

Resolution #3: Resolve to name the Register Star of Hudson, NY as the Official Newspaper.

Motion to approve made by Councilwoman Snyder, with a second by Councilwoman Lamberta.

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

Councilman Smith asked for clarification about procedural business and that anyone can bring an issue to the floor for discussion and that doesn't imply adoption. If someone brings something to the floor, he wants it clear it doesn't automatically mean adoption; that comments can take place at that time. Supervisor Brown said that was correct.

Councilman Smith requested Supervisor Brown put an item on the agenda for the next regular town board meeting to discuss how the announcements for town board meetings are made. He is not concerned about the monthly board meetings, his concern is about how the public gets noticed about the exceptions to the rule, which he doesn't feel is satisfactory, and would like to discuss the issue. He said it is not easy to find times of meetings on the web site and asked about the possibility of putting notices for special meetings on the website and also posting them in locations throughout town, when there is a change. This is only for special meetings and changes to the regular monthly meetings and is not easily found in the public notice section of the newspaper.

Supervisor Brown asked Councilman Smith what else he would like the board to do, as they videotape the meetings, announce at the board meetings when the next ones occur, publish the meetings in the newspaper and website and post it on the clerk's board. Councilman Smith said he didn't find it easily on the web site and strongly suggests putting the announcements on the local cable community channel. Supervisor Brown said the website has the agenda posted with the meeting time but Councilman Smith said for other meetings that is not always the case. Supervisor Brown said the board had an agreement to post agendas the Monday prior to the board meeting, so he will make sure that special meetings/workshops all have agendas with the dates and times posted on them in the agenda section of the website until such time as the website is updated.

Councilman Smith brought up the language underneath Resolution #2 about rules and procedures being subject to board discretion. He said that per Section 4725 of the rules regarding town board meetings, that if you allow the public to speak at town board meetings then you must allow the public to speak at all meetings. He introduced a new item – opportunity for public to comment on items already on the agenda – and that it be placed as a standard item before Written Communications to the Board in the meeting Rules and Procedures. He wants it made quite clear that you cannot take away the opportunity for the public to approach the board if they agree to let them.

Councilman Craig said he would like to explore some options regarding public comment, but doesn't know if anything needs to be changed from what's in front of them. He said there are certainly times when it would have been more beneficial to have more public comment, but having said that it doesn't mean that everything the board does needs to be stopped for public comment. He said the people in the town elected the board and trusts them to make decisions on the day-to-day things and doesn't think every piece of business of the town needs to be stopped until the public can comment. He suggested the possibility of quarterly meetings to give the public time to comment on issues without making the monthly meetings overly long and overly tedious. Mr. Craig said he and the board are approachable via e-mail and phone and this shouldn't be the only forum for the public to address their concerns, and that a phone call or e-mail would allow them more time rather than trying to accommodate the three-minute limit.

Councilman Craig said the rules are pretty clear about appointing an official newspaper; he doesn't like the choice as no reporters have attended our meetings for over a year

and every time they print something about Germantown it's because they've been handed the information, but there is currently no other option.

Supervisor Brown said the board had previously tried the option of having the public comment on items on the agenda, and it was felt it wasn't needed, as there was already time for public comment on the agenda. He referenced Councilman Smith's citation of Section 4725 and said that it wasn't law; he cited the Supreme Court decision of 11/3/09 regarding Open Meetings and the court's decision that the rules were meant to foster public awareness, not public participation. He said this board has chosen to allow public comment, and he also thinks holding quarterly meetings for public input would be a good thing. He referenced a comment from a previous meeting about the board being able to discuss things more, and indicated that a lot of time discussion on a topic is usually held by the committee overseeing a particular area, and the result of that discussion is what is brought to the board meetings for action on.

He agreed with Councilman Craig about the newspaper and said they have to use a county paper but he has heard at county meetings that the *Columbia Paper* will be going into circulation in April or May so there may be an opportunity for the board to change its official paper.

Resolution #4: Resolve to name First Niagara Bank as the bank for deposits.

Motion to approve made by Councilwoman Lamberta, with a second by Councilwoman Snyder.

