

Minutes of April 21, 2008 Town Board Meeting, held at the Germantown Town Hall, Germantown, NY, commencing at 7:00pm

Present: Supervisor Roy Brown  
Councilwoman Joan Snyder  
Councilwoman Graceann Lamberta  
Councilman Joel Craig  
Councilman Jeremy Smith  
Town Lawyer, Sonya Smalesky representing Jason Shaw

Recorded by: Town Clerk, Charlene Diehl

Supervisor Brown opened the meeting and led the Pledge to the Flag.

Motion to approve the previous month's minutes made by Councilwoman Snyder and seconded by Councilwoman Lamberta, with all in favor and none opposed.

Councilman Smith said that, as many people know, he had previously released the Germantown draft Police manual and was in direct contradiction to a decision taken at the meeting and apologized.

Motion to pay audited bills from the abstract made by Councilman Craig, and seconded by Councilman Smith.

Supervisor Brown: Aye Councilwoman Snyder: Aye  
Councilwoman Lamberta: Aye

Supervisor Brown announced Board recognitions to the following people for their service to the town, with plaques provided as well:

- Anthony Cidras for previous service as a board member ;
- Judge Thomas Colwell for his service as town justice;
- Peter Lasher for previous service as a police officer and maintenance employee;
- Deputy Sheriff Eli Fieser for his work as a Deputy Sheriff;
- Jack Thomas, head coach representing the Germantown Boys Basketball team, and congratulations for a great season.

Representatives from Columbia Greene Reality Check, a statewide youth led movement out to discover the truth about tobacco companies and their advertising towards teens. They displayed examples of cigarette ads geared toward teens and explained that 11 billion dollars were spent last year by the tobacco industry. The group will be visiting convenience stores to ask them to remove cigarette advertising.

### **Resolution #29 - Resolution for Local Municipalities to Support Smoke-Free Movies**

*Whereas tobacco use is the number one preventable cause of death and disability;*

*Whereas youth ages 12-20 are one-sixth of the population, but buy more than a quarter of all movie tickets;*

*Whereas half the tobacco shots in the ten top-grossing movies released from May 2002 to May 2003 were in youth-accessible and youth-marketed G, PG and PG 13 films;*

*Whereas 80 percent of the ten highest-grossing PG-13 movies and videos released in 1996-1997 and 1999-2000 featured smoking; and 85 percent of the twenty-five top grossing Hollywood films from 1988 to 1997 dramatized the use of tobacco, the highest rate in half a century;*

*Whereas exposure to smoking in movies recruits more than half (52%) of new adolescent smokers;*

*Whereas every day 1,070 teens light up their first cigarettes because of smoking in the movies - and 340 of them will die prematurely as a result;*

*Whereas the tobacco industry has a long, documented history of encouraging smoking in movies and lying about it;*

*Whereas the 1999 Federal Trade Commission report documented that cigar industry spending on "celebrity endorsement, and appearances, and payment for produce placement in movies and television more than doubled between 1996 and 1997;"*

*Whereas smoking in television ads for movies, significantly greater in ads for movies that show a particular tobacco brand, reach the vast majority of children and adolescents;*

*Whereas the World Health Organization, American Medical Association, American Academy of Pediatrics, American Legacy Foundation, American Academy of Allergy, Asthma, and Immunology, Society for Adolescent Medicine and others - including the Los Angeles Department of Health Services, US Public Interest Research Group and Interfaith Center for Corporate Responsibility - have endorsed the smoke-free movies solution;*

*Whereas twenty-seven state Attorneys General have written the Motion Picture Association of America urging Hollywood to play an active role in reducing the number of children who smoke because of smoking in the movies;*

*Whereas the University of California San Francisco has been running an educational and advocacy campaign, Smoke Free Movies, designed to reduce the value of American movies as promotional devices for the tobacco industry through four simple, voluntary actions by the motion picture industry;*

*Rate New Smoking Movies "R" - Any film that shows or implies tobacco should be rated "R". The only exceptions should be when the presentation of tobacco clearly and unambiguously reflects the dangers and consequences of tobacco use or is necessary to represent smoking of a real historical figure.*

*Certify No Pay-Offs - The producers should post a certificate in the credits at the end of the movie declaring that nobody on the production received anything of value (cash money, free cigarettes or other gifts, free publicity, interest-free loans or anything else) from anyone in exchange for using or displaying tobacco.*

*Require Strong Anti-Smoking Ads - Studios and theaters should require a genuinely strong anti-smoking ad (not one produced by a tobacco company) to run before any film with any tobacco presence, regardless of its MPAA rating.*

