

Minutes of August 2, 2022, Germantown Town Board meeting, held in the Germantown Town Hall, 50 Palatine Park Road, Germantown, New York and via Zoom, commencing at 6:35pm.

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

Recorded by: Town Clerk, Joyce Vale

Supervisor Helsley opened the meeting and Led with the Pledge to the Flag.

Motion to approve the July 12 public hearing and July 12 Board meeting minutes made by Councilman Kukon, seconded by Councilmember Suarez, with all in favor and none opposed.

Motion to pay the audited bills for August 2022 once the abstract is completed made by Councilmember Suarez, seconded by Councilman Sullivan, with all in favor and none opposed.

**Written communications to the Town Clerk**

Town Clerk received monthly reports from the Highway Superintendent and from the History Department.

AUGUST MONTHLY REPORT

- 1-CLEANED UP AROUND POND BY DOG PARK
- 2-WORKED ON TRAILS IN PARK
- 3-FINISHED THIS ROUND OF MOWING SHOULDERS
- 4-HAD SOME TREES AND LIMBS COME DOWN ON ROADS AND PARK DURING JULY 12 STORM
- 5-DITCHED DOWN BY BALLFIELD
- 6-BROOMED ROADS THAT WHERE OIL AND STONED
- 7-HARLEY RAKED BALLFIELD CLAY
- 8-SENT OUT FUEL INVOICES TO SCHOOL AND FIRE COMPANY
- 9-SOMEONE SHOULD MAKE IT CLEAR TO THE BOATERS THAT USE ANCHORAGE AS TO WHY WE ARE NOT DOING ANYTHING ABOUT THE LIGHTING THERE, ITS NOT BECAUSE WE DONT WANT TO ITS BECAUSE WE CAN NOT BECAUSE D.E.C STATES THAT IT DOES NOT PROVIDE LIGHTING AT ANY OF THERE BOAT LAUNCH.

ANTHONY CIDRAS  
HIGHWAY SUPERINTENDENT

Councilmember Suarez read item 9 from Anthony's report: Someone should make it clear to the boaters that use Anchorage as to why we are not doing anything about the lighting there, it's not because we don't want to it's because we cannot because DEC state that is does not provide lighting at any of their boat launches.  
Discussion on the lighting at Lasher Park. Councilman Christian mentioned the erosion at the driveway entrance that Anthony doesn't want to fix and DEC has let it go and it keeps getting worse.

History Advisory Committee  
August 27, 2022

Attendance: Tony Albino, Donald Dubac, Jack Willoughby, Alvin Sheffer, Richard Coons, Tom Shannon

