

Minutes of September 13, 2022, Germantown Town Board meeting, held in the Germantown Town Hall, 50 Palatine Park Road, Germantown, NY and via Zoom, commencing at 7:02pm.

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

Absent: Councilman Kukon

Recorded by: Town Clerk, Joyce Vale

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

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

Motion to approve the August 2, 2022 public hearing and town board meeting minutes made by Councilmember Suarez, seconded by Councilman Sullivan, with all in favor and none opposed.

Motion to pay the audited bills for September 2022 made by Councilmember Suarez, seconded by Supervisor Helsley, with all in favor and none opposed.

**Written Communications to the Town Clerk**

Town Clerk received monthly reports from Highway Superintendent, Building department and Waterfront Committee.

SEPTEMBER REPORT

- 1-SENT 10-WHEELER TO ZWACKS FOR REPAIRS
- 2-REBUILT BRIDGE BY BALLFIELDS
- 3-WENT THROUGH ROADS AND WEED EATED SIGHS, POSTS AND GUARDRAILS
- 4-HAVE STARTED MOWING ROADS AGAIN
- 5-DID 10 TONS OF PATCHING ON ROADS
- 6-REDID BENCHES IN PARK
- 7-HAULED SAND IN FOR WINTER
- 8-ORDERED PARTS FOR FORKLIFT
- 9-GOT GROWNS READY FOR 9/11 MEMORIAL
- 10-GOT ACTIVITY BUILDING READY FOR SPECIAL ELECTION AND GARDEN CLUB EVENT

ANYHONY CIDRAS  
HIGHWAY SUPERINTENDENT

Report from Building Department:

55	9/7/2022	Quality Landscape	158.4-1-24	Renewal of 78-20	4301 Route 9G	22-52	\$100.00
56	9/7/2022	Ron Burmester	168.-1-33.220	Woodstove	28 Roundtop Road	22-53	\$75.00
57	9/7/2022	Jamil Hoskins	179.-1-2.3	50x50 & 60x100 Pole Barns	475 Church Ave	22-54	\$2,175.00
58	9/7/2022	Michael Moses	168.-2-26.100	24x26 Prebuilt Shed	4136 Route 9G	22-55	\$206.00
59	9/7/2022	DSW Contracting	180.-1-5.100	Addition with Attached Garage	85 Viewmont Road	22-56	\$790.00
60	9/14/2022	Patricia Stockton	168.-1-55	Renewal of BP #45-20 SFD	280 East Camp Rd	22-57	\$100.00
61	9/15/2022	Stewarts (Jeremy Lawless)	158.4-1-35	LED Sign (Gas Prices)	4294 State Route 9G	22-58	\$100.00
62	9/15/2022	Raymond Doty Contracting	169.-1-52	Remodel Existing Barn	67 Orchard Road	22-59	\$298.00
63	9/15/2022	Round Top Properties Inc	168.00-2-38	Single Family Dwelling (1560 sq.ft.)	Round Top Road	22-60	\$674.00
64		"	"	"	"	22-60.1	\$231.00
65	9/20/2022	Phelps Brothers Roofing	169.-1-58	Roof Replacement	145 Viewmont road	22-61	\$50.00
66	9/28/2022	Brian Dubois	158.4-2-13	Renewal of 78-21	179 Maple Ave	22-62	\$100.00
67	9/28/2022	Brian Dubois	158.4-2-13	Renewal of 77-22	179 Maple Ave	22-63	\$100.00
68	9/28/2022	Frank Dara	158.4-3-7	Convert Barn to S.F.D	256 Main Street	22-64	T.B.D
69	10/5/2022	Kaitlyn Parks	158.4-1-26	Electrical Upgrade	4308 Route 9G	22-65	\$75.00
70	10/5/2022	Fay Johnson	149.1-2-2	Renewal of 69-21	4809 Route 9G	22-66	\$100.00

Town Board,

The LWRP committee has been working through the DOS workplan and is preparing to present drafts of Section III: LWRP Policies and Section IV: Proposed Land and Water Uses to the public in our 2nd of 3 public information meetings. The next meeting is scheduled for September 21 at 630pm in the Kellner Activity Building. Please spread the word!

