

Minutes of August 14, 2018 Germantown Town Board meeting, held in the Germantown Town Hall, 50 Palatine Park Road, Germantown, New York, commencing at 7:02pm.

Present: Supervisor Beaury
Councilman Moore
Councilwoman DuFresne
Councilman Kukon
Councilman Sullivan

Town Attorney: Corinne Smith

Recorded by: Town Clerk, Joyce Vale

Motion to open Town Board meeting made by Councilman Moore, seconded by Councilman Sullivan, with all in favor and none opposed.

Motion to approve July 10, 2018 Town Board meeting and July 18, 2018 Public Hearing and July 18, 2018 Special Town Board meeting minutes made by Councilman Moore, seconded by Councilwoman DuFresne, with all in favor and none opposed.

Motion to pay audited bills made by Councilman Sullivan, seconded by Councilman Kukon, with all in favor and none opposed.

Written Communications by Town Clerk

An email from Genette Picicci Oehlke stating she is no longer volunteering for the Farmer's Market.

An email from Steve Bathrick resigning from the ZBA by September 1, 2018.

Both emails are on file in the Town Clerk's office.

Maintenance by Councilman Sullivan

- Cleaned up garbage and driftwood at Cheviot.
- Temporary fix at the Anchorage on the light.
- Fixed the light by Central House.
- Treated the lake.
- Lots of mowing and weed eating.
- Changed the UV filters.

Dog Control by Councilman Sullivan

- 5 dogs at large.

Supervisor Beaury commented that Anthony gets calls regarding loose dogs in the middle of the night.

Highway by Councilman Kukon

- John Deere is back and running great thanks to Keil Equipment.
- Cutting back where it is not too wet.
- Anthony Cidras was sworn in as Deputy Highway Superintendent asking the Town Board for their approval.
- Change rod and culvert pipe by Sally Dodge's house on Round Top Road.
- When they get a break from the rain will be changing the 3' x 60' pipe by C & M Orchards on South Road.
- Hauled blacktop millings from a Route 9 project.
- Helped Anthony at the Anchorage and helped install the split rail fence Palatine Park Road.
- Set up and clean up for the Firemen's Convention.
- Hats off to all the people that made that event possible.
- Be careful with all of the rain, trees are not stable and could fall over and could be touching power lines.

Sewer by Councilman Moore

- Average flow is 39,000 gallons per day.
- Received 11 call you dig requests.
- Have not received the inspection report from DESH yet.
- Had 7.3" of rain already this month.

At this time Supervisor Beaury introduced Honorable Dr. Carrie A. O'Hare who is the President of CCMA and a Town Justice in the Town of Stuyvesant for 17 years. Ms. O'Hare has been researching Towns of Claverack, Livingston and Stuyvesant and has done research at the Board of Elections and in the Columbia County Clerk Holly Tanner's office. At this time Honorable Dr. Carrie A. O'Hare presented a plaque to past and present justices of the Town of Germantown which included: Judges- Delaney, Rustici, Nack-Lawlor, DelPozzo, Colwell and Beaury among others. Ms. O'Hare thanked them for their services.

Motion to go into executive session at 7:25pm to discuss the medical, financial, credit or employment history of a particular person or corporation or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation made by Councilman Moore, seconded by Councilman Kukon, with all in favor and none opposed.

Motion to come out of executive session made by Councilman Moore, seconded by Councilman Kukon, with all in favor and none opposed.

Motion to re-enter meeting made by Councilman Moore, seconded by Councilman Kukon, with all in favor and none opposed.

Old Business

- Effective as of today the Building, Planning & Zoning Fees. There was only one comment at the Public Hearing and was in favor.

Motion to approve Building, Planning & Zoning Fee schedule effective as of today and on a prospective basis made by Councilman Kukon, seconded by Councilwoman DuFresne.

Supervisor Beaury:	Aye
Councilman Moore:	Aye
Councilwoman DuFresne:	Aye
Councilman Kukon:	Aye
Councilman Sullivan:	Aye

- Fee schedule will go to CEO tomorrow.

