

**STATE OF NEW YORK
ALBANY COUNTY**

CALL TO ORDER

Supervisor Giebelhaus called the meeting to order at 7:02 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 Bunzey seconded by Councilmember Miller to accept and approve the meeting minutes of the April 8, 2026 regular town board meeting, Supervisor Giebelhaus and Councilmembers Bunzey, Duncan, laCour and Miller all voted aye.

PUBLIC COMMENT

Donald Kawozk and Shawn McGraw of the Woodstock Lake Association presented the town board with proposed changes or updates in Town Code to alleviate concerns with the building and zoning office. The lot sizes are very small and traditional do not comply at all with the code also the new standard of trailers has grown and no longer complies. Having variances for simple projects with a short season of the camp being open makes things difficult for residents.

Monique Haller shared a letter she had prepared sharing insight on Mare Lane Extension and the Town Highway department's role in the past with maintaining it and stressed safety concerns for the residents who reside on the road.

Patty Swasey had concerns on the proposed Masonic Lodge purchase and the resolution on the agenda to approve monies to review the building even before purchasing. She also questioned where the money was coming from.

Stephanie Bohl had a volunteer run proposal for cleaning public areas and ditches. She explained the environmental effects as well as property values and natural beauty that litter can have on a community. She thanked Superintendent Stempel for his help so far and was looking to continue and gain more volunteers.

Matt Busdiecker had comments pertaining to Resolution 54 on Mare Lane Extension but would hold off until the Board was discussing that agenda item.

Micheal Vincent thanked Superintendent Stempel for grating the parking lot at the community center and complimented how well the building has been maintained. He inquired about the Sewer Department and Supervisor Giebelhaus stated they had started disinfecting the water recently with a few hiccups but were on track and doing well.

KENNETH'S ARMY PRESENTATION

Mary Claire Ansbro president of Kenneth's Army promoted the group's goal to end child abuse "not one more child" the 12th annual bike run would be held on Saturday June 6th in honor of Kenneth White. She discussed the mission of the group as well as what the funds raised go to support- \$1500 scholarship each year for a student in human services, adopting a student in his class and donating clothing and supplies, adopting a family for a full thanksgiving spread- all the proceeds stay local and go back into the school or community. Come for the chicken barbecue dinner, raffles or provide time, help, or prayers she closed with.

SUPERVISOR'S REPORT

Supervisor Giebelhaus updated that Needham Risk was still in the works and wanted to clarify this was for the safety of employees of the Town and not residents. If there are any concerns of public safety to please report them to himself or the Town Clerk.

DEPARTMENT REPORTS

Highway Department Highway Superintendent Allen Stempel reported that culverts were installed on Stewart Road and noted that the new jumping jack was working well. Shoulders on Sawmill Road were also completed. The crew has been working on ditching and tree trimming and has set aside funds for pothole mix. The new highway vehicle is expected to be delivered at the end of June. He thanked employees and residents for their patience during the first five months of the year.

Transfer Station- Councilmember Bunzey announced an upcoming meeting with Casella Waste to work toward ideas on how the Town Transfer Station could save money.

Planning Board Chairman Steve Khoury said it had been quiet and nothing was on the agenda.

Parks & Recreation Parks and Recreation Chair Mary Claire Ansbro thanked those few volunteers who came out on the annual park clean up day including Stephanie Bohl and Highway Superintendent Stempel and his family. She discussed finishing up painting in the pavilion for the lumber and how nice it is looking as well as thanked Superintendent Stempel for help cleaning up pocket park.

2026 Town Events by Parks & Recreation Advisory Board:

June 27th- Independence Day Fireworks Celebration at the Town Park

August 30th – Car Show- Town Park

September 26th- Oktoberfest - Town Park

November 21st- Sip and Paint - Community Center

Library Director Kathy Stempel reminded the Town Board of the Library Trustee meetings on the 2nd Thursday of the month and urged members to join as it would be helpful to know what is going on. Friends of the Library need volunteers to make pottery bowls for bowls for books ice cream social June 21 at the Town Park 1:30- 4:30pm. Also, a friendly reminder to sign up for the newsletter and check the website to stay up to date on events.

