow made a motion to adopt the 2025 Procurement Policy seconded by Councilmember Doolin Supervisor Palow, Councilmember Doolin and Councilmember LaCour all voting aye, motion carries.

ANNUAL HILLTOWN SENIOR CONTRIBUTION \$600

Supervisor Palow made a motion to approve the annual contribution to the Hilltown Seniors in an amount not to exceed \$600 seconded by Councilmember Doolin, Supervisor Palow, Councilmember Doolin and Councilmember LaCour all voting aye.

KIWANIS CLUB DONATION FOR MEMORIAL DAY PARADE

Supervisor Palow made a motion seconded by Councilmember Doolin to make the Town's annual contribution for the Kiwanis Club Memorial Day Parade which will be held on Monday May 26, 2025, Supervisor Palow, Councilmember Doolin and Councilmember LaCour all voting aye, motion carries.

RESOLUTION ABANDONMENT FOR WAY LANE

Highway Superintendent Bashwinger told of Way Lane and a new resident who recently purchased a home had reached out about taking over the road and maintaining it. Councilmember Doolin offered and moved the resolution seconded by Supervisor Palow for Highway Abandonment by the Town (a completed copy will be included at the end of these minutes) a roll call vote was taken as follows:

Supervisor Palow.... Aye
Councilmember Doolin.... Aye

Councilmember laCour... Aye
Resolution for the abandonment of Way Lane passes.

SCHEDULE INTERNAL DEPARTMENT AUDITS

Supervisor Palow discussed the time of year has come again to schedule internal audits for all departments and went about assigning Board Members as follows:

Town Clerk Audit Report for Fiscal Reporting per NYS OSC: Councilmember laCour

Supervisor CFO Fiscal Reporting per NYS OSC: Councilmember Doolin

Tax Collector Fiscal Reporting per NYS OSC: Supervisor Palow

Town Justice Court Fiscal Reporting per NYS OSC: Councilmember Doolin

Supervisor Palow told Board members to get with the department heads they have been assigned to and schedule a time for the audits.

AUTHORIZE TOWN CLERK TO ADVERTISE FOR HIGHWAY MATERIAL BIDS

Supervisor Palow made a motion seconded by Councilmember Doolin authorizing Town Clerk De Oliveira to advertise bids for 2025 highway materials with a bid opening set for April 16, 2025 at 10AM at Town Hall 1656 Helderberg Trail Berne NY 12023, Supervisor Palow, Councilmembers Doolin, and laCour all voting aye.

PLANNING BOARD RECOMMENDATION OF MORATORIUM

Supervisor Palow discussed a letter of recommendation from acting Planning Board Chairman Steve Khoury due to the need to address battery storage systems within a local law pertaining to solar farms. Town Attorney McHugh will draft a local law for the Town Boards review and discuss it in more detail at next month's meeting.

SEWER MAIN PUMP STATION GENERATOR BILL TO KINGSLEY

Supervisor Palow discussed the need to call a tech to repair the Sewer Trail Pump Generator which was not working properly. Supervisor Palow made a motion seconded by Councilmember Doolin to approve the payment to Kingsley Energy Solutions Company in an amount not to exceed \$1,736.19, Supervisor Palow, Councilmembers Doolin and Councilmember laCour all voting aye.

HIGHWAY BILLS OVER PROCUREMENT- MILTON & W&W

Supervisor Palow made a motion seconded by Councilmember Doolin to approve payment to Milton Cat in an not to exceed \$4,818.72 and to remit payment to W&W Trucks in an amount not to exceed \$1,728.80, Supervisor Palow, Councilmembers Doolin and Councilmember laCour all voting aye.

PLANNING BOARD & ZONING BOARD OF APPEALS APPOINTMENTS

Supervisor Palow made a motion seconded by Councilmember Doolin to appoint:

- Steve Khoury as Planning Board Chairman for a 4-year term (12/31/2028)
- Michael Vincent Planning Board Member to a 5-year term(12/31/2029)
- Jim Dietz to fill vacancy term (12/31/2026)
- Casey Miller as Planning Board Alternant 1 year term (12/31/2025)

Supervisor Palow, Councilmembers Doolin and Councilmember laCour all voting aye

Supervisor Palow made a motion seconded by Councilmember Doolin to appoint:

- Sean Lyons to a 5-year term (12/31/2029)

Supervisor Palow, Councilmembers Doolin and Councilmember laCour all voting aye.

