

**TOWN OF BERNE  
TOWN BOARD MEETING AGENDA**

**Date:** September 9, 2026  
**Time:** 6:30 PM Public Hearing Local Law 2- 2027 Fiscal Tax Cap Override  
7:00PM Regular Meeting  
**Location:** Community & Senior Center, 1360 Helderberg Trail, Berne NY 12023

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**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. APPROVAL OF MINUTES**

Minutes of August 12, 2026

**5. PUBLIC COMMENT**

**6. SUPERVISOR'S REPORT**

- a. Sewer Department bond
- b. Gun Club
- c. CR 3 Bridge Report closed until 10/23/2026

**7. OLD BUSINESS**

- a) a) **Resolution 64 of 2026** Appointing legal counsel, approving professional services agreement, authorizing the Town Supervisor to execute the agreement and authorizing the encumbrance of appropriated funds
- b) 2027 Town Budget Schedule:
  - 9/14/26: Budget Workshop 6 PM – 9 PM General Fund & Sewer
  - 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)

**8. REPORTS OF TOWN OFFICERS / COMMITTEES**

- a) Highway Superintendent
- b) Transfer Station
- c) Justice Albert E Raymond
- d) Zoning
- e) Parks
- f) Library

## **9. NEW BUSINESS / RESOLUTIONS**

- a. Requested Speed Study on 157A
- b. Appointment of Andrea Borst to Deputy Tax Collector (paid position) 09/01/2026
- c. Resolution 71 of 2026 – CLASSIFYING THE PROPOSED LOCAL LAW  
EXTENDING THE SOLAR ENERGY AND BATTERY ENERGY STORAGE  
SYSTEM MORATORIUM AS A TYPE II ACTION UNDER SEQRA
- d. Resolution 72 of 2026- INTRODUCING PROPOSED LOCAL LAW NO. 3 OF  
2026, DIRECTING REFERRAL AND NOTICE, AND SCHEDULING A  
PUBLIC HEARING

## **10. APPROVE/DISCUSS MONTHLY FINANCIAL REPORTS**

- a. Town Clerk's
- b. Building & Zoning

## **11. AUDIT AND APPROVAL OF CLAIMS**

- a. Budget Transfers, Purchase Order Approvals and Amendments as Presented
- b. Monthly Abstracts
  - 1. Abstract 2026 #20 Utilities (664-673) \$8,150.03
  - 2. Abstract 2026 #21 Utilities (703-715 & 727) \$13,446.81
  - 3. Abstract 2026 #22 674-702 & 716-716 & 730) \$129,321.75
  - \$150,918.59

## **12. ADJOURNMENT**

# **Town of Berne**

## **Introductory Local Law No. 2 of the Year 2026**

### ***“A Local Law to Override the Tax Levy Limit for Fiscal Year 2027”***

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

**Section 1. TITLE AND AUTHORITY.** This Local Law is enacted pursuant to subdivision 5 of N.Y. General Municipal Law §3-c (the “Property Tax Cap Law”), which expressly 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.

**Section 2. LEGISLATIVE INTENT.** The purpose of this local law is to permit the Town Board to override the tax levy limit on the amount of property taxes that may be levied by the Town of Berne pursuant to the Property Tax Cap Law, and to allow the Town to adopt a budget for Fiscal Year 2027 that requires a real property tax levy in excess of the “tax levy limit” as defined by the Property Tax Cap Law. Such override is necessary and in the best interests of the Town.

**Section 3. TAX LEVY LIMIT OVERRIDE.** The Town of Berne Town Board is hereby authorized to override the Tax Levy Limit established pursuant to N.Y. General Municipal Law §3-c, for Fiscal Year 2027, and to adopt a budget for Fiscal Year 2027 that requires a real property tax levy in excess of the amount otherwise prescribed in N.Y. General Municipal Law §3-c.

**Section 4. SEVERABILITY.** If any clause, sentence, paragraph, section or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such order or judgment shall be rendered.

**Section 5. EFFECTIVE DATE.** This Local Law shall become effective upon filing with the Secretary of State of the State of New York as provided by the Municipal Home Rule Law.

Adopted this \_\_th day of \_\_\_\_\_ 2026.

