

JANUARY 12, 2005

**STATE OF NEW YORK
COUNTY OF ALBANY**

The regular monthly meeting of the Town Board of the Town of Berne was held on the above date with the following officers present:

Supervisor Crosier
Councilmembers Golden, Crouse, Huth, & Hamilton
Town Clerk Favreau, and Highway Superintendent Storm.

Also present were Attorney Conboy and interested citizens.
Supervisor Crosier called the meeting to order at 8:00 PM and the minutes of the previous monthly meeting were approved as presented.

The Supervisor then opened the meeting to guests.

Several residents who were in attendance were given an opportunity to speak. Many expressed opposition to the proposed zoning amendments and some stated that they were in favor of the passage of the amendments.

Attorney Jeffrey Baker, representing the Berne Hamlet Neighborhood Association, presented a petition to the Board signed by 35 residents of the TNMU-1 Zone which stated that they "object to the proposed rezoning because it will add inappropriate commercial uses in a traditionally residential area and will be inconsistent with the existing community character and will be detrimental to the property values".

Attorney Baker further stated that he is aware of a town law which states that if 20% of the landowners in an area to be rezoned sign a petition in opposition, a vote by 3/4 of the board would be required in order for adoption.

Mary Alice Molgard, Library Board Chair, requested a copy of the January 1, Organizational Meeting minutes. She stated that her reason for being present was to inform the board that she objected to the fact that the Library Board was not consulted regarding the most recent appointment of a library trustee.

Sue Hawks-Teeter asked why it is necessary to allow gas stations in the hamlet in order to enact the TNMU-1 Zone plan. Councilman Golden identified the boundaries of the current existing neighborhood commercial zone which permits gas stations as well as many other uses which would not be permitted in the proposed amendments. Councilman Huth stated that the definite intent of the rezoning study indicated that it is logical to keep the option for having gas stations, where the population is concentrated (in the hamlet) in order that the rural areas can be kept rural and scenic.

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Correspondence included:

1. A proposal from the City of Albany to renew its agreement for use of the landfill facility at the current tipping rate of \$52.
2. A notice from the tax collector stating that the rate per thousand for 2005 is \$10.83.
3. A letter of resignation from Library Trustee, Jim O'Shea
4. A notice from the Albany County Executive stating that the County Legislature is considering reimbursing the towns for expenses incurred as a result of the special primary and general election of the Albany County Legislators.
5. Twenty plus letters in support of the passage of the "Hamlet Plan".

OLD BUSINESS

**RESOLUTION #3
SEQR REVIEW**

Supervisor Crosier led a discussion on the adoption of the issuance of a SEQRA Negative Declaration for the proposed zoning ordinance. Councilman Hamilton stated that he believed a full environmental impact statement should be undertaken.. After the discussion that continued, during which both Councilmembers Huth & Golden stated that the opinions of the hired professionals should be carefully considered, Councilman Hamilton made the motion that a full environmental impact statement be completed, seconded by Councilwoman Crouse.

The motion was defeated by the following roll call vote:

Supervisor Crosier	Nay	Councilman Hamilton.....	Aye
Councilman Huth.....	Nay	Councilwoman Crouse.....	Aye
Councilman Golden.....	Nay		

WHEREUPON

Supervisor Crosier offered and moved that the Town Board of the Town of Berne, as lead agency, has determined that the proposed action of the Adoption of the Town of Berne Zoning Ordinance Amendment will not have a significant environmental impact and a draft impact statement will not be prepared. And, further, therefore,

BE IT RESOLVED, that the Town Board of the Town of Berne Undertakes **THE ISSUANCE OF A SEQRA NEGATIVE DECLARATION.**

Motion was seconded by Councilman Huth. The resolution was declared duly adopted by the following roll call vote

Supervisor Crosier	Aye	Councilman Hamilton.....	Nay
Councilman Huth.....	Aye	Councilwoman Crouse.....	Nay
Councilman Golden.....	Aye		

A complete copy of this resolution is attached to these minutes.

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PROPOSED ZONING AMENDMENTS

Regarding the previously presented petition, Attorney Conboy concurred that state law does require vote by 75% of the board in order to pass the rezoning ordinance if indeed the petition is signed by owners of 20% of the land designated in the TM1 zone. He further stated that nothing precludes the board from voting at this time and whether or not the amendments are adopted, depends on the determination to made subsequent to the vote..

Councilman Hamilton suggested that the provision for gas stations be removed from the proposed ordinance. Whereupon, Attorney Conboy stated that if any substantive modification is made to the proposed amendments, another public hearing would be required.

