

Minutes of Special Germantown Town Board meeting, held at the Germantown Town Hall, Germantown, NY, commencing at 6:00pm on November 30, 2009.

Present: Supervisor Roy Brown
Councilwoman Joan Snyder
Councilwoman Graceann Lamberta
Councilman Joel Craig
Councilman Jeremy Smith
Highway Superintendent Rich Jennings

Recorded by: Deputy Town Clerk Donna Diehl

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

Councilman Smith said he was under the impression when he first heard of the meeting that it was being held on an illegal basis and has since established that the special meeting has been set within the legal meeting terms; however, he said the only notice the public received was a Saturday mention in the Register Star and it is entirely legal, but he questions the ability and the method by which the board is alerting the public to meetings of this board and they should rethink this at some time, i.e. the re-organizational meeting in January. He is aware that the December town board meeting was moved forward one week. Supervisor Brown said the public was alerted at the last town board meeting and it should be showing up in the paper. Deputy Town Clerk Donna Diehl confirmed she had sent the notice of the December town board meeting herself. Councilman Smith thanked them for verifying this information and wanted his point made.

Supervisor Brown said the first item on the agenda was the Highway Department equipment presentation. Highway Superintendent Jennings said it was brought to his attention in the past few weeks that one of the employees found a used ambulance, as they have been looking for one for the past 8-9 months that will pass inspection. The one they currently have is a 1987 F350 with a gas motor; the speedometer broke at 243,000 miles and they have been looking for a replacement since then. He didn't have enough information to bring this to the board's attention at the last meeting and called the liaison and talked with Joel and agreed to put it on the back burner. He recently looked at the vehicle, which is a 2000 E450 with 88,313 miles with a diesel motor. They are asking \$9,000 but can he can get it for \$8,000; Joel thought it better to go this route rather than do an emergency purchase and he agrees so that this way everyone knows where he is at with the purchase. The current vehicle will not pass inspection, as there are no floorboards. He has two other prices for 2000 models; one for \$18,995 and another for \$29,995. He believes that Councilman Craig has seen the pictures of the current vehicle and knows the condition that it's in. If they want to keep the vehicle they will need to put some money into it, but it has 275,000 miles on it now. The Highway department uses this vehicle as a tool truck. It has a heater in the back and holds their saws, side boxes, all hand tools, pole saw, blowers for the leaves go in there. When that truck goes out they don't have to run back to the Highway department for equipment and saves time and gas. In the wintertime and in emergencies, the crew is able to sit in the vehicle to keep warm when they're out there working.

Supervisor Brown asked if anyone from the board had any questions on this purchase and he asked Mr. Jennings again about the price of the vehicle and that it will in fact be \$8,000. There is a verbal agreement when he went up this past weekend to look at the vehicle and take some pictures. The money for the purchase would come out of the FEMA money the Highway department received; Supervisor Brown confirmed that between this purchase and the approval of the cab/snow blower previously requested, that would be \$13,000 of the roughly \$30,000 received from FEMA.

Councilman Smith said he is very disturbed by this, as this is less than a month after the board approved the 2010 budget and nothing from the Highway department was received for that budget indicating a need to repair the existing tool truck. He is very concerned the board is being asked to approve something that in reality should have

been included in the budget process and he would like to know how much it would cost to fix the existing tool truck. He appreciates that the money is coming from FEMA but doesn't feel it should be spent just because the town has it. This town is fortunate that there was no tax increase this year but it doesn't mean they couldn't have had a reduction and had the FEMA money been applied to the total budget it might have reduced the tax rate. He is not in favor of voting on this issue now and he would like a lot more explanation as to the desperate need and what the cost to repair the existing vehicle would be. He is very unhappy that the board didn't know about the existing defects with the tool truck when they discussed the budget last month.

Councilwoman Lamberta verified with Rich that he felt this was a desperate need; he said that this had been planned for future purchase and had only come up because the vehicle wouldn't pass inspection. Councilman Craig said that the vehicle was no longer allowed to be on the road.

Councilwoman Snyder said they should consider the purchase, as this was a useful vehicle - it stores the crew's equipment that goes out and is also used by the crew to keep warm during winter working conditions.

Supervisor Brown made a motion to approve the purchase and received a second from Councilwoman Lamberta.

