

**STATE OF NEW YORK
ALBANY COUNTY**

CALL TO ORDER

Supervisor Giebelhaus called the Regular Town Board Meeting to order at 7:00 PM and led the Pledge of Allegiance.

ROLL CALL

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, Deputy Supervisor Doolin, Highway Superintendent Stempel and Town Attorney McHugh.

APPROVAL OF MINUTES

A motion was made by Councilmember la Cour seconded by Councilmember Bunzey, to accept and approve the meeting minutes of the July 8, 2026 regular town board meeting that were presented for review via email prior to the meeting, Supervisor Giebelhaus and Councilmembers Bunzey, Duncan, la Cour and Miller all voted aye.

PUBLIC COMMENT

Mary Claire Ansbro co-founder, event coordinator and director of Kenneth's Army- a local organization against child abuse. She spoke of their annual run in June and made a monetary donation of \$250 to the Town Park to thank the Town Board for the use of the facilities.

Diane Dibble a resident living along Route 156 near by to the Berne Conservative Club which recently was taken over by new owners complained of the very loud and repetitive shooting. She questioned the Town Board what role the Town has in censuring them and urged them to investigate it as she was not the only person who had complained. Supervisor Giebelhaus requested some correspondence that was offered by Michael Vincent (prior Conservation Club President and Owner) as well as any letters received by the Gun Club.

SUPERVISOR'S REPORT

Supervisor Giebelhaus discussed Fitness Court Challenge against Westerlo- whoever gets more checks in will be granted \$10,000 for use at the Town Park from Dan McCoy's Office. Supervisor Giebelhaus also reported that the 2027 County Sheriff/ALS contract is expected to increase by approximately \$12,000, representing a 4.6% increase and an estimated 0.7% impact on the Town tax rate. The Supervisor also reported that waste disposal expenses at the Transfer Station are projected to reach approximately \$110,000, exceeding the \$80,000 budgeted amount, requiring the Town to address the anticipated shortfall.

Deputy Supervisor's Report: Deputy Supervisor Thomas Doolin reported meeting with representatives from the Albany County Department of the Aging, LifePath, and the County Executive's Office regarding increasing services and resources for seniors in the Town. The groups discussed reestablishing a local presence following COVID-19 and identifying potential services and funding opportunities. LifePath currently provides meals at the

Community Cener on Tuesdays and Fridays for seniors at 11:30am. Follow-up discussions will continue by email.

DEPARTMENT REPORTS

Highway Department Highway Superintendent Allen Stempel stated operations were progressing well and that staff is performing satisfactorily. Planning is underway for several road improvement projects throughout the Town, with approximately \$330,000 in anticipated roadwork identified. Due to the Town's current financial constraints and the need to carefully manage available funds and vendor commitments, the ability to proceed with these projects remains uncertain.

Transfer Station- Councilmember Bunzey stated they are looking to hold a committee meeting at the end of the month to discuss projected expenses for the next year and discuss options to cut costs and push recycling.

Library Director Kathy Stempel was not in attendance, but Lynn Warner Kerr Library Trustee Member was present and urged residents to check the monthly newsletter for events that include all age groups.

Planning Board Chairman Steve Khoury the Planning Board had been working on a small subdivision and wanted to check on the status of the updates to the Solar Moratorium with November coming quickly.

Parks & Recreation Parks and Recreation Chair Mary Claire Ansbro stated the Park was looking great and thanked the board for the additional seasonal hire that has relieved her from weekend duties. She reiterated the upcoming events planned by the Parks & Recreation Board including the most upcoming as the first annual Car Show on August 30th from 1PM-5PM with a pie eating contest, rock climbing wall for the children, a food truck and other vendors.

OLD BUSINESS

Mare Lane Extension Updates

Highway Superintendent Stempel reported that, beginning June 19, he engaged with a municipal engineering firm to investigate the status of Mare Lane Extension and determine whether the roadway is a Town-maintained road or a private road. The matter was subsequently referred to another engineering firm specializing in document review, forensic review, and surveying. Additional roadway records are also being reviewed to clarify the Town's maintenance responsibilities. The Town is currently awaiting the engineering firm's findings and recommendations.

NEW BUSINESS / RESOLUTIONS

Acceptance of ZBA Resignation: Jarrett Carroll

Supervisor Giebelhaus discussed the conflict so with the appointment of Jarrett Carroll as Building Inspector he has resigned from his duties serving on the Zoning Board of Appeals. Councilmember Bunzey made a motion seconded by Councilmember Duncan to accept the resignation from the Zoning Board of Appeals leaving a term vacancy ending 12/31/2028, Supervisor Giebelhaus and Councilmembers Bunzey, Duncan, la Cour and Miller all voted aye.

