

Minutes of May 11, 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 April 13, 2021 workshop minutes, the April 13, 2021 public hearing minutes and the April 13, 2021 regular meeting minutes made by Councilman Kukon, seconded by Councilmember Suarez, with all in favor and none opposed.

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

#### **Written Communications to the Town Clerk**

Town Clerk received a resignation from Jami DelPozzo as Secretary to the Planning and Zoning Board effective April 17, 2021. Letter will be on file in the Town Clerk's office

Finance update. Supervisor Beaury said we are in good shape. The town should get a stimulus payment in the amount of \$200,000. The Guidance we received allows for spending the money on water, sewer and broadband infrastructure. Further guidance is expected. The money will be placed in a separate account and needs to be used by December 31, 2024.

#### **Old Business**

- EV Station at Town Hall update. Councilman Christian and Supervisor Beaury met with Plug In. The spot they chose for the EV Station was right behind the beach house pending approval from National Grid. Our out-of-pocket cost will be \$197.00
- Resolution Establishing Town of Germantown Tobacco-Free Parks.

### **TOWN BOARD**

#### **TOWN OF GERMANTOWN COLUMBIA COUNTY, NEW YORK**

**Dated: May 11, 2021**

#### **RESOLUTION ESTABLISHING TOWN OF GERMANTOWN TOBACCO-FREE PARKS**

WHEREAS, The Town Board of the Town of Germantown believes it is in the public interest to adopt a Resolution prohibiting smoking or other use of Tobacco Products in any of our Parks; and

WHEREAS, for purposes of this Resolution, "Tobacco Products" means all manufactured products containing tobacco or nicotine, including cigarettes, cigars, pipe tobacco, chew, electronic cigarettes, all other vaping products and nicotine delivery systems and devices; and "Smoking" means inhaling, exhaling, burning, vaping, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco, nicotine, or plant product intended for inhalation, in any manner or in any form; and

WHEREAS, smoking is responsible for the premature deaths of over 450,000 Americans each year from lung cancer, heart disease, respiratory illness, and other diseases; and

WHEREAS, children exposed to secondhand smoke are more likely to have reduced lung function and symptoms of respiratory irritation; and

WHEREAS, children with asthma who are exposed to secondhand smoke are especially at risk for having their condition worsened by secondhand smoke; and

WHEREAS, Secondhand smoke is responsible for over 50,000 deaths among nonsmokers each year; and

WHEREAS, 90% of smokers started smoking by or before the age of 18, and the average initiation age is 13 years old; and

WHEREAS, every day an estimated 3,900 young people under the age of 18 try their first cigarette and one-third of these children will die prematurely from tobacco related illnesses; and

WHEREAS, e-cigarettes and vaping are designed to deliver nicotine, a highly addictive drug; and

WHEREAS, e-cigarettes and vaping are the most common nicotine products used by teens; over 27% of high school students in New York use some form of e-cigarette; and

WHEREAS, nicotine exposure causes changes in the developing brain that affect learning, attention, and susceptibility to other addictions; and

WHEREAS, to help role model non-smoking behavior to children and youth; to provide children, youth, and their families with a safe, smoke-free environment;

THEREFORE, the Town of Germantown resolves:

THAT in Town Parks (or: playgrounds, ballfields, beaches, recreation areas) appropriate signage will be posted designating the parks tobacco-free and e-cigarette-free zones.

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.

- Resolution appointing Poll workers for the Special Election on June 19, 2021.

TOWN BOARD  
TOWN OF GERMANTOWN  
COLUMBIA COUNTY, NEW YORK

RESOLUTION APPOINTING PERSONS TO ACT AS ELECTION INSPECTORS AND  
BALLOT CLERKS AT THE SPECIAL ELECTION ON JUNE 19, 2021

Dated: May 11, 2021

**WHEREAS**, on April 13, 2021, the Town Board of the Town of Germantown adopted 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; and

**WHEREAS**, a public hearing was duly noticed and held on April 13, 2021, during which time members of public had to 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; and

**WHEREAS**, it was **RESOLVED** by the Town Board of the Town of Germantown that Local Law No. 1 of 2021 be 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 the following persons shall act as election inspectors and ballot clerks at the Special Election:

Jo Hills	Auna Geraghty
Teresa Repko	Terry Tunstill
Jaia Orient	Zachary Moore

Such inspectors and ballot clerks will be paid \$16.50 per hour and work from 8:30 a.m. until voting is completed, the vote is counted, and the ballots secured.

Introduced by Councilmember Suarez

Seconded by Councilman Sullivan

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

Supervisor Beary	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.

- Resolution appointing Alta Planning and Design, Inc. as Planner to assist with obtaining LWRP status for the Town.

