

Minutes of August 13, 2019 Town Board meeting held in the Germantown Town Hall, 50 Palatine Park Road, Germantown, New York, commencing at 7:12pm.

Present: Supervisor Beaury  
Councilwoman DuFresne  
Councilman Kukon  
Councilman Sullivan

Attorney, Corinne Smith

Absent: Councilman Moore

Recorded by: Town Clerk, Joyce Vale

Motion to approve July 9, 2019 regular meeting minutes and July 23, 2019 special meeting and public hearing minutes made by Councilwoman DuFresne, seconded by Councilman Kukon, with all in favor and none opposed.

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

### **Written Communications to the Town Clerk**

The Town Board received a letter from George Sharpe stating he is opposed to the Ethics Law and had comments about indemnification. The letter will be on file in the Town Clerk's office.

The Town Board received an email from Lori Barbini pertaining to the Highway Department. The letter will be on file in the Town Clerk's office.

The Town Board received a letter from Carole Neville in opposition to the proposed Alternate Law. The letter will be on file in the Town Clerk's Office.

Motion to go into executive session at 7:15pm to discuss the employment history of a particular person, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person; and to discuss proposed, pending or current litigation made by Councilman Sullivan, seconded by Councilman Kukon, with all in favor and none opposed.

Motion to come out of executive session at 7:43pm made by Councilman Kukon, seconded by Councilwoman DuFresne, with all in favor and none opposed.

Motion to re-enter regular session made by Councilman Sullivan, seconded by Councilman Kukon, with all in favor and none opposed.

### **Old Business**

- Local Law No. 2 (2019) Alternate members to the Planning Board and Zoning Board of Appeals.

Supervisor Beaury read the following Resolution:

TOWN BOARD  
TOWN OF GERMANTOWN  
COLUMBIA COUNTY, NEW YORK

August 13, 2019

**WHEREAS**, Local Law No. 2 of 2019, providing for the appointment of alternate members to the planning board and zoning board of appeals, was laid on the desks of the members of the Town Board for at least 10 days; and

**WHEREAS**, in accordance with General Municipal Law § 239-m, Local Law No. 2 of 2019 was referred to the Columbia County Planning Board (“CCPB”) for recommendation; CCPB found that this proposed action has no significant county-wide or intercommunity impacts associated with it, and, therefore, the Town Board may take final action with a simple majority vote; and

**WHEREAS**, a public hearing on said local law was duly noticed and held on August 13, 2019.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby declares itself to be Lead Agency for purposes of the State Environmental Quality Review (“SEQR”) with respect to Local Law No. 2 of 2019 and hereby determines that such action is a Type II action and is not subject to further review under SEQR; and

**BE IT FURTHER RESOLVED**, that Local Law No. 2 of 2019 is hereby adopted.

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

- Local Law No. 3 (2019)/ Ethics Law. Made revisions to the Local Law based on comments received at the July 23, 2019 public hearing. A second public hearing is set for September 10, 2019 at 6:30pm. Supervisor Beaury noted that new comments would be welcome at the September 10, 2019 public hearing.

Supervisor Beaury read the following Resolution:

TOWN BOARD  
TOWN OF GERMANTOWN  
COLUMBIA COUNTY, NEW YORK

RESOLUTION  
Dated: August 13, 2019

**BE IT RESOLVED**, that Local Law No. 3 of 2019, a local law revising code of ethics and establishing a board of ethics for the Town of Germantown, a copy of which is annexed hereto, is hereby introduced at this meeting; and

**BE IT FURTHER RESOLVED**, by the Town Board of the Town of Germantown as follows:

1. The Town Board of the Town of Germantown shall hold a public hearing on the 10 day of September 2019 at 6:30pm at the Town of Germantown Town Hall, 50 Palatine Park Road, Germantown, New York, to hear all interested parties on said proposed local law; and
2. The Town Clerk of the Town of Germantown is hereby authorized and directed to publish notice of said public hearing in the official newspaper of the Town, on the Town’s website, and on the Town sign board at least five (5) days prior to the date of the public hearing; and

On a motion by Councilman Kukon 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.

- Motion to approve RFP for the maintenance and operation of the Waste-Water Treatment Plant and Pump Stations/Resolution.

Supervisor Beaury read the following Resolution:

TOWN BOARD  
TOWN OF GERMANTOWN  
COLUMBIA COUNTY, NEW YORK

RESOLUTION

Dated: August 13, 2019

**BE IT RESOLVED**, by the Town Board of the Town of Germantown that the Town Supervisor, in conclusion with Delaware Engineering, D.P.C. and the attorney for the Town, to issue a Request for Proposals for full-service operations, maintenance, and management services for the Town's wastewater treatment plant and two pump stations and to receive sealed proposals to be opened at the Town Hall at a date coordinated with the Town Clerk.