Resolution 62 of 2026 AUTHORIZING THE TOWN SUPERVISOR TO REPRESENT THE TOWN OF BERNE IN A PUBLIC EMPLOYMENT RELATIONS BOARD REPRESENTATION PROCEEDING

WHEREAS, the New York State Public Employment Relations Board ("PERB") has scheduled a conference before an Administrative Law Judge concerning a representation proceeding involving employees of the Town of Berne; and

WHEREAS, the Town of Berne is a necessary party to such proceeding in its capacity as the public employer; and

WHEREAS, the Town Board recognizes that the purpose of the proceeding is to determine questions concerning employee representation and that the Town shall remain strictly neutral with respect to the employees' selection of a collective bargaining representative; and

WHEREAS, the Administrative Law Judge has requested that the Town appear through a representative possessing authority to make procedural decisions and enter into appropriate stipulations on behalf of the Town during the proceeding; and

WHEREAS, the Town Board finds it to be in the best interests of the Town to designate the Town Supervisor as the Town's authorized representative for purposes of the PERB representation proceeding.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby designates and authorizes the Town Supervisor to appear on behalf of the Town of Berne in the pending PERB representation proceeding and any related conferences or hearings before PERB; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to:

1. Represent the Town in all procedural matters before PERB;
2. Provide factual information and documentation concerning Town employment, bargaining units, payroll records, employee classifications, and other matters relevant to the proceeding;
3. Enter into procedural stipulations, election agreements, voter eligibility agreements, scheduling agreements, and other administrative or procedural agreements that facilitate the conduct of the PERB proceeding and do not materially alter the Town's legal rights or obligations;

4. Make procedural decisions reasonably necessary to conduct the proceeding in an efficient manner and to comply with directives of the Administrative Law Judge; and
5. Consult with the Town Attorney, labor counsel, or other professional advisors as necessary in connection with the proceeding.

BE IT FURTHER RESOLVED, that nothing in this Resolution shall be construed to authorize the Town Supervisor to:

1. Express or advocate a preference for any labor organization or employee organization;
2. Recognize or refuse to recognize any employee organization except as directed by PERB or otherwise required by law;
3. Execute, amend, extend, or terminate any collective bargaining agreement;
4. Waive any substantive legal rights of the Town;
5. Commit the Town to any settlement or agreement imposing financial obligations or materially affecting the Town's labor relations policies without prior approval of the Town Board, unless otherwise required by law; or
6. Take any action inconsistent with the Town's obligation to remain neutral in matters concerning employee representation.

BE IT FURTHER RESOLVED, that the Town of Berne shall remain neutral throughout the representation proceeding and shall recognize and bargain in good faith with whichever employee organization, if any, is certified by PERB as the exclusive bargaining representative in accordance with applicable law.

BE IT FINALLY RESOLVED, that the Town Clerk is directed to provide a certified copy of this Resolution to the Town Supervisor, the Town Attorney, and, if requested, to the Administrative Law Judge or PERB.

BE IT FINALLY RESOLVED, that this Resolution shall take effect immediately upon its adoption

DULY ADOPTED by the Town Board of the Town of Berne upon a motion by Councilmember Miller seconded by Councilmember Bunzey and carried by the following vote:

Supervisor Giebelhaus- aye
Councilmember Bunzey- aye
Councilmember Duncan- aye
Councilmember la Cour- aye
Councilmember Miller -aye

Adopted this 12th day of August 2026.

Resolution 63 of 2026 THE RESIGNATION OF THE LAW OFFICE OF GEORGE D. MCHUGH, P.C. AS TOWN ATTORNEY

WHEREAS, the Law Office of George D. McHugh, P.C. has served as Town Attorney for the Town of Berne pursuant to a Professional Services Agreement authorized by the Town Board; and

WHEREAS, by correspondence dated **July 27, 2026**, the Law Office of George D. McHugh, P.C. submitted its resignation as Town Attorney, effective **August 31, 2026**; and

WHEREAS, the Town Board wishes to formally acknowledge and accept the resignation and provide for an orderly transition of legal services.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Berne hereby accepts the resignation of the Law Office of George D. McHugh, P.C. as Town Attorney, effective August 31, 2026 , with appreciation for the professional legal services provided to the Town.

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized and directed to take all actions necessary to conclude the Professional Services Agreement in accordance with its terms, including the payment of all properly submitted and audited invoices for services rendered through the effective date of the resignation.

