

Minutes of January 28, 2008 Town Board Meeting, held at 7:00pm at the Germantown Town Hall.

Present: Roy Brown, Town Supervisor
Joan Snyder, Councilwoman
Joel Craig, Councilman
Jeremy Smith, Councilman
Jason Shaw, Town Lawyer

Not Present: Graceann Lamberta, Councilwoman

Recording Secretary: Charlene Diehl, Town Clerk

Supervisor Brown led the Pledge to the Flag.

Motion made to approve the minutes of the December board meeting by Councilwoman Snyder and seconded by Councilman Craig, with all in favor and none opposed.

Motion to approve the minutes of the January Organizational meeting, after adding Update from Department Heads after #3 on the Meeting Rules and Procedures, made by Councilwoman Snyder and seconded by Councilman Smith, with all in favor and none opposed.

Motion to pay audited bills made by Councilman Craig and seconded by Councilman Smith.

Supervisor Brown: Aye Councilwoman Snyder: Aye

Motion to go into Executive Session to discuss a personnel issue made by Councilwoman Snyder and seconded by Councilman Smith, with all in favor and none opposed.

Motion to come out of Executive Session made by Councilwoman Snyder and seconded by Councilman Smith, with all in favor and none opposed.

The Town Clerk read a letter from the Court Clerk, Linda Griffin, resigning her position as Germantown Court Clerk. Supervisor Brown thanked her for her service to the Town.

Councilman Smith read a letter in which he thanked his supporters and talked about his expectations and recommendations as a member of the Town Board.

Highway Department Update

- requests the Board purchase a Blaw Knox paver;
- the new loader is behind the scheduled delivery date;
- a lot of sanding & plowing has been occurring with the small storms we're been experiencing;
- between storms and equipment maintenance, the crew has been cutting dead trees on different roads as well as cutting brush on Hilltop Road.

Supervisor Brown relayed that the \$28,000 purchase price of the requested paver would be split between 3 municipalities - Germantown, Livingston and Clermont - and the Highway Department received 3 bids on purchasing a paver. All 3 of the Highway Superintendents reviewed the equipment and the next step is for the issue to go before all 3 of the town boards.

A motion to approve purchasing a loader using the municipality agreement with Livingston, Clermont and Germantown - with the stipulation that if the remaining boards do not approve the purchase the issue is off the table - was made by Supervisor Brown and seconded by Councilman Smith.

Councilwoman Snyder: Aye Councilman Craig: Aye

Sewer Department Update - nothing to report

Maintenance Department Update - nothing to report

Police Department Update

There were a total of 157.50 hours worked by the Police in December.

In 2007, 2212 hours were worked by the Police Department.

Commissioner Rekow said there was 1 vacancy in the department and 2 applicants. He is asking the board to approve one paid policeman and one unpaid volunteer policeman, and mentioned that the policeman who volunteered is doing so in order to keep up his certification, which will expire if he does not continue to serve in a police capacity.

Councilman Smith said that in the future he would like the biographical data on the candidates to help advise the board as to why the position(s) should be filled, as well as the Police Commission's recommendation on applicants.

Motion to approve Christopher Bleau as a paid Germantown Police Officer and Paul Robertson as an unpaid volunteer Germantown Police Officer made by Councilman Craig and seconded by Councilman Smith.

Supervisor Brown: Aye Councilwoman Snyder: Aye

Councilwoman Snyder gave an update of her liaison activities with the Germantown Central School's proposed after-school program - she made two field trips, one to the Hudson Middle School and one to the Red Hook School.

Committee Reports

Keep Farming - no report

Revitalization Committee - hasn't met, therefore nothing to report.

Sidewalk Committee - hasn't met, therefore nothing to report.

Local Law #1 of 2008 - Authorizing the Town Superintendent of Highways of the Town of Germantown to remove private vehicles obstructing the efficient removal of snow and ice from town streets, roads and public highways.

A. During the winter months from November 15th to the succeeding March 15th, whenever the Town Superintendent of Highways of the Town of Germantown find, on the basis of falling snow, sleet or freezing rain, or on the basis of a forecast by the United States Weather Bureau or other meteorological data indicating the threat of snow, sleet or freezing rain, that weather conditions could severely impede vehicular traffic in the Town, or are likely to create hazardous road conditions or road conditions impeding or likely to impede the free movement of fire, health, police, emergency or other vehicular traffic vital to the health, safety and welfare of the community, the Town Superintendent of Highways shall be authorized to declare a "Highway Snow Emergency."