APPOINTMENTS TO CONSERVATION STANDING BOARD FOR 2025

Supervisor Palow made a motion seconded by Councilmember Doolin to reestablish and reappoint the Conservation Standing Board for the remainder of the year 2025 including Chairman Kathleen Moore and members Susan Hawkes-Teeter, Cynthia Johnson and Nancy Engel, Supervisor Palow, Councilmembers Doolin and Councilmember laCour all voting aye.

DISCUSSION AND APPROVAL OF MONTHLY FINANCIAL REPORTS

Supervisor Palow made a motion to accept the Supervisor's Financial Reports from February 2025 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 February • Packet D - Cash balance report and Balance sheet Report motion carried with the following roll call vote: Supervisor Palow and Councilmembers Doolin and laCour all voting aye.

Supervisor Palow made a motion to accept the Town Clerk's Financial Report from February 2025 seconded by Councilmember Doolin, motion carried with the following roll call vote: Supervisor Palow and Councilmembers Doolin and Councilmember laCour voting aye.

March 12, 2025

Supervisor Palow made a motion to accept the Building and Zoning's Financial Report from February 2025 seconded by Councilmember laCour, motion carried with the following roll call vote: Supervisor Palow and Councilmembers Doolin and laCour voting aye.

APPROVING ABSTRACTS AND PAYMENT OF MONTHLY BILLS

After discussion, Supervisor Palow made a motion seconded by Councilmember Doolin to approve the following abstracts and payment of bills:

Abstract 2025-5 Vouchers #79-91 Prepaid Utilities ELECTRONIC	\$ 5,626.51
CHECKS	\$ 23,252.14
Abstract 2025-6 Vouchers #92-117 Regular Abstract Gen Fund	\$ 17,182.18
Abstract 2025-7 Vouchers #118-132 Regular Abstract HW Fund	\$ 31,744.17
Total Abstracts	\$ 77,805.63

Motion carried with the following roll call vote: Supervisor Palow and Councilmember Doolin and Councilmember laCour voting aye.

GENERAL FUND, HIGHWAY FUND, SEWER, UTILITIES WITHHOLDINGS FOR 2025

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

Councilmember laCour made a motion to have public comment at this meeting and all meetings going forward, there was no second. Motion does not carry.

MOTION TO ADJOURN

Town Supervisor Palow made the motion seconded by Councilmember Doolin to adjourn the meeting. Motion carried with the following roll call vote: Supervisor Palow and Councilmembers Doolin and laCour all voting aye. The meeting adjourned at **8:10 PM**.

Respectfully submitted,

Kristin De Oliveira, Town Clerk

March 12, 2025

TOWN OF BERNE

Town Board Resolution No. 1-2025

Resolution by Councilmember Doolin seconded by Supervisor Palow.

WHEREAS, the Town of Berne has received a petition/request from property owner for abandonment of the road known as Way Lane in the from its intersection with and within the boundaries of said property owner's land, as more particularly described in Schedule A; and

WHEREAS, the Town Highway Superintendent, Randy Bashwinger by recommendation dated as of March 12, 2025, made his recommendation concerning Way Lane; and

WHEREAS, this matter was referred to the Town of Berne Town Board for their review and consent; and

WHEREAS, the Town Highway Superintendent has certified that the Town has not operated or maintained said road in the last six (6) years, nor has Way Lane been travelled as a public roadway for the last six (6) years; and

WHEREAS, this matter has been duly considered by the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Berne hereby consents and authorizes the Town Highway Superintendent to file a statement and certification with the Town Clerk's Office abandoning any right, title and interest in and to a certain road known as Way Lane in the Town of Berne from the intersection of Way Lane with Elm Drive as described in Schedule A.

Roll Call Vote:

Supervisor Dennis Palow Aye

Councilmember Melanie laCour Aye

Councilmember Thomas Doolin Aye

Adopted this 12th day of March 2025

By Order of the Berne Town Board

I, Kristin De Oliveira, Town Clerk of the Town of Berne, Albany County, New York, DO HEREBY CERTIFY that the foregoing resolution was approved by the Town Board of the Town of Berne on March 12, 2025 and that the foregoing is a true and correct transcript of the original resolution and that said original resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Berne this 12th day
of 2025.

March 12, 2025