

Minutes of Germantown Town Board Meeting, held July 16, 2007 at the Germantown Town Hall, commencing at 7:30pm

Present: Supervisor Roy Brown
Councilwoman Graceann Lamberta
Councilwoman Joan Snyder
Councilman Anthony Cidras
Councilman Patsy Zanchelli
Town Lawyer Jason Shaw
Highway Superintendent Rich Jennings

Recorded by: Town Clerk Charlene Diehl

Supervisor Brown led the Pledge to the Flag as well as a moment of silence for Supervisor Banks of Clermont and Barbara Zalewski who recently passed.

Motion to approve minutes of last month's meeting made by Councilwoman Snyder and seconded by Councilman Cidras, with all in favor, none opposed.

Motion to approve abstract and pay audited bills made by Councilwoman Lamberta and seconded by Councilman Zanchelli.

Supervisor Brown: Aye Councilwoman Snyder: Aye
Councilman Cidras: Aye

Letters to the Board

The Clerk read a letter from Barbara Zalewski as well as a letter from the residents of Palatine Manor thanking the board members and community for the assistance they provided during the recent power outage.

Supervisor Brown followed up the letter by saying that the Palatine Manor residents were able to come to the Activities Building where generators had power for those who needed shelter and assistance. He thanked all the volunteers who showed up to help.

Highway

- East Camp Road pipe replacement is done.
- Hot patching on the roads starting soon.
- New pipe and catch basin was installed at Viewmont Road and County Rte 8 with the assistance of the county.

Highway Superintendent Jennings thanked all who came out during the power outage to volunteer their assistance.

Maintenance

- Park and Lake are in good shape.
- Sewer station was ok in light of the recent power outage and there were no problems.

Police

- 250.50 hours logged in by the police during June. Police Commissioner Rekow stated that 19 hours per month is the most the police get paid for.

Committees

- Keep Farming provided no update as they were attending a meeting that evening.
- Town Revitalization meeting will be Wednesday, July 18 at 10:00am.
- Comprehensive Plan - Supervisor Brown stated that some errors were found and they are working on the corrections to get the plan on the town website.

Old Business

Supervisor Brown said that the Public Safety Committee is meeting on reviewing the Police portion of the Policy manual, rewriting and finetuning some procedures. Thanks to Jerry Smith for his help. A draft is being composed, the objective of which is for the public to understand what the police force is for and what their obligations are. The Sheriff will be reviewing the draft once it's completed. The Supervisor also stated that the police department is in good shape budget-wise and well within the budget for 2007.

Independence Day

Councilwoman Snyder read all the names of the volunteers who participated in the event (list attached) and thanks were given as well to the Police, Highway and Maintenance departments. Supervisor Brown mentioned a special thanks to Austin Sullivan for preparing and coordinating the fireworks celebration.

9/11 Memorial

Town Lawyer Jason Shaw has reviewed all pertinent files and determined if the town chooses to, a memorial could be erected. He stated a memo has been sent to the board elaborating on the issues surrounding the land acquisition and mentioned the following points:

- If the decision of the board is to erect a monument, would that decision be subject to a permissive referendum? Yes, it would be subject to a permissive referendum.
- Does Germantown need Clermont's permission to erect a monument on that land? No, there are no guidelines on how the land can be used.
- Does the monument meet grant restrictions? If any place is suited for a monument, it's a park where a monument is a generally recognized and legitimate use.
- How is the land zoned? The land is zoned commercial or residential but a municipality allows a monument as a permitted use and it would be allowed.
- Is the town subject to zoning re. erection of a monument? Under *Monroe v. City of Rochester*, under balancing test, the town is allowed to do so.
- Is the area a federal wetland designation? A small portion of the site is designated wetland but it doesn't impede the erection of a monument and that designation will expire in October of 2007.

Councilwoman Lamberta thanked Mr. Shaw for his review of the issue and his assistant who did an in-depth review of the subject matter. Supervisor Brown said that copies of the analysis will be made and distributed to the committee.

Supervisor Brown said that a new Fee Schedule for Building and Zoning applications, permits, approvals and inspections had been finalized (schedule

attached). Motion to accept the fee schedule change made by Councilwoman Snyder and seconded by Councilman Cidras.

Supervisor Brown: Aye Councilwoman Lamberta: Aye
Councilman Zanchelli: Aye

Austin Sullivan of the Parks program mentioned that 60 kids had taken swimming lessons and at the first day of camp there were 95-100 kids.

Councilwoman Lamberta announced an upcoming senior trip on July 24th of a Hudson River 2-hour cruise. She also relayed how appreciative the residents of Palatine Manor were for the assistance provided during the recent power outage and she thanked George Bennett in particular for his assistance and how proud of the community she is.

Supervisor Brown said that any announcement of the new Zoning Committee will be after the Zoning and Planning boards present their review of the Comprehensive Plan, preferably in the next 30 days.

Resolution #29

AUTHORIZATION TO CREATE RULES REGARDING PUBLIC COMMENT AT GERMANTOWN BOARD MEETINGS

UPON, recommendation of the New York State Open Meetings Law;

WHEREAS, The Open Meetings or "Sunshine" Law went into effect in New York in 1977; and

WHEREAS, Amendments that clarify and reaffirm your right to hear the deliberations of public bodies became effective on October 1, 1979; and

WHEREAS, the Sunshine Open Meetings Law provides the public with the right to attend meetings of public bodies, but is silent concerning the ability of members of the public to speak or otherwise participate; and

WHEREAS, it is recognized that a public comment period is a time set aside on the agenda for members of the public to share their concerns and thoughts with board members; and

WHEREAS, the members of the Germantown Town Board wish to include members of the public to speak; and

NOW, THEREFORE BE IT RESOLVED, that this Town Board of Germantown establishes a three minute time-limit to residents to address the board on matters of concern to its citizens.