B. In addition to the foregoing, a "Highway Snow Emergency" shall automatically go into effect on any part of any snow route on which there has been an accumulation of snow or ice of six inches or more.

C. During the period of a "Highway Snow Emergency" all vehicles shall be prohibited from parking on all Town streets, roads or highways.

D. In accordance with the provisions of this Local Law, any vehicle that, at the discretion of the Town Superintendent of Highways of the Town of Germantown, is during a "Highway Snow Emergency" found to obstruct the efficient removal of snow and ice from the Town's streets, roads and highways, shall be in violation of this provision. Such a violation shall subject the vehicle owner to a fine of \$100 and the towing and impoundment of the obstructing vehicle.

E. All towing and storage charges of illegally parked vehicles shall be solely at the vehicle owner's expense.

Councilman Smith verified with Supervisor Brown that notices about snow removal would go up throughout the town so out-of-town visitors would be informed about the regulation.

Motion to approve Local Law #1 of 2008 made by Councilwoman Snyder and seconded by Councilman Smith.

Supervisor Brown: Aye Councilman Craig: Aye

Supervisor Brown spoke about the updated Inter-Municipal Agreement between Germantown, Livingston and Clermont, and that the other towns have signed the new agreement that the town lawyer updated. Per the Inter-Municipal agreement, the new piece of equipment will be housed in Livingston and they will ensure it as well. Councilman Craig confirmed that employees using that piece of equipment will be covered under the insurance auspices of their own town. Councilman Smith questioned who will be responsible for repairs to the equipment if something breaks and was told the town responsible for breaking anything to the equipment would pay for the repairs. Councilwoman Snyder suggested checking with the insurance carrier for potential liability and it was decided that Jason Shaw would prepare an addendum and look into the insurance issue.

Bruce Cadman from General Code made a presentation to the board about codifying the town's ordinances and local laws into an electronic document that provides cross-referencing as well. The cost would be in the \$10,000-\$15,000 range, there would be an annual fee to the town to maintain it electronically and updates wouldn't be part of the agreement. Mr. Cadman said the company would make recommendations about what the town doesn't have in its statutes and should. Supervisor Brown thanked him and said the board will discuss the matter further.

Councilman Smith suggested that the board start looking forward to the 300th anniversary of Germantown and making plans to celebrate - he suggested a bandstand or a walking trail, and would like to have a brochure prepared to pass out to residents announcing the 300th anniversary. Councilwoman Snyder suggested he get in touch with the History Committee with his recommendations.

Supervisor Brown spoke about the Planning and Zoning boards and said there is no complete list of the expiration dates of the terms and he and the board are in the process of working through the information to make certain the term expirations are staggered and there may be a need for a resolution to reassign expiration dates on some of the terms.

Mr. Brown recommended to the board that Ellen Epstein be moved from a seat on the Zoning Board to a seat on the Planning Board. He also recommends that Kerrie Abela fill the vacancy left by Joel Craig.

Motion made to appoint Ellen Epstein and Kerrie Abela to the Planning Board made by Councilwoman Snyder and seconded by Councilman Craig.

Supervisor Brown: Aye Councilman Smith: Aye

Motion to appoint William Muirhead to fill the term left by Ellen Epstein and to appoint Donald Westmore to fill the term left by Robert Beaury made by Councilman Craig and seconded by Councilman Smith.

Supervisor Brown: Aye Councilwoman Snyder: Aye

Motion made to appoint Ellen Epstein as Chairman of the Planning Board made by Councilwoman Snyder and seconded by Councilman Smith.

Supervisor Brown: Aye Councilman Craig: Aye

Councilman Craig reminded everyone appointed to stop in the Town Clerk's office and be sworn in.

Councilman Smith read the current Planning Board members:

Ellen Epstein, Chair
Neal Burger
Rao Gaddipati
Margaret DellaCioppa
Stephen Reynolds
Rick Jason
Kerrie Abela

Councilwoman Snyder read the current Zoning Board members:

Tom Bower, Chair
Steve Savoris
Donald Crews
William Muirhead
Don Westmore

Supervisor Brown asked the board to appoint the Rezoning Committee with the following members:

Joel Craig, Chair
Graceann Lamberta
Tom Bower
Donald Crews
Ellen Epstein
John Fieser
Rao Gaddipati

Motion made to approve the appointment of a Rezoning Committee made by Councilman Smith and seconded by Councilwoman Snyder.