Corinne Smith said the Planning Board granted conditional approval to Primax for subdivision and site plan. They set the bond up in the amount of \$175,000, that is the amount the Town Engineer came up with for sewage facilities, water supply, drainage and landscape plans. The actual bond needs to be approved by the Town Board. Supervisor Beaury said there would be no changes to the language, just waiting for a signature.

Supervisor Beaury read the resolution:

TOWN BOARD
TOWN OF GERMANTOWN
COLUMBIA COUNTY, NEW YORK

August 14, 2018.

WHEREAS, Primax Properties, LLC ("Applicant") applied to the Town of Germantown Planning Board (the "Planning Board") for approval of a minor subdivision plat to subdivide an existing 6.059 acre lot located at 4301 Route 9G, Town of Germantown, Columbia County, New York, tax map no. 158.4-1-24, (the "Property") into two lots resulting in a 4.676 acre lot to be kept by the current owners and a 1.383 acre lot (the "Project Site") to be conveyed to the Applicant, and for site plan approval to construct an approximately 9,266 square foot Dollar

General retail store, including other associated improvements, on the Project Site (the "Project"); and

WHEREAS, on July 23, 2018, the Planning Board conditionally approved the Applicant's site plan and subdivision plat, subject to certain required improvements being made, installed, constructed and maintained; and

WHEREAS, in accordance with Germantown Zoning and Subdivision Law, Article X, Section H (2) and Article XIII, Section G, the Planning Board conditioned its approval on the Applicant filing a bond in an amount estimated by the Planning Board to secure to the Town the satisfactory construction and installation of certain required improvements; and

WHEREAS, Town Law Section 277 provides any such security must be provided pursuant to a written security agreement with the Town, approved by the Town Board and also approved by the Town attorney as to form, sufficiency and manner of execution.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Germantown that the Security and Performance Agreement and attached bond is approved, and the Supervisor be and he is hereby authorized to sign said Agreement; and

BE IT FURTHER RESOLVED, that this resolution is to take effect immediately.

On a motion by Councilman Sullivan and seconded by Councilwoman DuFresne and having been approved by a majority of the Board, this Resolution was declared duly adopted by the Town of Germantown Town Board.

Discussion on the proposed Local Law regarding alternate members to the Zoning Board of Appeals and Planning will be tabled until next month. All Town Board members agreed.

Parking restrictions on long-term parking of trucks and/or cars in the Municipal Parking Lot. Corinne will pass along regulations that other towns have. Councilwoman DuFresne suggested the snow ordinance be added in. Councilman Sullivan asked if they can amend the Local Law? Supervisor Beury they have a snow removal law now and that residents are required to do their own snow removal. Councilwoman DuFresne asked if we could find out what other towns do for snow removal in their municipal parking lots. Supervisor Beury said that he will reach out to the other Town Supervisors and will bring his findings back to next month's Town Board meeting.

Resolution to adopt the Columbia County NY Multi-jurisdictional Hazard Mitigation Plan. Last month Harry Swartz, Deputy Director of Columbia County Emergency Management made a presentation about this.

Supervisor Beury read the resolution:

**TOWN OF GERMANTOWN
RESOLUTION
AUGUST 14, 2018**

WHEREAS, the Town of Germantown, with assistance of Columbia County Emergency Management, has gathered information and prepared the Columbia County, NY Hazard Mitigation Plan; and

WHEREAS, the Columbia County, NY Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Town of Germantown is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the Town of Germantown has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE IT IS HEREBY

RESOLVED, that the Town Board of the Town of Germantown adopts the Columbia County NY Multi-jurisdictional Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan and resolves to execute the actions in said Plan.

Motion to adopt Columbia County NY Multi-jurisdictional Hazard Mitigation Plan made by Councilman Moore, seconded by Councilman Kukon.

Supervisor Beaury: Aye
Councilman Moore: Aye
Councilwoman DuFresne: Aye
Councilman Kukon: Aye
Councilman Sullivan: Aye

NYS Department of Taxation and Finance certified our final equalization rate at 85%. Last month Ralph DelPozzo, Tax Assessor, made a presentation about this. Supervisor Beaury was contacted by Suzette Booy, the Director of Columbia County Real Property Tax Services Division. Suzette offered to make a presentation as well to the Town Board and if we do the re-assessment work in 2019 we will be ready to use the new assessment in the 2021 school and county/town taxes. Town Board agreed to getting assessment done. Supervisor Beaury will reach out to Suzette Booy to make this presentation.

