

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 9th 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:

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.

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.

Kristin De Oliveira, Town Clerk

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