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

- Motion to approve Policies and Procedures for the Zoning Board of Appeals made by Councilman Sullivan, seconded by Councilman Kukon, with all in favor and none opposed.
- There is a Procurement Policy on file how the Town is spending money and what procedures that have to be followed. Receiving written quotes for the AC unit and roof for the salt shed.
- Motion to approve updated Procurement Policy made by Councilwoman DuFresne, seconded by Councilman Kukon, with all in favor and none opposed.
- Department of Public Works- transition from Highway Department and Maintenance Department- update. Corinne Smith will have a draft.
- Audit report for Town Assessor. A few minor things noted.
- EV Station- update. Approved for a grant from National Grid, waiting for NYSEDA grant. Cost to the Town is \$1093.00 EV station in the municipal lot. Contract is approved by Town Attorney.
- Motion to authorize Supervisor to execute the contract and spend \$1,093 on the EV station made by Councilwoman DuFresne, seconded by Councilman Sullivan, with all in favor and none opposed.

### **New Business**

- GCS requests use of the Activity Building athletic field. Councilman Sullivan gave the report that GCS has 4 teams for soccer and asked if they could use the fields in front of the Activity Building. Councilman Sullivan also said they are giving the Town ballfields a rest for the season and that soccer will be played at the Clermont field.
- Motion to approve GCS use of the Activity Building athletic field made by Councilwoman DuFresne, seconded by Councilman Kukon, with all in favor and none opposed.
- Fireworks July 2020. Supervisor Beaury proposed 2 dates for the Fireworks. Friday, July 3<sup>rd</sup> with a rain date of Sunday, July 5<sup>th</sup> or Sunday, July 5<sup>th</sup> with no rain date. Discussion on the dates which the board tabled until next month's meeting.

### **Supervisor's Report**

- Budget process starting for 2020.
- Southern Columbia Soccer League- registration open. Councilwoman DuFresne mentioned early bird registration.
- Filming in Town August 1<sup>st</sup>- 2<sup>nd</sup>- Thank you to Rachel Levine and Columbia County Sheriff's Department.

- Camp Palatine ends Friday, August 16<sup>th</sup>. Janet said the campers will have a big party with bounce house.
- 9/11 Memorial at 8:46am.
- Next meeting is September 10, 2019 at 7pm and a public hearing will be held at 6:30pm.

Councilman Kukon gave asked about the drainage on the ballfields? Councilman Sullivan answered saying they did some touch ups and the fields look fantastic and they are filling in low spots.

Councilwoman DuFresne asked if the fences were going to be done this year? Councilman DuFresne suggested getting in touch with Roma Fence.

Councilman Sullivan mentioned the "Cow Flop" bingo event on September 21<sup>st</sup> this is a fund raiser for the Farmer's Market. He suggested a presentation by the organizers.

### **Public**

Ellen Jouret Epstein said her term on the Columbia County Environmental Management Council expired in July and she encouraged residents to volunteer. Meetings are once a month and you serve a 2-year term. Supervisor Beaury thanked Ellen for serving on that Council.

Ellen Epstein recognized the passing of Chuck Abraham a good neighbor and a great asset for the Town of Germantown, he will truly be missed.

Pamela Wallace is concerned that the comments made need to be heard before the Town Board votes on the Ethics Law. Pamela feels there are problems with section 9B and 27B and she is expressing concern if the Town Board votes on the Ethics Law without making any changes. Supervisor Beaury said to refer to the Town website for a comparison of the Town revised draft ethics law and the NYS model ethics law. We also did a list of every section in the draft law and its source.

Steve Reynolds mentioned section 10 and recusal. Supervisor Beaury told him this was word for word from the NYS model. Steve finds it confusing and needs clarification.

Supervisor Beaury said the Board of Ethics is a tool, a go to and they can't possibly draft a law that would provide an answer to all the questions.

Corinne Smith gave a few examples for section 10 and recusal. Adoption of the Town budget or zoning changes these things would affect the whole board and they would not have to recuse themselves that is why that provision is in there to make this all clear.

A resident asked what was going on in the field by the nature trail? Supervisor Beaury said they did some brush hogging. Councilman Sullivan said they are clearing that area and bringing in fill to possible because it is a wet area.

Joe Guida asked if the town should or could plant some trees? Supervisor Beaury said that would be a great idea and asked Mr. Guida to help come up with some ideas.

Pamela Wallace said this Ethics Law makes it like you can be sued.

Supervisor Beaury said this Ethics Law did not create the risk of you being sued the risk already exists because you are a member of one of these boards. The Ethics Law is much broader and applies to all employees of the Town.

Corinne Smith added this is where indemnification comes in and this is what the insurance policy is in place for that reason. As long as an employee follows the law they should be covered.

Supervisor Beaury the Ethics Board is a tool which allows any board member or employee to ask for an opinion from that board and then you have done your due diligence.

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

Meeting closed at 8:20pm.

Respectfully submitted,