

Minutes of April 13, 2021, Germantown Town Board meeting, via Zoom, commencing at 7:00pm.

Present: Supervisor Beaury  
Councilman Sullivan  
Councilman Kukon  
Councilmember Suarez  
Councilman Christian  
  
Town Attorney, Corinne Smith

Recorded by: Town Clerk, Joyce Vale

Motion to open the meeting made by Councilman Sullivan, seconded by Councilman Kukon, with all in favor and none opposed.

Motion to approve the March 9, 2021 workshop minutes, the March 9, 2021 meeting minutes and the March 30, 2021 workshop minutes made by Councilman Kukon, seconded by Councilmember Suarez, with all in favor and none opposed.

Motion to pay audited bills for April 2021 made by Councilman Sullivan, seconded by Councilmember Suarez, with all in favor and none opposed.

**Written Communications to the Town Clerk**

None.

**Old Business**

- Local Law No. 1 of 2021. Changing the position of elected Highway Superintendent to an appointed Superintendent of the DPW effective January 1, 2022.

Supervisor Beaury read the following Resolution:

TOWN BOARD  
TOWN OF GERMANTOWN  
COLUMBIA COUNTY, NEW YORK

RESOLUTION ADOPTING LOCAL LAW AND SCHEDULING SPECIAL ELECTION

Dated: April 13, 2021

WHEREAS Local Law No. 1 of 2021, a local law eliminating the elected office of Superintendent of Highways and establishing the appointed office of Superintendent of the Department of Public Works for the Town of Germantown, a copy of which is annexed hereto, was laid on the desks of the members of the Town Board for at least 10 days; and

WHEREAS a public hearing was duly noticed and held on April 13, 2021, during which time members of public had an opportunity to submit oral and written comments on the local law; and

WHEREAS the stated purposes of said local law are to ensure greater oversight and accountability in operation, function and responsibility of upkeep and maintenance of Town highways and other Town-owned property, and to attract a wider applicant pool for the position of Superintendent of the Department of Public Works.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Germantown that adoption of the local law is a Type II action pursuant to the New York State Environmental Quality Review Act (6 NYCRR Part 617) ("SEQR"), requiring no further SEQR review; and be it further

RESOLVED by the Town Board of the Town of Germantown that Local Law No. 1 of 2021 is hereby adopted, subject to a mandatory referendum to be held at a Special Election by the Town of Germantown on June 19, 2021 from 9 a.m. to 3 p.m. at the Kellner Community and

Youth Activity Building, 54 Palatine Park Road, Germantown, NY 12526, with the following proposition to be submitted to the electors of the Town:

“SHALL Local Law No. 1 of 2021, A Local Law Eliminating the Elected Office of Superintendent of Highways and Establishing the Appointed Office of Superintendent of the Department of Public Works, as adopted by the Town Board of the Town of Germantown, BE APPROVED?”

And be it further

RESOLVED that Town Board shall appoint the election inspectors and ballot clerks for the Special Election at a later date; and be it further

RESOLVED that the Town Clerk, with advice from the Attorney for the Town, is hereby authorized and directed to submit and certify the above proposition and abstract, substantially in the form attached hereto, to the Columbia County Board of Elections and publish notice of said Special Election in the Register Star, on the Town’s website, and on the Town’s signboard at least 10 days prior to the Special Election.

Introduced by Councilman Sullivan

Seconded by Councilmember Suarez

The question of the adoption of the foregoing Resolution was duly put to vote, which resulted as follows:

Supervisor Beaury	Aye
Deputy Supervisor Sullivan	Aye
Councilmember Christian	Aye
Councilmember Kukon	Aye
Councilmember Suarez	Aye

This Resolution having been approved by a majority of the Board, the same was declared duly adopted.

- Motion to adopt Website Resolution (CSC).

**TOWN BOARD  
TOWN OF GERMANTOWN  
COLUMBIA COUNTY**

Dated: April 13, 2021

**Resolution in Support of the  
Establishment of a Stand-Alone Website for the Climate Smart Communities Task Force**

Whereas the Town of Germantown has passed the Climate Smart Communities Pledge Resolution and created the Town of Germantown Climate Smart Communities (CSC) Task Force; and

Whereas the Town of Germantown’s CSC Task Force seeks to educate the public and facilitate ways for the public to participate in climate action; and

Whereas the topics related to the CSC Task Force’s work entail frequent updates and fresh content, stating goals and providing updates on progress towards those goals; and

Whereas “Pledge Element 9.4: Local Climate Action Website”, an action of NY State’s Climate Smart Communities program, is to create a “local climate action” website or web pages;

Now therefore be it hereby resolved that the Town Board of Germantown approves the CSC Task Force’s creation and management of a stand-alone website devoted to the Task Force’s work on actions related to NY State’s Climate Smart Communities certification; and

Be it further resolved that the Town Board of Germantown approves an annual recurring expense of webhosting and domain registration of approximately \$150; and

Be it further resolved that the Town's official website will have a link to this stand-alone website.

