TOWN OF BERNE
ALBANY COUNTY, NEW YORK

7:00PM Regular Town Board Meeting

OPEN TOWN BOARD MEETING & ROLL CALL

Supervisor Giebelhaus called the meeting to order at 7:01 PM and led the Pledge of Allegiance.

Roll call attendance was taken. Present were Supervisor Giebelhaus, Councilmembers Bunzey, Duncan and Miller constituting a quorum. Also present were Town Clerk De Oliveira, Deputy Town Clerk Herrera, Highway Superintendent Stempel, and Deputy Supervisor Doolin.

APPROVAL OF MINUTES

A motion was made by Supervisor Giebelhaus seconded by Councilmember Bunzey to accept the meeting minutes of the June 10, 2026 Supervisor Giebelhaus and Councilmembers Bunzey, Duncan and Miller all voted aye.

PUBLIC COMMENT

Weston Hillagas affiliated with RIC Energy and the proposed Solar Farm on Jansen Lane spoke of the tour that was held during the day, he thanked Planning Board Chairman Khoury for touring the property and urged Board members to contact him to set up a later date to see the tour in person.

Victor Procopio A resident of Helderberg Lake signed up to thank the board for the news he read of Jonathan Heigel no longer being employed by the Town.

DEPARTMENT REPORTS

Highway Department Supervisor Giebelhaus took a moment to recognize Highway Superintendent Allen Stempel for his commitment to creating a better Berne- The Sewer Department recently sent an email thanking him for his constantly being flexible and helping with the day to day. Superintedent Stempel reported a truck repair costing $22,000 for the fuel line. Supervisor Giebelhaus also discussed the hope for a bond of $600K to purchase new Highway trucks. The end of Dyer Road was also discussed with concern from resident James Kaufman on the end of the seasonal road.

Transfer Station- Councilmember Bunzey discussed the meeting with vendor Casella that again did not happen. He discussed hopes of creating more of a recycling facility and finding items to bring in revenue. During budget season the plan is to crunch the numbers and make the facility budget neutral, also discussion about sending notices on ways to save money to lower taxes. Supervisor Giebelhaus added he put together an analyst of the projected cost and for this year so far the budget projects are about

$20,000 short. In the fall there will be budget meetings and the Transfer Station committee is to meet prior and propose ideas to the Town Board.

Planning Board Chairman Steve Khoury said the Planning Board was presented to two lot line adjustment applications on Bradt Hollow as well as a subdivision. He also stated that his site visit/tour to Jansen Lane RIC Energy Solar Farm was positive they had adapted to the changes the Planning Board suggested and that overall it was a good exchange.

Parks & Recreation Parks and Recreation Chair Mary Claire Ansbro was very happy with the turnout of the Independence Day celebration on June 27th at the Town Park. She thanked the East Berne Fire for their support at the event, along with Helderberg Ambulance and Albany County Sheriffs. She also thanked Deputy Supervisor Doolin and said his new nickname would be "scoop" as he served 18 gallons of ice cream himself! She also reminded the public of upcoming free events- next up August 30, 2026 Car Show.

Library Director Kathy Stempel wanted to remind everyone of the summer reading program and all the great events happening Tuesdays at 10:30 & Thursdays at 3PM and also the adult summer reading programs available.

NEW BUSINESS

RESOLUTION No. 56- 2026 ESTABLISHING A ROADSIDE LITTER COLLECTION VOLUNTEER PROGRAM

At a regular/special meeting of the Town Board of the Town of Berne, Albany County, New York, held on the 8th day of July, 2026, the following resolution was offered:

WHEREAS, the Town Board recognizes the importance of maintaining clean and safe public roadways and promoting civic engagement through volunteerism; and

WHEREAS, the Town Board desires to establish a voluntary roadside litter collection program for the benefit of the residents of the Town of Berne and the protection of the local environment; and

WHEREAS, the Town Board wishes to designate a coordinator and establish administrative oversight for such program;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby establishes the "Town of Berne Roadside Litter Collection Volunteer Program" for the purpose of organizing volunteer roadside litter collection activities within the Town; and be it further

RESOLVED, that the Town Highway Superintendent shall serve as the Town liaison for the program and shall coordinate with volunteers regarding approved collection areas, safety considerations, disposal arrangements, and related operational matters; and be it further