NEW BUSINESS

Resolution No. 44 of 2026 – Work from Home Policy

Councilmember Miller made a motion seconded by Councilmember Bunzey to move the following resolution and adopt Policy 21- 2026

WHEREAS, the Town Board of the Town of Berne recognizes the need to establish clear operational standards governing remote work and work from home arrangements for Town employees; and

WHEREAS, the Town Board finds that remote work arrangements must preserve accountability, operational efficiency, cybersecurity, payroll integrity, records retention compliance, and uninterrupted public service; and

WHEREAS, the Town Board desires to adopt a formal Work From Home / Remote Work Policy applicable to authorized Town employees;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Berne hereby adopts the Town of Berne Work From Home / Remote Work Policy attached hereto and incorporated herein; and

BE IT FURTHER RESOLVED, that all remote work arrangements shall require written authorization consistent with the adopted policy; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to administer the policy, approve operational forms and procedures, and ensure compliance with Town payroll, records retention, cybersecurity, and operational requirements; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Councilmember Bunzey moved Resolution No. 46-2026 to adopt Policy #18-2026 and the motion was seconded by Councilmember Miller, to adopt Resolution No. 28 of 2026. Roll Call Vote:

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

Resolution #44- 2026 carries.

Resolution No. 45 of 2026 – Authorization of the establishment of a SOLID WASTE MANAGEMENT FACILITY COMMITTEE

WHEREAS, the Town of Berne owns and operates a solid waste management facility (transfer station) serving the residents of the Town; and

WHEREAS, the Town Board recognizes the importance of ensuring that such facility is operated in a manner that is fiscally responsible, environmentally compliant, and efficient in service delivery; and

WHEREAS, the Town Board desires to establish an advisory committee to review, evaluate, and make recommendations regarding the operation, management, and long-term planning of the Town’s solid waste management facility;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Berne hereby establishes a Solid Waste Management Facility Committee (the “Committee”) for advisory and planning purposes; and

BE IT FURTHER RESOLVED, that the purpose of the Committee shall include, but not be limited to, the following:

1. Review of current operations of the Town’s solid waste management facility, including staffing, hours of operation, and service levels;
2. Evaluation of user fee structures, cost recovery models, and impacts on the Town’s tax levy and compliance with the tax cap;
3. Review of contracts, hauling arrangements, and vendor performance;
4. Assessment of compliance with applicable laws and regulations, including those of the New York State Department of Environmental Conservation;
5. Identification of capital improvement needs, equipment replacement schedules, and long-term infrastructure planning;
6. Exploration of alternative service delivery models, including intermunicipal cooperation, shared services, or regionalization;
7. Development of recommendations to improve operational efficiency, transparency, and fiscal sustainability; and

BE IT FURTHER RESOLVED, that the Committee shall be advisory only and shall have no authority to bind the Town, expend funds, enter into contracts, or direct Town employees; and

BE IT FURTHER RESOLVED, that the Committee shall consist of the following members, appointed by the Town Board:

- The Town Supervisor, who shall serve as Chair (or designee);
- One (1) additional member of the Town Board;
- The Highway Superintendent (or designee), given operational responsibility for the facility;
- The Town Budget Office (advisory capacity);
- Up to two (2) residents of the Town with relevant experience or interest; and the Town Board may appoint additional advisory members as deemed appropriate; and

BE IT FURTHER RESOLVED, that the Committee shall:

- Meet as needed at the call of the Chair;
- Provide periodic written reports to the Town Board;
- Coordinate with the Town Attorney and other professional advisors as necessary;
- Adopt the Solid Waste Management Facility Charter and Workplan (2026) as the basis of program review and reporting to the Town Board

BE IT FURTHER RESOLVED, that all meetings of the Committee shall comply with the New York Open Meetings Law to the extent applicable, and all records of the Committee shall be maintained in accordance with applicable records retention and disclosure requirements; and

BE IT FURTHER RESOLVED, that the Committee shall present to the Town Board:

- An initial findings report within ninety (90) days of its first meeting; and
- A final set of recommendations within one hundred eighty (180) days, unless extended by resolution of the Town Board;

BE IT FURTHER RESOLVED, that this Committee shall automatically dissolve upon submission of its final report unless extended by further action of the Town Board; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Councilmember laCour asked if a presentation could be put together with the findings to show facts and figures for both the Town Board and residents. Councilmember Bunzey moved Resolution 45-2026 for adoption and the motion was seconded by Councilmember Duncan, to adopt Resolution No. 45 of 2026. Roll Call Vote:

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

Resolution #45- 2026 carries.

Supervisor Giebelhaus made a motion seconded by Councilmember Bunzey to appoint Micheal Vincent and Brian Christman as committee members for the Solid Waste Management Facility Committee, all members voted aye.