Supervisor Brown: Aye Councilman Craig: Aye

Councilman Craig said he would like an organization meeting at the end of February and will contact member of the Rezoning Committee to see when they're agreeable to meet.

New Business

Councilman Smith said that per his recent class, the Ethics Committee should have 5 members and Germantown only has 3. It was confirmed that meetings of the Ethics Committee are not mandated and they don't have to meet in a public forum. Supervisor Brown said he doesn't have a problem making a 5-member committee but that normally small towns and villages don't have the full recommended board due to their size. Councilwoman Snyder said that both Clermont and Livingston have a 3-member Ethics Committee.

Supervisor Brown spoke about the increased need of the sewer district and that it has necessitated the need for 2 full-time employees, one for the Sewer and one for the Maintenance Department. He recommends Anthony Cidras as the Maintenance Supervisor. Councilman Smith spoke about the hiring process and said that it was extremely fair and he feels the appointment was nothing but above-board.

Motion to approve Anthony Cidras as the town's Maintenance Supervisor made by Councilman Smith and seconded by Councilman Craig.

Supervisor Brown: Aye Councilwoman Snyder: Aye

Supervisor's Report

- the town received 5 Columbia County Civil Service job announcements;
- Columbia County Department of Public Works is looking to hire 3 part-time laborers, information posted on wall in Town Hall;
- Supervisor Brown will be going through all the Town Committees and wants to make sure there is board representation on all Committees so that an update can be provided if a chairman isn't available for the Town Board meeting;
- Monday, February 25th at 7:00 will be the next town board meeting due to President's Day;
- Thursday, March 6th will be the town's first-quarter Open Forum for the public to bring issues to the Town Board and he invites the public to attend.

Open to the Public

Mark Scherzer: said he had sent the board a letter asking that an item be put on the agenda and that questions posed in the letter asked about the draft of the police portion of the Policy manual. He acknowledged a letter that Jason Shaw had sent him regarding changes to the Policy manual and questioned, in terms of cost to taxpayers and public safety, why Germantown has a Police Department and if there is any intention to address the issues posed in his letter.

Supervisor Brown asked Commissioner Rekow to address the issues about the police portion of the Policy manual. Mr. Rekow responded that they are in the process of making recommendations to the town and that in the interim the Police department is currently working under the policies made by the Town of Germantown, per the manual, as they have done. He said that using an 'adopted policeman' would cost the town substantially more than the \$30,000 allocated for the Police department in the budget and that it's cost effective to maintain the small department we have now, as well as being a deterrent to potential crimes. He also said that the Sheriff's Office is doing them a favor by reviewing the police policy manual.

Larry Osgood: speaking of the 300th anniversary of Germantown, there is a state commission being formed to celebrate the 400th anniversary of Henry Hudson's trip up the river. He mentioned Christopher Lindner, an archaeologist at Bard College, and feels he would be helpful in the upcoming anniversary celebration. Mr. Osgood also asked about the status of his inquiry about the town employees and the salaries paid. Supervisor Brown said he was on the phone with the accountants earlier but they didn't understand the urgency of the timeframe he requested and that the documents will be available under the Freedom of Information Act once it's created.

Ellen Epstein: commented on the process of hiring police officers versus the process of hiring a maintenance supervisor, and wished that the board had held off on the appointments until more information had been gathered about the applicants for the police positions.

Dorothy Montague: still unhappy about the quality of the sound system, feels it would be of great interest to know the kinds of issues to be appropriately referred to the Ethics Committee and that the codification would be helpful for the town and townspeople and recommends it be considered.

Faythe Smith: Chair of the Board of Ethics - said the committee meets when issues are brought before them and the recommendations don't have to come from the Town Board - anyone can make a recommendation to the committee about an issue they feel should be looked into.

Cynthia Smith: asked if executive session could be moved to the beginning or end of the board meeting as a courtesy to people attending. She asked, per the presentation from General Code, if there are other companies available that may be competitively priced and queried if board members are violating the Open Meetings law by auditing the bills and not opening the meeting first. Supervisor Brown responded that they were not violating the Open Meetings law since anyone can come into the meeting room while the board members are auditing the bills.

Betty Ahrens: inquired about Anthony Cidras and George Sharpe's salary and why there are 2 positions. Supervisor Brown went over the fact that he and the board had agreed to have 2 full-time positions before last year's budget was made and this is the end result of that agreement.

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

Respectfully submitted,