

April 8, 2026

**TOWN OF BERNE
ALBANY COUNTY, NEW YORK**

**6:30PM Public Hearing Local Law No.1-2026
7:00PM Regular Town Board Meeting**

CALL TO ORDER: PUBLIC HEARING

Supervisor Giebelhaus called the Public Hearing to order at 6:38 PM and led the Pledge of Allegiance and took attendance Supervisor Giebelhaus, Deputy Supervisor Doolin, Councilmembers Duncan, Councilmember Miller, Highway Superintendent Stempel, Town Clerk De Oliveira & Deputy Town Clerk Herrera were all in attendance.

PUBLIC HEARING – LOCAL LAW NO. 1 OF 2026 “CHANGING GRIEVANCE DAY”

The Town Board opened the public hearing to receive comments regarding Local Law No. 1 of 2026 which was proposed to hold Grievance Day on the first Tuesday of June instead of the last Tuesday in May as set by state law.

No one signed up or spoke for public comment concerning the proposed local law.

Supervisor Giebelhaus made a motion seconded by Councilmember Duncan to add the hearing times into the body of the local law of 3PM-5PM & 6PM-8PM, and to close the public hearing AT 7:01PM, all town board members present voted aye.

OPEN REGULAR TOWN BOARD MEETING & ROLL CALL

At 7:05PM Supervisor Giebelhaus Roll Call attendance was taken- present were Supervisor Giebelhaus, Councilmember Bunzey, Councilmember Duncan, Councilmember laCour, and Councilmember Miller, constituting a quorum. Also present were Town Clerk De Oliveira, Deputy Town Clerk Herrera, Highway Superintendent Stempel, and Deputy Supervisor Doolin.

Supervisor Giebelhaus made a motion to modify agenda seconded by Councilmember Bunzey to adopt Local Law No. 1-2026 “Changing Grievance Day” with the change to be made with the inclusion of hearing times in the body of the law.

At a regular meeting of the Town Board of the Town of Berne, Albany County, New York, held at the Community Center 1360 Helderberg Trail Berne NY 12023 on April 8th, 2026, the following Resolution No. 40 of 2026 was offered:

WHEREAS, a proposed Local Law entitled “**A Local Law Changing Grievance Day**” was introduced before the Town Board of the Town of Berne; and
WHEREAS, said proposed Local Law provides for changing Grievance Day from the fourth Tuesday in May to the first Tuesday in June, pursuant to §512 of the New York State Real Property Tax Law; and

WHEREAS, the Town Board determined that such change is necessary due to the shared services arrangement of the Town Assessor; and

WHEREAS, a public hearing upon said proposed Local Law was duly noticed and held on April 8, 2026, at which time all interested parties were heard; and

WHEREAS, the Town Board has determined that the adoption of said Local Law is in the best interest of the Town of Berne;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Berne hereby adopts **Local Law No. 1 of 2026**, entitled “**A Local Law Changing Grievance Day**,” as set forth in the attached document; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to file

Roll Call Vote:

- Supervisor Giebelhaus — Aye
- Councilmember Bunzey — Aye
- Councilmember Duncan — Aye
- Councilmember laCour — Aye
- Councilmember Miller — Aye

Resolution carried.

APPROVAL OF MINUTES

A motion was made by Councilmember Bunzey seconded by Councilmember laCour to accept and approve the meeting minutes of the March 28, 2026 meeting minutes, Supervisor Giebelhaus and Councilmembers Bunzey, Duncan, laCour, and Miller all voted aye.

PUBLIC COMMENT

Sue- Dyer Road concerns about Seasonal designation and wish to build a full-time residence

Keith Audino- Concerns about the potential purchase of the Masonic Lodge especially after large tax increase, not viewed as a need

Robert Swasey- concerns after reading Enterprise with mold and required renovations if the Masonic Lodge was purchased. Urged an inspection before a purchase is highly considered.

Robert Quierolo Berne PV LLC – hardship waiver filed in May of 2025 for project on Jansen Lane- looking to have a call with Councilmembers laCour and Miller who are working on the current Sola law and Moratorium.