*Stop Identifying Tobacco Brands - There should be no tobacco brand identification nor the presence of tobacco brand imagery (such as billboards) in the background of any movie scene.*

*Now, therefore, be it resolved that the Germantown Town Board, Germantown, NY endorses the four objectives of the Smoke Free Movies campaign.*

*Be it further resolved that this resolution shall be transmitted to the Motion Picture Association of America; to major motion picture studios and their parent corporations (Warner Bros., owned by Time Warner; Disney and Miramax, owned by the Walt Disney Company; DreamWorks SKG; 20<sup>th</sup> Century Fox, owned by News Corporation; Columbia, owned by Sony Corporation of America;*

*Universal, owned by General Electric; Paramount, owned by National Amusements; MGM, controlled by Tracinda); the state Attorney General; our U.S. Senators and Congressional Representatives; and the University of California-San Francisco Smoke Free movies project.*

Motion to approve the resolution made by Councilwoman Snyder and seconded by Councilman Smith.

Supervisor Brown:           Aye                   Councilwoman Lamberta: Aye  
Councilman Craig: Aye

Parent-to-Parent letters explaining the initiative were distributed to audience members as well.

Catskill Mayor Vincent Seeley explained that he was there to announce that he had petitioned to name an island off to the west of Germantown Bush Island, in honor of a local, now-deceased, fisherman Doug Bush. Part of the process is to gather the support of Greene County, the Town of Catskill and the Town of Germantown. The geographic-naming group (GNIS) will contact the town regarding the naming. It was suggested that the mayor contact the town historian and the board will get some information to Mr. Seeley.

The Clerk read letters to the board:

- Reverend Tipple announced the weekly community luncheons moving to the third Saturday of the month at the Germantown Reformed Church from noon through 1:00pm;
- Robert Barbini regarding the controversy over the town adopting the Comprehensive Plan and his belief it should be put as a referendum for townspeople to vote on;
- Albert Wassenholl in response to Councilwoman Lamberta's letter to the editor of March 28, 2008 regarding the Comprehensive Plan;
- Mike Lawson regarding the release of the draft Police manual;

## **Department Updates**

### Highway:

- dock signs installed at Cheviot and the Anchorage;
- roadside cleanup produced 1,000 pounds of garbage and thanks to all who helped and the town board for providing chips and soda;
- road sweep from winter sand is nearly completed;
- guard rail put on South Road last week;
- River Sweep at the Anchorage and Cheviot coming up

Supervisor Brown recognized the Germantown Sportsmen's and Dave's Plumbing and Heating for the great job they've done of keeping the highways clean.

### Sewer:

Upcoming projects:

- complete annual service of both generators done;
- flow meter calibration being scheduled;
- prices for new UV lights being gathered;
- the portable metal building installed over the UV lights is working well

Maintenance:

- cleanup at the ball fields and preparing for opening day;
- equipment serviced for mowing;
- filters replaced and UV filters cleaned out;
- salvage company came and removed scrap metal;
- mowing starting this week and trail clean-up as well

Anthony said that the quotes are in for the Activity Building windows and doors and is requesting that the board award Jennings Contracting the bid since they came in at the lowest.

Councilman Craig questioned why the lowest quote was less than half of the other quotes, and Anthony responded that because it's for the community they were willing to cut their markup.

Motion to approve the purchase of materials, 5 windows and doors for \$2,922.80, from Dunn Builders, and Jennings Contracting to install them for a price of \$1,465, made by Supervisor Brown and seconded by Councilwoman Snyder.

Councilwoman Lamberta: Aye                      Councilman Craig: Aye  
Councilman Smith: Aye

Anthony also brought up the purchase of grills for the parks - 6 to replace existing aging grills at Palatine Park and 4 for the Dales Bridge project. \$2,856 is the total cost but Troop 115 of the Cub Scouts will be purchasing 2 for the town and \$1,650 is covered by the Dales Bridge Project grant, leaving the town's portion at \$803.50. Motion to approve the purchase made by Councilwoman Lamberta and seconded by Councilman Smith.

Supervisor Brown: Aye                      Councilwoman Snyder: Aye  
Councilman Craig: Aye

Anthony presented the plans with some of the costs of the Dales Bridge project - a full estimate is anticipated by the next board meeting.

Police Department:

140.5 hours were logged in for the month of March and Police Commissioner Rekow reminded the board that 119 hours a month are paid; the rest is donated time. He also said that June is the next graduation for cadets; they've extended the school for a few more weeks, and the cadets will serve till the end of the year.

The Parks Commission is sponsoring the May 17<sup>th</sup> Community Yard Sale and there is a meeting on May 15<sup>th</sup> regarding a 10-year plan for the Parks program. The Parks Commission would also like to increase the baseball sign fee from \$100 to \$200 but needs the board to approve before sending out letters notifying the sponsors.