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to coordinate with the outgoing Town Attorney regarding the orderly transition of all active legal matters, files, records, correspondence, litigation materials, and other documents belonging to or maintained on behalf of the Town of Berne, and to facilitate the transfer of such materials to the Town or its successor legal counsel, as appropriate.

BE IT FURTHER RESOLVED, that the Town Clerk is directed to provide a certified copy of this Resolution to the Law Office of George D. McHugh, P.C. and to maintain a copy in the official records of the Town.

BE IT FINALLY RESOLVED, that this Resolution shall take effect immediately upon its adoption

DULY ADOPTED by the Town Board of the Town of Berne at a regular meeting upon a motion by Councilmember Bunzey seconded by Councilmember la Cour, and carried by the following vote:

Supervisor Giebelhaus- aye

Councilmember Bunzey- aye

Councilmember Duncan- aye

Councilmember la Cour- aye

Councilmember Miller -aye

Adopted this 12th day of August 2026.

Resolution 64 of 2026

RESOLUTION APPOINTING LEGAL COUNCIL, APPROVING A PROFESSIONAL SERVICES AGREEMENT, AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE THE AGREEMENT, AND AUTHORIZING THE ENCUMBRANCE OF APPROPRIATED FUNDS

WHEREAS, the Town Board of the Town of Berne determined that it was in the best interests of the Town to solicit proposals for the provision of professional legal services pursuant to Request for Proposals No. 2026-02; and

WHEREAS, proposals were received and reviewed by the Town Board in accordance with the procedures established in the Request for Proposals; and

WHEREAS, after reviewing the qualifications, experience, proposed scope of services, references, and fee schedules submitted by the respondents, the Town Board has determined that it is in the best interests of the Town to retain professional legal counsel to provide municipal legal services and, if applicable, labor relations services; and

WHEREAS, the Town Board finds that the selected firm possesses the qualifications, experience, staffing, and expertise necessary to effectively represent the Town in municipal legal matters and to provide legal services consistent with the needs of the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Berne hereby appoints:

Firm: _____

to serve as:

☐ Town Attorney / Municipal Counsel

☐ Labor Relations Counsel

☐ Both Municipal Counsel and Labor Relations Counsel

for the term commencing _____ and ending _____, unless sooner terminated in accordance with the terms of the Professional Services Agreement.

BE IT FURTHER RESOLVED, that the Town Board hereby approves the Professional Services Agreement between the Town of Berne and:

in substantially the form presented to the Town Board, subject to the insertion of the final contract term, compensation, exhibits, schedules, and such non-substantive revisions as may be approved by the Town Supervisor.

BE IT FURTHER RESOLVED, that compensation for professional legal services shall be as follows:

Annual or Monthly Retainer:

Hourly Rates (if applicable):

Partner: _____

Associate: _____

Paralegal/Law Clerk: _____

Other: _____

plus reimbursement of authorized expenses as provided in the Professional Services Agreement.

BE IT FURTHER RESOLVED, that pursuant to the authority granted to the Town Supervisor under New York State Town Law and this Resolution, the Town Supervisor is hereby authorized and directed to execute, acknowledge, and deliver the Professional Services Agreement on behalf of the Town of Berne, together with any schedules, exhibits, certificates, amendments, renewals, or other documents reasonably necessary to implement the Agreement, provided such documents are substantially consistent with the proposal approved by the Town Board.

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the encumbrance and expenditure of funds appropriated in the Town's duly adopted budget for professional legal services in an amount **not to exceed**:

\$ _____

unless subsequently modified by action of the Town Board through budget amendment or other lawful authorization.

BE IT FURTHER RESOLVED, that all invoices submitted pursuant to the Professional Services Agreement shall be audited and approved for payment in accordance with the Town's Audit of Claims Policy, applicable budget appropriations, and the provisions of the New York State Town Law.

BE IT FURTHER RESOLVED, that any legal services performed outside the scope of the approved retainer agreement, including but not limited to litigation, arbitration, special projects, labor negotiations, disciplinary proceedings, appeals, or other billable hourly services, shall be compensated only in accordance with the terms of the Professional Services Agreement and subject to available appropriations and the Town's normal audit and claims approval process, unless otherwise specifically authorized by resolution of the Town Board.

BE IT FURTHER RESOLVED, that the Town Supervisor, Town Clerk, Budget Manager, Bookkeeper, and all other appropriate Town officers and employees are hereby authorized and directed to take all actions and execute all documents necessary to carry out the intent of this Resolution.

Resolution No. 64- 2026 was presented for consideration. No action was taken.