- Tom submitted letters of intent for four, standard NYS style historic markers and one Legends and Lore marker from the William G. Pomeroy Foundation. Pomeroy gave the green light to submit full applications for the four regular markers. Deadline is Oct. 1<sup>st</sup>. Still waiting for word on the Legends and Lore marker. See below for proposed texts and Pomeroy's initial feedback.
- Use of the Columbia County Historical Society re-grant money: Tom proposed using the \$250 and an additional \$50 to subscribe to ArchivesSpace. This will give the History Department a way to catalog all of the physical collections and papers and make the index easily available to the public.
- Volunteers including Rich Coons, Alvin Sheffer, Jack Willoughby, Marisa Hayes, Lauren Williams, and Phil Williams cleaned the gravestones behind the Livingston Memorial Chapel in Linlithgo in just an hour and a half on Sunday, August 21<sup>st</sup>. We have 12 gallons of D-2 biological solution on hand as of Aug. 27<sup>th</sup>.
- Methodist Cemetery on Camp Creek Road: Tom and Rich cleaned all of the gravestones over several days in early August. When the cleaning was finished, the owners of the parsonage, church, and cemetery arranged to have their work crews stand up almost all of the 50 gravestones that had previously fallen over. Tom will arrange for a formal thank you letter and recognition.
- NYS Historic Signs maintenance: 27 signs in Germantown, Livingston, and Clermont have been repainted so far this summer. The total cost is still under \$200. See attached excel sheet.
- Tom will reach out to Rev. Jackie Jefferson about doing a cemetery cleaning at the Second Lutheran Cemetery next to the Church in Viewmont.
- Pomeroy grant: Tom also submitted a grant request to the Pomeroy Foundation for approximately \$1,600 to cover the cost of 40 more gallons of D-2 biological solution for cemetery cleanings next year.
- Recent donations: Mary Howell donated some additional local history books from her collection. Alvin Sheffer donated four local history books, several historic photographs, and three gallons of D-2 biological solution to cover what was used at the Livingston Memorial Chapel. Mary Lou Fink donated historic photos, papers and a commemorative plate of the Parsonage done for the Ekerts in the 1950's.
- Events: History Kayak/Canoe Tour Sept. 10<sup>th</sup> at 12:30pm. Rain Date of Sept. 11<sup>th</sup> at 12:30pm. This is part of the Hudson River Valley Ramble. Will start at Cheviot and go up to the mouth of the Roe Jan and back. This is just about full as Aug. 27<sup>th</sup>.
- Legends around the East Camp-fire, Path Through History Weekend, Saturday, October 8<sup>th</sup>, 4PM to 9PM, at the Parsonage. Campfire, house tours, cornhole boards, etc. Jack brought up the possibility of serving food at this event. Tom will look into few options.
- Palatines to America New York Chapter meeting in Little Falls, NY, October 1<sup>st</sup>, 1PM. Hybrid meeting. Speaker will Ginny Rogers of the Little Falls Historical Society. Her talk is entitled: "Palatine Germans in Search of a Land to Call Home."
- Work parties as needed in mid-September to clean gravestones at the Lutheran cemetery in Viewmont.
- Rezoning Committee: Tony discussed the new Zoning Committee. Tom will get Tony a map and descriptions of all the known cemeteries, a scanned copy of the 1973 Comprehensive Plan, and the list of 70+ historic sites generated recently for the Columbia County Historians mapping project.

## **Old Business**

- Kellner Activity Building- Approval of concept drawings (if updates are received prior to the meeting) and have Delaware Engineering prepare a proposal for developing construction drawings and project management. Supervisor Helsley said Delaware Engineering is working on the revisions, should have by the end of the week.
- Local Law No.1- Extension of HMU and updating permitted use table. Corinne said on Part 2 of the EAF she answered “no” to questions 1-18. Town Board agreed.

Motion determining that this action will result in no significant adverse impacts on the environment and therefore an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued, and further authorizing the Supervisor to sign Part 3 of the EAF made by Councilman Sullivan, seconded by Councilman Christian, with all in favor and none opposed.

Supervisor Helsley will sign.

Type I Corinne will publish the notice and SEQRA is complete.

Supervisor Helsley read the following Resolution adopting Local Law No.1 of 2022:

TOWN BOARD  
TOWN OF GERMANTOWN  
COLUMBIA COUNTY, NEW YORK

RESOLUTION ADOPTING LOCAL LAW 1-22

**WHEREAS** Local Law No. 1 of 2022 providing for a local law revising the Zoning Map to extend the Hamlet Mixed-Use zoning district, 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 hearings were duly noticed and held on May 10, 2022, June 14, July12, and August 2 during which time members of public had the opportunity to submit oral and written comments on the local law; and

**WHEREAS** the Town Board referred the local law to the Columbia County Planning Board pursuant to General Municipal Law § 239-m resulting in a recommendation dated April 19, 2022 that the proposed action has no significant county-wide or intercommunity impacts associated with it. Therefore, the Town of Germantown Town Board may take final action with a simple majority vote; and

**WHEREAS** the Town Board referred the local law to the Town of Germantown Planning Board for a report and recommendation thereon pursuant to Town of Germantown Zoning and Subdivision Law Article XVI, section B(2); and

**WHEREAS** the Town Board carefully considered current vehicular parking and pedestrian walkways in the expanded HMU district and determined that no additional revisions to the Zoning and Subdivision Law were needed at this time; and

**WHEREAS** the Town Board has determined that the proposed legislative action is a Type I action pursuant to Article 8 of the Environmental Conservation law of the State of New York, and the regulations promulgated thereunder at 6 NYCRR 617 (“SEQRA”); and

**WHEREAS** the Town Board, as Lead Agency has completed the SEQRA process which has resulted in a Negative Declaration.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Germantown that Local Law No. 1 of 2022 is hereby adopted.

