

Minutes of Germantown Town Board Meeting, held August 20, 2007 at the Germantown Town Hall, commencing at 7:30pm

Present: Supervisor Roy Brown
Deputy Supervisor Jason Clum
Councilwoman Graceann Lamberta
Councilwoman Joan Snyder
Councilman Anthony Cidras
Town Lawyer Jason Shaw
Highway Superintendent Richard Jennings (in audience)

Recorded by: Town Clerk Charlene Diehl

Supervisor Brown led the Pledge to the Flag as well as a moment of silence for Councilman Patsy Zanchelli who recently passed. After the moment of silence, Mr. Brown read a statement honoring Mr. Zanchelli.

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 Cidras.

Supervisor Brown: Aye Councilwoman Snyder: Aye

Letters to the Board

The Clerk read letters of thanks pertaining to the Senior's boat ride from Palatine Manor residents and Shirley Kasper; a letter pertaining to the 9/11 Memorial from Adrienne Westmore and two letters pertaining to the adoption of the Comprehensive Plan from Corinne Curry and Bruce Bohnsack.

A presentation of a Plaque of Thanks was given to Taconic Farms, who voluntarily took out power in order for the residents of Palatine Manor to stay in town and access their oxygen during a recent power outage.

Randy Hinkein and David Helsely, from Southern Columbia Little League announced that this has been their most successful year ever, with the 13-14 year old girls making it to the District Championship. They thanked the town for donating clay and thanked their sponsors for supporting them.

Highway

- East Camp Road more uniform now.
- Road signs that were stolen are being reordered.
- repaired Dales Bridge Road by the Sportsmen's.
- signed off with FEMA on the April 15th storm and should receive about \$15,000.

Highway Superintendent Jennings requested that the Supervisor and board approve a purchase for a front-end loader. He gave the bids he had received to the board members and said the current loader is over 10 years old and had to be repaired recently because it wouldn't shut off. The town can get a trade-in value of \$15,000 on the loader it has now, with a new one costing approximately

Congresswoman Guillibrand wrote back after contacting the DEC who replied that 2 monitors have been placed - one in Albany and one in Millbrook. Mr. Fingar reiterated that none are in Germantown or in Greene County and gave the number to the Commissioner of Environmental Conservation's office to call to complain. He also mentioned that St. Lawrence is monitoring their air quality themselves.

Resolution #34: To Reappoint Stephen Reynolds as Town Planning Board Member

Be it Resolved, by the Town Board of the Town of Germantown, in the County of Columbia, as follows:

Whereas, Stephen Reynolds's term as Town Planning Board member expired July 15, 2007.

Therefore, Be it Resolved, that Stephen Reynolds be reappointed Town Planning Board member for the term of seven years beginning July 16, 2007 through July 31, 2014.

Resolution offered by Councilwoman Lamberta, with a second from Councilman Cidras.

Supervisor Brown: Aye Councilwoman Snyder: Aye

Resolution #35: To Reappoint Ralph DelPozzo as Town Assessor

Be it Resolved, by the Town Board of the Town of Germantown, in the County of Columbia, as follows:

Whereas, Ralph DelPozzo's term as Town Assessor expires September 30, 2007. Therefore, Be it Resolved, that Ralph DelPozzo be reappointed Town Assessor for the term of October 1, 2007 to September 30, 2013, in accordance with Section 310 of the New York State Real Property Tax Law.

Resolution offered by Supervisor Brown, with a second from Councilwoman Snyder.

Councilwoman Lamberta: Aye Councilman Cidras: Aye

Resolution #36: To adjust the Operating Budget

BE IT RESOLVED, by the Town Board of the Town of Germantown, in the County of Columbia,

WHEREAS, the operating budgets for the Town Attorney and Town Justice have gone over budget for the year 2007, and

WHEREAS, the Town Board authorizes the Town Supervisor to made budget amendments as needed,

THEREFORE BE IT RESOLVED that the Town Contingent account 1990.4 be decreased by \$112.00 and the Town Justice 1110.4 account be increased to \$112.00. Also resolved is that the Town Contingent account 1990.4 be decreased by \$7,602.00 and the Town Attorney 1420.4 account be increased by \$7,602.00.

Supervisor Brown announced that a Public Hearing to receive comments on the Comprehensive Plan is scheduled for September 5th at 6:00pm at the Activities Building and all are invited to attend and give their comments.

In response to a question about the availability of the Comprehensive Plan to review, Councilwoman Lamberta said the Plan is on the Town's website and also available at the library and that all the updates and changes should be reflected.

John Fieser, Code Enforcement Officer, wanted Mr. Brown and the Board to be aware of some language issues regarding the amended fee schedule. Mr. Brown advised him to see him after the meeting to let him know what needs to be changed.