Councilwoman Snyder made a motion to increase the baseball sign fee to \$200, with a second by Councilwoman Lamberta.

Supervisor Brown: Aye                      Councilman Craig: Aye  
Councilman Smith: Aye

Supervisor Brown confirmed that the Parks Commission has authority to make purchases of games and sports equipment up to \$500, at which point bids would need to be gathered.

Supervisor Brown said that the Economic Development Committee met a couple of times regarding relocating some businesses to the downtown hamlet. As things progress the Committee will let folks know.

Councilman Smith said that the Hazard Mitigation Committee met last Tuesday and will meet again next Tuesday. He hopes to have a full report by mid-summer.

Councilman Craig said the Re-Zoning Committee has met twice and asked the members to go through the existing zoning and planning regulations to check for anything inconsistent or troublesome, and will be working on those issues. The draft Request for Proposal is currently under review.

The Keep Farming Committee hasn't met in the past month. Supervisor Brown said he and other supervisors met with the Glenwood Center Group and it was very informative and there will be another meeting scheduled.

### **Old Business**

Councilman Craig said that a moratorium had been proposed but nothing further has been done and they will consider re-visiting the issue once the Re-Zoning Committee has some professional help on board.

The Town Junk Law is with the Economic Development Committee now - they are looking to integrate ideas and will report back as needed.

Nothing is being done about the release of the Policy Department Policy Manual as of today; the matter is under investigation and once that is concluded the board will have a better idea of how to proceed.

### ***Resolution #30 - Naming the Town of Germantown an Official Explore NY 400 Community in the celebrations commemorating the 400<sup>th</sup> Anniversary of the Voyages of Henry Hudson and Samuel deChamplain***

*Upon recommendation to the Germantown Town Board on this day, April 21, 2008, Germantown, New York, it has been determined that it is in the interests of its citizens to become an Official Explore NY 400 Community in the celebrations commemorating the 400<sup>th</sup> anniversary of the voyages of Henry Hudson and Samuel deChamplain along the river and lake that bear their names.*

*Whereas, the celebrations are being held under the auspices of the Hudson, Lake Champlain and Fulton Quadricentennial Commission, whose charge under New York State legislation is to engage the public as well as civic, educational, environmental, cultural and heritage organizations to develop and support related plans and activities including creation of infrastructure benefiting future generations; and*

*Whereas, the Explore NY 400 Community Program enlists municipalities and community groups, who when they sign on as partners, share the logo and promote the Quadricentennial in their communities; and*

*Whereas, in return, they are listed in the Commissioner's published materials and on its website; and as a partners, the community may also become eligible for funding for projects, events or programs that help achieve the Commissioner's missions and objectives; and*

*Whereas, the Town Board further authorizes the establishment of an Explore NY 400 Planning Committee to explore the types of projects, events, programs best suited to reflect Germantown's history, culture and/or natural resources;*

*Now, therefore be it*

*Resolved, that the Germantown Town Board does hereby approve the Explore NY 400 Planning Committee to use the Explore NY 400 logo, link to the Explore NY website, and may be eligible for either State or Federal grant money to assist in Quadricentennial planning and events; and be it further*

*Resolved, that the Germantown Town Board supports the mission of the Hudson-Fulton Champlain Quadricentennial Commission and requests designation as an Explore NY 400 Community; and be it further*

*Resolved, that certified copies of this resolution be forwarded to the Columbia County Tourism Department, Columbia County Historical Society, and Explore NY 400 Quadricentennial Commission.*

400<sup>th</sup> Anniversary - resolution sponsored by Councilman Smith and seconded by Councilman Craig.

Supervisor Brown:           Aye                   Councilwoman Lamberta: Aye  
Councilwoman Snyder:    Aye

Supervisor Brown will look into how many communities are participating in the 400 event.

He has also charged the town attorney to review the Code of Ethics recommendations.

Development in the Arts - Councilmen Craig and Smith realize the large arts population in Germantown and want to encourage them to be recognized, with a possible incorporation into the town centennial. They hope to have a forum in the next couple of months.

Councilman Smith said he'd like to make relevant correspondence to the town available for all board members. Supervisor Brown said he would put the information into a binder for the council members to review in the Council Member's office. Councilman Smith made a motion, which was seconded by Councilwoman Snyder.