Resolution 65 of 2026: A BOND RESOLUTION AUTHORIZING ACQUISITION OF THREE ONE-TON TRUCKS FOR HIGHWAY MAINTENANCE AT AN ESTIMATED MAXIMUM COST OF \$264,000, AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF BERNE, ALBANY COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$264,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH COST, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR

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 acquisition of three one-ton trucks with plow and salter for highway maintenance is hereby authorized at an estimated aggregate maximum cost of \$264,000, and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 28 of paragraph a of Section 11 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen years.

SECTION 2. It is hereby determined that the aforesaid purpose constitutes a Type II 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 not 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 \$264,000, hereby authorized to be issued therefor 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 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 11. 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 12. This resolution shall take effect immediately

DULY ADOPTED by the Town Board of the Town of Berne, upon a motion by Councilmember la Cour seconded by Councilmember Miller, and carried by the following vote:

Supervisor Giebelhaus- aye

Councilmember Bunzey- aye

Councilmember Duncan- aye

Councilmember la Cour -aye

Councilmember Miller -aye

Adopted this 12th day of August 2026.

Resolution 66 of 2026: A BOND RESOLUTION AUTHORIZING ACQUISITION OF A TANDEM TRUCK FOR HIGHWAY MAINTENANCE AT AN ESTIMATED MAXIMUM COST OF \$300,000, AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF BERNE, ALBANY COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$300,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH COST, PROVIDING THAT THIS RESOLUTION SHALL BE SUBJECT TO A PERMISSIVE REERENDUM, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR

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 acquisition of a tandem truck for highway maintenance purposes is hereby authorized at an estimated aggregate maximum cost of \$300,000, and said amount is hereby

appropriated therefore. It is hereby determined that said purpose is an object or purpose described in subdivision 28 of paragraph a of Section 11 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen years.

SECTION 2. It is hereby determined that the aforesaid purpose constitutes a Type II 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 \$300,000, hereby authorized to be issued therefor 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. Within ten days after the adoption of this resolution, the Town Clerk is hereby authorized and directed to cause to be published at least once in the in the Altamont Enterprise, being a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town, and to be posted on the sign board of the Town maintained pursuant to the Town Law, a notice which shall set forth the date of adoption of this resolution and contain an abstract thereof, concisely stating its purpose and effect and specifying that this resolution was adopted subject to a permissive referendum.

SECTION 11. This resolution shall take effect thirty days after adoption, unless there shall be filed with the Town Clerk a petition signed and acknowledged by the electors of the Town qualified to vote upon a proposition to raise and expend money, in number equal to at least five percentum of the total vote cast for governor in the Town at the last general election held for the election of State offices, protesting against this resolution and requesting that the matter be submitted to the qualified electors of the Town at a referendum in the manner provided by Article Seven of the Town Law.

SECTION 12. 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 13. Upon the effective date hereof, 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.

DULY ADOPTED by the Town Board of the Town of Berne upon a motion by Councilmember Duncan, seconded by Councilmember Brian, and carried by the following vote:

Supervisor Giebelhaus- aye

Councilmember Bunzey- aye

Councilmember Duncan- aye

Councilmember la Cour - aye

Councilmember Miller -nay

Adopted this 12th day of August 2026.

Resolution 67 of 2026: AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT FOR CIVIL ENGINEERING SERVICES, AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE THE AGREEMENT, AND AUTHORIZING THE ENCUMBRANCE OF FUNDS

WHEREAS, the Town of Berne issued Request for Proposals (RFP No. 2026-03) seeking qualified firms to provide professional civil engineering services to the Town; and

WHEREAS, the Town Board has reviewed the proposals submitted in response to the RFP and has determined that **LAMONT ENGINEERS** is the firm whose qualifications, experience, responsiveness, and proposed fee structure best serve the interests of the Town; and

WHEREAS, the Town Board desires to retain **LAMONT ENGINEERS** to provide professional civil engineering services in accordance with the terms and conditions of the Professional Services Agreement presented to the Board; and

WHEREAS, the Town Board has determined that it is in the best interests of the Town to authorize the Town Supervisor to execute the agreement on behalf of the Town and to take all actions necessary to implement its provisions.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Berne hereby approves the Professional Services Agreement between the Town of Berne and **LAMONT ENGINEERS** for the provision of professional civil engineering services, substantially in the form presented to the Town Board, together with such non-material modifications as may be approved by the Town Attorney and Town Supervisor.

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to execute the Professional Services Agreement and any related documents necessary to effectuate the agreement on behalf of the Town.