By Order of the Berne Town Board



DANIEL P. MCCOY  
COUNTY EXECUTIVE

MICHAEL P. McLAUGHLIN  
DEPUTY COUNTY EXECUTIVE

COUNTY OF ALBANY  
DEPARTMENT OF PUBLIC WORKS  
449 NEW SALEM ROAD  
VOORHEESVILLE, NEW YORK 12186-4826  
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[www.albanycountyny.gov](http://www.albanycountyny.gov)

LISA M. RAMUNDO  
COMMISSIONER

SCOTT D. DUNCAN  
DEPUTY COMMISSIONER

## **Albany County Public Works Department Announces Road Work on CR2 (COLE HILL ROAD) in the TOWN OF BERNE**

The Albany County Department of Public Works advises the **County Route 2 (Cole Hill Rd) bridge over Fox Creek** in the Town of Berne will be **closed to all traffic** from Monday, 6/1/2026 **through Friday, 10/23/2026**.

This is the bridge between Route 443 and CR 3 (Wilsie Rd). A detour route will be posted.

**Emergency vehicles will be subject to the detour.**

If you have any questions, please call Albany County Department of Public Works at 518-765-2055.

Albany County thanks you in advance for your patience during this important project.

09/02/2026

**TOWN OF BERNE**  
**TOWN BOARD RESOLUTION**  
**Resolution No. 64 of 2026**

**Resolution Introduced by Supervisor Giebelhaus**

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

At a regular/special meeting of the Town Board of the Town of Berne, Albany County, New York, held on the 9<sup>th</sup> day of September 2026, the following resolution was offered:

**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: Roemer Wallens Gold & Mineaux LLP**

to serve as:

- ☒ Town Attorney / Municipal Counsel
- ☒ Labor Relations Counsel
- ☒ Both Municipal Counsel and Labor Relations Counsel

for the term commencing September 1, 2026 and ending December 31, 2027, 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:

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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: Municipal Counsel — \$2,500.00 per month from September 1, 2026 through December 31, 2027; Labor Relations Counsel — \$1,350.00 per month from September 1, 2026 through December 31, 2026, and \$1,400.00 per month from January 1, 2027 through December 31, 2027.**

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**Hourly Rates (if applicable):**

Partner/Senior Associate: \$280.00 per hour (2026–2027); \$290.00 per hour (2028)

Associate: \$240.00 per hour (2026–2027); \$250.00 per hour (2028)

Paralegal: \$145.00 per hour (2026–2027); \$150.00 per hour (2028)

Other: None

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:**

**\$62,200.00 in retainer fees through December 31, 2027, plus authorized hourly services and reimbursable disbursements as provided in the Professional Services Agreements**

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.

**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 held on \_\_\_\_\_, 2026, upon a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and carried by the following vote:

**Affirmative:**

**Negative:**

**Affirmative Vote Tally:** \_\_\_\_\_ **Negative Vote Tally:** \_\_\_\_\_ **Abstain:** \_\_\_\_\_

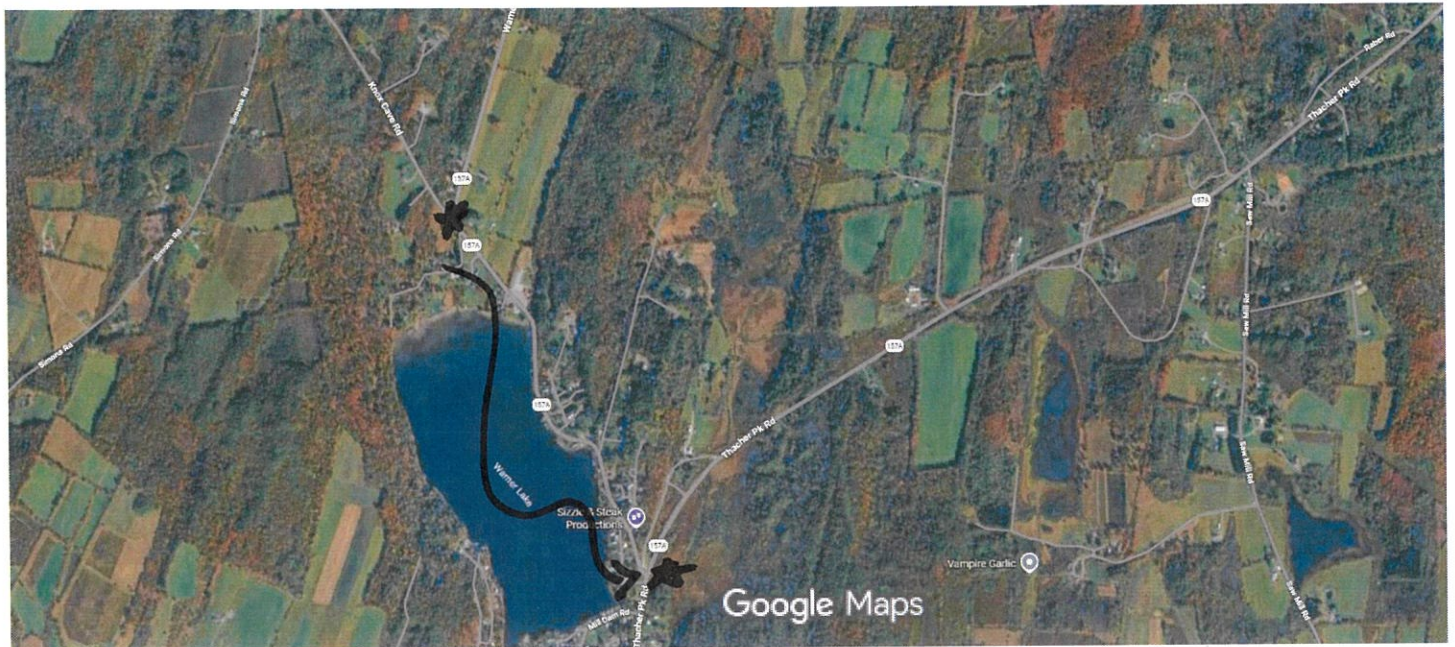
**Adopted this** \_\_\_\_\_ **day of** \_\_\_\_\_, **2026**

I, Kristin De Oliveira, Town Clerk of the Town of Berne,  
do hereby certify that Resolution 64 of 2026 was passed  
at a meeting of the Town of Board on \_\_\_\_\_ of 2026.

In affirmation thereof, I hereto set my hand and affix  
The Seal of the Town of Berne this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

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Kristin De Oliveira, Town Clerk



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Proposed 20 mph

SEPTEMBER 9, 2026

**RESOLUTION NO. 71 OF 2026**  
**CLASSIFYING THE PROPOSED LOCAL LAW EXTENDING THE SOLAR ENERGY**  
**AND BATTERY ENERGY STORAGE SYSTEM MORATORIUM AS A TYPE II**  
**ACTION UNDER SEQRA**

Offered by \_\_\_\_\_; seconded by \_\_\_\_\_:

**WHEREAS**, the Town Board of the Town of Berne is considering Proposed Local Law No. 3 of 2026, entitled "A Local Law Amending Local Law No. 1 of 2025 to Extend the Temporary Moratorium on the Development and Construction of Solar Energy Systems and Battery Energy Storage Systems for an Additional Six Months" (the "Proposed Local Law"); and

**WHEREAS**, the Proposed Local Law would continue the existing moratorium, without changing its scope, for the final six-month period authorized by Section 4 of Local Law No. 1 of 2025; and

**WHEREAS**, the State Environmental Quality Review Act and its implementing regulations classify the adoption of a moratorium on land development or construction as a Type II action under 6 NYCRR § 617.5(c)(36); and

**WHEREAS**, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby determines that consideration and adoption of the Proposed Local Law is a Type II action pursuant to 6 NYCRR § 617.5(c)(36); and

**BE IT FURTHER RESOLVED**, that no environmental assessment form, lead-agency coordination, determination of significance, or other further environmental review is required for this Type II action.

**The question of the adoption of the foregoing resolution was duly put to a roll-call vote, which resulted as follows:**

|                       |                              |
|-----------------------|------------------------------|
| Supervisor Giebelhaus | Aye / Nay / Abstain / Absent |
| Councilmember Bunzey  | Aye / Nay / Abstain / Absent |
| Councilmember Duncan  | Aye / Nay / Abstain / Absent |
| Councilmember laCour  | Aye / Nay / Abstain / Absent |
| Councilmember Miller  | Aye / Nay / Abstain / Absent |

The resolution was thereupon declared duly adopted.