Supervisor Brown said Rich brought the desire to replace the vehicle to his attention about six months ago and came to him the day after the last board meeting to tell him there was a problem with the current utility vehicle and that it wouldn't pass inspection, and he had found a vehicle for the board to consider and was going to e-mail the information to Mr. Brown. Mr. Brown looked at the current vehicle and the floorboards are out of it, it is piece-mealed together right now and will not pass inspection. He understands Councilman Smith's concerns about not being informed about this during the budget process but there is left over money that will not impact next year's budget which can be used. He thinks it would be prudent of the board to pass this motion tonight so they don't have to go into next year's funding and they'll know where they stand for unexpended balances for next year which he knows is part of Councilman Smith's budgetary concerns.

Councilman Smith said he would be voting against this, not because he doesn't recognize the Highway department needs this truck but he doesn't think the procedures that have been followed about this matter were planned correctly. Supervisor Brown said he did not know that the vehicle would not be able to pass inspection; what he did know at that time was the Highway department was planning to replace the vehicle in the near future.

Councilman Craig said he tends to agree with Councilman Smith about the process. He would have liked to have seen the department heads at the budget meetings to discuss issues like this, i.e. what would be upcoming and what would be needed. He hates having to be pressed to make a decision but he has seen the vehicle and the condition and the need is apparent, especially with winter coming. He doesn't like the process of how they got to this point.

Supervisor Brown reiterated the need had been stated months ago about replacing the vehicle and that now the vehicle will not pass inspection. Highway Superintendent Jennings said they had gotten good use out of the vehicle, as they had purchased it for \$1.00 from the county when they upgraded.

Councilwoman Lamberta said she had known nothing about the shape of the vehicle as she was not on that committee and her concern is the men who work for the town and putting them in an unsafe vehicle. The money is there and the department needs the vehicle.

Councilman Craig said perhaps language should be added authorizing them to scrap or surplus the current vehicle. Supervisor Brown verified with Highway Superintendent

Jennings they would also put in a not-to-exceed amount of \$8,000 for the purchase of the replacement vehicle.

Motion to authorize the Highway Department purchase of a 2000 E450 (with 88,313 miles and a diesel motor) for \$8,000 made by Supervisor Brown, with a second by Councilwoman Lamberta.

Councilwoman Snyder: Aye Councilman Craig: Aye
Councilman Smith: Nay

Supervisor Brown brought up the next item on the agenda, the Northern Dutchess Paramedic Charge-back. It was discussed during budget workshops and he made a few phone calls and never heard anything from them. Four days after the last town board meeting Supervisor Brown received the charge-back agreement from the county looking for the year 2010. There was a meeting with all the towns involved in the agreement four years ago working out a multi-year reimbursement agreement.

Nan Elliot asked if a public comment period could be interjected into the meeting as she had something to say. Supervisor Brown asked for a motion to allow public comment and Councilman Smith made the motion and was seconded by Councilman Craig.

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

Supervisor Brown said there would be public comment before Executive Session.

Supervisor Brown said a 15% increase for the Northern Dutchess Paramedics had been worked out in the multi-town agreement. When they got together a few weeks ago they decided they would only do a 10% increase and that is what he is bringing before the board for their approval. The county is looking for the agreement to be back by December 1st. The resolution would increase 10% over last year's funding which would be \$75,284 for 2010.

Resolution #37: Authorizing Charge-back Agreement for Northern Dutchess Rescue Squad

This agreement made as of the 30th day of November, 2009 by the Town of Germantown and the Treasurer of the County of Columbia County, whereas by resolution #287-2002 of the Columbia County Board of Supervisors dated the 9th day of October 2002, the Columbia County Treasurer is authorized to establish charge-back accounts for any municipality wishing to have said municipalities expenditure for rescue squad service imposed upon county real property tax bills for the amount attributable for such expenditures, and

Whereas the Town Board of the Town of Germantown has determined that the County Treasurer shall charge-back the amount specified herein to the real property tax payers of said town responsible for such expenditures and

Now, therefore, the undersigned parties agree as follows:

- 1) That the town hereby request that the treasurer of the county of Columbia charge the appropriate real property taxpayers within the town the sum of \$75,284 on the appropriation basis of real property tax assessments within said town and;
- 2) The town hereby requests that the treasurer of the county of Columbia upon collection of said amounts paid to the Northern Dutchess Rescue Squad the amount of \$75,284;
- 3) The charge-back account established by the Columbia county treasurer for the Town of Germantown for rescue squad services shall be account number ___.

Motion to approve the charge-back for 2010 for Northern Dutchess Paramedic made by Councilwoman Snyder and seconded by Supervisor Brown.

