

**STATE OF NEW YORK
ALBANY COUNTY**

CALL TO ORDER

Supervisor Giebelhaus called the Regular Town Board Meeting to order at 7:03 PM and led the Pledge of Allegiance.

ROLL CALL

Roll Call attendance was taken. Present were Supervisor Giebelhaus, Councilmember Duncan, Councilmember laCour, and Councilmember Miller, constituting a quorum. Also present were Town Clerk Kristin De Oliveira and Town Attorney McHugh, Councilmember Bunzey was absent.

APPROVAL OF MINUTES

Councilmember Duncan made a motion seconded by Councilmember laCour to accept and approve the meeting minutes of the December 10, 2025 Regular Town Board Meeting and the January 1, 2026 Organizational Meeting that were previously presented for review, Supervisor Giebelhaus and Councilmembers Duncan, laCour and Miller all voted aye.

PUBLIC COMMENT

James Kaufman questioned the request for proposals for IT services on the website as it seemed there was an error with the document linked- Town Clerk De Oliveira thanked him for pointing out the error and said she would address it.

Michael Vincent had questions about the tax bills being received 11 days late if there was any extension possible for payments, unfortunately the Town Board stated that would be set by New York State and they would not be able to extend it.

SUPERVISOR'S REPORT

Supervisor Giebelhaus reported on the following items:

- Legal and engineering agreements had been executed
- Health and Safety Plan was in motion including a meeting with Needham Risk on January 26, 2026 with upcoming future visits
- Status and development of the IT Request for Proposals (RFP) which had been posted on the website with an opening scheduled for February 11, 2026

OLD BUSINESS

Discuss Resolution No. 5 of 2026 Policy 1: Purchasing Limits

Discussion was held regarding purchasing thresholds currently limited to \$1000 under Policy #1- 2026 between the Town Board and Highway Superintendent. Town Attorney McHugh added that \$3000 was common within Towns for Highway and Sewer Districts due to the high cost of parts and supplies. Supervisor Giebelhaus stressed using contracts and utilizing State Bids and Contracts to also alleviate the requirement of additional Town Board approval. Supervisor Giebelhaus made a motion seconded by Councilmember Duncan after discussion to increase the maximum spreading for the Highway Fund up to \$3000 from \$1000, the change would be reflected in the adopted policy a roll call vote was taken Roll Call Vote:

- Supervisor Giebelhaus — Aye
- Councilmember Duncan — Aye
- Councilmember LaCour — Aye
- Councilmember Miller — Aye

The motion carried and Policy 1- 2026 would be updated to reflect the changes effective 1.28.2026

Follow Up on Resolution No. 26 of 2026 Update: 2026 Budget and Tax Levy

A Power Point presentation by Councilmember Miller regarding the 2026 Budget Tax Levy was presented. Based off extensive research as well as the New York State Comptrollers' opinion and review of timeline, emails, meeting minutes the 2026 Budget with a 68.7% increase was deemed legal and legitimate. Councilmember Miller addressed the Board to use this as lesson in fiscal responsibility and ensure this never happens again. No action was taken.

NEW BUSINESS / RESOLUTIONS

Motion to Accept the Annual Justice Audit

A motion was made by Councilmember laCour, seconded by Councilmember Miller to accept the annual justice audit for both Justice Harvey and Justice Raymond and authorize the Town Clerk to file with the Office of Court Administration, Supervisor Giebelhaus, Councilmember Duncan, laCour, and Miller all voting aye.

Accept Resignations of Town Employees & Library Trustee Member

The Town Board acknowledged receipt of resignations submitted to the Town Clerk. A motion was made by Councilmember Duncan and seconded by Councilmember Miller, to accept the resignations of Kevin Kemmet (part time diesel mechanic) and Walter Galicki (library Board of trustee member, Supervisor Giebelhaus, Councilmember Duncan, laCour, and Miller all voting aye.

APPROVAL / DISCUSSION OF MONTHLY FINANCIAL REPORTS

The following monthly reports were presented:

- Supervisor’s Financial Report • Town Clerk’s Report • Building & Zoning Report

A motion was made by Councilmember laCour, seconded by Councilmember Miller, to accept the monthly financial reports as presented. Supervisor Giebelhaus, Councilmember Duncan, laCour, and Miller all voting aye.

AUDIT AND APPROVAL OF CLAIMS

Budget Transfers were briefly discussed regarding budget transfers from personnel to contracted services and to address a deficit in elections. A motion was made by Councilmember Miller, seconded by Councilmember laCour, to approve the budget transfers as presented, Supervisor Giebelhaus, Councilmember Duncan, laCour, and Miller all voting aye.

Abstract 2026 #1 Utilities (vouchers 1 – 23):	\$21,171.83
Abstract 2026 #2 Reg General Fund & Highway (128)	<u>\$222,666.27</u>
Total:	\$243,838.10

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

- Roll Call Vote: Supervisor Giebelhaus — Aye
- Councilmember LaCour — Aye
- Councilmember Miller — Aye
- Councilmember Duncan — Aye

Resolution carries.

Follow Up on Resolution No. 27 of 2026 Update Approved Purchases

Supervisor Giebelhaus provided a list with updated approved requests and purchase order amounts and offered a motion to adopt Resolution 27 – 2026 seconded by Councilmember Duncan.

- Roll Call Vote: Supervisor Giebelhaus – Aye
- Councilmember LaCour – Aye
- Councilmember Miller – Aye
- Councilmember Duncan – Aye

Resolution 27-2026 carries.

Executive Session

At 7:50PM a motion was made by Supervisor Giebelhaus, seconded by Councilmember Duncan, made a motion to enter executive session to **consult with the Town Attorney regarding matters subject to attorney-client privilege** pursuant to §105(1) of the New York State Open Meetings Law.

Following executive session, Supervisor Giebelhaus stated that no action was taken.

Letter of Support for East Berne Fire Department

Supervisor Giebelhaus made a motion seconded by Councilmember Duncan to allow Town Clerk De Oliveira to send a letter of support for the East Berne Fire House to aid in securing a grant for a training center Supervisor Giebelhaus, Councilmember Duncan, laCour, and Miller 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, Councilmember Duncan, laCour, and Miller all voting aye. The meeting adjourned at **8:52 PM.**

Respectfully submitted,

Kristin De Oliveira Town Clerk Town of Berne