On a motion by Councilmember Suarez and seconded by Councilman Sullivan and having been approved by a majority of the Board, this Resolution was declared duly adopted by the Town of Germantown Town Board.

- Motion to adopt Benchmarking Resolution (CSC)

**TOWN BOARD  
TOWN OF GERMANTOWN  
COLUMBIA COUNTY**

Dated: April 13, 2021

**RESOLUTION ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR  
CERTAIN MUNICIPAL BUILDINGS**

**WHEREAS**, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings, for the exact same building use; and

**WHEREAS**, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Germantown can make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

**WHEREAS**, the Town of Germantown desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Germantown and

**WHEREAS**, the Town of Germantown desires to establish procedures or guidelines for the Town of Germantown staff to conduct such Building Energy Benchmarking; and

**NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED**, that the following specific policies and procedures are hereby adopted;

**BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES**

**§1. DEFINITIONS**

(A) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) "Commissioner" shall mean the head of the Department.

(4) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the Town of Germantown that is 1,000 square feet or larger in size.

(5) “Department” shall mean the Office of the Supervisor.

(6) “Energy” shall mean, but is not limited to, electricity, natural gas, propane, steam, hot or chilled water, diesel fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Germantown Town Board” shall mean the Town Board.

(10) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

## **§2. APPLICABILITY**

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

## **§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS**

(1) No later than May 1 every year, the Commissioner or his or her designee from the Department or Climate Smart Community Task Force, shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

## **§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION**

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year no later than September 1 of each year for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

- (b) For each Covered Municipal Building individually:
- (i) The status of compliance with the requirements of this Policy; and
  - (ii) The building address, primary use type, and gross floor area; and
  - (iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and
  - (iv) A comparison of the annual summary statistics across calendar years for all years since annual reporting under this Policy has been required for said building.

## **§5. MAINTENANCE OF RECORDS**

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

## **§6. ENFORCEMENT AND ADMINISTRATION**

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Germantown Town Board may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer or their designee shall submit a report to the Germantown Town Board including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

## **§7. EFFECTIVE DATE**

This policy shall be effective immediately upon passage.

## **§8. SEVERABILITY**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

On a motion by Councilman Christian and seconded by Councilman Sullivan and having been approved by a majority of the Board, this Resolution was declared duly adopted by the Town of Germantown Town Board.

- Motion to adopt Home Rule Resolution (Solar)

## **TOWN BOARD**

### **TOWN OF GERMANTOWN**

### **COLUMBIA COUNTY, NEW YORK**

Dated: April 13, 2021

## **RESOLUTION IN SUPPORT OF UPHOLDING LOCAL TOWN ZONING DECISIONS ON MATTERS OF ENERGY AND LAND USE**

**WHEREAS**, the Germantown Town Board identifies and fully supports the long tradition of “Home Rule,” whereby the State of New York has granted and respected the abilities of local town governments to determine the best land uses within their town borders, holding the key belief that the individuals best qualified to determine the appropriate uses of land in the community are the people who live there.

**WHEREAS**, recent decades have exhibited a worrying trend of State transmission and energy policies that significantly reduce meaningful local municipal zoning authority to identify the appropriate land uses and scale of energy development within town borders.

**WHEREAS**, actions by the State and County government to reach carbon neutrality within State borders too often prioritize energy goals and development timelines over the respect for and adherence to local zoning master plans that serve as the foundation of New York’s orderly zoning and planning processes.

**WHEREAS**, section 272-a of the New York State Town Law (“Town Comprehensive Plan”) expressly states that “(b) Among the *most important powers and duties granted by the legislature to a town* government is the authority and responsibility to undertake town comprehensive planning and to regulate land use for the purpose of protecting the public health, safety, and general welfare of its citizen” and “(f) the town comprehensive plan is a means to promote the health, safety, and general welfare of the people of the town and to give due consideration to the needs of the people of the region of which the town is a part.”