Peter Davies: Said when the police officers used their official uniforms to interfere with his expression of his opinions the Board said it was concerned and was examining the police policy manual to ensure that no future intimidation would take place; the implication was that the policy did not adequately convey to the police that they could not engage in such behavior. He's concerned that many months have passed and little progress seems to have been made. He has had a chance to review the town policy manual and it appears that the town, in 1992, enacted a town code of ethics applicable to all officers and employees, which would include police officers. He said that the officers were using their official position to give the advantage to their own personal opinions in a public policy debate. He quoted parts of the manual applicable to the code of ethics and said the officers transgressed the rules by giving the impression that they do use their official position to advance their personal interests. He quoted sections of the Penal law he feels pertains to his circumstances and that the efforts now to revise the policy manual are a smokescreen to avoid any disciplinary actions. In response to Councilman Cidras's question about what specific incident he was referring to he responded it was the incident where the Police Commissioner ran up the aisle shouting insults at him and which four policemen surrounded and grabbed him. Councilman Cidras asked what the Police Commissioner had actually done and Mr. Davies repeated his previous response. Councilman Cidras asked for more clarification, specifically if he was touched, to which Mr. Davies responded no. When Councilman Cidras asked if the four officers asked him to sit, Mr. Davies said that they surrounded him and were ready to grab him. Councilman Cidras said in addition to what he had seen he had gotten accounts from several people about what they had seen and asked Jerry Smith to repeat what he had told the board. Mr. Smith said he had made no statement of his opinions to the town board but he had made it to the Safety Committee, of which he is a member, when they were looking through the police manual. He said there was little intimidation from what he saw; he did think it was somewhat over the top from the amount of people getting up but personally saw no intimidation from what he saw of the recording of the meeting. Councilman Cidras said he was just trying to get different opinions because the topic does come up every month and they're trying to do their best; there is a code of ethics but questions whether they were violated. Someone raised their voice and from what he saw they came towards Mr. Davies; nobody touched him nor was physical with him, and this is the first he's hearing that Mr. Rekow had said anything, and that Mr. Davies was not accosted they way he described. Mr. Davies replied that he was accosted, surrounded by four policemen who were on the verge of grabbing him, they may not have grabbed him but you don't have to grab someone. Mr. Cidras said they didn't lean towards him and there

were no signs of aggression, walking towards someone is not aggression. Mr. Davis said that both Joan Snyder and Graceann Lamberta came up to him after the meeting and apologized profusely about the activity and promised him something would be done. Councilwoman Snyder said she did apologize to Mr. Davies but not because she thought the four police officers had done anything to him. She was at the meeting and saw the tape and thought, in her opinion, they acted in a professional manner. They did not touch him; they asked him to please sit down. Mr. Davies asked why there were four policemen at the meeting to which Councilwoman Snyder responded that was not the point, and this has been gone over every month. When asked by Supervisor Brown if there was anything else, Mr. Davies said he had a list of questions for the board. Mr. Brown said he could present the list to the board and they will respond accordingly. Mr. Davies said he would like the questions he had raised answered by the attorney.

Arthur Schiff said the police thing had taken a number of different turns but he believes a forensic review of the tape supports Mr. Davies' position and his recollection is that Commissioner Rekow was at the podium testifying and he turned toward Mr. Davies and responded to something Mr. Davies had said earlier. Mr. Davies got up in response to Mr. Rekow's statements at which point the four policemen came from different directions towards him in a closing kind of walk. It is true that they never touched him, he heard what they were saying which was basically sit down, stay in your seat. Mr. Davies had personally been challenged as to his voracity and his own courage on 9/11. Mr. Schiff said it was an outrageous charge and it was handled in a way that does not reflect well on anybody. He's concerned because there has been no kind of closure, no procedural change, no announcement of a disciplinary action statement, no recognition that this event occurred so that Mr. Davies can get some kind of satisfaction and this matter can be put to rest. Supervisor Brown said they have asked the committee to be a little more diligent to bring the policy and procedures to fruition so the board can pass it and that nothing like this can happen again.

Bruce Bohnsack: Concerned that the Comprehensive Plan be made available to the public so they have an understanding of the plan, and will make copies available to place in shops and restaurants around the town.

Helen Sacco: Concerned that the residents at the corner of 9G and Woods Road are adding cars and vehicles every day and turning the area into a junkyard and inquired if the property in question belongs to the County. Supervisor Brown said he will investigate the situation; the junk law does not currently address that issue but committees are looking into it.

Martin Ovrington: Asked if the location for the basketball court would be a problem with the County. Supervisor Brown said he has spoken with the county and there's no problem.

Councilwoman Lamberta invited the public to attend the Comprehensive Plan meeting.

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

Respectfully submitted,