SEPTEMBER 9, 2026

**RESOLUTION NO. 72 OF 2026  
INTRODUCING PROPOSED LOCAL LAW NO. 3 OF 2026, DIRECTING REFERRAL  
AND NOTICE, AND SCHEDULING A PUBLIC HEARING**

Offered by \_\_\_\_\_; seconded by \_\_\_\_\_:

**WHEREAS**, Local Law No. 1 of 2025 established a temporary moratorium on the processing and approval of certain land uses relating to solar energy systems and battery energy storage systems within the Town of Berne; and

**WHEREAS**, Section 4 of Local Law No. 1 of 2025 authorizes renewal of the moratorium for a cumulative period of up to twelve additional months; and

**WHEREAS**, by Resolution No. 35 of 2026, the Town Board extended the moratorium for six months through November 6, 2026, leaving authority for one final six-month extension; and

**WHEREAS**, the Town Board and its consultants require additional time to complete their review and consideration of potential amendments to the Town's regulations governing solar energy systems and battery energy storage systems, and the Board finds that allowing the moratorium to lapse before that work is completed could undermine the purposes for which Local Law No. 1 of 2025 was adopted; and

**WHEREAS**, a proposed local law extending the moratorium, without interruption, through and including May 6, 2027 has been presented to the Town Board; and

**WHEREAS**, the Town Board intends to follow the procedures applicable to the adoption of a local law amending interim zoning regulations, including Municipal Home Rule Law § 20, Town Law § 264, and General Municipal Law § 239-m; and

**WHEREAS**, by separate resolution adopted on September 9, 2026, the Town Board classified the Proposed Local Law as a Type II action under SEQRA;

**NOW, THEREFORE, BE IT RESOLVED**, that Proposed Local Law No. 3 of 2026, in the form attached to this Resolution as Exhibit A, is hereby introduced for consideration by the Town Board; and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall distribute and place the Proposed Local Law upon the desks or tables of the members of the Town Board in the manner required by Municipal Home Rule Law § 20(4); and

**BE IT FURTHER RESOLVED**, that a public hearing on the Proposed Local Law shall be held on October 14, 2026 at 6:30 p.m., or as soon thereafter as the matter may be heard, at the Berne Community & Senior Services Building, 1360 Helderberg Trail, Berne, New York 12023, at which time all persons interested shall be given an opportunity to be heard; and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall cause notice of the public hearing to be published at least once in The Altamont Enterprise, the official newspaper of the Town, not less than ten days before the public hearing, and shall post the notice on the Town signboard and website in accordance with the Town's customary practice; and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall provide, not less than ten days before the public hearing, all written notices required by Town Law § 264(2); and

**BE IT FURTHER RESOLVED**, that the Town Clerk is authorized and directed to transmit a full statement of the proposed action, including the complete text of the Proposed Local Law and all required supporting materials, to the Albany County Planning Board for review pursuant to General Municipal Law § 239-m, and to request an expedited recommendation; and

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

**The question of the adoption of the foregoing resolution was duly put to a roll-call vote, which resulted as follows:**

**DULY ADOPTED** by the Town Board of the Town of Berne at a regular meeting held on \_\_\_\_\_, 2026, upon a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and carried by the following vote:

**Affirmative:**

**Negative:**

**Affirmative Vote Tally:** \_\_\_\_\_ **Negative Vote Tally:** \_\_\_\_\_ **Abstain:** \_\_\_\_\_

**Adopted this** \_\_\_\_\_ **day of** \_\_\_\_\_, **2026**

I, Kristin De Oliveira, Town Clerk of the Town of Berne, do hereby certify that Resolution 69 of 2026 was passed at a meeting of the Town of Board on \_\_\_\_\_ of 2026.

In affirmation thereof, I hereto set my hand and affix The Seal of the Town of Berne this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

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Kristin De Oliveira, Town Clerk

**EXHIBIT A  
TOWN OF BERNE  
PROPOSED LOCAL LAW NO. 3 OF 2026**

**A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF 2025 TO EXTEND THE TEMPORARY  
MORATORIUM ON THE DEVELOPMENT AND CONSTRUCTION OF SOLAR ENERGY  
SYSTEMS AND BATTERY ENERGY STORAGE SYSTEMS FOR AN ADDITIONAL SIX  
MONTHS**

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

**SECTION 1. TITLE.**

This Local Law shall be known as the "2026 Solar Energy and Battery Energy Storage System Moratorium Extension Law."

**SECTION 2. AUTHORITY.**

This Local Law is adopted pursuant to the authority granted to the Town by the New York State Constitution, Municipal Home Rule Law § 10, and Town Law §§ 261 and 264 to protect the public health, safety, and welfare and to regulate land use within the Town.