New Business

Motion to approve filing of application for the 2018 Greenway Conservancy for the Hudson River Valley Trail Grant (Ice Dock) made by Councilman Moore, seconded by Councilman Sullivan.

Supervisor Beaury: Aye
Councilman Moore: Aye
Councilwoman DuFresne: Aye
Councilman Kukon: Aye
Councilman Sullivan: Aye

Rich Jennings appointed Anthony Cidras as Deputy Highway Superintendent.

Motion to approve Rich Jennings appointing Anthony Cidras as Deputy Highway Superintendent made by Councilman Moore, seconded by Councilwoman DuFresne.

Supervisor Beaury: Aye
Councilman Moore: Aye
Councilwoman DuFresne: Aye
Councilman Kukon: Aye
Councilman Sullivan: Aye

Submit Hudson Valley Greenway Grant for Ice Dock Resolution.

Supervisor Beaury read the Resolution:

TOWN OF GERMANTOWN RESOLUTION AUGUST 14, 2018

WHEREAS, the Town of Germantown is applying to the Hudson River Valley Greenway for a grant under the 2018 Greenway Conservancy Trail Grant Program for a project entitled Germantown Ice House Landing located in Germantown, New York;

WHEREAS, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality in which the project will be located;

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that the Town Board of the Town of Germantown hereby does approve and endorse the application for a grant under the 2018 Greenway Conservancy Small Grant Program, for a project known as Germantown Ice House Landing and located with this community.

Motion to approve Germantown Ice House Landing Resolution made by Councilman Moore, seconded by Councilman Sullivan.

Supervisor Beaury: Aye
Councilman Moore: Aye
Councilwoman DuFresne: Aye
Councilman Kukon: Aye
Councilman Sullivan: Aye

Taping and Broadcasting Town Board meetings. Councilwoman DuFresne said they were having issues of what the town is going to do about taping the meetings are they required or not required to do, are they foil able, are they required to hold on to them? Councilwoman DuFresne said if they do tape the meetings we are required to save them for 4 months. Councilwoman DuFresne said that Gtel currently puts the Town of Germantown, Town of Clermont and the Board of Supervisors meetings on the Community Channel and this is just a service that Gtel does. Councilwoman DuFresne said they talked about looking into a professional to do this for us and put the meetings on discs and maybe taping the Planning and Zoning as well. Supervisor Beaury said once you start recording meetings you always have to record them. Supervisor Beaury also said we are not required to tape the meetings. Councilwoman DuFresne contacted Ray Staats and their videographer could not do it for us. Supervisor Beaury will talk to Matthew the Town webmaster and then we will address this next month. Councilman Moore would like to know how much services cost and if it is worth it? Supervisor Beaury will look into it.

Empire State Trail Maintenance Agreement. Supervisor Beaury had a conference call with DOT and Greenway on August 1, 2018 and they are asking the towns to execute a maintenance agreement to take care of the trails which are several hundred miles long. The trail is coming down Wire Road in Livingston, Dales Bridge Rd, Hover Ave, Main Street to Woods Road and into Clermont. Supervisor said that this will cost us nothing. Supervisor Beaury hasn't seen the maintenance agreement and there will be no request for a motion yet. Going to start construction late Fall 2019/early Spring 2020.

Supervisor Beaury read the WWTP Improvement Project WWIA Funding Application:

**Resolution #34 Adopted August 14, 2018
TOWN OF GERMANTOWN**

WWTP Improvement Project

Board Resolution- WIIA Funding Application

WHEREAS, The Town of Germantown, Columbia County, New York (hereinafter the "Town") has established the public benefit of the Wastewater Treatment Plant (hereinafter the "WWTP") Improvement Project (hereinafter the "Project"); and

WHEREAS, the Town of Germantown plans to make repairs and improvements to its WWTP to improve reliability and protect public health; and

WHEREAS, the Town has the opportunity to apply for grant funds from the NYS Water Infrastructure Improvement Act (WIIA) which may fund up to \$3 million or 60% of the total project costs; and,

WHEREAS, the total Project cost is estimated at \$2,500,000; and,

WHEREAS, the Town is prepared to contribute matching funds of \$1,000,000 through CWSRF financing; and,

THEREFORE, BE IT RESOLVED THAT

1. The Town of Germantown is authorized to submit the WIIA grant application.
2. The Supervisor of the Town of Germantown is authorized to sign the WIIA grant application.
3. The Town of Germantown agrees to provide the matching \$1,000,000 required for WIIA projects through a 30-year loan through the NYSEFC CWSRF program.

