

Minutes of December 13, 2022, Germantown Town Board meeting, held in the Germantown Hall, 50 Palatine Park Road, Germantown, NY and via Zoom, commencing at 7:36pm.

Present: Supervisor Helsley
Councilman Sullivan
Councilman Kukon
Councilmember Suarez
Councilman Christian

Town Attorney, Corinne Smith

Recorded by: Town Clerk, Joyce Vale
Via Zoom

Supervisor Helsley opened the meeting and Led with the Pledge to the Flag.

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

Motion to approve the November 7, 2022 public hearing and board meeting minutes made by Councilman Kukon, seconded by Councilmember Suarez, with all in favor and none opposed.

Motion to pay the audited bills for December 2022 made by Councilman Kukon, seconded by Councilmember Suarez, with all in favor and none opposed.

Written Communication to the Town Clerk

Received monthly reports from Highway, History department and an email from Art Cady.

DECEMBER MONTHLY REPORT

- 1-FINISHED FIRST PASS OF CUTTING BRUSH AND TREES ALONG ROADS
- 2-CUT TREES AND LIMBS ALONG MAIN TRAIL IN PARK
- 3-VOLVO HYDRAULIC PROBLEM HAS BEEN REPAIRED
- 4-FIRE EXTINGUISHERS HAVE BEEN INSPECTED
- 5-JOHN DEERE MOWER HAS BEEN PUT AWAY ALONG WITH SCAG MOWERS
- 6-PUT NEW STARTED AND CONDENSER IN 550
- 7-TOOK DOWN CONDEMED OLD CLASSROOM BEHIND ACTIVITY BUILDING
- 8-HAD FIRST SNOW EVENT ALL WENT WELL, GETTING READY FOR NEXT ONE

ANTHONY CIDRAS
HIGHWAY SUPERINTENDENT

History Advisory Committee
Dec. 17, 2022

Attendance: Tony Albino, Richard Coons, Donald Dubac, Alvin Sheffer, Tom Shannon

- Pomeroy Foundation sign grants: Application for a Legends and Lore sign for the legend of Rev. Haeger's vision was approved. A check of \$1,550 was issued. Tom will submit the order ASAP. The foundry has a six month turnaround time currently so we should have it sometime in June 2023. Will put the marker up at the First Reformed Cemetery. Walt Miller's retelling of the legend is on the Germantown section of the Columbia County Historians website.

We also had a standard historic sign grant request for the site of the Germantown Ice Co. house on the Hudson River. This was recently denied because the LWRP plan for

the site includes a kiosk which Pomeroy thought would deem their sign duplicative.

- SUNY Geneseo internship program: Tom submitted a proposal for their local history summer internship program. Several colleges are participating. The internship has to focus on public memory of the American Revolution. The director of the program emailed back this week and it sounds promising that we will have an intern for the summer of 2023 at no cost to us.

- Historian's Annual Report will be submitted next week.

- Tony, Ethan, and Tom met with State Assemblywoman Didi Barrett a few days ago to talk about grant possibilities and our previous experiences trying to obtain grants to replace the roof and fix the chimney on the Parsonage. Her office will send us more information and is willing to write letters of support for future grant requests.

- Americana Corner grant program: Tom submitted a request for \$10,000 for translation of the 18th century Reformed Church books through FOHG. The administrator of the program emailed back and said decisions will be made in February.

- Hover Grant 2022: Need to finalize and submit orders for the three replacement NYS historic signs for Rockefeller's Mill, Sharp's Landing, and the First Lutheran Church. Tom will work with Rich and Alvin today to finish up the wording. Application for membership in Hudson River Valley Heritage has been submitted and is on the agenda for their January board meeting.

- Events:

Bonfire at Ice House Landing, Dec. 21st, 4 PM

Visit to Livingston History Barn, Jan. 14th, 10AM-1PM

Webinar with Hank Jones, Garry Finkell, and Tom, Jan. 14th 2 PM

Ice Houses of Germantown, Zoom Talk, Jan. 19th, 6 PM

Historic Signs in and near Germantown, Zoom Talk, Feb. 16th, 6 PM

Revolutionary War in and near Germantown, Zoom Talk, March 16th, 6 PM

Pomeroy and Hover historic signs dedication, sometime in June, TBA

- Ten Broeck Cemetery: Will reach out to the owners soon and hopefully begin clearing brush and restoration work once hunting season is over.

- Recent Donations: Mary Howell and Anna Bain gave additional photographs and other materials. Also received a few more items related to the Fire Department and Garden Club from the late Linda Fingar. Mary Beth Wenger mailed us a spoke for the spinning wheel she donated late last year.

- Field Trip ideas for 2023: The mill wheel off of Block Factory Road; Livingston State Forest; the Tarbush Cemetery; Burden Cemetery; gravestone at a house in Red Hook with a connection to the Ekerts.

- Rezoning Committee: meets this week coming up. Tony, Ethan, and Tom finished up a draft of various requests and Tony submitted it to the committee a few days ago.

Dec 13,
2022, 4:33
PM

to Supervisor, Town, me, Jami

Dear Supervisor Helsley

Thanks for your attention to the Open Meetings Law requirement that meeting documents be "posted on the Town's website to the extent practicable."

Upon signing this October 2021, Governor Hochul said, "where information is not available until the last minute or at the meeting, that denies the public what I believe they are rightly entitled to."

Please be aware that a month later, meeting documents were not publicly available for Germantown's Planning Board Hearing, Not before or at the meeting prior to "three minute" public commentaries.

I commented on the 200,000 cubic-foot toxic dump extension used by Primax, the Dollar General developer in 2021. The new dump is west of the pit of toxic waste found in the dollar store excavation and contains most of that material. It is on the north end of the below shown legacy dump on 9G in Germantown.