We are currently targeting completion in Q2/Q3 of 2023, which is a few months delayed from the original schedule. We had paused work when our lead consultant left Alta for another company, though are pleased with how the contract renegotiations have resolved with EDR stepping up to serve as our technical lead. There are no budget overruns expected at this time because we, the committee and our consultants, navigated that obstacle carefully.

We have \$3,750 unspent in approved budget for Town employee salaries as a part of our Town's match for this grant. When we wrote the grant, we had budgeted \$2,800 for the admin assistant, \$400 for the deputy clerk, and \$550 for the Highway Superintendent. I'd like to start using some of that budget and seeing hours documented as such for our next pay request. There are some pay request items that Jami or other could help me with, and I'd also like to talk to Anthony about providing input on cost estimating.

Thank you for our new committee appointment, Connor Guy! Our committee still has more room to grow, if you happen upon anyone with a passion to improve our waterfront.

-Jen Crawford  
LWRP Committee Chairperson

### Old Business

- Kellner Activity Building.
- Engineering estimates came in considerably higher than anticipated and exceeded the ARPA funds available. We have conceptual drawings but need to decide on how to proceed or come up with an alternate use of the funds.  
Councilman Sullivan thinks there is a lot that we, as a town can do. Anthony agreed that certain things could be done in house. Councilman Christian suggested meeting with Delaware Engineering. Councilmember Suarez asked if some of the money that was budgeted for the roof on the town hall go towards the activity building? Councilman Sullivan feels that the renovations are a priority. The Town Board will set a date to discuss in depth.
- Resolution amending the videoconferencing policy.  
Corinne said the only changes to the policy are the Advisory committees don't need to meet the requirements as long as there are no Open Meeting Laws.  
Corinne will look at the makeup of each committee. Councilmember Suarez wanted the public to know that last month the board passed the video conferencing law and people can continue doing remote on zoom as long as they are not violating the open meeting

law which is from any of the town, planning or zoning boards 2 or more would have to be in attendance. Corinne said they would need to meet the requirements of the policy and they would have to have a quorum. Councilman Christian brought a person with a disability or a care giver they would always be remote. Corinne said that as long as they meet the requirements there shouldn't be a problem.

TOWN BOARD  
TOWN OF GERMANTOWN  
COLUMBIA COUNTY, NEW YORK

RESOLUTION REVISING VIDEOCONFERENCING POLICY  
BE IT RESOLVED by the Town Board of the Town of Germantown that the following Videoconferencing Policy is hereby adopted as revised:

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. Notwithstanding anything herein to the contrary,

non-public committees that are not required to have public meetings under the Open Meetings Law, such as advisory committees, may use videoconferencing to conduct its meetings without the need to meet the requirements of this policy.

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 disaster emergency declared by the governor or a 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 Councilmember Suarez

Seconded by Councilman Sullivan

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

Corinne reminded the board that this resolution needs to be posted on the website.

- Finalize details set Public Hearing for Fire Alarm Law. Supervisor Helsley said several examples were provided by Corinne. Councilman Sullivan suggested talking to the fire commissioners. Tony Albino is going to bring it up at their meeting on October 4<sup>th</sup>. Corinne can draft something for the fire commissioners meeting. Corinne will get the general intent from Livingston's law. Tony said the fire department wants the residents to learn from this. Councilmember Suarez would like the fire commissioners to decide on the amounts of the fines. Corinne said currently the fees (fines) are going to Columbia County. Supervisor Helsley said once we have the local law the fees will go to the town. Tony said the main reason is to educate the public and help them fix the problem. Supervisor Helsley said Corinne will draw up a draft for the fire commissioners meeting on October 4<sup>th</sup>. Councilmember Suarez suggested having the public hearing in October. Supervisor Helsley set public hearing for October 11<sup>th</sup> at 6:45pm.

