

**State of New York
Albany County**

**6:30PM Public Hearing- Spectrum Franchise Agreement
7PM Regular Town Board Meeting**

Town Supervisor Palow led the pledge of allegiance and called the meeting to order at 6:34PM with the following role call attendance: Councilmembers Doolin, Giebelhaus and Palow were present, also in attendance Town Clerk De Oliveira.

Public Hearing: Spectrum Franchise Agreement

Supervisor Palow briefed the audience on the current Franchise Agreement that has been in place since 1991, was revisited in 2005 but still the original agreement stands. The Town receives 3% of annual gross sales but previously discussed removing the 3% and would revert to 0% - the charge is incurred to each resident the Town receives around \$18,000 annually. A clause had been added to update the agreement to include, "However, the Grantee will consider use of federal or state programs that would provide funding to enable economically viable service expansions to currently underserved rural areas of the Town. "This will help alleviate any fear of Spectrum never expanding to include service for more homes.

No one signed up for public comment. The Town Board again discussed their thoughts and decided to keep the 3% clause which had been since 1991 and does benefit the Town as a whole. Removing the charge would also affect the 2026 fiscal year budget as that anticipated revenue would have to be removed.

6:54PM Supervisor Palow made a motion seconded by Councilmember Doolin to close the public hearing, Supervisor Palow, Councilmembers Doolin and Giebelhaus all voted aye.

REGULAR MONTHLY MEETING

Town Supervisor Palow called the meeting to order at 7:01PM with the following role call attendance: Councilmembers Doolin, Giebelhaus and Supervisor Palow were present, also in attendance Deputy Superintendent Deitz & Town Clerk De Oliveira.

DISCUSS/APPROVE MEETING MINUTES FROM SEPTEMBER

Supervisor Palow made a motion seconded by Councilmember Doolin to approve the meeting minutes from September 10, 2025, Supervisor Palow & Councilmembers Doolin and Giebelhaus all voting aye.

CORRESPONDENCE

TOWN PARK FITNESS COURT

Supervisor Palow discussed the ribbon cutting ceremony held at the Town Park on September 30th for the MVP fitness Court. The event was great with beautiful weather, Daniel McCoy and staff from Albany County, Assistant VP from MVP, BKW Principal and Athletic Director with students as well as Assemblyman Christopher Smith were all present to celebrate. Supervisor Palow thanked DPW from the County for all their hard work. In the spring there will be trainers as well as hosted yoga classes. The QR code on the court can be scanned to show you how to use the equipment along with an available APP for download.

TOWN PARK CLOSING DATE

Supervisor Palow discussed the closing of the Town Park for the season. Maintenance will need to disconnect the water and close the restrooms to make sure no pipe freezing occurs. The white round tables and chairs will be stored in the conex box, and the picnic tables will be inside the pavilion to help preserve them.

ASSESSOR APPRECIATION

Supervisor Palow made an appreciation speech for Christine Valachovic and Melanie Bunzey for their hard work and commitment to the community for 14 & 12 years. Certificates were made and signed by the Town Board to present to them in honor of their public service.

DEPARTMENT REPORTS

Library- Director Kathy Stempel handed out newsletters for the month of October including pumpkin contests and creepy night at the library. Don't forget Trick or Treating at the library on October 31st!

Highway- Deputy Highway Superintendent James Deitz discussed maintenance on vehicles and working to get all the equipment ready for winter. The mowing for the year and trimming of trees is complete.

Zoning Board of Appeals Chairman Bauer sent an email summarizing the upcoming events including a public hearing and pending board decision on a setback variance for Grace Ferri on High Point Road.

Planning Board- Chairman Khoury told the Town Board that the review of solar code has been completed, and they will be submitting a write up of suggestions to be considered. At the next meeting they will be reviewing a home occupation application.

Parks & Recreation- Chair Mary Claire Ansboro also spoke on the MVP Ribbon Cutting and stated what a great addition this will be to our community. Also, the closing of the Town Park for the season was reiterated and thanked everyone for yet another successful season with lots of events.

OLD BUSINESS

Pavillion Doors Update

Deputy Highway Superintendent Deitz stated the frames were being built and one was completed, the weather was looking good for the week ahead and they should be completed soon. This will be a nice option to lock or keep in the heat during events; the back openings in the past left the building vulnerable to rain and wind.