RESOLVED, that the Town Board hereby nominates and appoints Stephanie Bohl to serve as Volunteer Program Coordinator for the Roadside Litter Collection Volunteer Program, subject to the direction and oversight of the Town Highway Superintendent and the Town Board; and be it further

RESOLVED, that the Town shall provide reasonable program support, including the cost of disposal of collected litter and the provision of basic program supplies, including but not limited to trash bags, safety vests, gloves, and related materials, subject to budgetary appropriations and availability; and be it further

RESOLVED, that all volunteers participating in the program shall be required to execute a liability waiver and acknowledgment of risk form, in a form approved by the Town Attorney or acceptable to the Town Board, prior to participating in any litter collection activities; and be it further

RESOLVED, that participation in the program shall be voluntary and uncompensated, and no volunteer shall be considered an employee of the Town by reason of participation in the program; and be it further

RESOLVED, that the Highway Superintendent is authorized to establish reasonable safety procedures and operational guidelines for participation in the program, including restrictions regarding traffic conditions, collection locations, weather conditions, and disposal procedures; and be it further

RESOLVED, that the Town Clerk is hereby directed to maintain copies of volunteer waivers and related program records.

DULY ADOPTED by the Town Board of the Town of Berne at a regular meeting held on July 8th 2026, upon a motion by Councilmember Bunzey, seconded by Councilmember Duncan, and carried by the following vote:

Supervisor Giebelhaus- aye

Councilmember Bunzey- aye

Councilmember Duncan- aye

Councilmember Miller -aye

A**dopted this 8th day of July 2026**

Resolution No. 57 of 2026 ESTABLISHING THE ORGANIZATIONAL STRUCTURE OF THE TOWN OF BERNE OFFICE OF BUILDINGS AND CODES

WHEREAS, the Town Board of the Town of Berne is responsible for organizing the administration of Town departments and offices in a manner that promotes efficient, effective, and accountable municipal operations; and

WHEREAS, the Town Board is responsible for providing for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code in accordance with applicable law; and

WHEREAS, the Town Board finds that separating administrative code enforcement responsibilities from field inspection duties promotes efficiency, accountability, continuity of operations, and improved public service; and

WHEREAS, the Town Board desires to establish a clear organizational structure and chain of command within the Office of Buildings and Codes.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Berne hereby establishes the Office of Buildings and Codes as follows:

Section 1. Office Established

The Town of Berne Office of Buildings and Codes shall consist of the following positions:

- One (1) Part-Time Code Enforcement Officer.
- One (1) Part-Time Building Inspector.

Additional personnel may be authorized by resolution of the Town Board as operational needs require.

Section 2. Code Enforcement Officer

The Code Enforcement Officer ("CEO") shall serve as the administrative head of the Office of Buildings and Codes.

The Code Enforcement Officer shall be responsible for:

1. Administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.
2. Administration of the Office of Buildings and Codes.
3. Supervision of all personnel assigned to the Office.
4. Assignment of work, inspections, schedules, and daily operational responsibilities.

5. Review of permit applications and plans as required by law.
6. Issuance of building permits, certificates of occupancy, certificates of compliance, operating permits, notices of violation, stop-work orders, orders to remedy, and other official documents authorized by law.
7. Coordination of inspections and enforcement activities.
8. Review of inspection reports and quality assurance of code enforcement activities.
9. Maintenance of required records and reports.
10. Preparation of recommendations and reports to the Town Supervisor and Town Board.
11. Development and implementation of administrative procedures for the efficient operation of the Office.
12. Performance of such additional duties as required by law or assigned by the Town Board.

Section 3. Building Inspector

The Office shall include one (1) Part-Time Building Inspector.

The Building Inspector shall report directly to and be under the supervision of the Code Enforcement Officer.

The Building Inspector shall:

1. Conduct building, fire safety, property maintenance, and related inspections as assigned.
2. Perform field investigations.
3. Review construction for compliance with applicable codes.
4. Document inspection findings.
5. Assist in plan review when assigned.
6. Prepare inspection reports and recommendations.
7. Assist with permit processing and code enforcement activities as directed.
8. Perform such additional duties as assigned by the Code Enforcement Officer.

The Building Inspector shall not independently administer the Office of Buildings and Codes or supervise Town personnel except as specifically authorized by this resolution or by the Town Board.

Section 4. Supervisory Authority

The Code Enforcement Officer shall have responsibility for the day-to-day administration and management of the Office of Buildings and Codes, including:

- Employee supervision;

- Assignment of work;
- Scheduling;
- Inspection assignments;
- Operational procedures;
- Recordkeeping;
- Customer service;
- Quality assurance;
- Coordination with other Town departments.

