

Minutes of February 13, 2018, Germantown Town Board meeting, held in the Germantown Town Hall, Germantown, NY, commencing at 7:00pm.

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

Recorded by: Town Clerk, Joyce Vale

Motion to approve the January 9<sup>th</sup> Re-Organizational meeting and January regular Town Board meeting minutes made by Councilman Sullivan, seconded by Councilman Kukon, with all in favor and none opposed.

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

**Written Communications** by Town Clerk

Town Clerk said a letter was received by Carol Neville who is opposed to the Commercial Event Law and that the letter is on file in the Town Clerk's office.

**Department Monthly Reports**

Supervisor Beaury apologized for not putting the Dog Control report on the agenda. Dog Control report will be on next month's agenda as well.

Dog control officer had 2 complaints and 1 court appearance.

**Maintenance** by Councilman Kukon

- Changed furnace filters in Town Hall, Activity Building and Highway garage.
- Cleaned UV filter in Town Hall and Activity Building.
- Changing sensors in both UV systems.
- DEC permits for the lake were received.
- Still painting.
- Beginning ordering supplies for summer.
- Electric installed in the Parsonage.
- Did not fix the lighting issue in the municipal parking lot due to weather.

**Highway** by Councilman Sullivan

- There has been a lot of snow and the highway crew has been out plowing and sanding.
- 2009 International broke down and was towed by Ben Funk's - waiting for the report.

- Highway crew has been using the Town of Livingston's truck. Thank you to Dave Lyons for letting us use it.
- Columbia Tree service cutting brush and limbs.
- Rich is looking for the progress report on the updated snow ordinance.

Supervisor Beaury responded that he had explained to Rich there is a snow ordinance on the books and that Rich will have to wait until next year for an updated version.

**Sewer** by Councilman Moore

- Average flow is 27,000 gallons per day.
- Received 4 call before you dig requests.
- Called into CAMO for replacement of the valves in pump station #1.
- Working on finalizing new sewer connections.

**Police** by Officer-in-Charge DuBois

- No activity – they are off the road for right now.
- 29.5 hours were logged in for the month of January.
- Received a certificate from Senator Kathy Marchionne thanking police officers for "Police Day".

**History** - No report this month.

Motion to accept the reports as read made by Councilman Moore, seconded by Councilman Kukon.

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

**Old Business**

Supervisor Beaury said they concluded the Public Hearing on extending the real property exemption for cold war veterans and there were no comments.

Motion to approve Local Law No. 1 of 2018, extending the real property exemption for cold war veterans made by Councilman Moore, seconded by Councilwoman DuFresne.

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

Supervisor Beaury said the Comprehensive Plan has been referred to the Columbia County Planning Board and should be sent back in a few weeks and then a public hearing will be held.

Motion to approve a Resolution to refer the Commercial Events issue and Solar Farms issue to the Planning Board before final action is taken by the Town Board was made by Councilwoman DuFresne. The Town Board stipulates that (a) the Planning Board shall have nine months from this date to complete each of its reports, and (b) final action thereon shall not be taken until the Planning Board has submitted its reports to the Town Board. The motion was seconded by Councilman Kukon.

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

Tal Rappleyea said there had been a two-hour session on these issues already. There was some discussion about the 9-month time frame.

Supervisor Beaury asked Councilwoman DuFresne to give the update on the building permit fee schedule for 2018. The first part is general listing and the charges for building permits and the second part details it. Councilwoman DuFresne said that some things change year to year. Councilwoman DuFresne is questioning a building permit for a generator. Councilman Moore agrees to getting a building permit for generator to make sure it is hooked up properly to the electrical panel. Councilwoman DuFresne said they want people to improve their properties and not to pay an unreasonable amount. Councilwoman DuFresne would like comments from the Town Board on the fee schedule. Supervisor Beaury likes that idea and to then have the Code Enforcement Officer look it over.

Supervisor Beaury said the street lights have a work order number and should be installed by March meeting.

### **New Business**

Supervisor Beaury explained that the town's certified public accounting firm recommended the following Payroll Policy:

#### **Town of Germantown Payroll Policy**

**POLICY STATEMENT:** It is the objective of the Town of Germantown to make known the policies and procedures associated with the distribution of paychecks.

**RATIONALE:** To ensure that all direct deposit advices and live paychecks are properly distributed and accounted for.

**APPLICABILITY OF THE POLICY:** This policy applies to all elected and appointed full-time and part-time and per diem and seasonal employees.

DEFINITIONS: Not applicable.

PROCEDURES:

Direct Deposit Advices

Employees that choose to receive Direct Deposit will have their wages deposited in the account(s) of their choice at the financial institution(s) of their choice each payday, as applicable, and the Direct Deposit Advice shall be delivered by email to the employee on the same day.

Live Paycheck

An employee that was elected or appointed on or before January 1, 2018 may choose to receive a Live Check. Employees may personally pick up their checks from Town Hall during regular business hours. If this option is chosen, the employee will need to sign and date the paycheck distribution list (name in full) indicating their check has been received.