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

Resolution #5: Resolve to accept the recommendation of the Town Supervisor in designating accountants, bookkeepers, supervisors, administrative assistants and clerk typists:

1. Pursuant to Section 29 of the Town Law
2. Necessary for the proper conduct of the affairs of the Town of Germantown
3. Within the limits of 2010 budgeted funds

As follows:

Accountant: Mark Fitzgerald and Brian Fitzgerald
Supervisor's Administrative Assistant: Austin Sullivan
Bookkeeper: Mark Fitzgerald and Brian Fitzgerald
Part-time clerk typist to Zoning and Planning: Janet Crawford

Motion to approve made by Councilwoman Snyder, with a second by Councilwoman Lamberta.

Supervisor Brown:	Aye	Councilwoman Lamberta:	Aye
Councilwoman Snyder:	Aye	Councilman Craig:	Abstain
Councilman Smith:	Abstain		

Resolution #6: Resolve to approve bond coverage for Town Clerk, Tax Collector and Supervisor.

Motion to approve made by Councilwoman Snyder, with a second by Councilwoman Lamberta.

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

Councilman Craig spoke about the Zoning and Planning clerk typist and doesn't think it necessarily has to be there as he understands that the chairs have the ability to appoint, as the judges do. He would like to see a Request For Proposal (RFP) go out for the

Accountant/Bookkeeper position, as he is disappointed in the performance and quality of reporting of the current one.

Councilman Smith said he shares Councilman Craig's views on the Accountant/Bookkeeper position.

Supervisor Brown said he would like the board to appoint the current Accountant/Bookkeeper for this year and will entertain putting out an RFP in the fall for the Accountant/Bookkeeper.

Resolution #7: Resolve to appoint Pine Plains Vet Official Dog Shelter, and Joseph Palumbo Germantown Dog Control Officer through December 31, 2010.

Motion to approve made by Councilwoman Snyder, with a second by Councilman Smith.

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

Resolution #8: Resolve to appoint Ethics Committee – Roger Proper, Faythe Smith and Robert Beaury.

Motion to approve made by Councilwoman Snyder, with a second by Councilman Smith.

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

Resolution #9: Resolve to authorize Town Justices to hire a Stenographer when necessary:

1. For a proper record of testimony
2. Within the limit of 2010 budgeted funds

Motion to approve made by Councilwoman Snyder, with a second by Councilman Smith.

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

Councilman Smith inquired why the town couldn't name the local veterinarian, and Supervisor Brown said that the local vet is not an official shelter and doesn't have the ability to house dogs at this time. Councilman Smith confirmed with Supervisor Brown that Robert Beaury would replace Tom Colwell's place on the Ethics Committee.

Resolution #10: Resolve to reappoint Town Policemen: Brian DuBois-Sgt, Benjamin Doty; Ryan Chase; Arceni Polyak; Christopher Bleau with a sixth paid position to be named later, and two unpaid positions that will be named later as well.

Motion to approve made by Councilman Craig, with a second by Councilwoman Snyder.

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

Resolution #11: Resolve to appoint Marguerite Riter Town Historian.

Motion to approve made by Councilwoman Lamberta, with a second by Councilwoman Snyder.

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

Resolution #12: Resolve to appoint John Fieser Town Building Inspector.

Motion to approve made by Councilwoman Lamberta, with a second by Councilwoman Snyder.

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

Resolution #13: Resolve to appoint John Fieser Building and Zoning Enforcement Officer.

Motion to approve made by Councilwoman Lamberta, with a second by Councilwoman Snyder.

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

Councilman Smith asked if Mr. Fieser's job entails enforcing ordinances only when a complaint is made.

Supervisor Brown said that if Mr. Fieser sees a violation he has to respond and also has to follow through if he receives a complaint.

Resolution #14: Resolve to appoint the law firm of Rapport, Meyers, Whitbeck, Shaw & Rodenhausen, LLP to represent the Town on legal issues, with the understanding that an RFP for legal counsel will be put out for next year.

Motion to approve made by Councilwoman Lamberta, with a second by Councilwoman Snyder.

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

Resolution #15: Resolve to appoint an engineering firm at a later date.

Supervisor Brown said the board is holding off on appointing an engineering firm as an RFP has gone out. After firms responding to the RFP have been interviewed, the board will appoint one to represent the town.

Resolution #16: Resolve to appoint volunteers to History Advisory Committee: Helen Henderson, Ruth Decker, Joan Burger, Nancy Balazs, Alvin Sheffer, Richard Coons and Hank Himelright.

Motion to approve made by Councilwoman Snyder, with a second by Councilwoman Lamberta

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

Resolution #17: Resolve to designate Town Supervisor as Official Representative to Association of Town's Annual meeting.