Nothing contained in this resolution shall diminish the authority of the Town Board to:

- Appoint or remove personnel;
- Establish compensation;
- Adopt policies;
- Approve budgets;
- Create or abolish positions; or
- Exercise any authority granted by New York law.

Section 5. Delegation of Enforcement Authority

All official code enforcement determinations, including:

- Notices of Violation;
- Stop-Work Orders;
- Orders to Remedy;
- Certificates of Occupancy;
- Certificates of Compliance;
- Operating Permits;
- Enforcement actions; and
- Other official determinations authorized by law, shall be issued under the authority of the Code Enforcement Officer unless otherwise authorized by law or delegated in writing by the Code Enforcement Officer to a properly certified Building Inspector.

Section 6. Temporary Absence of the Code Enforcement Officer

In the temporary absence of the Code Enforcement Officer, the Building Inspector may perform those duties authorized by New York State law for which the Building Inspector possesses the required certifications.

The Building Inspector shall not assume administrative supervision of the Office of Buildings and Codes or exercise supervisory authority over Town personnel except as specifically authorized by the Town Board or by the Town Supervisor acting pursuant to authority delegated by the Town Board.

Section 7. Certification Requirements

The Code Enforcement Officer and the Building Inspector shall obtain and continuously maintain all certifications, qualifications, and continuing education required by the New York State Department of State for the performance of their respective duties.

Failure to maintain the certifications required by law may constitute grounds for suspension or removal from office in accordance with applicable law, Town policy, and any applicable employment agreement.

Section 8. Administrative Procedures

The Code Enforcement Officer shall develop and maintain written administrative procedures governing:

- Permit processing;
- Plan review;
- Inspections;
- Complaint investigations;
- Enforcement actions;
- Recordkeeping;
- Public records management;
- Customer service; and
- Coordination with other Town departments.

Such procedures shall be consistent with New York State law and Town policy and shall be provided to the Town Supervisor and Town Board upon request.

Section 9. Compensation

Compensation, hours of work, and other terms and conditions of employment for the positions established by this resolution shall be established by separate resolution of the Town Board.

Section 10. Severability

If any section, subsection, sentence, clause, or provision of this resolution is adjudged invalid, such determination shall not affect the validity of the remaining portions of this resolution.

Section 11. Effective Date

This resolution shall take effect immediately upon its adoption and shall remain in effect until amended or repealed by resolution of the Town Board.

DULY ADOPTED by the Town Board of the Town of Berne at a regular meeting held on July 8th 2026, 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 Miller -aye

Adopted this 8th day of July 202

Resolution No. 58 of 2026 AMENDING THE 2026 TOWN BUDGET TO FUND THE PART-TIME BUILDING INSPECTOR POSITION

At a regular/special meeting of the Town Board of the Town of Berne, Albany County, New York, held on the 8th day of July, 2026, the following resolution was offered:

WHEREAS, the Town Board has determined that establishing the position of Part-Time Building Inspector is in the best interests of the Town to enhance the administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code; and

WHEREAS, the Town Board has adopted a resolution establishing the organizational structure of the Town of Berne Office of Buildings and Codes, including the position of Part-Time Building Inspector; and

WHEREAS, it is necessary to amend the 2026 Town Budget to provide funding for the newly established position at $25 an hour up to 20 hours a week on a 6- month probation ending December 10, 2026,

NOW, THEREFORE, BE IT RESOLVED, that the 2026 Town Budget is hereby amended as follows: establish a line for Building Inspector up to 20 hours weekly at $25 an hour

DULY ADOPTED by the Town Board of the Town of Berne at a regular meeting held on July 8th, 2026, upon a motion by Supervisor Giebelhaus seconded by Councilmember Bunzey carried by the following vote:

Supervisor Giebelhaus- aye
Councilmember Bunzey- aye

Councilmember Duncan- aye
Councilmember Miller -aye
Adopted this 8th day of July , 2026

Appointment of Jarrett Carroll to Building Inspector

Supervisor Giebelhaus made a motion seconded by Councilmember Bunzey to hire Jarrett Carroll as a part time Building Inspector for the Building department at $25 an hour (effective 7/15/26), 20 hours a week. FLSA nonexempt, classified service, competitive class (probationary period of 6 months), Supervisor Giebelhaus, Councilmembers Bunzey, Duncan, and Miller all voting aye.