Supervisor Brown:           Aye                   Councilwoman Lamberta: Aye  
Councilman Craig:    Aye

### Supervisor's Report

Supervisor Brown met with some members of the Germantown Reformed Church about an idea to bring an assisted living facility to Germantown. He also visited the Good Shepard's Assisted Living facility in Saratoga, NY and learned a lot from the visit. He would like to have the support of the board in moving forward with his inquiries and investigation with the members of the Reformed Church into the project, and that he would like to work with the town economic development committee in the near future if this project has merit.

Motion for the board's support for Supervisor Brown to continue looking into the matter of an assisted living facility made by Councilwoman Lamberta, with a second by Councilman Smith.

Supervisor Brown:           Aye                   Councilwoman Snyder:    Aye  
Councilman Craig:  Aye

Supervisor Brown has been working with Austin on the Municipal Parking Lot and the Martha Lorenz Van Allen Memory Tree project, and has met with a couple of local sign vendors and discussed the longevity of the vinyl letters on board versus an engraved sign, with the consensus being the engraved sign would outlive the vinyl lettered sign by a 4 to 1 margin.

Motion to approve the Martha Lorenz Van Allen Memory Tree project with an engraved sign, as proposed by Austin Sullivan in February, made by Councilwoman Snyder and seconded by Councilwoman Lamberta.

Supervisor Brown:           Aye                   Councilman Craig:  Aye  
Councilman Smith:  Aye

Open meeting on Assessments and Real Property taxes at the Activity Building on Saturday, April 26<sup>th</sup> from 9:00-12:00 and all are welcome.

Sidewalk Project - contract was signed between the town and the Department of Transportation, preliminary design work will be underway shortly and the next meeting is April 30<sup>th</sup> at 9:00am.

Supervisor Brown said a new Transportation Enhancement Program (TEP) request for funding application was just received. This is the same program under which the funds for the current sidewalk project were received - application deadline is June 15<sup>th</sup>.

Park Summer Camp applications are in the Town Hall and will be going out with the schoolchildren, as well as being available on the web site.

Supervisor Brown, Councilman Craig and Bruce Bohnsack met with the PACE University folks who advised them that with proposed zoning changes the town should adopt new zoning along with the Comprehensive Plan - they should be adopted at the same time.

### Open to the Public

The Cub Master for the Germantown Cub Scouts thanked everyone for their support at the Pancake breakfast and mentioned that the kids enjoyed working on the town clean up.

Ellen Epstein verified with Supervisor Brown that the sidewalk project will encompass the new library.

Mark Scherzer spoke about the release of the draft Police portion of the Policy Manual and said that drafts do have to be disclosed; the town should provide training in civil liberties and would like to know the public process and who are the authorities investigating the release of the manual. He was informed that was a Personnel issue and won't be discussed, as per the town attorney.

Arthur Schiff wanted to know why the Police manual would be redone. He stated that the Cincinnati Police manual is on the web as well as other manuals so it's not unusual to have such information on there. He also said that he read that when a town supervisor isn't present to chair a board meeting that the board members select a temporary chairperson.

Patricia Eller thinks the Germantown website is wonderful and would like to see local businesses posted on the site so folks can support local businesses, to which Supervisor Brown said work is being done on that.

Michael George said he thinks only the Town Board, Ethics Commission and Police Department should have knowledge of police procedures.

Councilman Craig said there was nothing in the document that addresses confidentiality and the attorney had said it was FOIL-able and that in the future documents should be marked accordingly so there is no confusion.

Kay Abraham thinks the concern expressed over the Police policy manual is unwarranted as the motivation was to have the public's review and if a workshop meeting had been scheduled the issue would have been satisfied. She said there's no information in the document that puts police officers in jeopardy and thinks nothing in there is of a confidential nature. She'd like a workshop to work through any controversial issues.

Councilwoman Snyder read a portion of town law pertaining to the Deputy Supervisor and their ability to preside over meetings in absence of the Supervisor, with all the powers and duties given to the Supervisor under town law. She reiterated the way the voting at a previous meeting had gone and that if an issue is voted down (no vote) that means you're not supposed to release related information. She doesn't feel that the public has a right to any input on the Police manual, as there are police officers and the safety committee providing their knowledge.

Martin Overrington mentioned the upcoming River Sweep, a 4-mile hike that starts Saturday at 9:00, with the Highway crew assisting. He said this year's plan is to have folks start at the south and north ends and work towards the middle.

Betty Ahrens wanted to know if the public could come in and review the bills. Supervisor Brown said no - let us know what information you're looking for and we'll provide it.

Sherry McGregor inquired about the hay wagon rides the town previously had and why they stopped. She was referred to the Parks Commission, at which point Michael George said they are working with the PTSA on a Halloween event to bring them back.

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

Next town board meeting is Monday, April 19<sup>th</sup> at 7:00pm.

Respectfully submitted,