

Minutes of November 9, 2021 Germantown Town Board meeting, held in the Germantown Town Hall, 50 Palatine Park Road, Germantown, New York and via Zoom, commencing at 6:48pm.

Present: Supervisor Beaury
Councilman Sullivan
Councilman Kukon
Councilmember Suarez
Councilman Christian

Town Attorney, Corinne Smith

Recorded by: Town Clerk, Joyce Vale

Supervisor Beaury welcomed everyone and then Led with the Pledge to the Flag.

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

Motion to approve the October 12, 2021 regular meeting minutes made by Councilman Kukon, seconded by Councilman Christian, with all in favor and none opposed.

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

Written Communications to the Town Clerk

Town Clerk received a resignation from Mattie Gifford as Deputy Town Clerk, effective immediately.

Presentation regarding the NYS Stretch Code

Michael DeWein started his presentation by stating adopting the NYStretch code to reduce energy consumption, operating and utility costs and greenhouse emissions and the Clean Energy Communities designation is not required. Michael said a Climate Smart Community gains 1,200 points if it adopts the NYStretch code and also receives \$5,000 provided this code is adopted and takes effect by December 31, 2021. Michael explained that NYStretch Energy Code is made possible by Article 11 of NYS Energy Law since 1979. Councilman Sullivan asked if NYS was adopting this code? Michael answered NYS is not adopting this statewide and this code will be different than the next code to be adopted by NYS. Councilmember Suarez asked why is it different? Michael said that certain requirements that are different and they don't know if there will be additional requirements added. Christina Bohnsack asked for Michael to explain more about the difference. Michael said CEOs with their annual training learn to use the compliance tools. Give Mike a call with any questions.

- Motion to adopt Final budget (FY 2022).

Motion to adopt 2022 Budget made by Councilman Kukon, seconded by Councilman Sullivan, with all in favor and none opposed.

- Local Law No. 1 of 2021- Solar Energy and Battery Energy Storage System Local Law. CC Planning Board comments. The Columbia County Planning Board had no comments. Recommended. The Germantown Planning Board comments were referred to and the town Attorney explained that these comments were already covered in the draft or not required to be in the law.

SEQR, parts 2-3. Corinne said part of the zoning and subdivision still apply. SEQR Part 2 & 3. All 18 questions need to be answered "yes" 1-5-7-10. Part 3 conclusion of EAF.

- Resolution

Supervisor Beaury read the following resolution:

TOWN OF GERMANTOWN
COLUMBIA COUNTY, NEW YORK
RESOLUTION ADOPTING LOCAL LAW

Dated: November 9, 2021

WHEREAS, Local Law No. 1 of 2021, providing for a local law revising the Zoning and Subdivision Law for the Town of Germantown to regulate Solar Energy and Battery Energy Storage Systems and amending Schedule A: Permitted Uses, 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, the proposed local law is in conformance with the Town's Comprehensive Plan last revised in 2018, which recommends adoption of a local law to regulate solar energy generating facilities;

WHEREAS, adoption of the proposed local law will not require permits or approval from any other local, regional, or state agency; and

WHEREAS, the Town Board declared itself lead agency, and as there were no other involved agencies, no coordinated review was required under the New York State Environmental Quality Review Act ("SEQR"); and

WHEREAS, the Town Board completed parts 1, 2 and 3 of the Full EAF, determined the significance of the proposed action pursuant to SEQR, 6 NYCRR § 617.7, and set forth its determination and its reasoning therefor; and

WHEREAS, the Town Board referred the proposed local law to the Town Planning Board for a report thereon, which report was taken into account; and

WHEREAS, the Town Board referred the proposed local law to the Columbia County Planning Board pursuant to Section 239-m of the General Municipal Law. The Columbia County Planning Board responded on October 19, 2021 that this proposed action has no significant county-wide or intercommunity impacts associated with it and that the Town Board may take final action with a simple majority vote; and

WHEREAS, a public hearing was duly noticed and held on November 9, 2021, during which time members of public had the opportunity to submit oral and written comments on the local law; and

WHEREAS, the Town Board, after due deliberation, finds it in the best interest of the Town to adopt said local law.

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

1. Pursuant to SEQR, the Town Board adopts the negative declaration attached to this resolution finding that this project will not result in any significant adverse impacts on the environment, and therefore, an environmental impact statement need not be prepared;
2. That the Attorney for the Town is hereby authorized and directed to send a copy of the Notice issuing a negative declaration to the Environmental Notice Bulletin;
3. That the Town Board hereby adopts said Local Law No. 1 of 2021; and
4. That the Town Clerk is hereby authorized and directed to enter said local law in the Germantown Zoning & Subdivision Law; to give due notice of the adoption of said local law to the Secretary of State; to forward a copy of said local law to the Town Code Enforcement Officer, Town Planning Board, and Town Zoning Board; and to file a report of the final action with the Columbia County Planning Board within thirty days.

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.

- Resolution regarding the Mooring proposal.

