

**TOWN OF BERNE**  
**TOWN BOARD RESOLUTION**

**Resolution No. 57 of 2026**

**Resolution Introduced by Supervisor Giebelhaus**

**RESOLUTION ESTABLISHING THE ORGANIZATIONAL STRUCTURE OF THE TOWN OF BERNE OFFICE OF BUILDINGS AND CODES**

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

**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 \_\_\_\_\_, 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 22 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

**TOWN OF BERNE**  
**TOWN BOARD RESOLUTION**

**Resolution No. 58 of 2026**

**Resolution Introduced by Supervisor Giebelhaus**

**RESOLUTION 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 \_\_\_\_ day of \_\_\_\_\_, 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.

**NOW, THEREFORE, BE IT RESOLVED**, that the 2026 Town Budget is hereby amended 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 22 of 2026 was passed at a meeting of the Town of Board on \_\_\_\_\_ of 2026.

In affirmation there of, 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

# TOWN OF BERNE

## ROADSIDE LITTER COLLECTION VOLUNTEER PROGRAM

### VOLUNTEER WAIVER, RELEASE OF LIABILITY, AND ASSUMPTION OF RISK AGREEMENT

Volunteer Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Emergency Contact: \_\_\_\_\_

Emergency Contact Phone: \_\_\_\_\_

Date(s) of Participation: \_\_\_\_\_

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I, the undersigned volunteer, acknowledge that participation in the Town of Berne Roadside Litter Collection Volunteer Program involves certain inherent risks, including but not limited to:

- Exposure to vehicular traffic;
- Uneven terrain, ditches, culverts, and roadside hazards;
- Exposure to insects, wildlife, plants, and weather conditions;
- Contact with sharp, hazardous, or contaminated materials;
- Physical exertion and related risks of injury.

I voluntarily elect to participate in the program and fully assume all risks associated with participation.

In consideration for being permitted to participate in the program, I hereby release, waive, discharge, and covenant not to sue the Town of Berne, its officers, elected officials, employees, agents, Highway Department personnel, volunteers, and representatives from any and all liability, claims, demands, damages, losses, actions, or causes of action arising out of or relating to any injury, illness, property damage, or death that may occur as a result of my participation in the program, except to the extent caused by gross negligence or intentional misconduct.

I acknowledge and agree to the following conditions of participation:

1. I will comply with all safety instructions and operational guidelines established by the Town and the Highway Superintendent.
2. I will wear any required safety equipment provided by the Town, including reflective safety vests.
3. I will not collect litter on roadways or locations designated as unsafe by the Town.
4. I will immediately report any hazardous materials, suspicious items, or dangerous conditions to the Town and will not attempt to handle such materials myself.
5. I understand that I am participating as an uncompensated volunteer and am not an employee, contractor, or agent of the Town.
6. I certify that I am physically capable of participating in roadside litter collection activities.
7. I understand that the Town may revoke my participation privileges at any time for safety or operational reasons.

If the volunteer is under eighteen (18) years of age, a parent or legal guardian must also sign below.

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### **VOLUNTEER SIGNATURE**

I have carefully read and fully understand this Waiver, Release of Liability, and Assumption of Risk Agreement and sign it voluntarily.

Volunteer Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

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### **PARENT/GUARDIAN CONSENT (Required for Minors)**

I am the parent or legal guardian of the above-named minor and consent to their participation in the Town of Berne Roadside Litter Collection Volunteer Program. I agree to the terms of this Waiver on behalf of the minor participant.

Parent/Guardian Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

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### **TOWN USE ONLY**

Approved By: \_\_\_\_\_

Date Received: \_\_\_\_\_

Assigned Road/Area: \_\_\_\_\_

DRAFT

**RESOLUTION #59-2026**  
**RESOLUTION FOR THE YEAR 2026 OF THE TOWN BOARD**  
**OF THE TOWN OF BERNE DESIGNATING \_\_\_\_\_ 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 \_\_\_\_\_ 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 \_\_\_\_\_ Animal 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 \_\_\_\_\_ 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 \_\_\_\_\_, 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 22 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

**TOWN OF BERNE  
TOWN BOARD RESOLUTION**

**Resolution No. 60 of 2026**

**Resolution Introduced by Supervisor Giebelhaus**

**AUTHORIZING THE INTERIM APPOINTMENT OF MILAN JACKSON, P.E., OF LAMONT ENGINEERS AS PART-TIME CODE ENFORCEMENT OFFICER**

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

**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 **Code Enforcement Officer** 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 building inspection 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** shall:

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 the Interim **Code Enforcement Officer** shall work under the administrative supervision of the Town Code Enforcement Officer and shall not independently exercise those statutory powers specifically reserved to the Code Enforcement Officer unless separately appointed and authorized by the Town Board and permitted by applicable law.

**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.

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**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 22 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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## Budget Transfer and PO Approvals

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# A0-13-3620-0000-0111140 **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# A0-17-7110-0000-0111178 **TO** A0-17-7110-0000-044999 \$900