Resolution No. 46 of 2026 – RESOLUTION ESTABLISHING A COLLECTIVE BARGAINING NEGOTIATIONS COMMITTEE

WHEREAS, the Town Board of the Town of Berne recognizes the importance of maintaining productive labor relations and ensuring that collective bargaining negotiations are conducted in an organized, consistent, and fiscally responsible manner; and

WHEREAS, the current collective bargaining agreement affecting Town employees is approaching expiration; and

WHEREAS, the Town Board desires to establish a Negotiations Committee to assist the Town Board in the preparation, evaluation, and conduct of labor negotiations on behalf of the Town;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Berne hereby establishes a “Collective Bargaining Negotiations Committee” for the purpose of assisting the Town Board in matters relating to labor negotiations, collective bargaining strategy, contract review, and related personnel matters; and be it further

RESOLVED, that the Committee shall serve in an advisory capacity to the Town Board and shall not possess independent authority to bind the Town to any agreement, memorandum, term sheet, settlement, or expenditure unless specifically authorized by resolution of the Town Board; and be it further

RESOLVED, that the Committee shall be composed of the following members, appointed by the Town Board:

- Town Supervisor Giebelhaus
- Town board member Duncan
- Highway Superintendent Stempel
- Town Attorney, in an advisory capacity
- Such additional advisors, consultants, labor counsel, or subject matter experts as the Town Board may authorize

and be it further

RESOLVED, that the Committee is authorized to:

1. Review the current collective bargaining agreement and identify operational, fiscal, and legal issues;
2. Develop negotiation proposals and bargaining objectives for consideration by the Town Board;

3. Participate in negotiation sessions with employee representatives and union representatives;
4. Consult with legal counsel, labor relations specialists, and financial advisors;
5. Provide recommendations to the Town Board regarding tentative agreements and negotiation strategy; and
6. Perform such additional functions related to collective bargaining as directed by the Town Board;

and be it further

RESOLVED, that all final decisions regarding collective bargaining agreements, tentative agreements, ratification, appropriations, and authorization of execution shall remain solely with the Town Board; and be it further

RESOLVED, that the Committee shall comply with all applicable provisions of the New York State Taylor Law, Public Officers Law, Open Meetings Law, and all other applicable federal, state, and local laws; and be it further

RESOLVED, that discussions involving collective negotiations pursuant to Article 14 of the Civil Service Law may be conducted in executive session as permitted under Public Officers Law §105(1)(e); and be it further

RESOLVED, that this Resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Passed by the following vote of all the Town Council Members elected voting in favor thereof:

A motion was offered by Councilmember laCour, seconded by Councilmember Bunzey to adopt Resolution No. 46 of 2026, a roll call vote was taken as follows:

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

Resolution 46- 2026 carries.

RESOLUTION No. 47 of 2026 ADOPTING THE TOWN OF BERNE DRIVEWAY CULVERT AND HIGHWAY DRAINAGE POLICY

WHEREAS, the Town Board of the Town of Berne recognizes the importance of maintaining safe and effective highway drainage systems and protecting Town highway infrastructure; and

WHEREAS, the Town Board further recognizes the need to establish uniform standards governing driveway culverts and drainage structures located within Town highway rights-of-way; and

WHEREAS, the Town Board finds that a formal policy distinguishing between public drainage infrastructure and private access improvements is necessary to:

- Protect public funds;
- Ensure equitable treatment of property owners;
- Maintain compliance with New York law and Office of the State Comptroller guidance; and
- Establish clear responsibility for installation, maintenance, repair, and replacement costs;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Berne hereby adopts the “Town of Berne Driveway Culvert and Highway Drainage Policy,” attached hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED, that the Highway Superintendent and all Town officers and employees are directed to administer and enforce the Policy accordingly; and

BE IT FURTHER RESOLVED, that this Resolution and Policy shall take effect immediately upon adoption.

Councilmember Duncan made a motion to table Resolution No. 47 and was seconded by Supervisor Giebelhaus to table Resolution No. 47 of 2026
Resolution No 47 2026 was tabled.

Resolution No. 48 AUTHORIZATION FOR PAYMENT OF PRIOR YEAR CLAIM – HEIDELBERG MATERIALS (Invoice 6700016278)

WHEREAS, the Town of Berne, in accordance with its adopted **Invoice Payment Policy No. 02-2026**, requires that all claims be supported by proper documentation including purchase authorization, receiving verification, and vendor invoice; and

WHEREAS, Heidelberg Materials furnished materials to the Town of Berne in **December 2025** for authorized municipal purposes; and

WHEREAS, the claim in the total amount of **Three Thousand Seven Hundred Eighteen Dollars and Twenty-Eight Cents (\$3,718.28)** has been presented for audit as **Invoice 6700016278**, with supporting documentation including:

- **Receiving verification** confirming delivery and acceptance of materials; and
- Vendor **invoice** meeting Town requirements; and