### **New Business**

- Tentative 2023 budget. Corinne said to set a date for the public hearing for the preliminary budget.
- Adopt tentative budget.
- Set workshop for preliminary budget. Date set for workshop October 11, 2022 at 6pm before the Town Board meeting.
- Lasher Memorial Park Electrical service. Supervisor Helsley said the underground wiring was disconnected and Gtel webcam is down. Councilman Christian asked if they can get any lighting there it is very dark when boaters come in. Supervisor Helsley said maybe putting some flood lights on the pole pointing towards the docks. Anthony will contact Steve Jennings to get an estimate. Anthony and Supervisor Helsley said DEC doesn't want lights at boat launches. Councilmember Suarez suggested looking at the contract with DEC. Supervisor Helsley said we will get bids for the electrical work. Corinne suggested terminating the contract with DEC before they do any work. Anthony asked if the fees included taking the docks in & out and any repairs that are made to the docks? The town board will look at the contract termination clause. Supervisor Helsley will get some written quotes.
- Palatine Bark Fencing- needs to be evaluated for repair or replacement. Anthony said they need to decide if the town or the people use the park take care of it. Anthony suggested redoing the whole fence. Town Board agreed the dog park is on town property. Anthony will call Roma fence for an estimate. Supervisor Helsley said then

once they have the estimate maybe the residents that use the dog park can do a fund raiser.

- Out of district sewer application for Gregg Haefelin/Hemlock Management LLC for property located at 4374 Route 9G. Corinne said that Delaware Engineering has received a copy of the plans but she or Supervisor Helsley have not seen the plans yet. Corinne said they have an escrow agreement for professional fees for the engineer and she will have to prepare an agreement for out of district sewer use. Corinne also said there will be a private easement that she will review. Gregg Haefelin's attorney needs to send Corinne plans and easement.

Resolution:

TOWN BOARD  
TOWN OF GERMANTOWN  
COLUMBIA COUNTY, NEW YORK

RESOLUTION AUTHORIZING SIGNING OF PROFESSIONAL FEE ESCROW AGREEMENT

Dated: September 13, 2022

WHEREAS, Hemlock Management LLC (the "Applicant") has submitted an application to the Town of Germantown Town Board ("Town Board") requesting to connect to the municipal wastewater treatment system as an out of district user for its property located at 4374 Route 9G, Germantown, NY, Tax ID #158.4-1-1; and

WHEREAS, it is necessary to establish an escrow with the Applicant to reimburse the Town for legal and engineering services in connection with the Town Board's review of the application.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Town Board of the Town of Germantown hereby appoints Whitbeck Benedict & Smith LLP to provide legal services and Delaware Engineering D.P. C. to provide engineering services in connection with the Town Board's review of the application and further hereby authorizes the Supervisor to execute the Professional Fee Escrow Agreement as prepared 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.

**Supervisor's Report**

- September 11<sup>th</sup> Memorial Service- Thank you to all that participated. Senator Hinchey, Assemblymember Barrett, Germantown Fire Department, American Legion, Boy Scouts, Patricia Heller and thank you to the DPW for making the grounds look amazing.
- Rezoning committee kickoff meeting set for September 19<sup>th</sup> at 6:30pm. Either zoom or in person check the website for details. Councilmember Suarez thinks first meeting should be in person. Town Board agreed.

**Comments from Councilmembers**

Councilman Christian said a variety of groups have organized to create a climate vulnerability assessment for Columbia County and they adopted a resolution for this program. The town would need to form a committee and there is no cost to the town, the town will get Climate Smart points. Councilman Christian suggested discussing this at the next month town board meeting. Christina doesn't think forming a new committee for this more like a sub-committee of

CSC, zoning & LWRP. Cornell Cooperative will be doing most of the work. Councilman Christian said in order to do this the town board will have to pass a resolution which can be done at the next town board meeting.

Councilman Christian said next week on September 21<sup>st</sup> the LWRP will be having a public meeting this will be the 2<sup>nd</sup> of 3 meetings.

**Comments and Questions from the public**

None.

Motion to adjourn the meeting at 8:12pm made by Councilmember Suarez, seconded by Councilman Sullivan, with all in favor and none opposed.

Next meeting is October 11, 2022.

Respectfully submitted,