Any employee elected or appointed on or after January 1, 2018 may not choose to receive a Live Check and will be required to receive Direct Deposit.

The Town Board decided this was the way to go.

Motion to approve Town Policy on Payroll made by Councilman Sullivan, seconded by Councilman Kukon.

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

Supervisor Beury explained the town has over \$2.5 million in plant and equipment at the Sewer Plant, hundreds of thousands of dollars in vehicles, equipment and supplies in the Town Garage and Maintenance Building, and that security and safety are priorities. We already have many cameras and in reviewing our security we realized there was no camera security policy in place. The following policy was recommended:

### **Town of Germantown Security Camera Policy**

POLICY STATEMENT:

The purpose of this policy is to regulate the use of security cameras to protect the legal and privacy interests of the Town of Germantown, the community at large and Town employees while concurrently assisting in the protection of safety in and property of municipal buildings and assets owned by the Town.

The primary use of security cameras to protect the legal and privacy interests of the Town of Germantown, the community at large and Town employees while concurrently assisting in the protection of safety in and property of municipal buildings and assets owned by the Town.

The primary use of security cameras will be to record images for future identification, investigation, and possible prosecution related to illegal and/or criminal activity and actions.

DEFINITIONS: Not applicable

PROCEDURES:

**I. GENERAL POLICY**

- A. Security cameras shall only be installed under the authority of the Town Board.
- B. The Department Heads and/or designees shall ensure that the cameras (1) are operable; (2) are turned on always; and (3) are free of obstructions that impede ability to monitor the area as intended.
- C. Placement of cameras shall only be considered for the security and safety of employees and the public, and the security of town buildings, equipment and vehicles or for legally mandated reasons. Cameras shall never be placed in areas where privacy would normally be expected. Camera placement must take into consideration any confidential material that could be visible.
- D. Any building where cameras are located upon or in shall have a statement placed conspicuously at each entrance to the building notifying citizens of the presence of video and/or audio recording equipment.
- E. Public display of live video from security cameras is not permitted.
- F. Viewing of recorded video shall be limited to the following:
  - o From Town Hall cameras: Town Supervisor, Town Board members or designees of any of these parties and Law Enforcement personnel involved as part of any investigation and/or prosecution effort.
  - o From Sewer Plant cameras: Town Supervisor, Town Board members or designees of any of these parties and Law Enforcement personnel involved as part of any investigation and/or prosecution effort.
  - o From Highway Department cameras: Town Supervisor, Town Board members or designees of any of these parties and Law Enforcement personnel involved as part of any investigation and/or prosecution effort.
  - o From Maintenance Department cameras: Town Supervisor, Town Board members or designees of any of these parties and Law Enforcement personnel involved as part of any investigation and/or prosecution effort.
- G. Video recordings shall be maintained and retained by each Department according to the following schedule unless changed by the Town Board:
  - o External Building Cameras: 30 Days
  - o Internal Building Transaction Cameras: 30 Days
  - o It shall be the responsibility of the Department Head to ensure that all recordings are kept secure and shall permit no individual unless those stipulated herein to view recorded material.
  - o In the event of a Law Enforcement investigation, or in the event of an active claims investigation for insurance purposes, video recordings may be retained for periods of time longer than time limits specified herein.
- H. When an incident is suspected to have occurred, the Department Head shall immediately notify the Town Supervisor and immediately take steps to ensure that any video recording of the incident is preserved pending investigation and shall provide investigative personnel with access to video recordings as requested.
- I. When an incident is suspected to have occurred, designated personnel herein may review the images from security camera data/recordings. Any suspicion of illegal or criminal activity shall immediately referred to the Columbia County Sheriff's Office or the New York State Police.
- J. Video recordings shall not be copied or removed except in relation to an ongoing investigation and only with the approval of the Town Supervisor or Town Board.

**IV. VIOLATIONS & PENALTIES**

- Any employee who may violate the terms and conditions of the policy may be subject to disciplinary action, up to possibly including termination.

Motion to approve Town Policy on Security Cameras made by Councilwoman DuFresne, seconded by Councilman Kukon.

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

Motion to accept 2017 year-end department reports made by Councilman Kukon, seconded by Councilwoman DuFresne.

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

Motion to approve the audited fiscal year 2017 Town Justice reports made by Councilman Moore, seconded by Councilman Sullivan.

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

A presentation was made to the board from Mary Beth Bianconi from Delaware Engineering. Ms. Bianconi started by saying that our sewer plant is about 20 years old and the metal and concrete components have reached the end of their life. The Town Board had made the decision to upgrade the system to the concrete components. For 4 years in a row the town had applied for low cost financing or grants. Ms. Bianconi said it has been a challenge in finding lower cost financing for this project and that the town is now eligible for subsidized funding. After doing some research it was discovered that there were a few parcels that were never connected and a few parcels that were connected over the years that haven't paid anything. Ms. Bianconi said we will apply in June and construction will begin in 2019 and there will be no interruption of treatment or service with construction. Supervisor Beaury thinks this is a good deal and Delaware Engineering deserves all the credit.