WHEREAS, the Town Board has completed a **three-way match review** and determined the claim to be valid and a lawful charge against the Town; and

WHEREAS, the obligation was incurred during the **2025 fiscal year**, but was not submitted for audit prior to year-end; and

WHEREAS, pursuant to New York Town Law §118 and guidance from the New York State Office of the State Comptroller, such claims must be charged to the fiscal year in which the liability was incurred; and

WHEREAS, sufficient appropriations and available balances exist within the **2025 budget** to satisfy this obligation;

NOW, THEREFORE, BE IT RESOLVED, that the **Town Board of the Town of Berne** hereby audits and approves **Invoice 6700016278** payable to **Heidelberg Materials** in the amount of **\$3,718.28**; and

BE IT FURTHER RESOLVED, that such payment shall be charged to the following **2025 appropriation account**:

Account Code: DA-15-5142-0000-44077 (Road Materials/Sand and Salt) and shall **not be charged to any 2026 appropriations**; and

BE IT FURTHER RESOLVED, that this claim shall be included in:

Abstract – 2026 for payment processing and audit trail purposes; and

BE IT FURTHER RESOLVED, that the **Town Supervisor is authorized and directed to issue payment and ensure that:**

1. The disbursement is recorded as a **2025 fiscal year expenditure**;
2. The claim is properly reflected in the Town's **accounting records, abstract, and warrant register**; and
3. All supporting documentation is retained in accordance with Town policy and audit standards;

SUPERVISOR CERTIFICATION

I, JOSEPH C. GIEBELHAUS, Town Supervisor of the Town of Berne, do hereby certify that:

- The above claim has been **audited by the Town Board** in accordance with New York Town Law §118;
- A **three-way match review** has been completed (purchase authorization, receiving verification, and invoice);
- The claim represents a **valid obligation of the 2025 fiscal year**; and
- Sufficient funds were available in the **2025 appropriation account** at the time the liability was incurred.

Passed by the following vote of all the Town Council Members elected voting in favor thereof:

A motion was offered by Councilmember laCour, seconded by Councilmember Duncan to adopt Resolution No. 48 of 2026, a roll call vote was taken as follows:

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

Resolution 48- 2026 carries.

Resolution No. 49 AUTHORIZING THE TOWN SUPERVISOR TO ENTER INTO AN HOURLY PROFESSIONAL SERVICES AGREEMENT WITH LAMONT ENGINEERS FOR ENGINEERING REVIEW OF THE MASONIC LODGE STRUCTURE AND ENCUMBERING FUNDING

WHEREAS, the Town Board of the Town of Berne has identified the need to evaluate the structural condition and potential municipal use of the building owned by the Masonic Lodge; and

WHEREAS, the Town Board recognizes the need for professional engineering services to review the existing structure and provide a preliminary assessment regarding rehabilitation feasibility and estimated costs for municipal occupancy and use; and

WHEREAS, Lamont Engineers possesses professional engineering expertise and experience relevant to municipal facilities and structural evaluation services; and

WHEREAS, the Town Board desires to authorize the Town Supervisor to engage said engineering services on an hourly basis, subject to available appropriations and standard municipal procurement requirements; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Berne hereby authorizes the Town Supervisor to enter into an hourly professional services agreement with Lamont Engineers for the limited purpose of:

1. Reviewing and evaluating the existing structure owned by the Masonic Lodge;
2. Assessing the general condition of the structure for potential municipal use;
3. Preparing a preliminary engineer's estimate of probable costs associated with rehabilitation and improvements necessary to make the structure suitable for municipal occupancy and operations; and
4. Providing related professional recommendations and observations as may be reasonably necessary to assist the Town Board in evaluating the feasibility of acquisition and rehabilitation of the structure; and
5. Total service fee is authorized not to exceed \$2,848.00; additional fees, if necessary, will be authorized at the discretion of the Board; and

BE IT FURTHER RESOLVED, that compensation for such services shall be on an hourly basis pursuant to a written agreement approved by the Town Supervisor and Town Attorney, if applicable, and subject to available budget appropriations; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute all documents reasonably necessary to effectuate this Resolution; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Passed by the following vote of all the Town Council Members elected voting in favor thereof:

A motion was offered by Councilmember Bunzey, seconded by Councilmember La Cour to adopt Resolution No. 49 of 2026, a roll call vote was taken as follows:

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

Resolution 49- 2026 carries.