**WHEREAS**, actions to develop energy sectors, specifically but not limited to solar, in New York State and efforts to preserve open space and agricultural lands need not be mutually exclusive goals provided that local zoning decisions are heard and respected.

**WHEREAS**, the towns of Columbia County as an inherent right can “opt-out” of PILOT programs when deemed in the town’s best interest.

**NOW, THEREFORE BE IT**

**RESOLVED**, that the Germantown Town Board asks that the Columbia County IDA should not grant PILOT designation for projects within town borders when the local government of those towns have chosen to opt out.

**RESOLVED**, that the Germantown Town Board urges that Columbia County IDA PILOT grants should not be afforded to solar and other energy projects that are proposed on lands identified as valuable and sensitive through a town’s master plan.

**RESOLVED**, that the Germantown Town Board directs the Columbia County Board of Supervisors to recognize that purported economic benefits from encouraging the development of large-scale solar and other energy projects also potentially exact economic costs as well—by removing valuable agriculture and open space important to local production and tourism, and by providing tax shelters on commercial and residential properties that could be alternatively developed by the private sector with greater employment and tax benefits for local governments and their residents.

**RESOLVED**, that the Germantown Town Board urges Gov. Andrew Cuomo, the New York State Senate, and the New York State Assembly to adopt legislation which would meet the challenges of climate change without violating Home Rule and local zoning powers and which would more fairly distribute the responsibilities of confronting climate change among all communities throughout the State instead of placing a disproportionate burden on small rural towns.

On a motion by Councilman Sullivan and seconded by Councilmember Suarez and having been approved by a majority of the Board, this Resolution was declared duly adopted by the Town of Germantown Town Board.

- Motion to adopt the Unified Solar Permit Resolution (CSC) subject to review and approval of the Town Attorney.

**TOWN BOARD  
TOWN OF GERMANTOWN  
COLUMBIA COUNTY**

Dated: April 13, 2021

**RESOLUTION ADOPTING THE NEW YORK STATE UNIFIED SOLAR  
PERMIT**

**WHEREAS**, the Town of Germantown duly adopted the "NYS Fire Prevention and Building Construction" code to provide minimum requirements to safeguard the public safety; and

**WHEREAS**, the Town of Germantown Code Enforcement Officer, who administers and enforces all provisions of the New York State Uniform Fire Prevention and Building Code, the New York State Energy Code, and the Town of Germantown Code; and

**WHEREAS**, the Town of Germantown requires the issuance of a building permit for the construction, enlargement, alteration, repair, removal or demolition of any building or other structure; and

**WHEREAS**, the New York State Uniform Fire Prevention and Building Code regulates the design, construction, installation, alteration and repair of equipment and systems using solar systems; and

**WHEREAS**, the New York State Energy Research and Development Authority has developed a New York State Unified Solar Permit that reduces the cost for solar projects by streamlining municipal permitting processes: and

**WHEREAS**, the Town of Germantown desires to promote the streamlining of the application process for small-scale photovoltaic system installations under 25 kW in size by adopting the New York State Unified Solar Permit application form and implementing the new procedures,

**NOW THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Germantown hereby adopts the New York State Unified Solar Permit application form and procedures for the installation of small-scale photovoltaic systems; and it is further

**RESOLVED**, the Town of Germantown Code Enforcement Officer is hereby directed to use said New York State Unified Solar Permit application form and procedures in the issuance of building permits for the installation of small-scale photovoltaic systems; and it is further

**RESOLVED**, any further actions required of the Town of Germantown to affect the foregoing are hereby authorized and the Town Supervisor is hereby authorized to execute and deliver any instruments, documents or the like as required to effect the same.

On a motion by Councilmember Suarez and seconded by Councilman Christian and having been approved by a majority of the Board, this Resolution was declared duly adopted by the Town of Germantown Town Board subject to review and approval by the Town Attorney.

- Motion to authorize the Town Historian to file a Preserve NY Grant application made by Councilmember Suarez, seconded by Councilman Sullivan, with all in favor and none opposed.
- Motion to authorize the Supervisor to apply for grants from National Grid and NYSERDA and facilitate installation of an EV Station at Palatine Park made by Councilman Sullivan, seconded by Councilman Christian, with all in favor and none opposed.
- Motion to approve maintaining the current site of the Ernest R. Lasher, Jr. memorial and new flagpole made by Councilman Sullivan, seconded by Councilman Christian, with all in favor and none opposed.