BE IT FURTHER RESOLVED, that the Town Supervisor and the Town Bookkeeper are hereby authorized to encumber funds sufficient to satisfy the obligations of the Town under the agreement, subject to available appropriations and applicable provisions of the Town's Procurement Policy, Budget, and New York State law.

BE IT FURTHER RESOLVED, that payments under the agreement shall be made only upon submission of properly documented invoices, audit and approval of claims by the Town Board, and certification that services have been satisfactorily performed in accordance with the agreement.

BE IT FURTHER RESOLVED, that the Town Supervisor, Town Bookkeeper, and such other Town officials as may be necessary are authorized to take any additional administrative actions required to carry out the intent of this resolution.

BE IT FINALLY RESOLVED, that this Resolution shall take effect immediately upon its adoption

DULY ADOPTED by the Town Board of the Town of Berne, upon a motion by Councilmember Brian, seconded by Councilmember Miller and carried by the following vote:

Supervisor Giebelhaus- aye

Councilmember Bunzey- aye

Councilmember Duncan- aye

Councilmember la Cour- aye

Councilmember Miller -aye

Adopted this 12th day of August 2026.

Resolution 68A of 2026: Introducing Local Law 2 of 2026 – Over-ride Tax Levy Limits for Fiscal Year 2027

Supervisor Giebelhaus expressed concern over increasing ALS/BLS fees, fuel inflation, electricity, road slat etc. More conversation with the public was also had about the Ambulance District, one resident suggested revisiting our restrictive zoning laws to allow more commercial properties, another resident suggested a cannabis store.

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.1 of 2026 entitled “A Local Law to Override the Tax Levy Limit for Fiscal Year 2027”; and

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

August 12th, 2026

NOW, THEREFORE, BE IT RESOLVED that, draft Local Law No. 10f 2026 entitled “A Local Law to Override the Tax Levy Limit for Fiscal Year 2027” 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.1-2026 shall be held on the 9th day of September, 2026 at 6:30PM,

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.

BE IT FINALLY RESOLVED, that this Resolution shall take effect immediately upon its adoption

On a motion by Councilmember Bunzey, seconded by Councilmember Miller, the resolution was adopted on a roll call vote, the results which follow:

Supervisor Giebelhaus- aye

Councilmember Bunzey- aye

Councilmember Duncan- nay

Councilmember la Cour- aye

Councilmember Miller -aye

Adopted this 12th day of August 2026.

**RESOLUTION 68B-2026 AUTHORIZING THE PROCUREMENT OF A BLANKET PUBLIC OFFICIALS UNDERTAKING AND APPROPRIATING FUNDS
THEREFORE**

WHEREAS, the Town Board of the Town of Berne is responsible for safeguarding public funds and ensuring compliance with the requirements of the New York Public Officers Law, Town Law, and other applicable statutes regarding official undertakings for public officers and employees; and

WHEREAS, the Town Board has reviewed the recommendation of the Town's insurance broker, Marshall & Sterling, and the underwriting options provided by the New York Municipal Insurance Reciprocal (NYMIR) for a Blanket Public Officials Undertaking; and

WHEREAS, the Town Board finds that a blanket undertaking provides an efficient and cost-effective means of protecting the Town against losses arising from the failure of covered officers and employees to faithfully perform the duties of their respective offices; and

WHEREAS, the proposed Blanket Public Officials Undertaking would provide coverage for the following Town officers and employees:

- Town Supervisor;
- Deputy Town Supervisor;
- Town Clerk;
- Deputy Town Clerk;
- Bookkeeper/Payroll Clerk;
- Tax Collector;
- Deputy Tax Collector;
- Highway Superintendent;
- Deputy Highway Superintendent;
- Town Justices; and
- Park Supervisor;

and

WHEREAS, the Town Board has determined that coverage in the amount of **Two Million Dollars (\$2,000,000)** appropriately reflects the Town's current financial operations, including the custody and administration of public funds, tax collections, payroll, banking activities, grants, and capital financing; and

WHEREAS, the estimated annual premium for such coverage is approximately **\$2,550**, representing a reasonable expense for the protection of the Town and its taxpayers; and

WHEREAS, the Town Board desires to authorize the procurement of such coverage, subject to confirmation by the Town's insurance broker and insurer that the Blanket Public Officials Undertaking satisfies the applicable requirements of the New York Public Officers Law and Town Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the procurement of a **Blanket Public Officials Undertaking** providing coverage in the amount of **Two Million Dollars (\$2,000,000)**, or such substantially equivalent coverage as may be required to satisfy the statutory requirements of the New York Public Officers Law and Town Law; and be it further