RESOLUTION No. 50 ADOPTING TIMEKEEPING AND TIME CLOCK POLICY

WHEREAS, the Town Board of the Town of Berne recognizes the importance of accurate payroll reporting, attendance accountability, and internal financial controls; and

WHEREAS, Town Law §§ 118, 119, and 125 require proper auditing and administration of payroll and claims; and

WHEREAS, the New York State Office of the State Comptroller recommends municipalities maintain effective timekeeping and payroll control systems; and

WHEREAS, the Town Board finds it necessary and appropriate to establish a uniform Timekeeping and Time Clock Policy governing employee attendance and payroll reporting procedures;

NOW, THEREFORE, BE IT RESOLVED:

1. The Town Board hereby adopts the Town of Berne Timekeeping and Time Clock Policy attached hereto and incorporated herein by reference;
2. The Town Supervisor is authorized to implement administrative procedures necessary to carry out the policy;
3. Department Heads shall ensure compliance with the policy within their respective departments;
4. Nothing in this policy shall supersede any applicable collective bargaining agreement or statutory employee rights; and
5. This resolution and policy shall take effect immediately upon adoption.

Passed by the following vote of all the Town Council Members elected voting in favor thereof:

A motion was offered by Councilmember Bunzey, seconded by Councilmember laCour to adopt Resolution No. 46 of 2026, a roll call vote was taken as follows:

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

Resolution 50- 2026 carries.

RESOLUTION No. 51 AUTHORIZING THE REVIEW, CONSOLIDATION, AND REALLOCATION OF CERTAIN STIPEND COMPENSATION INTO REGULAR SALARY STRUCTURES; AUTHORIZING ASSOCIATED BUDGET AMENDMENTS, APPROPRIATION TRANSFERS, AND PAYROLL ADJUSTMENTS; AND AUTHORIZING THE PREPARATION OF UPDATED JOB DESCRIPTIONS

WHEREAS, the Town Board of the Town of Berne has identified the need to streamline payroll administration, improve accounting efficiency, strengthen internal controls, reduce

unnecessary inter-fund transfers and payroll complexity, and simplify budgetary tracking associated with employee compensation; and

WHEREAS, the Town Board recognizes that certain compensation currently administered as stipends may be more efficiently managed within regular salary structures where legally permissible and operationally appropriate; and

WHEREAS, the Town Board seeks to ensure compliance with applicable provisions of New York State Town Law, Civil Service requirements, New York State Labor Law, New York State and Local Retirement System reporting obligations, and guidance issued by the Office of the State Comptroller; and

WHEREAS, the Town Board further recognizes the importance of maintaining clear and accurate documentation of employee duties, assigned responsibilities, appointed functions, and compensation structures;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Town Supervisor, in coordination with the Town Bookkeeper, Payroll Administrator, Paychex, BST & Co., legal counsel, department heads, and other appropriate advisors or consultants, to review and prepare the consolidation or incorporation of certain stipend compensation into regular salary structures where determined to be legally and administratively appropriate; and

BE IT FURTHER RESOLVED, that where statutory or appointed duties are performed by an existing Town officer or employee, the Town Board may authorize compensation for such duties to be incorporated within a consolidated salary appropriation, provided that all appointments, statutory designations, payroll reporting, retirement reporting, and budgetary records remain properly documented and compliant with applicable law and Office of the State Comptroller guidance; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes and approves any necessary budget amendments, appropriation transfers, inter-fund transfers, account reallocations, payroll coding modifications, accounting entries, and related fiscal adjustments necessary to implement such compensation restructuring and administrative changes, subject to available appropriations and compliance with applicable law and Town financial procedures; and

BE IT FURTHER RESOLVED, that the Town Supervisor and Town fiscal staff are authorized to prepare, process, and record such budgetary and accounting adjustments as may be necessary to properly reflect consolidated compensation structures within the Town's accounting records and annual budget documents; and

BE IT FURTHER RESOLVED, that as part of the Town's effort to improve payroll administration, operational efficiency, and internal controls, the Town Board authorizes the preparation and issuance of updated job descriptions for employees and officers performing multiple assigned duties or appointed functions; and

BE IT FURTHER RESOLVED, that such job descriptions shall be intended to clarify operational responsibilities, reporting expectations, scheduling, payroll administration, and assigned duties associated with consolidated compensation structures, while maintaining compliance with applicable law, Civil Service requirements, and Office of the State Comptroller guidance; and

BE IT FURTHER RESOLVED, that copies of such job descriptions may be maintained in employee personnel files and acknowledged by the applicable employee or appointed official; and

BE IT FURTHER RESOLVED, that any compensation restructuring authorized herein shall be implemented only upon confirmation that all required legal, accounting, Civil Service, retirement reporting, and budgetary compliance requirements have been satisfied; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to take all administrative actions necessary to implement this Resolution in accordance with applicable law and established Town financial procedures.