ACO Door Purchase from Home Depot Approve \$4.44 Overage

Supervisor Palow made a motion seconded by Councilmember Doolin to approve the overage of \$4.44 payment to Home Depot for the doors that had been ordered for the kennel as approved at the September meeting, Supervisor Palow & Councilmembers Doolin and Giebelhaus all voting aye.

Resolution 9.2025- Spectrum Franchise Agreement

Supervisor Palow asked the Town Board if there was any discussion pertaining to the proposed 15-year contract with Spectrum Enterprises, there was no discussion.

Supervisor Palow read and offered the following resolution:

“An application has been duly made to the Town Board of the /Town of Berne, County of Albany, New York, by Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications, Inc. (“Charter”), a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the approval of a renewal agreement for Charter's cable television franchise for 15 years commencing with the date of approval by the Public Service Commission.”

The franchise renewal agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Town of Berne, New York on May 6, 2025, at 6:30 P.M. and notice of the hearing was published in the Altamont Enterprise on April 24, 2025.

NOW, THEREFORE, the Town Board of the Town of Berne finds that:

1. Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Spectrum Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Town Board of the Town of Berne hereby grants the cable television franchise of Spectrum Northeast, LLC and the Town of Berne for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence.

BE IT FURTHER RESOLVED that the Town Board of the Town of Berne hereby confirms acceptance of this franchise renewal agreement.

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

Councilmember Giebelhaus... aye

Resolution carries.

NEW BUSINESS

Resolution 10.2025: Introduce Local Law #2-2025 to exceed Tax Cap and Set Public Hearing for Tax Cap and 2026 Fiscal Year Budget

Supervisor Palow offered the following resolution and moved for its adoption:

WHEREAS, N.Y. General Municipal Law §3-c (the “Property Tax Cap Law”), authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board;

WHEREAS, this Board has been presented with a proposed Local Law No.2 of 2025 entitled “A Local Law to Override the Tax Levy Limit for Fiscal Year 2026”; and

WHEREAS, copies of the aforesaid proposed local law have been laid upon the desk of each member of this Board.

NOW, THEREFORE, BE IT RESOLVED that, draft Local Law No. 2 of 2025 entitled “A Local Law to Override the Tax Levy Limit for Fiscal Year 2026” be introduced to the Town of Berne at large pursuant to General Municipal Law §3-c;

BE IT RESOLVED that, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on said proposed Local Law No. 2 shall be held on the 22nd day of October, 2025 at 6:00 o'clock pm;

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the Town of Berne of said public hearing at least five (5) days prior thereto;

BE IT FURTHER RESOLVED that the proposed action is a Type II action under the State Environmental Quality Review Act, and its implementing regulations 6 NYCRR 617.5 (26) and (33), requiring no further environmental review; and

BE IT FURTHER RESOLVED that the Town Supervisor or his designee is authorized to take any other action required under law in furtherance of this resolution and passage of the proposed local law.

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

Supervisor Palow.... aye
Councilmember Doolin... aye
Resolution carries.

Councilmember Giebelhaus... aye

Purchase Laptops (3) Town Clerk, Senior Account Clerk, and Deputy Clerk

Supervisor Palow made a motion seconded by Councilmember Doolin not to exceed \$10,000 to Preville IT for computer and software upgrades due to the unsupported Windows 10 machines that need to be migrated to Windows 11, as well schedule installation and complete migration, Supervisor Palow & Councilmembers Doolin and Giebelhaus all voting aye.

Amend Error on August 13th Minutes for Highway Millings Purchase

Supervisor Palow made a motion seconded by Councilmember Doolin to amend a motion from the August 13, 2025 meeting which had an error of recording no action taken. The correct motion should state: “Highway Superintendent Bashwinger discussed an invoice for 500 tons of millings from Albany County which was much less expensive than the \$17 per ton the millings usually cost from other vendors. Supervisor Palow made a motion seconded by Councilmember Doolin to approve the payment of

\$4000 to Albany County for millings, Supervisor Palow and Councilmembers Doolin, laCour Giebelhaus all voting aye.”

Supervisor Palow, Councilmember Doolin and Councilmember Giebelhaus voting aye to accept the updated motion, updated minutes would be reflected on the website and in e-code.