**RESOLUTION#4A
TMU DISTRICT**

Councilman Huth offered and moved the following resolution, seconded by Supervisor Crosier:

BE IT RESOLVED THAT two new districts Traditional Neighborhood /Mixed use 1 and 2 be created in the hamlet of Berne. Resolution was declared duly adopted by the following roll call

vote: Supervisor Crosier	Aye	Councilman Hamilton.....	Nay
Councilman Huth.....	Aye	Councilwoman Crouse.....	Nay
Councilman Golden.....	Aye		

**RESOLUTION #4B
HISTORIC DISTRICT**

Supervisor Crosier offered and moved the following resolution, seconded by Councilman Hamilton: **BE IT RESOLVED** that a historic district be identified in the proposed zoning ordinance maps as had been established in the current ordinance.

Resolution was declared duly adopted by the following roll call vote:

Supervisor Crosier	Aye	Councilman Hamilton.....	Aye
Councilman Huth.....	Aye	Councilwoman Crouse.....	Aye
Councilman Golden.....	Nay		

**RESOLUTION#4C
UPDATE ZONING LANGUAGE**

Supervisor Crosier offered and moved the following resolution, seconded by Councilman Huth **BE IT RESOLVED** that the proposed zoning incorporate changes regarding organizational and procedural updates as proposed. Resolution was declared duly adopted by following roll call vote:

Supervisor Crosier	Aye	Councilman Hamilton.....	Aye	Councilman Golden.....	Aye
Councilman Huth.....	Aye	Councilwoman Crouse.....	Aye		

A copy of the complete resolution for adopting zoning changes is attached to these minutes.

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WASTEWATER PROJECT

Supervisor Crosier read a letter of support from Dept. of Encon for the establishment of the Sewer District. Attorney Conboy presented a draft petition which will require signatures of residents representative of more than 50% of the assessed value of the sewer district. As well as 50% of non resident owners. Property owners will be informed when the petition will be available for signing.

**RESOLUTION #5
AUTHORIZE SALE OF FIREHOUSE**

Councilman Golden offered and moved the following resolution seconded by Councilman Hamilton: **BE IT RESOLVED THAT** the Town Board of the Town of Berne hereby authorizes the sale of the Old Fire House located at 1671 Helderberg Trail and accepts the offer from Debra & Haythem Bajouwa at a purchase price of \$50,000. Resolution was declared duly adopted with the following roll call vote:

Supervisor Crosier.....Aye	Councilman Hamilton.....Aye
Councilman Huth.....Aye	Councilwoman Crouse.....Aye
Councilman Golden.....Aye	

TRANSFER STATION UPDATE

Supervisor Crosier briefly reviewed the process for a rebid on the construction of the Transfer Station which he hopes will occur in the spring. There was discussion regarding possible steps which could be taken to decrease the expense including the elimination of steel decking which would be replaced with concrete flooring. Councilman Hamilton will contact Mike Harrington of Lamont Engineering to discuss these possibilities.

NEW BUSINESS

**RESOLUTION #6
APPROVE ESTABLISHMENT OF
CAPITAL RESERVE PROJECT FUND**

Supervisor Crosier offered and moved the following resolution seconded by Councilman Huth: **BE IT RESOLVED** that the supervisor be and he hereby is authorized to establish a capital reserve fund for the purpose of reserving funds for various capital improvements.

Resolution was declared duly adopted by the following roll call vote:
Supervisor CrosierAye Councilman Hamilton.....Aye
Councilman Huth.....Aye Councilwoman Crouse.....Aye
Councilman Golden.....Aye

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ANNUAL AUDIT OF BOOKS

The Supervisor's, Town Clerk's, and Justice's records for the year 2004 were accepted as presented for audit.

NON POINT SOURCE GRANT

Supervisor Crosier reported that the Town will be receiving the remaining \$12,500 of the Non Point Source Grant of matching funds from DEC.

**RESOLUTION #7
INTRODUCTION OF
LOCAL LAW #1 OF 2005**

Supervisor Crosier offered and moved the following resolution, seconded by Councilwoman Crouse introducing Local Law #1 of 2005 to be know as the **CODE ADOPTION LAW OF THE TOWN OF BERNE, NEW YORK** as follows:

BE IT RESOLVED that this board shall meet at 7:30 PM on the 9th of February, 2005 for the purpose of holding a public hearing concerning proposed Local Law #1 of 2005 and

BE IT FURTHER RESOLVED that the town clerk shall give notice of such public hearing in the manner provided in Section 20 of Municipal Law.