Passed by the following vote of all the Town Council Members elected voting in favor thereof:

A motion was offered by Councilmember Miller seconded by Councilmember Duncan to adopt Resolution No. 46 of 2026, a roll call vote was taken as follows:

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

Resolution 51- 2026 carries.

Resolution No 52-2026 AUTHORIZING THE TOWN SUPERVISOR TO ENGAGE AUCTIONS INTERNATIONAL, INC. FOR THE DISPOSITION OF SURPLUS EQUIPMENT THROUGH SOURCEWELL CONTRACT #111424-AUC

WHEREAS, the Town of Berne periodically identifies vehicles, machinery, tools, equipment, and other personal property that are no longer necessary for municipal purposes and are deemed surplus, obsolete, worn, or uneconomical to repair; and

WHEREAS, New York State General Municipal Law authorizes municipalities to dispose of surplus personal property in a manner that is in the best interests of the municipality; and

WHEREAS, the Town Board has determined that the use of an online municipal auction service provides a transparent, competitive, and publicly accessible method for the sale of surplus property; and

WHEREAS, Auctions International, Inc. participates in the cooperative purchasing program administered by Sourcewell under Contract #111424-AUC; and

WHEREAS, pursuant to General Municipal Law §103(16), political subdivisions are authorized to make purchases and procure services through cooperative purchasing contracts awarded by eligible governmental entities and cooperative procurement organizations; and

WHEREAS, the Town Board finds that utilizing the Sourcewell cooperative contract for auction services is in the best interests of the Town and promotes efficiency, transparency, and potential revenue maximization for surplus asset disposal;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Berne hereby authorizes the Town Supervisor to engage Auctions International, Inc. for the purpose of conducting online auctions for surplus Town equipment and materials through Sourcewell Contract #111424-AUC; and be it further

RESOLVED, that the Town Supervisor, in consultation with the appropriate department heads, is authorized to identify and approve items for auction that are no longer required for municipal purposes, provided that no real property shall be disposed of pursuant to this resolution; and be it further

RESOLVED, that all surplus property offered for sale shall remain subject to any applicable Town policies regarding inventory control, record retention, and asset disposition; and be it further

RESOLVED, that the Town Supervisor is authorized to execute any agreements, auction listings, title documents, bills of sale, or related administrative documents necessary to effectuate the disposition of such surplus property through the authorized auction platform; and be it further

RESOLVED, that proceeds from the sale of surplus equipment shall be deposited into the appropriate Town fund in accordance with applicable accounting requirements and Town financial procedures.

Passed by the following vote of all the Town Council Members elected voting in favor thereof:

A motion was offered by Councilmember Bunzey seconded by Councilmember Miller to adopt Resolution No. 52 of 2026, a roll call vote was taken as follows:

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

Resolution 52- 2026 carries.

Resolution No. 53- 2026 Adopting the 2026 Highway Fee Schedule

WHEREAS,

The Town of Berne periodically establishes fee schedules and hourly rates for labor, equipment, materials, and related highway department services for purposes including, but not limited to, reimbursement requests, FEMA documentation, intermunicipal services, work performed pursuant to Town policy, recovery of authorized costs, and internal accounting controls; and

WHEREAS, The Town Board has reviewed the proposed “2026 Highway Fee Schedule” attached hereto and incorporated herein as Exhibit A; and

WHEREAS, The Town Board finds that adoption of a standardized fee schedule promotes consistency, transparency, accountability, and accurate cost recovery for Town operations and services;

NOW, THEREFORE, BE IT RESOLVED, That the Town Board of the Town of Berne hereby adopts the attached “2026 Highway Fee Schedule,” attached hereto as Exhibit A, effective immediately; and be it further

RESOLVED, That the adopted fee schedule may be used by the Town Supervisor, Highway Superintendent, Town Clerk, and other authorized Town officials for billing, reimbursement, grant documentation, FEMA submissions, intermunicipal agreements, cost recovery, and other lawful municipal purposes; and be it further

RESOLVED, That the Town Board reserves the right to amend, revise, or supersede the fee schedule by subsequent resolution of the Town Board.