RESOLVED, that the Town Supervisor is hereby authorized and directed to execute all applications, endorsements, and related documents necessary to obtain such coverage, subject to review by the Town Attorney, if applicable; and be it further

RESOLVED, that the Town Supervisor shall obtain written confirmation from Marshall & Sterling and/or the New York Municipal Insurance Reciprocal that the Blanket Public Officials Undertaking complies with the statutory undertaking requirements applicable to the officers covered by this Resolution; and be it further

RESOLVED, that the Town Board hereby authorizes the encumbrance and expenditure of the necessary funds for payment of the premium from the appropriate insurance budget appropriation; and be it further

RESOLVED, that the Town Clerk is directed to retain with the Town's official records copies of the Blanket Public Officials Undertaking, the schedule of covered officers and employees, the declarations page, and any written certification of statutory compliance provided by the insurer or broker.

BE IT FINALLY RESOLVED, that this Resolution shall take effect immediately upon its adoption

Supervisor Giebelhaus- aye
Councilmember Bunzey- aye
Councilmember Duncan- aye
Councilmember la Cour- aye
Councilmember Miller -aye

Adopted this 12th day of August 2026.

Acceptance of Resignation of Paul Gribbin: Animal Control Officer

Supervisor Giebelhaus discussed the contract that was originally in place for Resolution 69 was no longer viable and Councilmember la Cour made a motion seconded by Councilmember Bunzey to accept Town of Berne Animal Control Officer's letter of resignation effective : August 31,2026, Supervisor Giebelhaus and Councilmembers Bunzey, Duncan, la Cour and Miller all voted aye.

Resolution 69 of 2026: ACCEPTANCE OF THE PROPOSAL OF HELDERBERG KENNELS FOR ANIMAL CONTROL SERVICES

WHEREAS, the Town of Berne is required to provide animal control services in accordance with Article 7 of the New York State Agriculture and Markets Law and applicable provisions of the Town Code; and

WHEREAS, the Town Board has reviewed the proposal submitted by **Helderberg Kennels LLC**, dated **July 8, 2026**, for the provision of Animal Control Officer (ACO), Dog Control Officer (DCO), kennel operations, municipal shelter management, animal transportation, enforcement support, recordkeeping, and related court and administrative services; and

WHEREAS, the proposal provides for the continuation of comprehensive animal control and kennel services through a single professional services agreement at an annual fee of

Thirty Thousand Dollars (\$30,000.00), exclusive of certain extraordinary veterinary expenses as identified in the agreement; and

WHEREAS, the Town Board has determined that the proposal represents a responsible and efficient means of providing animal control and kennel services for the protection of the health, safety, and welfare of the residents of the Town of Berne; and

WHEREAS, the Town Board finds that it is in the best interests of the Town to accept the proposal and enter into a Professional Services Agreement with Helderberg Kennels LLC upon terms substantially consistent with the proposal and acceptable to the Town;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Berne hereby accepts the proposal submitted by **Helderberg Kennels LLC**, dated **July 8, 2026**, for the provision of Animal Control and Kennel Services;

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to negotiate any non-material administrative revisions necessary to finalize the agreement, and to execute the Professional Services Agreement and any ancillary documents necessary to implement the services authorized herein, subject to review and approval as to legal form by the Town Attorney, if applicable;

BE IT FURTHER RESOLVED, that execution of the Professional Services Agreement shall be conditioned upon the Contractor providing certificates of insurance evidencing all insurance coverages required under the agreement, including but not limited to general liability, automobile liability, care, custody and control coverage, and workers' compensation insurance or a lawful exemption, with the Town of Berne named as an additional insured where required by the agreement;

BE IT FURTHER RESOLVED, that the Town Supervisor and the Town Bookkeeper are hereby authorized and directed to encumber the funds necessary to satisfy the financial obligations of the agreement from the appropriate budgetary appropriation(s) for Animal Control and Dog Control Services, and to process payments in accordance with the executed agreement, the Town's Procurement Policy, and the Town's Audit of Claims Policy;

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to approve routine administrative matters arising under the agreement that do not materially increase the financial obligation of the Town or substantially alter the scope of services approved by this resolution;

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to maintain the fully executed agreement, certificates of insurance, and all related contract documents as part of the permanent records of the Town.

Resolution No. 69-2026 was offered for consideration regarding a proposed Animal Control contract. No action was taken, as the proposed contract is no longer proceeding.

Acceptance of Resignation of Alexandria Herrera Court Clerk Position

Supervisor Giebelhaus made a motion to accept the resignation of Alexandria Herrera from the position of the clerk to the justices, Supervisor Giebelhaus and Councilmembers Bunzey, Duncan, la Cour and Miller all voted aye.