Appointment of David Doolin to Equipment Operator III

Supervisor Giebelhaus made a motion seconded by Councilmember Duncan to hire David Doolin as a full-time Union employee for the Highway department at $26.79 an hour (effective 07/13/2026), 40 hours a week with accruals, healthcare benefits FLSA nonexempt, civil service exempt employee (probationary period of 6 months) Supervisor Giebelhaus, Councilmembers Bunzey, Duncan, and Miller all voting aye.

Hiring of Don Lee to Part-Time Highway Employee

Supervisor Giebelhaus made a motion seconded by Councilmember Bunzey to hire Don Lee as a part time highway seasonal employee at $21.50 an hour with no accruals. FSLA nonexempt, unclassified, civil service exempt, (effective 7/13/26), Supervisor Giebelhaus, Councilmembers Bunzey, Duncan, and Miller all voting aye.

"RESOLUTION No. 59- 2026 FOR THE YEAR 2026 OF THE TOWN BOARD OF THE TOWN OF BERNE DESIGNATING SCHOHAIRE ANIMAL SHELTER AS THE RECIPIENT OF VOLUNTARY DONATIONS MADE IN CONNECTION WITH THE TOWN'S DOG LICENSING APPLICATIONS"

WHEREAS, the State of New York recently passed a state law authorizing town dog license applications to include a voluntary donation option to support municipal animal shelters,
ensuring that these funds supplement rather than replace existing budgets; and

WHEREAS, the Town Board, in accordance with this state law, wishes to designate the Schoharie Animal Shelter as the recipient of all voluntary donations received as part of the

Town's dog licensing applications (for both new and renewal applications); and

WHEREAS, the aforesaid state law requires monies collected from these voluntary contributions to be placed in a separate dedicated budget line item account by the Town and
subsequently distributed to the chosen shelter annually.

NOW THEREFORE BE IT RESOLVED, that the Town of Berne hereby designates the Schoharie Shelter as the chosen recipient of all voluntary donations received in connection with the Town's dog licensing applications (for both new and renewal applications);
and

BE IT FURTHER RESOLVED, that the Town of Berne shall place all voluntary contributions received as part of the Town's dog licensing applications in a separate designated budget line item account and said contributions shall be distributed to the Schoharie Animal Shelter annually.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, and the Town Clerk is directed to implement the voluntary contribution option as soon as administratively practicable.

DULY ADOPTED by the Town Board of the Town of Berne at a regular meeting held on 8th day of July 2026, upon a motion by Supervisor Giebelhaus, seconded by Councilmember Miller and carried by the following vote:
Supervisor Giebelhaus- aye
Councilmember Bunzey- aye
Councilmember Duncan- aye
Councilmember Miller -aye
Adopted this 8th day of July 2026.

Resolution No. 60 of 2026 AUTHORIZING THE INTERIMAPPOINTMENT OF MILAN JACKSON, P.E., OF LAMONT ENGINEERS AS PART-TIME CODE ENFORCEMENT OFFICER

WHEREAS, the Town Board of the Town of Berne has determined that additional professional building inspection services are necessary to effectively administer and enforce the New York State Uniform Fire Prevention and Building Code and the New York State Energy Conservation Construction Code; and

WHEREAS, the Town Board has established the position of Part-Time Building Inspector to perform inspections, plan reviews, and related technical duties under the direction and supervision of the Town Code Enforcement Officer; and

WHEREAS, Milan Jackson, P.E., of Lamont Engineers, is a licensed Professional Engineer in the State of New York with the education, experience, and technical qualifications necessary to perform building inspection services; and

WHEREAS, the Town Board finds it to be in the best interests of the Town to make an **interim appointment** to ensure continuity of building inspection services while the Town continues to evaluate its long-term staffing needs.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Berne hereby appoints **Milan Jackson, P.E. (certification number 0706-7194B), of Lamont Engineers**, as **Interim Part-Time Code Enforcement Officer** , effective June 1, 2026.

BE IT FURTHER RESOLVED, that this appointment is **temporary and interim in nature** and is made solely to ensure the uninterrupted administration of code enforcement services for the Town.

BE IT FURTHER RESOLVED, that this appointment shall remain **effective only for the duration of the Professional Services Agreement between the Town of Berne and Lamont Engineers**, as approved by the Town Board, and shall automatically terminate without further action of the Town Board upon the expiration, termination, cancellation, or non-renewal of that agreement, unless sooner terminated by action of the Town Board.