Motion to authorize the Resolution for the submission of the WWTP Improvement Project WWIIA Funding Application made by Councilwoman DuFresne, seconded by Councilman Kukon.

Supervisor Beaury:	Aye
Councilman Moore:	Aye
Councilwoman DuFresne:	Aye
Councilman Kukon:	Aye
Councilman Sullivan:	Aye

Surplus and sell trailer behind the Activity Building. Supervisor Beaury said someone came in and offered to buy the green trailer in the woods behind the Activity Building. The woman offered to pay \$1,000 and Supervisor Beaury told her she had to wait until the Town Board meeting. The woman came in yesterday and said she bought another trailer.

Motion to surplus and sell the trailer behind the Activity Building made by Councilman Moore, seconded by Councilman Sullivan.

Supervisor Beaury:	Aye
Councilman Moore:	Aye
Councilwoman DuFresne:	Aye
Councilman Kukon:	Aye
Councilman Sullivan:	Aye

Supervisor Beaury said there is bidding on the Auger and York Rake.

Motion to appoint Amy Davison to Zoning Board of Appeals to complete the term of a member that resigned effective September 1, 2018 to December 31, 2021 made by Councilwoman DuFresne, seconded by Councilman Sullivan.

Supervisor Beaury:	Aye
Councilman Moore:	Aye
Councilwoman DuFresne:	Aye
Councilman Kukon:	Aye
Councilman Sullivan:	Aye

NYS Volunteer Firefighter Cancer Benefit Program. Supervisor Beaury said the County Board of Supervisors have been talking about this program for a couple of months. NYS recently passed a law requiring Fire Companies to purchase insurance for cancer for firefighters. Supervisor Beaury said right now costs are uncertain but we will know next month what the cost is. If the Town pays for the coverage for the Germantown Fire District, it saves them money and the Town sees a reduction in the cost of workmen's compensation insurance. We would pay slightly more overall, but the benefit to the Fire District would be substantial. Supervisor Beaury said it is a good program and just wanted the Town Board to know about it now and will probably be brought up again next month.

GCS requests to use the portable classroom behind the Activity Building for storage during the renovations.

Motion to approve GCS using portable classroom for storage through July 1, 2019 made by Councilman Moore, seconded by Councilman Sullivan.

Supervisor Beaury:	Aye
Councilman Moore:	Aye
Councilwoman DuFresne:	Aye

Councilman Kukon: Aye
Councilman Sullivan: Aye

Supervisor's Report

- Budget process starting for 2019.
- Split-rail fencing installed. Roughly cost \$1,600
- New Columbia County protocol for recycling. Recycling is very expensive for the County. We may be going back to separating everything. New protocols posted in the office.
- NYS DOT will not lower speed limit on 9G. Three years of data on Route 9G showed 23 accidents but there wasn't a pattern.
- NYS DEC permit received for Waterfront repairs and work is completed.
- NYS DOL/PESH inspected the WWTP on June 21, 2018. (Report not received yet)
- Firefighters Convention, Parade and Fireworks July 27-28, 2018. Celebration was fantastic. At least 3,000 people attended the Parade and park festivities.
- Amtrak Fences and Gates update. Amtrak continued to report incidents. On July 26th two incidents were reported, one in Hudson and one in Rhinebeck/Poughkeepsie where somebody got hit by a train. Amtrak and DOT are having meetings with Town Supervisors and will meet in Germantown next week. Supervisor Beaury said he invited Chief Lawson and will ask a member of the Waterfront Committee to attend, and he asked the Waterfront Committee to be prepared to offer alternatives to Amtrak's plan.
- Camp Palatine ends Friday, August 17, 2018.
- 9/11 Memorial at 8:46am.
- Presentation by Columbia County Emergency Management regarding a GCS Drill in October. This drill was planned for May of this year but that was the day of the Town wide yard sales. Active shooter drill in October. The drill will take place on Saturday, October 13, 2018. There will be more information at the September Town Board meeting.
- Presentation by Norman Mintz regarding a sign at Main Street and Palatine Park Road at the September Board meeting .
- Next Town Board meeting is September 11, 2018 at 7:00pm.