Appointment of Alexandria Herrera to the Position of Account Clerk

Supervisor Giebelhaus made a motion to appoint Alexandria Herrera to the position of account clerk for 17 hours a week to serve in the budget office at a rate of \$21.50 an hour to help alleviate the workload on BST Accounting, Supervisor Giebelhaus and Councilmembers Bunzey, Duncan, la Cour and Miller all voted aye.

Resolution 70 of 2026: AUTHORIZING THE SUPERVISOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BST & CO. CPAs, LLP FOR OUTSOURCED ACCOUNTING AND ADVISORY SERVICES AND AUTHORIZING THE ENCUMBRANCE OF FUNDS

Discussion was had among the board discussing the proposal received to set a monthly fixed fee of \$5000 instead of paying hourly rates and working to internalizing more functions of the budget office.

WHEREAS, the Town Board of the Town of Berne issued a request for proposals and/or solicited proposals for professional accounting and advisory services to support the Town's financial operations; and

WHEREAS, BST & Co. CPAs, LLP ("BST") submitted a proposal dated June 30, 2026, offering professional Outsourced Accounting and Advisory Services to the Town under two service options; and

WHEREAS, the Town Board has reviewed the proposal and determined that the engagement of BST is in the best interests of the Town to provide professional accounting support and/or oversight, improve financial reporting, strengthen internal controls, and assist the Town in maintaining compliance with applicable laws and regulations; and

WHEREAS, the Town Board desires to authorize the Supervisor to execute a Professional Services Agreement with BST consistent with the proposal and any negotiated modifications approved by the Town Attorney, provided that such modifications do not materially alter the scope of services or compensation approved by the Town Board; and

WHEREAS, sufficient appropriations are available, or shall be made available through lawful budget amendment, to fund the agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the proposal of BST & Co. CPAs, LLP for the following option (check one):

☐ **Option A – Full Outsourced Accounting & Advisory Services**

Monthly Fee: **\$6,500**

Annual AFR Preparation Fee: **\$3,500**

OR

▪ ☒ **Option B – Outsourced Accounting Oversight Services**

Monthly Fee: **\$5,000**

Annual AFR Preparation Fee: **\$3,500;**

AND BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to execute, on behalf of the Town, a Professional Services Agreement with BST & Co. CPAs, LLP, together with any non-material amendments, attachments, or documents necessary to effectuate the agreement, subject to review and approval as to form by the Town Attorney, if applicable;

AND BE IT FURTHER RESOLVED, that the Town Supervisor and the Town's fiscal officers are hereby authorized to encumber funds in the amount necessary to satisfy the obligations of the agreement from the appropriate budgetary account(s), and to process payments in accordance with the terms of the agreement and the Town's procurement and claims audit policies;

AND BE IT FURTHER RESOLVED, that the Supervisor, Bookkeeper, Budget Manager, and any other appropriate Town officials are authorized to take all actions necessary to implement this resolution and carry out the intent thereof.

BE IT FINALLY RESOLVED, that this Resolution shall take effect immediately upon its adoption

DULY ADOPTED by a motion by Councilmember Miller seconded by Councilmember Bunzey, and carried by the following vote:

Supervisor Giebelhaus- aye

Councilmember Bunzey- aye

Councilmember Duncan- aye

Councilmember Miller -aye

Adopted this 12th day of August 2026

Modification of Agenda: A motion was made by Councilmember la Cour, seconded by Councilmember Bunzey, to modify the agenda to add two new business items regarding a library trustee appointment, and letter of resignation, Supervisor Giebelhaus and Councilmembers Bunzey, Duncan, la Cour and Miller all voted aye.

Acceptance of Resignation of Honorable Judge Harvey from Town Justice

A motion was made by Councilmember Bunzey, seconded by Councilmember Miller, to accept the resignation of Honorable Jeffery Harvey from the position of Town Justice effective September 30, 2026, Supervisor Giebelhaus and Councilmembers Bunzey, Duncan, la Cour and Miller all voted aye.

Appoint Ted Borys to Library Board of Trustees

A motion was made by Councilmember la Cour, seconded by Councilmember Bunzey, to appoint Ted Borys to the position of Treasurer for the Library Board of Trustees upon their recommendation to the Town Board, Supervisor Giebelhaus and Councilmembers Bunzey, Duncan, la Cour and Miller all voted aye.