BE IT FURTHER RESOLVED, that nothing in this resolution shall be construed to create a permanent appointment, tenure, continued employment, or any expectation of continued appointment beyond the term of the Professional Services Agreement.

BE IT FURTHER RESOLVED, that the Interim Code Enforcement Officer :

1. Conduct inspections of buildings, structures, and construction projects for compliance with the New York State Uniform Fire Prevention and Building Code and the New York State Energy Conservation Construction Code.
2. Perform inspections as assigned by the Code Enforcement Officer.
3. Assist in plan review, issuance of certificates, permits, and related technical functions authorized by the Code Enforcement Officer.
4. Prepare inspection reports and maintain records required by law and Town policy.
5. Testify before courts, boards, or administrative agencies regarding inspections performed when required.

BE IT FURTHER RESOLVED, that Mr. Jackson shall maintain all professional licenses, certifications, and training required by the State of New York for the performance of his assigned duties throughout the duration of this interim appointment.

BE IT FURTHER RESOLVED, that compensation for services shall be governed exclusively by the Professional Services Agreement between the Town of Berne and Lamont Engineers and the appropriations authorized by the Town Board.

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute any documents necessary to implement this resolution, consistent with the Professional Services Agreement approved by the Town Board.

This Resolution shall be in immediate effect upon resolution.

DULY ADOPTED by the Town Board of the Town of Berne at a regular meeting held on July 8th 2026, upon a motion by Councilmember Duncan seconded by Councilmember Miller and carried by the following vote:

Supervisor Giebelhaus- aye

Councilmember Bunzey- aye

Councilmember Duncan- aye

Councilmember Miller -aye

Adopted this 8th day of July 2026

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 Report as presented, as well as Abstract 16 & 17 Supervisor Giebelhaus, Councilmembers Bunzey, Duncan, and Miller all voting aye.

AUDIT AND APPROVAL OF CLAIMS

Budget Transfers, Purchase Order Approvals and Amendments as Presented.

Abstract #16 (Vouchers 502-531): $93,661.59
Abstract #17 (Vouchers 532-585): $44,378.19
Total: $138,039.78

A motion was made by Councilmember Bunzey and seconded by Councilmember Duncan approve the Budget Transfers, Purchase Order Approvals and Amendments as presented – Supervisor Giebelhaus and Councilmembers Bunzey, Duncan and Miler all voting aye.

1. **PO Approval:** PO totaling **$10,400** for Edmunds GovTech, it will be **PO #26-00448** to account # A0-11-1620-0000-044999

2. **PO Approval:** PO needed for Lamont – Working as code/building person (it was 1535 for one month, projecting that out for all of 2026) **$11,200** (1600*7)

3. **Budget Transfer** needed to cover Lamont PO for monthly services
    a. Acct# A0-13-3620-0000-011140 **TO** A0-13-3620-0000-044999 of $11,200

4. **Budget Transfer** needed to cover the PO approved for Masonic Lodge Engineer
    a. Acct# A0-13-3620-0000-0111160 **TO** A0-11-1440-0000-044045 $2,848

5. **Budget Transfer** to clean up SS over spending/encumbrances
    a. Acct# SS-20-9901-0000-099960 **TO** SS-18-8110-0000-022999 $4,139

TO SS-18-8110-0000-044070 $580

TO SS-18-8110-0000-044999 $3,881

6. **Budget Transfer** to correct over budget amount under parks
    a. Acct# A0-17-7110-0000-011178 **TO** A0-17-7110-0000-044999 $900

SEASONAL PARK AND REC HIRES

Supervisor Giebelhaus made a motion seconded by Councilmember Bunzey to hire Corey Quay as a seasonal employee through October for the Town Parks up to 10 hours a week at $20.50 per hour with no accruals, flsa nonexempt Supervisor Giebelhaus and Councilmembers Bunzey, Duncan, and Miller all voting aye.

ADJOURNMENT

There being no further business, Supervisor Giebelhaus made a motion seconded by Councilmember Miller s to adjourn the meeting- Supervisor Giebelhaus, Councilmembers Bunzey, Duncan, and Miller all voting aye. The meeting adjourned at 7:43PM.

Respectfully submitted,

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Kristin De Oliveira
Town Clerk, Town of Berne