Councilman Moore wondered if they could put up those light up speed signs. Supervisor Beaury asked who does that? Councilman Moore said those light up speed signs are permanent. Dale Hinkein said that NYS handles that. Supervisor Beaury said it is very effective. Councilwoman DuFresne said there is more of a problem with speeding through town.

Public

Ellen Jouret Epstein said Dollar General got their approval and we should get together as a town and do a corridor study. Ms. Epstein said before tackling the re-zoning on 9G the town needs to work together and participate and facilitate. Ms. Epstein suggested a 6-month moratorium. Councilman Sullivan agrees with Ellen that a study might be a good idea. Councilman Moore said he opposes a moratorium. Councilman Kukon agrees. Councilwoman DuFresne said she is not a big fan of a moratorium but likes the idea of the study. Supervisor Beaury said he opposes a moratorium and will place the corridor study on the October agenda for discussion.

Pamela Wallace supports what Ellen said. Ms. Wallace said the Dollar General divided the town but there is much excitement over the diner. Pamela said a moratorium for 6 months is not that long. Ms. Wallace said zero dollars will come back to the town from Dollar General. The Town will get no sales tax. Look it up in appendix "x". Supervisor Beaury said Germantown gets to keep approximately 3.5 cents per dollar of collected sales tax.

Margaret DellaCioppa said the town gets \$360.00 per million dollars. Pamela commented that the smaller businesses bring in more income to our town.

Supervisor Beaury said all towns in Columbia County have been very fortunate this year in sales tax. The economy is good when people shop or eat in Hudson that means something to us here. Councilman Moore said not every town gets that. Supervisor Beaury said we get our share of sales tax from Columbia County and we get a check every 3 months.

Kaare Christian thanked the Town Board for supporting the Ice House. Thank you to Supervisor Beury. Kaare said there is an issue of phragmites at the Dog Park. The way you have to deal with them is to try to cut at the stalk prior to the seeds forming then put them in black plastic garbage bags to dispose and prevent the spreading. Councilwoman asked if a back hoe could dig them out? Kaare said need to work on them over a period of years and cut them in the Spring. Councilman Moore said dredging or bringing in a back hoe would be a greater expense. Councilwoman DuFresne and Councilman Moore said we can't work or clean-up the backside of the pond because that is not our property. There was more discussion on the phragmites. Margaret DellaCioppa will follow up. Supervisor Beury will talk to the property owner behind the pond.

Daisy Praddock said she recently bought her house and her pond is choked with phragmites. She hasn't found a solution yet.

Supervisor Beury will organize a group of people. Pamela Wallace said the phragmites needs totally dried before disposing. Supervisor Beury said if you are willing to volunteer contact the town. Kaare will pick the date and Margaret will do the research.

Kaare Christian will organize at the library where people could get more education on this. Kaare also said they have been following up on the swimming issues in the lake. The committee is finalizing a poll to send out to the residents. Supervisor Beury suggested to ask how many people use our park for picnicking or what. Right now there is no swimming in the lake.

Sally Saul said Japanese Knotweed is also difficult to get rid of. Councilwoman DuFresne said there is information at the library. Councilman Moore said he likes that idea.

Supervisor Beury mentioned that there are 4 new species of ticks.

Dale Hinkein thanked the town for a successful Fireman's Convention.

Supervisor Beury said Building Department will be in on Tuesday, September 4th 2018 from 5-8pm, instead of Wednesday as usual. Just for that week.

Motion to adjourn the meeting made by Councilman Moore, seconded by Councilman Kukon, with all in favor and none opposed.

Meeting closed at 9:28pm.

Respectfully submitted,