Modification of Agenda: A motion was made by Councilmember Miller, seconded by Councilmember la Cour, to modify the agenda to add new Business authorizing the repair of a sewer plant generator. On a motion by Councilmember Miller seconded by Councilmember Duncan to approve the repair of Sewer Plant Generator in an amount not to exceed \$4396.00 to Stark Tech, a roll call vote was taken

DULY ADOPTED by a roll call vote :

Supervisor Giebelhaus- aye
Councilmember Bunzey- aye
Councilmember Duncan- aye
Councilmember Miller -aye

Motion carries.

Appointment of Kirsten Maehler to serve as Planning Board Alternant

A motion was made by **Supervisor Giebelhaus**, seconded by **Councilmember Bunzey**, to appoint **Kirsten Maehler** to serve as **Planning Board Alternate** for a two-year term ending **December 31, 2028**, retroactive to the appropriate appointment date of January 1, 2026, **Supervisor Giebelhaus and Councilmembers Bunzey, Duncan, la Cour and Miller all voted aye.** Motion carried

November 11, 2026 Town Board meeting to be Rescheduled

A motion was made by **Councilmember Duncan**, seconded by **Councilmember Miller**, to reschedule the **November 11, 2026 Town Board meeting** to Thursday **November 12, 2026** in honor of Veteran's Day **Supervisor Giebelhaus and Councilmembers Bunzey, Duncan, la Cour and Miller all voted aye.** Motion carried.

Tentative 2027 Budget Schedule

There was brief discussion about the departmental budget sheets that had been distributed and were due to the Town Supervisor, below is the tentative 2027 Budget Schedule.

- 8/14/26: Request forms to department heads**
- 8/31/26: Department requests due to Supervisor**
- 9/9/26: 6 PM – 7PM Public Hearing Local Law#2 Tax Cap Fiscal Year 2027**
- 9/14/26: Budget Workshop 6 PM – 9 PM General Fund & Sewer Department**
- 9/15/26: Budget Workshop 6 PM – 9 PM Highway**
- 9/30/26: Tentative Budget Filed with Town Clerk**
- 10/5/26: Tentative Budget provided to Town Board**
- 10/14/26: Budget Hearing/Adoption**
- 11/12/26: Adoption of 2027 Budget (if required)**

APPROVAL / DISCUSSION OF MONTHLY FINANCIAL REPORTS

Councilmember Bunzey made a motion seconded by Councilmember Miller, to accept the following monthly financial reports including- Supervisor's Financial Report, Town Clerk's July Financial Report, Building & Zoning Report as presented, Supervisor Giebelhaus and Councilmembers Bunzey, Duncan, la Cour and Miller all voting aye.

Supervisor Giebelhaus- aye
Councilmember Bunzey- aye
Councilmember Duncan- aye
Councilmember la Cour- aye
Councilmember Miller -aye
Adopted this 12th day of August 2026.

AUDIT AND APPROVAL OF CLAIMS & BUDGET TRANSFERS

Budget Transfers (below) were discussed by Supervisor Giebelhaus and Councilmember la Cour made a motion to approve the transfers seconded by Councilmember Miller

- Transfer \$15,000 **FROM** A0-11-1620-0000-017230 **TO** A0-11-1620-0000-044999
- Transfer \$4,100 **FROM** A0-19-9060-0000-044976 **TO** A0-13-3510-0000-044999
- Transfer \$4,300 **FROM** A0-13-3510-0000-011170 **TO** A0-13-3510-0000-044999
- Transfer \$8,000 **FROM** A0-11-1420-0000-011040 **TO** A0-11-1420-0000-044999
- Transfer \$1,400 **FROM** A0-17-7110-0000-011178 **TO** A0-17-7110-0000-044999
- Approval for PO for Preville Technologies – Monthly Charges \$15,000 (Account# A0-11-1620-0000-044999)

Monthly Abstracts

Abstract 2026 #18 Utilities	\$ 13,031.88
Abstract 2026 #19 (vouchers 608, 618-620, 623-663)	<u>\$119,853.06</u>
	\$132,884.94

A motion was made by Councilmember Bunzey seconded by Councilmember Duncan to approve payment of the abstracts as presented.

Roll Call Vote:

- Supervisor Giebelhaus — Aye
- Councilmember Bunzey — Aye
- Councilmember la Cour — Aye
- Councilmember Miller — Aye
- Councilmember Duncan — Aye

ADJOURNMENT

There being no further business, a motion was made by Supervisor Giebelhaus, seconded by Councilmember Miller, to adjourn the meeting Supervisor Giebelhaus, Councilmember Bunzey, Duncan, la Cour, and Miller all voting aye. The meeting adjourned at **8:18 PM**.

Respectfully submitted,

Kristin De Oliveira

Town Clerk, Town of Berne