**SECTION 3. LEGISLATIVE FINDINGS AND INTENT.**

Local Law No. 1 of 2025 established a twelve-month moratorium on the processing and approval of certain land uses relating to solar energy systems and battery energy storage systems so that the Town could evaluate whether revisions to its land-use regulations were warranted.

Section 4 of Local Law No. 1 of 2025 permits the Town Board to renew the moratorium for a cumulative period of up to twelve additional months. By Resolution No. 35 of 2026, the Town Board exercised six months of that renewal authority and continued the moratorium through November 6, 2026.

The Town Board, with input from the Planning Board and interested members of the public, has continued to identify and evaluate potential amendments addressing solar energy systems and battery energy storage systems. Additional time is reasonably necessary for the Town Board and its consultants to complete that review, prepare proposed legislation, obtain required referrals and environmental review, conduct a public hearing, and consider adoption of appropriate permanent regulations.

The Town Board finds that allowing the moratorium to lapse before this work is completed could permit applications to proceed under regulations previously found not to address adequately the land-use and public-safety concerns identified in Local Law No. 1 of 2025. The Board therefore finds that a final six-month extension is necessary, reasonable, and consistent with the purpose and renewal limit of Local Law No. 1 of 2025.

#### **SECTION 4. EXTENSION OF MORATORIUM.**

Section 4 of Local Law No. 1 of 2025 is hereby amended by adding the following paragraph:

Following the six-month extension approved by Resolution No. 35 of 2026, the moratorium imposed by this Local Law is hereby extended, without interruption, for one additional and final six-month period. The moratorium shall remain in full force and effect through and including May 6, 2027, unless sooner repealed by the Town Board. This extension, together with the prior extension, does not exceed the cumulative twelve-month renewal period authorized by this Section.

#### **SECTION 5. CONTINUATION OF EXISTING TERMS.**

Except for the extension expressly provided in Section 4 of this Local Law, all definitions, prohibitions, requirements, and other provisions of Local Law No. 1 of 2025 shall continue unchanged and remain in full force and effect during the extension period.

#### **SECTION 6. SEVERABILITY.**

If any clause, sentence, paragraph, section, or part of this Local Law is adjudged by a court of competent jurisdiction to be invalid or unconstitutional, that judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, section, or part directly involved in the controversy in which the judgment was rendered.

#### **SECTION 7. EFFECTIVE DATE.**

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Municipal Home Rule Law § 27.

## **Budget Transfers & Amendment/ Purchase Orders**

### **September 9, 2026**

1. We need to increase PO #26-00351 by \$1,000 to cover national grid bills for the community center
2. We will also need a transfer of \$1,000 **FROM** Acct# A0-17-7989-0000-011215 **TO** A0-17-7989-0000-044999
3. Transfer \$200 **FROM** A0-11-1910-0000-044030 **TO** A0-11-1910-0000-044037
4. Transfer \$500 **FROM** A0-11-1910-0000-044999 **TO** A0-11-1910-0000-044037
5. Transfer \$200 **FROM** A0-19-9060-0000-044976 **TO** A0-11-1010-0000-044999
6. FINAL BST ALLOCATION:
  - a. BST PO \$35,000 (this will cover the remaining months of 2026 July-December)
  - b. Transfer \$28,546 **FROM** A0-19-9060-0000-044976 **TO** A0-11-1990-0000-044999 (This will cover the General Fund portion for BST PO)
  - c. Transfer \$5,089 **FROM** DA-19-9060-0000-044976 **TO** DA-15-5110-0000-044999 (This will cover the Highway Fund portion for BST PO)
  - d. Transfer \$1,365 **FROM** SS-18-1989-0000-010015 **TO** SS-18-8110-0000-044999 (This will cover the Sewer Fund portion for BST PO)
7. Transfer \$1,000 **FROM** A0-19-9060-0000-044976 **TO** A0-11-1620-0000-044999 to cover increase to Crystal Rock (Primo Brands PO)
8. Transfer \$31,000 **FROM** DA-15-5110-0000-044999 **TO** DA-15-5142-0000-044999
9. Create PO for Morton Salt \$35,000
10. Increase the HL Gage PO by \$14,000 account DA-11-5130-0000-044999.
11. Budget transfer \$11,000 from DA-19-9060-0000-044976 **TO** DA-11-5130-0000-044999