Introduced by Councilman Christian

Seconded by Councilmember Suarez

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

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

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

A new map will be printed and dated August 2, 2022.

- Local Law "A"- Façade length clarification  
Corinne said Part 1 is completed. On Part 2 of the EAF, Corinne answered questions 1-11 as "No or small impact may occur". Town Board agreed. Motion determining that the proposed action will not result in any significant adverse environmental impacts and authorizing the Supervisor to sign Part 3 of the short EAF made by Councilmember Suarez, seconded by Councilman Christian, with all in favor and none opposed.

Councilman Christian read the following Resolution adopting Local Law No. 2 of 2022:

TOWN BOARD  
TOWN OF GERMANTOWN  
COLUMBIA COUNTY, NEW YORK

RESOLUTION ADOPTING LOCAL LAW 2- 2022

Dated: August 2, 2022

**WHEREAS** Local Law No. 2 of 2022 providing for a local law revising the Zoning and Subdivision Law for the Town of Germantown concerning façade length, 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 August 2, 2022 during which time members of public had the opportunity to submit oral and written comments on the local law; and

**WHEREAS** the Town Board referred the local law to the Columbia County Planning Board pursuant to General Municipal Law §239-m resulting in a recommendation dated July 19, 2022 that the proposed action has no significant county-wide or intercommunity impacts associated with it. Therefore, the Town of Germantown Town Board may take final action with a simple majority vote; and

**WHEREAS** the Town Board referred the local law to the Town of Germantown Planning Board for a report and recommendation thereon pursuant to Town of Germantown Zoning and Subdivision Law Article XVI, section B(2); and

**WHEREAS** the Town Board has determined that the proposed legislative action is an Unlisted action pursuant to Article 8 of the Environmental Conservation law of the State of New York, and the regulations promulgated thereunder at NYCRR 617 ("SEQRA"); and

**WHEREAS** the Town Board, as Lead Agency, has completed the SEQRA process which has resulted in a determination that the proposed action will not result in any significant adverse environmental impacts.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Germantown that Local Law No. 2 of 2022 is hereby adopted.

Introduced by Councilmember Suarez

Seconded by Supervisor Helsley

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

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

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

- Local Law "B"-Teleconferencing. Corinne said no SEQRA is necessary.  
Corinne read the following Resolution adopting Local Law No.3 of 2022 and Videoconferencing Policy:

TOWN BOARD  
TOWN OF GERMANTOWN  
COLUMBIA COUNTY, NEW YORK

**RESOLUTION ADOPTING LOCAL LAW NO. 3 OF 2022 AND  
VIDEOCONFERENCING POLICY**

**WHEREAS**, Local Law No. 3 of 2022 providing for a local law authorizing public bodies of the Town to use videoconferencing technology to participate in public meetings and to authorize all members of the Town's public bodies to participate in public meetings using videoconferencing technology from locations that fall outside the geographical limitations of the Town, a copy of which is attached, 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 August 2, 2022 during which time members of the public had the opportunity to submit oral and written comments on the local law.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Germantown that Local Law No. 3 of 2022 is hereby adopted:

**VIDEOCONFERENCING POLICY  
TOWN OF GERMANTOWN  
COLUMBIA COUNTY, NY**

This Policy shall govern the use of videoconferencing for all public bodies of the Town of Germantown, including but not limited to the Town Board, Planning Board, Zoning Board of Appeals, Board of Assessment Review, and committees and subcommittees thereof (each referred to as a "public body," and collectively "public bodies").