TOWN BOARD

TOWN OF GERMANTOWN  
COLUMBIA COUNTY, NEW YORK

Dated: May 11, 2021

### **RESOLUTION AWARDING CONTRACT FOR PLANNING SERVICES FOR LWRP**

**WHEREAS**, the Town was awarded a grant by the New York State Department of State under Title 11 of the Environmental Protection Fund to develop an LWRP; and

**WHEREAS**, the Town of Germantown issued a Request for Proposals (“RFP”) for Planning Services on the Local Waterfront Revitalization Program (the “Project”); and

WHEREAS, sealed proposals for the Project were publicly opened and read on March 26, 2021, with proposals being received from 10 firms; and

WHEREAS, the Town's Local Waterfront Revitalization Program Committee reviewed all proposals submitted, conducted interviews, and made a recommendation to the Town Board.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Germantown:

1. That the contract for planning services on the LWRP is hereby awarded to Alta Planning + Design, Inc. in accordance with its proposal dated March 26, 2021 and subject to the RFP and New York State Department of State approval; and

2. That the Supervisor be, and he hereby is, authorized to issue the Notice of Award to Alta Planning + Design, Inc. and execute a contract for such Project in the form to be drafted and approved by the attorney for the Town.

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.

- Resolution to place recycling bins in Town-owned buildings (CSC)

**TOWN BOARD  
TOWN OF GERMANTOWN  
COLUMBIA COUNTY, NEW YORK**

**Dated: May 11, 2021**

**RESOLUTION ESTABLISHING TOWN OF GERMANTOWN RECYCLING BINS IN MUNICIPAL BUILDINGS**

WHEREAS, The Town Board of the Town of Germantown believes it is in the public interest to adopt a Resolution establishing a policy to place recycling bins in all buildings owned by the municipality; and

WHEREAS, increasing the rate of recycling reduces energy use and makes efficient use of limited resources; and

WHEREAS, people are more likely to recycle when it is easy and convenient; and

WHEREAS, if government employees must go out of their way to recycle an item, they are more likely to dispose of it in the trash than to go to another location to recycle it; and

WHEREAS, placing recycling bins next to all trash receptacles makes recycling easier, provides a visual reminder to recycle items when possible, and reminds employees that they work for a government that is committed to the goals of the Climate Smart Communities (CSC) program;

THEREFORE, the Town of Germantown resolves to adopt the following policy:

THAT, the recycling bins will be placed in town-owned buildings wherever there is a trash bin; and

FURTHER, THAT such recycling bins will be placed in all common areas of town-owned buildings.

On a motion by Councilman Christian 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.

- Resolution to place recycling bins at the Town Ballfield, Playground and at Special Events at Town venues (CSC)

**TOWN BOARD  
TOWN OF GERMANTOWN  
COLUMBIA COUNTY, NEW YORK**

**Dated: May 11, 2021**

**RESOLUTION ESTABLISHING TOWN OF GERMANTOWN RECYCLING BINS IN MUNICIPAL  
BALLFIELD AND PLAYGROUND and AT TOWN VENUES DURING SPECIAL EVENTS**

WHEREAS, The Town Board of the Town of Germantown believes it is in the public interest to adopt a Resolution establishing a policy to place recycling bins next to trash receptacles at the Town Ballfield and Town Playground and at any Town venue during special events; and

WHEREAS, increasing the rate of recycling reduces energy use and makes efficient use of limited resources; and

WHEREAS, people are more likely to recycle when it is easy and convenient; and

WHEREAS, if people must go out of their way to recycle an item, they are more likely to dispose of it in the trash than to go to another location to recycle it; and

WHEREAS, placing recycling bins next to all trash receptacles makes recycling easier, provides a visual reminder to recycle items when possible, and reminds people that we must all contribute to preserving the environment and that the Town of Germantown is committed to the goals of the Climate Smart Communities (CSC) program;

THEREFORE, the Town of Germantown resolves to adopt the following policy:

THAT, the recycling bins will be placed next to all trash receptacles at the Town Ballfield and Town Playground and at any Town venue during special events.

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 approve placing the six-wheel dump truck and shack (at Lasher Park) on the auction site.

Motion to approve placing the six-wheel dump truck and the shack at Lasher Park on the auction site made by Councilman Sullivan, seconded by Councilman Kukon, with all in favor and none opposed.

- Update notice of status of Town facilities 5/16/2021 – 6/15/2021. Town Board will discuss in 30 days.
- Discussion/Decision regarding Day Camp. Supervisor Beaury will send the list to the Town Board. Councilman Sullivan is not voting at this time, he would like to see what the other towns are doing. Councilmember Suarez agreed, she thinks there should be limited capacity. Councilman Christian. Councilman Sullivan suggested a Special Town

Board meeting. Town Board agreed Special Town Board meeting will be held May 25, 2021 at 7:00pm. Notice will be posted.