Resolution was declared duly adopted by the following roll call vote:

Supervisor Crosier	Aye	Councilman Hamilton.....	Aye
Councilman Huth.....	Aye	Councilwoman Crouse.....	Aye
Councilman Golden.....	Aye		

**CONSIDER PURCHASE OF
COMPUTER NETWORK SERVER**

Supervisor Crosier reported that the computer network server in the town offices has failed and needs to be replaced. A quote of \$4,703.28 from Bret Morey of ETC Associates for replacement was presented. After much discussion, Councilman Huth offered to contact Bret Morey and investigate state contract prices. He will report back at the next meeting.

**SECOND MONTHLY MEETING
DATE SET**

A second monthly meeting was scheduled for Wednesday, January 26, 2005 at 7:30 PM

REPORTS

The Supervisor's, Town Clerk's and Building & Zoning Administrator's monthly reports were received and accepted.

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**RESOLUTION #
FUND TRANSFERS**

Councilman Huth offered and moved the following resolution seconded by Councilman Golden
BE IT RESOLVED that the fund transfers as attached to these minutes be authorized in the amounts and manners as set forth. Resolution was declared duly adopted with the following vote:

Resolution was declared duly adopted by the following roll call vote:
Supervisor CrosierAye Councilman Hamilton.....Aye
Councilman Huth.....Aye Councilwoman Crouse.....Aye
Councilman Golden.....Aye

BILLS

Councilman Golden made the motion seconded by Councilwoman Crouse to approve payment of the following bills:

GENERAL FUND ABSTRACT	A2004 486-500.....	\$9,168.65
	A2005 001-010.....	\$25,358.95
HIGHWAY FUND ABSTRACT	D2004 204- 211.....	\$12,709.39
	D205 001 -002.....	\$31,391.83

Motion carried with the following members voting aye:
Supervisor Crosier, Council members Crouse, Golden, Hamilton & Huth

WASTE WATER PETITION

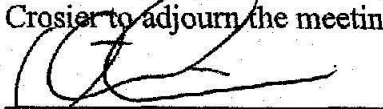
Councilman Huth requested an explanation of the next steps regarding the sewer petition. Attorney Conboy stated that he has received all of the necessary narrative from the engineer. When the final document is ready to be signed by the petitioners, it will be available at the town clerk's office and every signature will require a notary.

ZONING MAP

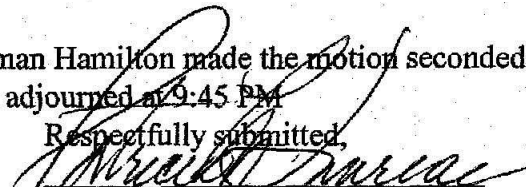
Councilman Golden raised the question of the current zoning map and the interpretations of the different zones. He is concerned that some areas are vague and undefined. And he feels this situation needs to be addressed.

MOTION TO ADJOURN

There being no further business, Councilman Hamilton made the motion seconded by Supervisor Crosier to adjourn the meeting. Meeting adjourned at 9:45 PM



Supervisor Crosier

Respectfully submitted,



Patricia M. Favreau, Town Clerk



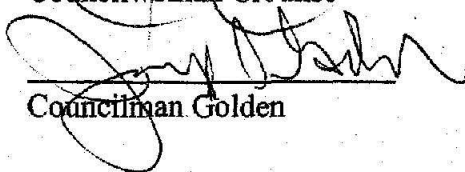
Councilman Huth



Councilwoman Crouse



Councilman Hamilton



Councilman Golden

RESOLUTION FOR ADOPTING ZONING CHANGES

Whereas, the Town of Berne Town Board has undertaken a planning process to update their zoning ordinance that included the following:

- A. Review of the Town Comprehensive Plan,
- B. Held a public forum to discuss business development needs in the Hamlet of Berne, and
- C. Conducted a community image survey to learn more about the expectations citizens have about new development in the hamlet; and

Whereas, the Town of Berne Town Board used this information to develop a set of illustrated design guidelines to better convey the goals and expectations for new development in the Hamlet; and

Whereas, the Town of Berne Town Board has drafted and proposed new zoning language to meet the identified needs as follows

1. The Town of Berne has had language in their zoning ordinance establishing a historic district, but this was never mapped. This proposed zoning update maps that district.
2. The Town of Berne zoning ordinance was in need of some organizational and procedural updates. Some procedural issues that have been updated include time frames, voting requirements for Planning Board and Zoning Board of Appeals, and other changes in language needed to reflect the past few years of state Town Law have been proposed. Further, the current zoning ordinance was hard to find various sections and was in need of further organization. This proposed zoning incorporates those changes.
3. The Town of Berne desired to further its goals as outlined in their comprehensive plan in relationship to rural and small town character, small business development, and historic preservation. As a result of the above planning process, the following concepts have been proposed for the zoning:
 - a. Treat the hamlet as a distinct area in the Town of Berne. That is accomplished through creation of two new districts: Traditional Neighborhood/Mixed Use 1 and 2 districts that basically follow the traditional boundaries of the more built-up locations of the hamlet.
 - b. Establish a set of design standards to ensure that new development or conversion of existing buildings is done in a manner that enhances the traditional character of the hamlet.