Motion to approve resolution made by Councilman Zanchelli and seconded by Councilwoman Lamberta.

Supervisor Brown: Aye Councilwoman Snyder: Aye
Councilman Cidras: Aye

Resolution #30

AUTHORIZING THE TOWN OF GERMANTOWN TO ACCEPT A LOCAL GOVERNMENT GRANT FROM ASSEMBLYMAN PETER LOPEZ IN THE AMOUNT OF \$4000.00 DOLLARS TO BE USED TOWARDS AMBULLANCE SERVICE IN THE TOWN OF GERMANTOWN

UPON, recommendation of the Town Supervisor on July 16, 2007;

WHEREAS, Councilman Anthony Cidras worked with Supervisor Brown and Assembly Peter Lopez to secure funding for the ever increasing costs of Ambulance service to the Town of Germantown; and

WHEREAS, these funds will be used to offset the town's contribution for Ambulance Service as currently contracted for the upcoming 2008 budget; and

WHEREAS, these funds will come from a Community Projects Appropriation Contract #TM07153 as appropriated by the State of New York;

NOW, THEREFORE BE IT

RESOLVED, that the Town of Germantown is hereby authorized to accept the Community Projects Appropriation Contract #TM07153 in the amount of \$4000.00

Motion to approve resolution made by Councilman Cidras and seconded by Councilwoman Lamberta.

Supervisor Brown: Aye Councilwoman Snyder: Aye
Councilman Zanchelli: Aye

Resolution #31

AUTHORIZING THE TOWN OF GERMANTOWN TO ACCEPT A GRANT AWARD OF \$50,000.00 FROM THE CATSKILL-OLANA VIEWSHED MITIGATION FUND FOR THE DALES BRIDGE PARK PROJECT

UPON, recommendation of the Town Supervisor June 25, 2007;

WHEREAS, Councilwomen GraceAnn Lamberta worked with the Town Supervisor and the Hudson River Foundation to secure funding for the Dales Bridge Project; and

WHEREAS, the Act does not supersede or change the powers that the State has previously granted municipal governments under the New York State Constitution, the Municipal Home Rule Law or pursuant to the various municipal enabling acts,

NOW THEREFORE BE IT RESOLVED as follows: The Town Board endorses the participation of the Town of Germantown in the Hudson River Valley Heritage Area effective as the date of this resolution.

Motion to accept the resolution made by Councilwoman Lamberta and seconded by Councilwoman Snyder.

Supervisor Brown:	Aye	Councilman Cidras:	Aye
Councilman Zanchelli:	Aye		

The Keep Farming Chairman, Charles Abraham, announced that the Economic Assessment Group has reached a point where it can make a determination and will report its progress to the Glenwood people with an update to be given at the next town board meeting.

Public Comment

Frank Pedetella: Submitted a petition signed by residents and property owners not happy with the results of the Comprehensive Plan who would like a more in-depth analysis of the Plan.

Tim Otty: Announced to the board that the upcoming 200th anniversary of Robert Fulton and Robert Livingston's steamboats would be celebrated at the Clermont State Park. Because there are no facilities available to board the boats from the State Park, people will be getting on from the Anchorage. The event will be open to the public and vendors will be on-site as well. He urges the Board and residents to support this event and indicated that dock space, power and water will all be needed at the site. Supervisor Brown suggested he let the board know what will be needed for this celebration.

Joel Craig: Read a letter addressing what the purpose of the Comprehensive Plan is and urged the board to keep the process moving forward, make informed decisions, and to put proper zoning regulations in place.

Bruce Bohnsack: Lends support to Joel's comments and has grave concerns that the board will table the plan and he doesn't want that to happen. He has worked for two years on the plan, which was made for latitude on the board's part, and urges that no zoning changes be made before all parties are done reviewing the Plan, and that the board needs to work within the Plan.

Arthur Schiff: Suggested a public hearing on the Comprehensive Plan and congratulated the folks who helped fellow residents during the power outage.

Larry Osgood: Congratulated the board on passing the resolution regarding the Hudson River Valley National Heritage Area and challenged Town Lawyer Jason Shaw's analysis that only a small portion of the proposed monument site is a federally designated wetlands; he said the whole area was referred to as a wetlands in correspondence.

Mr. Farbman: Commended the board on passing a resolution limiting residents addressing the board to three minutes.

Mr. Davies: Wanted to know if a public hearing of the revised Police Policy will be held before adopting into the Town Policy Manual and recommends that one be held. Inquired if disciplinary action had been taken regarding a police matter and was advised that the Board hasn't taken any action, but that doesn't preclude that a voluntary action hasn't been taken by individuals. Personnel issues are usually not opened for public dissemination.

Ms. Smith: Happy to hear about historic designations and Mr. Otty's statement about the festivities at Clermont State Park. She would like bathroom facilities to be installed at the Anchorage to which Supervisor Brown responded he has been in contact with people about getting portable facilities established at the site.

Assessor Ralph DelPozzo announced that senior citizens should be getting their checks in the mail and that they don't have to do anything to receive the money. STAR people will get a letter - fill it out and put income on the form in order to receive your check. He also said that the exemptions went up and the STAR form should be easy to fill out.

Motion to adjourn meeting made by Councilman Cidras and seconded by Councilwoman Snyder, with all in favor, none opposed.

Respectfully submitted,