Motion to approve made by Councilwoman Snyder, with a second by Councilwoman Lamberta

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

Resolution #18: Resolve to establish rate per mile for official town travel of 50 cents per mile.

Motion to approve made by Councilwoman Snyder, with a second by Councilwoman Lamberta

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

Resolution #19: Resolve to authorize Town Supervisor to sign 2010 State and Local Youth contracts.

Motion to approve made by Councilwoman Snyder, with a second by Councilwoman Lamberta

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

Councilman Craig confirmed with Supervisor Brown that last year's rate for mileage was \$.55 per mile and it has now been lowered to \$.50. Councilman Smith said he checked on-line and the official rate was \$.52 though he has no problem with the amount stated. Supervisor Brown said he will double-check and any revision can be made at the next board meeting.

Resolution #20: Resolve to adopt Town Policy Manual for 2010.

Motion to approve made by Councilman Craig, with a second by Councilwoman Lamberta

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

Councilwoman Snyder asked about potential changes to the policy manual and confirmed with Supervisor Brown that changes could be made at a later date.

Resolution #21: Resolve to appoint Town Clerk Charlene Diehl Registrar of Vital Statistics/Census Official.

Motion to approve made by Councilman Craig, with a second by Councilwoman Lamberta

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

Resolution #22: Resolve to accept the following Petroleum quotes for 2010:

1. Propane awarded to Suburban Propane

<u>Product</u>	<u>Price Differential</u>
- Propane	.6000

2. Low Sulfur Diesel Fuel, No. 2 Fuel Oil, Regular Unleaded Gasoline and Kerosene awarded to Maincare Energy

- Diesel Fuel	.1495
- Kerosene	.2950
- Fuel Oil	.1495
- Regular Unleaded Gasoline	.2350

3. Propane for Equipment Wash Bay awarded to Kosco-Amos Post.

- Propane	.3800
-----------	-------

4. Snow/Salt - State Bid price (\$54.72/ton last delivery)

Motion to approve made by Councilwoman Snyder with a second by Councilman Craig.

Supervisor Brown: Aye Councilwoman Lamberta: Aye

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

Councilman Smith confirmed with Supervisor Brown that the county rate is used for the fuel.

Resolution #23: Resolve to accept year 2010 salaries as stated in the 2010 Budget as follows:

Supervisor - \$7,200 year/paid monthly
Deputy Supervisor - \$2,400 year/paid monthly
Justice - \$6,000 year for each/paid monthly
Councilperson - \$2,600 year for each/paid monthly
Town Clerk - \$6,600 year/paid monthly
Deputy Town Clerks - \$2,200 year/paid as needed
Tax Collector - \$3,600 year/paid monthly
Assessor - \$17,500 year/paid monthly
Highway Superintendent - \$49,711 year/paid bi-weekly
Deputy Highway Superintendent - \$1,500 year/paid semi-annually
Highway Foreman - \$1,200 year/paid semi-annually
Town Historian - \$3,500 year/paid monthly
Budget Officer - \$1,200 year/paid yearly
Assessment Review Board - \$150 year per member/paid by voucher
Assessment Board Chairman - \$300 year/paid by voucher
Building and Zoning Enforcement Officer - \$10,000 year/paid monthly
Senior Motor Equipment Operator 1 - \$20.72 hour/paid bi-weekly
Senior Motor Equipment Operator - \$18.65 hour/paid bi-weekly
Motor Equipment Operator - \$15.95 hour/paid bi-weekly
Licensed Sewer Operator - \$19.03 hour/paid bi-weekly
Licensed Sewer Operator - \$3,000 stipend/paid annually
Laborer - \$10.00 - \$15.00 hour/paid bi-weekly
Laborer – PT – minimum wage - \$10.00 hour/paid as needed
Skilled Laborer – PT \$15.00 hour/paid as needed
Maintenance Supervisor - \$14.63 hour/paid bi-weekly

Motion to approve made by Councilwoman Snyder with a second by Councilwoman Lamberta.

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

Resolution #24: Resolve to appoint Tom Bower Sr. Chairman of the Zoning Board of Appeals, and to reappoint Don Westmore to the Zoning Board of Appeals. Mr. Westmore's term will expire on December 31, 2014.

Motion made by Councilwoman Snyder with a second by Councilwoman Lamberta.

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

Resolution #25: Resolve to appoint Stephen Reynolds Chairman of the Planning Board, and to reappoint Kerrie Abella to the Planning Board. Ms. Abella's term will expire December 31, 2016.