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- c. Develop a use schedule for the TN/MU districts that allow for limited small business development in the hamlet and that encourages adaptive reuse of existing buildings.
- d. Develop new density and dimensional standards that will result in new development that is more consistent with the traditional patterns in the hamlet.

- f. Develop overall density provisions to allow for more appropriate levels of business development in the hamlet; and

Whereas, the Town of Berne Town Board held multiple public hearings and public meetings throughout the process; and

Whereas, the Town of Berne, Town Board completed Parts I and II of the Full Environmental Assessment Form as per 6 NYCRR Part 617, determined that there would be no significant negative environmental impacts as a result of adopting the proposed zoning ordinance changes, and formally issued a Negative Declaration.

Now Therefore Be It Resolved that The Town of Berne Town Board adopt the zoning map indicating the boundaries of a local historic district in the Hamlet of Berne; and

Be it further Resolved that the Town of Berne Town Board adopt the zoning language that incorporates needed organizational and procedural changes; and

Be it Further Resolved that the Town of Berne Town board adopt the zoning language and map that establishes the boundaries, use schedule, density and regulations for the Traditional Neighborhood/Mixed Use 1 and Traditional Neighborhood/Mixed Use 2 in the hamlet of Berne.

Audit List - G/L Journal Entries

Batch #: 2004 Batch Total: \$0.00
 Batch Date: 01/13/05 Created By: Admin
 Date of JE: 12/31/04

Thursday, January 13, 2005

Ref #	G/L #	Name	Description	Debit Amount	Credit Amount	
12/31/04	003005.01.000.00	3005 - State Aid Mtg Tax GENERAL FUND A	BUDGET TRANSFER/APPROP.	\$5,801.00	\$0.00	
12/31/04	012204.01.000.00	1220.4 - Supervisor CE GENERAL FUND A	BUDGET TRANSFER	\$0.00	\$400.00	
12/31/04	016204.01.000.00	1620.4 - Buildings CE GENERAL FUND A	BUDGET TRANSFER	\$0.00	\$100.00	
12/31/04	019104.01.004.00	1910.4 - Unallocated Insurance GENERAL FUND A C/E	BUDGET TRANSFER	\$0.00	\$600.00	
12/31/04	033104.01.004.00	3310.4 - Traffic Control CE GENERAL FUND A C/E	BUDGET TRANSFER	\$0.00	\$50.00	
12/31/04	073104.01.004.00	7310.4 - Youth Programs CE GENERAL FUND A C/E	BUDGET TRANSFER	\$0.00	\$800.00	
12/31/04	073204.01.004.00	7320.4 - Youth Programs CE GENERAL FUND A C/E	BUDGET TRANSFER	\$0.00	\$1,300.00	
12/31/04	081604.01.004.00	8160.4 - Refuse/Garbage CE GENERAL FUND A C/E	BUDGET TRANSFER	\$0.00	\$2,400.00	
12/31/04	090508.01.008.00	9050.8 - Unemployment Insurance GENERAL FUND A EMPLOYEE BENEFITS	BUDGET TRANSFER	\$0.00	\$1.00	
12/31/04	033104.01.004.00	3310.4 - Traffic Control CE GENERAL FUND A C/E	BUDGET TRANSFER	\$0.00	\$150.00	
Number of Entries 10				Totals	\$5,801.00	\$5,801.00

Audit List - G/L Journal Entries

Batch #: 2003 Batch Total: \$0.00
 Batch Date: 01/13/05 Created By: Admin
 Date of JE: 12/31/04

Thursday, January 13, 2005

Ref #	G/L #	Name	Description	Debit Amount	Credit Amount	
12/31/04	051101.02.001.00	5110.1 - General Repairs PS HIGHWAY FUND D P/S	BUDGET TRANSFER/12/31/04	\$2,700.00	\$0.00	
12/31/04	051304.02.000.00	5130.4 - Machinery CE HIGHWAY FUND D	BUDGET TRANSFER 12/31/04	\$0.00	\$1,400.00	
12/31/04	051424.02.000.00	5142.4 - Snow Removal CE HIGHWAY FUND D	BUDGET TRANSFER 12/31/04	\$0.00	\$1,300.00	
Number of Entries 3				Totals	\$2,700.00	\$2,700.00

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