2026 Highway Fee Schedule				
		Gross	Benefits	Total Cost per hour
<u>Labor</u>				
Equipment Operator		\$ 26.79	\$ 10.72	\$ 37.51
Deputy Highway Superintendant		\$ 29.43	\$ 11.77	\$ 41.20
Administrative		\$ 21.50	\$ 8.60	\$ 30.10
Highway Superintnedant		\$ 35.60	\$ 14.24	\$ 49.84
				Hourly Rate
<u>Equipment 2026 FEMA)</u>				
Air Compressor				\$ 200.97
Pick-up (1/2 ton)				\$ 15.29
Pavement Broom				\$ 35.65
Chainsaw				\$ 4.81
Chipper, Brush				\$ 74.92
Compactor				\$45.79
Excavator, Truck mounted				\$ 315.08
Generator, portable				\$ 6.78
Loader, Wheel				\$116.74
Paver, Ashphalt				\$ 308.47
Plow, Truck Mounted				\$ 13.80
Spreader, Sand (dump mounted)				\$ 7.73
Pump, Trash pump				\$ 13.06
Saw, Concrete				\$ 27.50
Jackhammer				\$ 1.64
Loader, Skid Steer				\$ 60.67
Loader, backhoe, wheel				\$ 128.68
Truck, Dump (Freightliner)				\$ 122.94
Truck, 1 ton				\$31.54
Truck, 1 1/4 ton				\$35.27
<u>Materials</u>				
Current Market Rate per procurement contract(s)				

No action was taken .

Resolution No. 54-2026 Acknowledging Lack of Formal Adoption Records and Supporting the Discontinuation of Town Maintenance on Mare Lane Extension

Supervisor Giebelhaus offered the following resolution :

WHEREAS, the Town Board of the Town of Berne has reviewed the status of the roadway commonly known as “Mare Lane Extension”; and

WHEREAS, the Town Board has identified no records demonstrating that Mare Lane Extension was formally dedicated to, accepted by, or adopted as a Town highway pursuant to the New York Highway Law or by resolution of the Town Board; and

WHEREAS, the Town Board further understands that all or portions of Mare Lane Extension may be located upon privately owned property and outside any deeded Town highway right-of-way; and

WHEREAS, maintenance of highways by the Town is generally limited to highways lawfully established or adopted by the Town of Berne; and

WHEREAS, continuing maintenance activities upon property not formally established as a Town highway may create legal, fiscal, operational, and liability concerns for the Town and its taxpayers; and

WHEREAS, the Town Board finds it appropriate to clarify that no formal adoption records have been identified and to support a review of future Town maintenance activities associated with Mare Lane Extension;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Berne hereby acknowledges that no records of formal dedication, acceptance, or adoption of Mare Lane Extension as a Town highway have been identified by the Town; and be it further

RESOLVED, that the Town Board supports the discontinuation of routine and non-emergency Town maintenance, repair, snow removal, improvements, or other municipal services upon Mare Lane Extension unless and until the roadway is determined to constitute a lawful Town highway or unless otherwise required by law; and be it further

RESOLVED, that nothing in this Resolution shall be construed as a formal abandonment or discontinuance of any highway rights that may exist under New York law, nor as a final legal determination regarding the status of the roadway; and be it further

RESOLVED, that the Town Attorney, Town Supervisor, and Highway Superintendent are authorized and directed to review historic highway records, maps, deeds, easements, maintenance history, and any other relevant documentation concerning the legal status of Mare Lane Extension and to take such administrative actions as may be appropriate consistent with this Resolution; and be it further

No motion was offered, and no action was taken.

Motion to Encumber Funds for Paychex Services

On a motion moved by Councilmember Bunzey , seconded by Councilmember Miller to authorize the Supervisor to encumber **\$17,000.00** for anticipated Paychex services, allocated as follows:

\$13,865.25 from Account **Ao-1990-0000-04499** (82%)
\$2,471.63 from Account **DA-15-5110-0000-04499** (15%)
\$663.12 from Account **SS-18-8110-0000-04499** (4%)

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

Motion carries

Motion to Encumber Funds for BST Services

On a motion moved by Councilmember Bunzey seconded by Councilmember Miller, to authorize the Supervisor to encumber **\$50,000.00** for anticipated BST services, allocated as follows:

\$40,780.14 from Account **Ao-11-1990-0000-044999** (82%)
\$7,269.50 from Account **DA-15-5110-0000-044999** (15%)
\$1,950.35 from Account **SS-18-8110-0000-044999** (4%)

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

Motion carries.

Motion to Encumber CHIPS Funds for Replacement Truck

On a motion moved by Councilmember Bunzey seconded by, to authorize the encumbrance of **\$105,000.00** in CHIPS funding for the final payment toward the purchase of a replacement highway truck. Supervisor Giebelhaus and Councilmembers Bunzey, Duncan, laCour and Miller all voting aye.