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

Councilwoman Snyder said the amount of money paid for this agreement, when broken down by the number of residents in the town, breaks down to approximately \$37 per person, which is not a lot of money for these types of services. Councilman Smith said he agrees with Mrs. Snyder and confirmed with Supervisor Brown that these monies are deducted from the property tax the town collects. He is concerned that this issue was

not presented to him before the town board meeting and didn't have a copy of the resolution prior to the meeting although one of the main reasons stated now for the meeting was to approve the charge-back agreement. He is once again disturbed by the procedures followed for this meeting, and though he is in favor of this he feels more notice should have been given to the board members.

Councilman Craig asked how this charge-back affected the budget. Supervisor Brown said the monies will come from the property taxes, so the board will see a 10% decrease in the budget. This increase was planned for during the budget process.

Supervisor Brown said he had a resolution updating Public Safety Committee members. Some folks involved in the committee would like to see the updated list of members moved forward, and Councilman Craig said he didn't see why this couldn't be held off until the re-organizational meeting.

Councilman Smith said there was a committee already in place, consisting of Roger Rekow, himself, Dave Black and Anthony Cidras. He questioned if this meant a decision had been made to dismiss the existing committee and replace it with new members, and asked how and why all new names with the exception of Roger Rekow came to be proposed for this committee. Supervisor Brown said a number of concerns had been raised and the concern was to bring in business folks and people from other areas, such as EMS, including a representative from the police department. He wanted a committee that was free from town board members who may try to influence it one-way or the other. Mr. Smith said he would like to know why existing members of the Public Safety Committee were not informed of this before the event.

Councilwoman Snyder asked Supervisor Brown if the people listed on the new committee had been asked if they want to serve and Mr. Brown said no. She said there is an Emergency Preparedness manual but there are no people of this caliber who have been designated as wanting to help the community. Supervisor Brown said the board can wait until the first of the year and he was only trying to give the committee a jump start. Councilman Smith said he feels folks should be asked if they want to participate. Councilman Craig said he is in support of it but feels the re-organizational process is where this type of committee should be established. The board agreed that potential members should be asked if they want to serve before being nominated, and they will wait until the re-organizational meeting.

Open to Public

Nan Elliott asked why the meeting was not being recorded and why public comments were not included on the agenda. Supervisor Brown said the usual camera operator was not available for the meeting and it was an oversight not to include public comments on the agenda. Ms. Elliott questioned Mr. Jennings on his equipment planning in relation to budget preparations and if there were any restrictions on monies reimbursed by FEMA. Supervisor Brown said that monies reimbursed by FEMA goes back into the Highway as unanticipated revenue. She thinks this whole thing is orchestrated and disapproves of the use of the reimbursement monies.

Jim Aresharsley questioned the Notice of the Special Meeting and feels there was insufficient notification. Supervisor Brown reiterated that all the procedures concerning the call for a special meeting were followed, including the property notification of board members and the public.

Art Schiff said there was a pattern being set by the Highway department of asking for replacement equipment on a sudden basis, such as the front-loader. Supervisor Brown said that the loader replacement was a planned replacement, and was included in the ten-year plan. The purchase didn't occur when it should have, but it was purchased in accordance with the plan.

Mr. Schiff said the board is not watching the Highway Department close enough and he has not yet received a copy of the highway inventory, nor the ten-year plan. Supervisor

Brown said he will request the oversight committee for the Highway Department do a better job and will get copies to him of the information Mr. Schiff is referring to. Mr. Schiff said he believes his rights are being violated and that Supervisor Brown made an error in the source of revenue for the ambulance.

Cynthia Smith stated her concern for the publication of the meeting as well and relayed her search for the published notice of the meeting, which included a call to the newspaper. She said the Highway department should have had some kind of advanced notice that the current vehicle being used for tools would not be able to pass inspection and questioned Highway Superintendent Jennings's review of inventory to prevent this from happening.

Supervisor Brown reviewed with the audience the portion of the newspaper where the notices for meetings are published and have been for many years.

Motion to go into Executive Session to discuss a personnel issue was made by Supervisor Brown and seconded by Councilwoman Lamberta, with all in favor and none opposed.

Motion to come out of Executive Session made by Supervisor Brown and seconded by Councilwoman Lamberta, with all in favor and none opposed.

Motion to adjourn the meeting was made by Councilwoman Snyder and seconded by Councilwoman Lamberta, with all in favor and none opposed.

Respectfully submitted,

DRAFT