Lynn Warner-Kerr- had questions regarding the discussion of purchasing the Masonic Lodge- would the cost be disclosed to the public, are there grant funds available, does the Town have a grant writer?

SUPERVISOR'S REPORT

Supervisor Giebelhaus briefly discussed Paychex implementation and hurdles, BST Consulting Group was present to discuss the upcoming project plan completion and a full assessment of the town and improve processes , Needham Risk evaluation has identified 14 areas of improvement needed, Chevrolet service contract resulted in no response however there are mini bid for NYS when it comes to OEM repairs , and Albany County Real Property Auction books were available for the public and a copy in the Town Clerk's Office.

DEPARTMENT REPORTS

Highway Department Highway Superintendent Allen Stempel was celebratory in discussing spring's arrival and at the end of winter he thanked all of the employees and despite the challenges of short staffing or fleet shortage they were able to get the job done. He also took the time to thank other local towns who helped with equipment and included Councilmember Duncan for being very helpful. Upcoming projects included culverts on Stewart Road and shoulders on Sawmill Road. Also coming up was chainsaw safety training as well as Cornell classes

Transfer Station- Councilmember Bunzey discussed his commitment to the transfer station and has been working 1-2 hours weekly during transfer station hours to get to know the residents and help. An upcoming meeting was scheduled with a vendor to discuss different potential operational approaches with the hope of cutting costs.

Library Director Kathy Stempel wanted remind residents of items that can be borrow including a small projector, fishing poles etc. She also provided the Town Board with the annual report for the library with statics on how any items were borrowed, events held, and amount of visitors. As always be sure to subscribe to the newsletter to keep up to date on upcoming events.

Planning Board Chairman Steve Khoury said the was anticipating a busy spring and summer. He also reminded the Town Board of the need to review the Comprehensive Plan for renewal in 2027.

Parks & Recreation Parks and Recreation Chair Mary Claire Ansbro thanked Highway Superintendent for all his support with the park. She stressed the need for drinking water and did a run down of upcoming events that the Parks & Rec Board plans to host- including an Octoberfest/Car Show in October.

NEW BUSINESS / RESOLUTIONS

Authorization to Return Fee

A motion was made by Supervisor Giebelhaus seconded by Councilmember Duncan to authorize the Town Clerk to return a \$75.00 fee to a resident for a cancelled event on June 14, 2026, Supervisor Giebelhaus & Councilmembers Bunzey, Duncan, la Cour and Miler all voting aye.

Accepting Resignation of Andrea Borst from Tax Collection & Sewer

A motion was made by Supervisor Giebelhaus seconded by Councilmember Bunzey, to accept the resignation of Andrea Borst from the appointed positions of Deputy Tax Collector and Senior Sewer Clerk effective immediately Supervisor Giebelhaus & Councilmembers Bunzey, Duncan, la Cour and Miler all voting aye.

Resolution No.41 of 2026: “A RESOLUTION AUTHORIZING PAYMENT TO TRACY ROAD EQUIPMENT”

Councilmember Bunzey offered the following Resolution for adoption, seconded by Councilmember la Cour:

WHEREAS, an invoice (R201022531) has been received from Tracy Road Equipment;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes payment in the amount of \$3,148.24 to Tracy Road Equipment.

Roll Call Vote:

- Supervisor Giebelhaus — Aye
- Councilmember Bunzey — Aye
- Councilmember Duncan — Aye
- Councilmember laCour — Aye
- Councilmember Miller — Aye

Resolution carried.

Resolution No.42 of 2026: “A RESOLUTION TO ENCUMBER FUNDS FOR PARTS AND SERVICES – TRACY ROAD EQUIPMENT”

Councilmember Duncan offered the following Resolution for adoption, seconded by Councilmember Bunzey:

WHEREAS, the Town requires parts and services under Contracts 2026-02 and 2026-03 with Tracy Road Equipment;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the encumbrance of \$5,000.00 from account DA-11-5130-0000-44999.

Roll Call Vote:

- Supervisor Giebelhaus — Aye
- Councilmember Bunzey — Aye
- Councilmember Duncan — Aye
- Councilmember laCour — Aye
- Councilmember Miller — Aye

Resolution carried.