Motion made by Councilwoman Snyder with a second by Councilwoman Lamberta.

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

Resolution #26: Resolve to adopt Town Emergency Plan for 2010.

Motion made by Councilwoman Snyder with a second by Councilwoman Lamberta.

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

Councilman Smith recalled that the board had approved the Town Emergency Plan and wanted to know if the plan Tim Otty was working on was different. Councilman Craig said the plan Mr. Otty is working on is the detailed Emergency Shelter Program, which is different from the Town Emergency Plan that Councilman Smith worked on.

Councilman Craig reminded Supervisor Brown that it was time to reappoint some members to the Zoning and Planning Boards as well, as their terms expire December 31st, so Don Westmore was added to the ZBA and Kerrie Abella was added to Planning.

Resolution #27: Resolve that upon recommendation of the Department of Audit and Control, an Annual Resolution recognizing intent of previous town boards regarding Reserve Funds.

And RESOLVE that the Germantown Town Board, on this 4th day of January, year 2010, does hereby recognize the intent of previous town boards that created the following Capital Reserve Accounts and Capital Repair Reserve Accounts as follows:

- Buildings Capital Reserve Funds – General Municipal Law Section 6-C
- Highway Equipment Repair Reserve Fund – General Municipal Law Section 6-C
- The Parsonage Project Reserve Fund – General Municipal Law Section 6-C
- Lasher Memorial Park Project Reserve Fund – General Municipal Law Section 6-C
- Highway Road Repair Reserve Fund – General Municipal Law Section 6-D
- Sewer District #1 Capital Repair Reserve Fund – General Municipal Law Section 6-D
- Sewer Tax Stabilization Reserve Fund – General Municipal Law Section 6-E

BE IT FURTHER RESOLVED, that the Town Board of the town of Germantown does hereby recreate these Capital Funds, as they exist today.

Motion made by Councilwoman Snyder with a second by Councilwoman Lamberta.

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

Pursuant to Town Law, the following appointments for the year 2010 are made:

Deputy Town Clerk and Deputy Registrar of Vital Statistics: Donna Diehl

Deputy Highway Superintendent: Joseph Hull

Highway Department Foreman: Patrick Ebling

Deputy Town Supervisor: Austin Sullivan

Germantown Police Commissioners: Roger Rekow, Joel Craig, and Roy Brown

Councilman Smith said that he has no problems or concerns in his experiences with working with Austin Sullivan and has heard of no problems from anyone in town. He understands that the appointment of a Deputy Supervisor is made at the discretion of the Supervisor and that no board member can form an objection. He is concerned that as Supervisor Brown assumes additional duties as probable Chairman of the Board of Supervisors in the county, that more and more responsibilities will fall to an un-appointed official. He said that in Supervisor Brown's absence Austin would be chairing board meetings and that they are four elected officials and Austin is an unelected official. Councilman Smith said he had asked Supervisor Brown to investigate whether Austin can be part of forming a quorum, which he doubts. Councilman Smith wants it

put on the record that although it's within the Supervisor's legal rights, he personally does not find it satisfactory and would prefer that an elected official have that responsibility. He said it has absolutely nothing to do with Austin and how he performs his job.

Councilman Craig said that similarly, while his vote is not a reflection of the person being nominated for the position, he firmly believes that a Deputy Supervisor should be an elected official.

Councilwoman Snyder said she would like to see Austin as Deputy Supervisor, as he does a great job and that you don't have to be an elected official to have the position as Deputy Supervisor.

Supervisor Brown said that he wouldn't ask Austin to step up to the plate to be Deputy Supervisor if he didn't think he could fill the duties; he doesn't get a vote at town meetings but he is very capable of taking care of the town and this will bring supervisor responsibilities to areas that are needed in the town and he has the utmost confidence in Austin's abilities to succeed.

Motion to approve made by Councilwoman Snyder with a second by Councilwoman Lamberta.

Supervisor Brown:	Aye	Councilwoman Lamberta:	Aye
Councilwoman Snyder:	Aye	Councilman Craig:	Nay
Councilman Smith:	Nay		

The next Town Board meeting will be January 25th at 7:00pm. Due to the holiday in February that month's meeting will be on February 22nd at 7:00.

Motion to adjourn the meeting made by Councilwoman Snyder with a second by Councilwoman Lamberta; with all in favor and none opposed.

Respectfully submitted,