Motion to adopt a Resolution and Order accepting a Map, Plan and Report dated December 7, 2017 (Extension Report) regarding Sewer District No.1 pursuant to Section 209-d of Town Law made by Councilman Moore, seconded by Councilman Kukon.

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

Councilman Sullivan: Aye

Motion to schedule a Public Hearing on the Sewer Extension for March 13, 2018 at 6:45pm made by Councilman Moore, seconded by Councilwoman DuFresne.

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

Motion to appoint Richard Dale Hinkein to the Columbia County Traffic Safety Board made by Councilman Moore, seconded by Councilman Kukon.

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

Motion to appoint Thomas Shannon to the History Committee made by Councilman Sullivan, seconded by Councilwoman DuFresne.

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

Supervisor Beury asked Councilman Kukon to give an update on the ballfields and parks. Councilman Kukon said that Little League reached out to them and they would like our town to see what we can do to restore the ballfields and get them back to playing conditions. Councilwoman DuFresne said she would like to see the concession stand in working order again. Councilman Kukon said for 11 and 12-year-olds the fields are out of compliance. Councilwoman DuFresne said a workshop should be organized. Councilman Moore said we could have fund raisers. Councilman Kukon will reach out to Rob Nedwick and Tony Stagno. Supervisor Beury said to get it started now in February.

Motion to schedule a workshop for February 28, 2018 at 9:00am to discuss ballfields and parks made by Councilman Moore, seconded by Councilman Sullivan.

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

## **Supervisor's Report**

- On Saturday, February 10<sup>th</sup> there was a training for Planning Board and Zoning Board of Appeals members. Supervisor Beaury thanked Tal Rappleyea and Jay Trapp for providing the training and that he had a lot of good feedback.
- How many people does it take to screw in a light bulb? Supervisor Beaury said the answer was 6 and went into the explanation.
- Next Town Board meeting is March 13, 2018 at 7:00pm.

## **Public**

Dale Hinkein likes the idea of updating the ballfields and said the concession stand was donated by Billy Gunther's parents. Dale also said the sportsmen members will help with the renovations to the concession stand.

Pamela Wallace asked where the Town Board is with the process of approving the Comprehensive Plan? Supervisor Beaury said the Plan is with the county now awaiting their feedback and then a Public Hearing will be held before the board votes on it.

Ellen Jouret Epstein has 3 letters from neighbors Nancy Loudon, Susan Seidel, Betsy Quackenbush and John Metzger from Church Avenue that weren't mentioned as correspondence to the Town Board. These letters are on file in the Town Clerk's office, if you would like to read them.

Steve Savoris said he is confused about why the town planner hasn't attended any of the meetings as there were issues and they had no professional help. Steve asked if it was because the planner isn't getting paid? Tal said they had established an escrow account and whenever it got to a low level they would ask the applicant to replenish it. Tal also said at the beginning of the year the account was replenished again and there is more than enough money to pay fees for the consultants. Supervisor Beaury said there will be another meeting and that there is more work to be done. Steve Reynolds said clear procedures should be established for the future. Councilman Moore wondered why the planner was worried about not getting paid if he had always gotten paid before. Margaret DellaCioppa said there were times when the planner didn't get paid. Supervisor Beaury said there is a process for payments and the bills need to be audited by the Town Board.

Genette Picicci Oehlke said she would like to respond to the Commercial Event venue. Her family can't maintain the property and buildings if they can generate revenue. Genette also said there are limited areas of what they can do in the agricultural district and it is not just her problem but the town's problem as well. Supervisor Beaury said the matter is in the hands of the Planning Board.

Marissa Weiss an attorney with Whitbeck, Benedict & Smith said her firm is representing property owners on Church Avenue. Ms. Weiss said Genette Picicci Oehlke made numerous misrepresentations to the Town Board and one of them was the chart of neighboring towns in which Genette stated that out of the twenty municipalities, only Canaan, Germantown and

Gallatin prohibit commercial events. Ms. Weiss said their clients are relying on the Town Board to see through the false presentations. Ms. Weiss's letter is on file in the Town Clerk's office.

Mrs. Oehlke also owns property on Church Avenue and she doesn't understand why this turned so nasty; they are just trying to keep their farm together.

Motion to go into executive session at 8:10pm 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 was made by Councilman Moore, seconded by Councilman Kukon, with all in favor and none opposed.

Supervisor Beaury said he didn't think the Town Board would be making a decision.

Motion to come out of executive session at 9:02pm was made by Councilman Moore, seconded by Councilwoman DuFresne, with all in favor and none opposed.

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

Meeting closed at 9:03pm.

Respectfully submitted,