- Discussion/Decision regarding Independence Day festivities. Supervisor Beaury said we would have to follow the guidelines that stadiums are following. Supervisor Beaury “no” vote, Councilman Kukon “no” vote, Councilman Sullivan “no” vote, Councilman Christian “no” vote.

Motion to cancel Independence Day Celebration for 2021 made by Councilman Sullivan, seconded by Councilman Christian, with all in favor and none opposed.

### **New Business**

- Appoint Desiree Webber secretary to the Planning Board and ZBA and as required.

Motion to appoint Desiree Webber secretary to the Planning Board and ZBA made by Councilman Sullivan, seconded by Councilmember Suarez, with all in favor and none opposed.

- Approve three requests to hook into the sewer system: 159 Maple Ave, 4328 Route 9G, and the lot just North of Valley Harvest.

Motion to approve three requests 159 Maple Ave, 4328 Route 9G and the lot just north of Valley Harvest to hook into the sewer system made by Councilman Sullivan, seconded by Councilman Kukon, with all in favor and none opposed.

- Authorize the Supervisor to submit a Grants Gateway Registration.

Motion to authorize the Supervisor to submit a Grants Gateway Registration made by Councilmember Suarez, seconded by Councilman Christian, with all in favor and none opposed.

- Authorize the Supervisor to submit a Climate-adaptive Design (CaD) Studio Application.

Motion to authorize the Supervisor to submit a Climate-adaptive Design (CaD) Studio Application made by Councilman Christian, seconded by Councilman Sullivan, with all in favor and none opposed.

### **Supervisor’s Report**

- Mooring on the Hudson River, Update. Supervisor Beaury and Councilman Christian met with the operator of the tugboat barge company. Supervisor Beaury said originally was said to place at 150 yards but it was 930’. Supervisor Beaury talked to the owner and asked if he would consider moving it further away from Germantown, the owner said he would consider it. Supervisor Beaury and Councilman Christian met with him again and told them they could move the barge to 3,000’ from the dock. He will keep in touch after talking with the Army Corps of Engineers. Jan Borchert received an email with the change of 2,000’. Supervisor Beaury said that the 930’ was added to the 2,000’ giving 3,000 as a total. Supervisor Beaury explained the barge had to be positioned in a certain place and not in the channel. There was more discussion on the location and safety. Judy Bernstein said she would rather not see the barges moored. Judy asked how common the moorings are? Supervisor Beaury said he was not sure, but they had to be close to where they load and unload. Supervisor Beaury added that we do not have jurisdiction on the River.
- River Sweep, Saturday, May 1<sup>st</sup>, 9-12pm- Thank you. Martin Overington reported that half ton of garbage, 6 tires, a TV and chairs were collected. Martin said it was a great success and there were 40 volunteers. The Boy Scouts cleaned up at Dales Bridge. Supervisor Beaury thanked everyone that participated.
- Town-wide Yard Sale, May 15<sup>th</sup>.
- Garden Club Plant Sale, May 15<sup>th</sup>
- GCS annual Vote, May 18<sup>th</sup>, noon to 9pm at the Activity Building.

- Grievance Day, Tuesday May 25<sup>th</sup>, 2-4pm and 6-8pm, at the Activity Building.
- Farmer's Market, Update. Supervisor Beaury said a diagram of the vendor set-up was sent to the Town Board. Farmer's Market will be held Saturday, May 22<sup>nd</sup>.
- Memorial Day, Update. A parade will be held on Memorial Day. Masks and social distancing are required. The Fire Department asked if they could use the kitchen in the Activity Building to cook hot dogs. The Town Board ok'd the request.
- Blood Drive, June 1<sup>st</sup> times to be determined at the Activity Building.
- Next meeting is June 8, 2021, at 7:00pm and the Special Town Board meeting is on Tuesday, May 25, 2021 at 7:00pm.

### **Comments from Councilmembers**

Councilman Sullivan asked how the Drama Club event went? Supervisor Beaury commented it went well.

Councilmember Suarez said Town Wide Yard Sale is 9:00am to 4:00pm over 60 yards are signed up.

Councilmember Suarez asked what time is the parade held? Supervisor Beaury said typically 10am.

Councilmember Suarez mentioned that Bill Rosado and the Boy Scouts asked to use the platforms at Dales Bridge for a camping trip. Martin Overington said that is what they are there for. Town Board ok'd this.

### **Comments and questions from the public**

Jan Borchert is concerned of the way his road is spelled. At one place the spelling is Roundtop and the is Round Top. Jan was curious who made the street signs.

Martin Overington is concerned about the barges and their locations.

Motion to go into Executive Session to discuss personnel matters and current or potential litigation at 8:05pm made by Councilman Sullivan, seconded by Councilman Kukon, with all in favor and none opposed.

Motion to exit Executive Session at 8:41pm made by Councilman Sullivan, seconded by Councilmember Suarez, with all in favor and none opposed.

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

Meeting closed at 8:42pm.

Respectfully submitted,