Resident Group Fitness Class to use Community Center Tuesday & Friday

Supervisor Palow made a motion seconded by Councilmember Doolin authorizing the use of the Community Center every Tuesday and Friday from 12:30PM-1:30PM and that Shawn Cilano be authorized a key signed out for the use of the group for Tai Chi and Chair Yoga classes, Supervisor Palow, Councilmembers Doolin, and Giebelhaus voting aye.

RESOLUTION 11.2025 AUTHORIZING JCAP GRANT APPLICATION

Supervisor Palow discussed an available grant from JCAP for the Town of Berne Justice Court for up to \$30,000. The Grant is being submitted and requests a PA system as well as a system to show video evidence during court proceedings. Supervisor Palow offered the following Resolution 11.2025:

WHEREAS, the New York State Justice Court Assistance Program (JCAP) is offering grants to assist local justice courts with improvements and enhancements to court facilities, security, and operations; and

WHEREAS, the Berne Town Court has identified the need for funding to improve and support court operations; and

WHEREAS, the Town Board of the Town of Berne recognizes the importance of maintaining a safe and functional environment for the administration of justice;

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town of Berne authorizes the Berne Town Court to apply for a JCAP grant in the 2025–26 grant cycle up to **\$30,000.00**.

On a motion seconded by Councilmember Doolin a roll call vote was taken:
Supervisor Palow.... aye Councilmember Giebelhaus... aye
Councilmember Doolin... aye

Resolution carries.

Approve Seasonal Town Highway Road List

Supervisor Palow made a motion seconded by Councilmember Doolin to approve the Town of Berne Seasonal Highway List beginning December 1, 2025- April 1, 2026. Supervisor Palow, Councilmembers Doolin, and Giebelhaus voting all aye. The list will be at the end of these meeting minutes as well as posted on the website.

DISCUSSION AND APPROVAL OF MONTHLY FINANCIAL REPORTS

Supervisor Palow made a motion to accept the Supervisor's Financial Reports From September 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 September, Packet D - Cash balance report and Balance sheet Report, Town Clerk's Financial Report from September and the Building and Zoning Financial Report seconded by Councilmember Doolin, motion carried with the following vote: Supervisor Palow, Councilmembers Doolin, and Giebelhaus voting aye.

AUTHORIZING BUDGET TRANSFERS FOR SEPTEMBER

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

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, Councilmembers Doolin and Giebelhaus voting aye.

Abstract #30 2025 \$4,000.00 (Voucher 484-493) Prepaid Utilities
Abstract #31 2025 \$14,518.65 (Vouchers 449&495) Vouchers Approved
Abstract #32 2025 \$50,363.20 (Vouchers 496&497) Vouchers Approved
Abstract #33 2025 \$30,704.48 (Vouchers 498-517) Regular Abstract
Abstract #34 2025 \$3,760 (Voucher 518) Regular Abstract

Total Abstracts: \$100,425.06

Supervisor Palow made a motion seconded by Councilmember Doolin to authorize payment of bills -motion carried with the following vote: Supervisor Palow, Councilmembers Doolin, and Giebelhaus 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, Councilmembers Doolin and Giebelhaus voting aye. The meeting adjourned at **7:28 PM.**

Respectfully submitted,

Kristin De Oliveira, Town Clerk

SEASONAL ROADS FOR THE TOWN OF BERNE

December 1, 2025 through April 1, 2026

- Gulf Hill Rd. from one-quarter mile south of NYS Route 443(Helderberg Trail) and NYS Route 85(Delaware Turnpike) to one-half mile north of Duck Hill Rd.
- West Woodstock Rd. from County Route 2(Cole Hill Rd.) to one-half mile north of Switzkill Rd.
- Beaver Rd. from one-quarter mile north of Bradt Hollow Rd. to County Route 13(Sickle Hill Rd.)
- Shultes Rd from Cook Hill Rd. to one-half mile north of Peasley Rd.
- Partridge Run Rd. from one quarter mile west of County Route 1 Switzkill Rd.) to County Route 6(Ravine Rd.)
- Smokey Hollow Rd. from one-quarter mile west of NYS Route 85
- (Delaware Turnpike) to one-half mile east of Joslyn School Road.
- Wood Rd. from the intersection of Peasley Rd. to the Town of Rensselaerville line.
- Dyer Rd.
- Cook Hill Rd. from two miles west of Bradt Hollow Rd. to 500' east of County Route 10 (Huntersland Road)
- Stage Rd. from 182 Stage Rd. west to the intersection of 1490 Helderberg Trail.