1. A public body may, in its discretion, use videoconferencing to conduct its meetings pursuant to the requirements of this Policy provided that a minimum number of members are present to fulfill the public body's quorum requirement in the same physical location or locations where the public can attend.
2. Members of a public body shall be physically present at any such meeting unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances, including but not limited to disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting.
3. When there is any reasonable uncertainty as to whether a circumstance qualifies for remote attendance by a member of a public body, the Town Supervisor, or their designee, shall determine whether the event qualifies.
4. Except in the case of executive sessions, the public body shall ensure that members of the public body can be heard, seen and identified, while the meeting is being conducted.
5. The minutes of the meetings involving videoconferencing shall include which, if any, members participated remotely.

6. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, where the public can view and/or participate in such meeting, where required documents and records will be posted or available, and identify the physical location for the meeting where the public can attend.
7. Each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the Town's website within five business days following the meeting, and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.
8. If videoconferencing is used to conduct a meeting, the public body shall provide the opportunity for members of the public to view such meeting via video, and to participate in proceedings via videoconference in real time where public comment or participation is authorized and shall ensure that videoconferencing authorizes the same public participation or testimony as in person participation or testimony.
9. The in-person participation requirements for members of public bodies shall not apply during a state of disaster emergency declared by the governor or local state of emergency proclaimed by the chief executive of Columbia County or the Town if the public body determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in person meeting.
10. Open meetings of any public body that are broadcast or that use videoconferencing shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines.
11. The Town of Germantown shall continue to maintain its official website. This Policy shall be conspicuously posted on the Town's official website.
12. This Policy may be amended from time to time by resolution of the Town Board.

Introduced by Councilman Sullivan  
 Seconded by Councilman Kukon

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

Supervisor Helsley	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.

### **New Business**

- Re-appoint Tony Albino to the Board of Assessment Review for a 5-year term beginning on 10/1/2022 to 9/30/2027

Motion to re-appoint Tony Albino to the Board of Assessment Review for a 5-year term beginning on 10/1/2022 to 9/3/2027 made by Councilmember Suarez, seconded by Councilman Sullivan, with all in favor and none opposed.  
 Town Board thanked Tony for his service.

- Set a date for budget workshop. Date set for budget workshop is September 13, 2022 at 6:00pm.

### **Supervisor's Report**

No new items to report.

**Comments from Councilmembers**

Councilman Kukon spoke with Anthony about the damage to newly paved South Road. Supervisor Helsley asked what kind of action did they want to take? Supervisor Helsley will get estimates and talk to Anthony and get Corinne involved if necessary.

**Comments and Questions from the public**

No comments from the public.

Motion to enter executive session to discuss selection of a planner to assist with the re-zoning committee at 7:04pm made by Councilman Sullivan, seconded by Councilmember Suarez, with all in favor and none opposed.

Motion to come out of executive session at 7:33pm.

The Town Board is awarding the bid to LaBella Associates DPC.

Supervisor Helsley read the following resolution:

TOWN BOARD  
TOWN OF GERMANTOWN  
COLUMBIA COUNTY, NEW YORK

**RESOLUTION AWARDING CONTRACT FOR PROFESSIONAL PLANNING  
SERVICES FOR UPDATE OF LAND USE LAWS**

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 June 30, 2022, with proposals being received from three firms; and

WHEREAS, the Town Board reviewed all proposals.

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

1. That the contract for professional planning services for update of the Town’s land use laws is hereby awarded to LaBella Associates, DPC in accordance with its proposal dated June 30, 2022 and subject to the RFP; and
2. That the Supervisor be, and he hereby is, authorized to issue the Notice of Award to LaBella Associates, DPC 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 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 adjourn the meeting made by Councilman Kukon, seconded by Councilman Sullivan, with all in favor and none opposed.

Meeting closed at 7:35pm.

Next Town Board meeting is September 13, 2022.

Respectfully submitted,

Joyce Vale