- Appointment of Councilmember Kaare Christian as Liaison with CSC Task Force made by Councilmember Suarez, seconded by Councilman Sullivan, with all in favor and none opposed.
- Appointment of Jan Borchert, Chair of the Short-Term Rental Committee made by Councilman Christian, seconded by Councilmember Suarez, with all in favor and none opposed.
- Appointment of Thomas Shannon to the Board of Assessment Review through 9/30/24 made by Councilman Sullivan, seconded by Councilmember Suarez, with all in favor and none opposed.
- Appointment of a Planner to assist with the LWRP, subject to NYS approval. Not appointing anyone tonight, the interviews are scheduled for this week.
- Update notice of status of Town facilities 4/16/2021 – 5/15/2021. Councilmember Suarez suggested to stay the way we were approving on a case-by-case basis. Town Board agreed.

### **New Business**

- Appoint Wendy Fieser to GEDAC. Motion to appoint Wendy Fieser to GEDAC made by Councilmember Suarez, seconded by Councilman Sullivan, with all in favor and none opposed.
- Appoint Jeanette Nesel to GEDAC. Motion to appoint Jeanette Nesel to GEDAC made by Councilman Christian, seconded by Councilman Kukon, with all in favor and none opposed.
- Approve work on Dales Bridge Road not to exceed \$80,993. Supervisor Beaury said they will put this on hold until they get their letter in regard to CHIPS funding in May.
- Authorize GCS to hold Band rehearsal(s) (evenings, week of May 3<sup>rd</sup>) and performance (May 7<sup>th</sup> or 8<sup>th</sup>) at the park and pavilion. Motion to authorize GCS to hold band rehearsals at the park and pavilion on the evenings of May 3<sup>rd</sup> and performance on May 7<sup>th</sup> or 8<sup>th</sup> made by Councilmember Suarez, seconded by Councilman Kukon, with all in favor and none opposed.
- Authorize GCS to hold graduation June 26<sup>th</sup> (rain date June 27<sup>th</sup>) 8am to Noon at the park and pavilion. Motion to authorize GCS to hold graduation June 26<sup>th</sup> (rain date June 27<sup>th</sup>) 8am to Noon at the park and pavilion made by, Councilman Sullivan, seconded by Councilman Kukon, with all in favor and none opposed.
- Discuss Day Camp. Councilman Sullivan said he would like to see Day Camp open if there is a safe environment. Motion to open Day Camp subject to satisfying all safety guidelines made by Councilman Sullivan, seconded by Councilman Kukon, with all in favor and none opposed.
- Discuss Independence Day. Supervisor Beaury said tentative date is July 10<sup>th</sup>. Town Board will discuss more at the May meeting.

### **Supervisor's Report**

- River Sweep, Saturday, May 1<sup>st</sup> 9-12
- Town-wide Yard Sale, May 15<sup>th</sup>
- Garden Club Plant Sale, May 15<sup>th</sup> 8:00am- 2pm

- Farmer's Market, planning in progress
- Memorial Day, planning in progress. Final plan at the May meeting.
- Next meeting May 11, 2021 @ 7pm.

### **Comments from Councilmembers**

There were no comments.

### **Comments and questions from the public limited to those received in writing before the meeting, and may be submitted via email to [Townboard@germantownny.org](mailto:Townboard@germantownny.org)**

Martin Overington said thank you Germantown for the 21 years of River Sweep. Meeting at Lasher Park at 9:00am.

Emma Davidson commented on the noise going on at the school before 8am on weekdays. Supervisor Beaury said to attend the school board meeting held on the 2<sup>nd</sup> Wednesday of the month.

Motion to go into Executive Session to discuss Personnel matters and current or potential litigation at 7:26pm made by Councilman Sullivan, seconded by Councilman Kukon, with all in favor and none opposed.

Motion to exit Executive Session at 8:25pm made by Councilman Sullivan, seconded by Councilmember Suarez, with all in favor and none opposed.

The Town Board talked with Dale Hinkein (who was in the waiting room) about how they voted earlier in the evening to keep the memorial where it is and to go ahead and install the new flag at the memorial at Ernest R. Lasher, Jr. Memorial Park.

Motion to adjourn the meeting made by Councilman Sullivan, seconded by Councilmember Suarez, with all in favor and none opposed.

Meeting closed at 8:30pm.

Respectfully submitted,