Resolution No. 43 of 2026: “A RESOLUTION TO ENCUMBER FUNDS FOR PURCHASE OF RAMMER”

Councilmember Bunzey offered the following Resolution for adoption, seconded by Councilmember Duncan:

WHEREAS, the Town seeks to purchase one (1) Bartell BT100 BT1600 Rammer under City of Albany Contract #9243;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the encumbrance of \$3,295.00 from account DA-11-5130-0000-44999.

Roll Call Vote:

- Supervisor Giebelhaus — Aye
- Councilmember Bunzey — Aye
- Councilmember Duncan — Aye
- Councilmember laCour — Aye
- Councilmember Miller — Aye

Resolution carried.

Resolution No. 44 of 2026: “A RESOLUTION TO ENCUMBER FUNDS FOR MINI EXCAVATOR RENTAL”

Councilmember Bunzey offered the following Resolution for adoption, seconded by Councilmember Miller:

WHEREAS, the Town requires the rental of a mini excavator under NYS OGS Contract PS70911 with Finke Equipment;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the encumbrance of \$2,275.00 from account SS-18-8110-0000-22080.

Roll Call Vote:

- Supervisor Giebelhaus — Aye
- Councilmember Bunzey — Aye
- Councilmember Duncan — Aye
- Councilmember laCour — Aye
- Councilmember Miller — Aye

Resolution carried.

Motion to Enter into Executive Session

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Supervisor Giebelhaus made a motion to enter Executive Session under OML Section 105-A to discuss employment history, Supervisor Giebelhaus & Councilmembers Bunzey, Duncan, la Cour and Miler all voting aye.

ADJOURNMENT

There being no further business, a motion was made by Supervisor Giebelhaus, seconded by Councilmember Miller, to adjourn the meeting- Supervisor Giebelhaus & Councilmembers Bunzey, Duncan, la Cour and Miler all voting aye. The meeting adjourned at 8:40 PM.

Respectfully submitted,

Kristin De Oliveira
Town Clerk, Town of Berne

A LOCAL LAW “CHANGING GRIEVANCE DAY”

Be it enacted by the Town Board of the Town of Berne as follows:

- §1. Legislative Authority; Supersession of State Law.**
- §2. Legislative Intent.**
- §3. Grievance Day Established.**
- §4. Inconsistency.**
- §5. Severability.**
- §6. Effective Date.**
- §7. Numerical/Lettering Designations.**

§1. Legislative Authority; Supersession of State Law.

This article is enacted pursuant to New York Real Property Tax Law §512, which enables a Town to enact a local law to change grievance day from the fourth Tuesday of May. This article supercedes and is in place of the date for the hearing of complaints set forth in subsection 10 §512 of the Real Property Tax Law.

§2. Legislative Intent.

The Town of Berne in the County of Albany employs an assessor who is at the same time employed by another assessing unit. Pursuant to the authority granted by §512, Subdivision 1-a of Real Property Tax Law, the Town of Berne desires to establish a date for the meeting of the Board of Assessment Review other than that provided in Subdivision 1 of §512 of the Real Property Tax Law.

§3. Grievance Day Established.

The Town of Berne hereby adopts as and for its Grievance Day the first Tuesday in June with hearing times from 3PM-5PM & 6PM- 8PM and as many days thereafter as the Board of Assessment Review deems necessary when such Board shall meet to hear complaints in relation to assessments pursuant to §512 of the New York State Real Property Tax Law.

§4. Inconsistency.

All other laws and ordinances of the Town of Berne that are inconsistent with the provisions of this local law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this local law.

§5. Severability.

If any portion of this Local Law or the application thereof shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remaining portions of this Local Law.

§6. Effective Date.

This Local Law shall become effective immediately upon filing with the NYS Secretary of State in conformity with NYS Municipal Home Rule Law.

§7. Numerical/Lettering Designations.

The chapter designation and numerical/lettering designations of the sections and article(s) included in this local law shall be delegated to the discretion of General Code Publishers, which may renumber the chapter, sections and article(s) included in this local law as necessary to accommodate incorporation of this local law in the Code of the Town of Berne.