Supervisor Beaury asked Councilman Christian to read the following Resolution:

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

RESOLUTION OPPOSING THE PROPOSED GERMANTOWN MOORING

Dated: November 9, 2021

WHEREAS, Germantown has recently been notified by the Army Corps of Engineers (ACOE) of a permit application by New York State Marine Highway Transportation, LLC (MHT) to site a commercial mooring for up to three barges, in the Hudson, south of Ernest R. Lasher Jr. Memorial Park; and

WHEREAS, the ACOE is currently holding a public comment period, NAN-2021-00296-USH, in which they have requested comments from “Federal, state, and local agencies and officials”; and

WHEREAS, if implemented, the proposed mooring and related tug activity may interfere with boating associated with the New York State Boat Launch at Lasher Park, may delay or complicate first responder’s marine responses and training at Lasher Park, and may possibly cause bank erosion at Lasher Park; and

WHEREAS, if implemented, the proposed mooring will complicate the efforts of the committee that is developing our Local Waterfront Revitalization Program (LWRP) and its Harbor Management Plan (HMP), and in the future the proposed mooring may possibly conflict with our adopted LWRP and HMP; and

WHEREAS, the proposed mooring will negatively impact the access to and usage of the river, a beautiful and treasured resource which we see as important to the future of Germantown; and

WHEREAS, the applicant has not produced any studies or documents that show what alternative solutions were investigated, has not produced any study that shows a conclusive need for the mooring, and has not produced a study demonstrating that the mooring’s operation is compatible with safety, boating, and bank stability at Lasher Park; and

WHEREAS, we strongly support the Hudson Valley’s two leading environmental organizations, Riverkeeper and Scenic Hudson, who both oppose the mooring plan; and

WHEREAS, we strongly support barge operations in the Hudson, including those of nearby sand and gravel operations, and cement operations, because of their many environmental and economic benefits; and

WHEREAS, by letter dated October 5, 2021, the Town’s Supervisor requested a public hearing on the application and a second 30-day public comment period following the public hearing, which, as of this date, has not been granted or responded to; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Germantown, on behalf of our community members, and in accordance with the Town’s interests, does respectfully ask the ACOE to reject MHT’s application for a mooring permit; and

BE IT FURTHER RESOLVED that if the ACOE does decide to issue a mooring permit for MHT, we respectfully urge the ACOE to limit that permit to a period of five years, to give the Town's LWRP and HMP time to be adopted.

Introduced by Councilmember Suarez

Seconded by Councilman Christian

The question of the adoption of the foregoing Resolution was duly put to a 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.

Joyce Vale, Germantown Town Clerk

New Business

- Discussion regarding the amended zone map. Corinne said the steps to adopt the zoning map requires the usual steps including SEQR then Columbia County Planning Board review then Germantown Planning Board review. Corinne also said a Local Law was adopted in 2013 but no map was attached to the document, and she recommended adopting a new Local Law extending the HMU to Hover Ave. Supervisor Beaury said the HMU was extended in 2013 and is reflected in the minutes. Corinne said legally they did extend it but was never filed with Town Clerk. Councilman Sullivan said the new zone map should show all the parcels included in that district. Supervisor Beaury suggested working on this in early 2022 instead of trying to get it done by year-end so that the people to have a voice. The Board agreed to table this.
- Discussion regarding the NYS Stretch Code. Councilman Sullivan was under the impression the code had to be adopted. Councilmember Suarez said it will give the Town the chance to move in the right direction. Supervisor Beaury said they will need enough time on this matter and the Town Board should give the people opportunity to talk about this. Councilmember Suarez said there would be a long-term benefit. Supervisor Beaury said the CEO would prefer we didn't do this and that no other towns in Columbia County have done this and he thinks this is not fair to rush a change to zoning that will increase costs for building. Councilman Christian thinks this will help people do the lower energy bills for life and he thinks 7 weeks is enough time to look into it. Supervisor Beaury opposes telling people about increase before NYS adopts the Stretch Code. Councilman Kukon talked with our CEO who is opposed to adopting this and also pointed out that no other communities in Columbia County have done this. Councilmember Suarez said that Philmont and Chatham are doing this. Councilman Sullivan wants to know how the public feels about this and asked for a Public Hearing on this matter.
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- Town Board voted.

Councilmember Suarez voted for the Public Hearing on December 14, 2021. Supervisor Beaury, Councilman Kukon and Councilman Sullivan all voted against having the Public Hearing in December 2021.

Discussion about having the Public Hearing on January 11, 2022.

Motion to set Public Hearing for NYS Stretch Code for January 11, 2022 at 6:00pm made by Councilman Sullivan, seconded by Councilmember Suarez, with all in favor and none opposed.

- NYS Park Service Save America's Treasures Grant- Parsonage. Supervisor Beaury asked Councilman Christian to explain this. The Town will have to match the grant for the Parsonage roof. Supervisor Beaury said there is money in the budget for the Town Hall roof and any grant money for the parsonage roof is welcome. Councilman Christian said the deadline is December

14th and dollar for dollar not matched with federal funds. Councilmember Suarez said she will contact Tom Shannon and tell him the Board approves his applying for this grant.

Supervisor's Report

- Solar projects in Clermont and Claverack. 3 meg in Clermont and 5 meg in Claverack.
- Results- Library's 5K Run on Sunday, November 7, 2021. Councilman Sullivan said there were 78 participants and there were two kids runs.
- Next meeting is December 14, 2021 at 7pm. The Year-End meeting will also be held on December 14, 2021 following the monthly Town Board meeting.
- Year end meeting December 28, 2021. Canceling this meeting date; moved to December 14, 2021.

Comments from Councilmembers

Councilmember Suarez mentioned the Winter Stroll- Germantown Glow happening on December 11, 2021, rain date is December 12, 2021.

Comments and questions from the public

Martin Overington thanked the Town Board for the good debate. Martin wishes Supervisor Beaury well and that he did a great job as supervisor. Martin also mentioned that the flagpole and walkway look great.

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

Meeting closed at 8:18pm

Respectfully submitted,