Motion to Modify Agenda

Supervisor Giebelhaus made a motion seconded by Councilmember Bunzey to modify the agenda and discuss Resolution 55 as he discovered that Aflac dues are being collected and remitted on employee's behalf with no policy in place. Supervisor Giebelhaus and Councilmembers Bunzey, Duncan, laCour and Miller all voting aye.

RESOLUTION No. 55 of 2026 AUTHORIZING PARTICIPATION IN AFLAC VOLUNTARY SUPPLEMENTAL INSURANCE PROGRAM AND AUTHORIZING PAYROLL DEDUCTIONS

Town Supervisor Giebelhaus offered the following resolution:

WHEREAS: The Town Board recognizes that employees may desire access to voluntary supplemental insurance products, including accident, disability, cancer, hospital indemnity, and related insurance products offered through [Aflac](#); and

WHEREAS: The Town Board has determined that permitting voluntary employee participation in such programs may provide a benefit to Town employees without direct cost to the Town, except for reasonable administrative payroll processing activities; and

WHEREAS: Participation in such programs shall be entirely voluntary and subject to employee authorization for payroll deductions; and

WHEREAS: The Town Board desires to authorize the Town Supervisor to execute the necessary employer participation, payroll deduction, and related administrative agreements required for implementation of such program;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes participation in voluntary supplemental insurance programs offered through Aflac for eligible Town employees; and be it further

RESOLVED: That the Town Supervisor is hereby authorized to execute any employer participation agreement, payroll deduction agreement, administrative services agreement, or related documents necessary to facilitate employee participation in such voluntary insurance programs, subject to review by the Town Attorney if required; and be it further

RESOLVED: That payroll deductions for participating employees are hereby authorized upon receipt of proper written employee authorization in accordance with applicable law, collective bargaining agreements, and Town payroll procedures; and be it further

RESOLVED: That all premiums associated with voluntary participation shall be the responsibility of the participating employee unless otherwise specifically authorized by resolution of the Town Board; and be it further

RESOLVED: That the Town shall act solely as a payroll remittance conduit for employee-authorized deductions and shall not be responsible for:

- guaranteeing coverage,
- administering claims,
- resolving benefit disputes,
- or paying premiums not funded through employee payroll deductions; and be it further

RESOLVED: That participation in the program may be terminated by the Town Board at any time upon reasonable notice consistent with the terms of any applicable agreement; and be it further

RESOLVED: That the Town Supervisor, Town Clerk, and payroll personnel are hereby authorized to take such administrative actions as may be necessary to implement this resolution.

Passed by the following vote of all the Town Council Members elected voting in favor thereof:

A motion was offered by Councilmember Bunzey seconded by Councilmember Miller to adopt Resolution No. 55 of 2026, a roll call vote was taken as follows:

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

Resolution 55 2026 carries.

APPROVAL / DISCUSSION OF MONTHLY FINANCIAL REPORTS

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

AUDIT AND APPROVAL OF CLAIMS

Abstract 2026 # 8 Utilities	\$2,247.24
Abstract 2026 # 9 Utilities \$	\$11,527.24
Abstract 2026 # 10 Board Audited	\$69,557.63
Abstract 2026 # 11 Utilities	\$5,789.37
Total	\$89,121.48

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

Roll Call Vote:

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

Resolution carries.

EXECUTIVE SESSION

At approximately 8:48 PM, a motion was made by Supervisor Giebelhaus, seconded by Councilmember Duncan, to enter Executive Session pursuant to §105 of the New York State Open Meetings under section 105(a) employee issue. Councilmember la Cour made a motion seconded by Councilmember Miller to close executive session at 9:19PM, Supervisor Giebelhaus and all members voted aye. Following Executive Session, Supervisor Giebelhaus stated that no action was taken and made a motion to reconvene the meeting at 9:22PM. After brief discussion Supervisor Giebelhaus made a motion seconded by Councilmember Bunzey to terminate Jonathan Heigel from his position as Building and Zoning Administrator and Code Enforcement Officer effective immediately, a roll call vote was taken:

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

After brief discussion Supervisor Giebelhaus made a motion seconded by Councilmember Bunzey to terminate Peggy Deitz from her position as Building and Zoning Administrative assistant, Zoning Board Clerk and Planning Board Clerk effective immediately, a roll call vote was taken:

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

ADJOURNMENT

There being no further business, a motion was made by Supervisor Giebelhaus, seconded by Councilmember Bunzey to adjourn the meeting Supervisor Giebelhaus, Councilmember Bunzey, Duncan, laCour, and Miller all voting aye. The meeting adjourned at **9:31 PM.**

Respectfully submitted,

Kristin De Oliveira
Town Clerk, Town of Berne