NYSDEC required a containment structure for this hazardous material and testing procedures that were not met. The money the Town's complicity saved Primax shows that toxic dumping in the town center landfill is still profitable when laws are broken. The

Town has assured neighbors that new toxic landfills are allowed by zoning and that this is okay and normal.

PASCHAL LANDFILL CAP 2003

The Primax Final Environmental Impact Statement (FEIS) required Primax to fund engineer oversight in the movement of the toxic materials found under the dollar store at no cost to Germantown. When the pit was uncovered, the Town engineer was absent.

The Columbia County Health Commissioner's (FEIS) letter warned that any toxicity found at Dollar General would be essential for testing adjacent and fugitive contamination and cleanup-- essential because the NYSDEC required analysis depends on knowing the chemistry of any found toxins.

NYSDEC's (FEIS) response said these protocols and engineer oversight were law and that any found contamination could not be removed until analyzed. Prior to the pit uncovering, Germantown's engineer warned that a second toxicity test for the revised store location was needed.

Testing would show that the now discovered toxic dump pit was imminent. Despite the engineer costing the Town nothing, the town dismissed him prior to the dollar store excavation.

The Town's lapsed oversight allowed Primax's equipment operator and site supervisor to illegally remove and sort 50 truckloads of contamination from the pit. Twenty-some truck loads of these toxins were illegally moved to a "Love Canal facility" and were buried in Porter, NY.

Primax hid the nature of the contamination from NYSDEC and prevented analysis. Primax's destruction of this evidence by disposal was proactive evidence tampering and now suppresses the public's entitlement to brownfield cleanup.

Germantown's Code Enforcement Officer Harkin (CEO) reported the tampering to me. Disposal cost Primax \$300,000 at Chemical Waste Management (WM).

The Town should have required the same costly removal of remaining truckloads as Primax had violated its building permit and hid the hazard provenance to disrupt analysis. Instead, the remaining loads were re-buried in Germantown.

In the prior weeks, Supervisor Beaury publicly stated that this known hazardous material was "safe to spread." If this was "safe to spread," why did NYSDEC issue fines for unsupervised movement of this hazard material?

At \$15,000 per truckload what would be the cost of burying the below pile at Chemical

Waste Management instead of Germantown? How do you analyze that a pile this size is "safe to spread"? If it was safe, why did NYSDEC require the secure landfill? Why was there no building permit?

HAZARDOUS PILE APRIL 2021

The Town had lawful duty and contractual authority to prevent burial of this remaining material on the Germantown aquifer. The Primax completion bond included toxic cleanup outlined in the FEIS.

Primax asked the Town to first reduce then refund all of their construction bonds. CEO Harkin said that Primax submitted the Waste Management receipts. Even though these were expenses for evidence tampering, the Town Attorney approved and the Board refunded bond money.

You have announced the December 13, 2022 Town Board agenda to discuss costs, delays, and conflation of your open meetings and information policies. This is not necessary. Open government law is clear enough.

Please, consider dismissing the Town Attorney rather than tweaking the Town's opacity valve.

Please include this letter in the December 13th Town Board Record and in the Primax administration record.

Also Dollar General uses landfill as a surface water detention filtrate and groundwater recharge. The toxic discoveries invalidate this. The 50% permeable surface required in the zoning Law is meant to design recharge areas of virgin soil- not landfill --especially toxic landfill.

Thanks for all your consideration,

Arthur Cady

P.S. Please post all 2021 and 2022 meeting documents concerning the

- Primax dump extension plan
- Construction bond
- Site plan of the new dump extension
- Primax performance bond refund
- Primax submissions
- May 31, 2021 Lower Main Street neighbors' request "The (Primax) construction bonds . . . should not be refunded .

End of year reports from Highway and Building departments:

YEAR END SUMMARY REPORT 2022

- 1-Blacktopped south rd.
- 2-Oil and stoned East Camp rd. up to orchard rd. East Camp ext. Roundtop rd. from Viewmont rd. to route 9g and Crawford Lane
- 3-purchased new chipper
- 4-All trucks passed inspection
- 5-Replaced 4 driveways pipes
- 6-Installed catch basin and crossover pipe on Huntertown rd.
- 7-Did 3 rounds of road repairs that were done in house
- 8- Took down old classroom behind activity building
- 9-Put half wall and step up in townhall
- 10-Replaced bed of the 2012 truck

Highway Superintendent
Anthony Cidras

Please find attached the Final Building Permit and CO/CC Reports for 2022.

2022, The Town of Germantown Had (82) building permits have been issued this year, (23) of them are renewals from previous years. Break down as follows:

- New Homes : 4 (does not included renewals)
- Addition/Renovations : 16 (does not included renewals)
- Shed/Garages/ Accessory Buildings : 11
- Hot Tub/Spa/Pool : 4
- Deck/Wheelchair Lift : 7
- Roof Replacement : 3
- Solar (Roof Mount): 2
- Demo Permit : 3
- Electrical (Upgrades/Generators/ Heat Pumps): 9
- Municipal Searches : 64

Old Business

- Motion to accept high bid of \$6,100.00 for the surplus chipper.
Motion to accept bid of \$6,100.00 for surplus chipper made by Councilman Kukon, seconded by Councilmember Suarez, with all in favor and none opposed.
- Local Law C- Fire Alarm Law. No further discussion at this time.
- Short Term Rental Law. Additional discussion, next steps. The Town Board will hold another workshop on STR on January 10, 2023 at 5:30pm.

New Business

- Re-appoint Tony Albino to the Board of Assessment Review for a 5-year term ending 9/30/2027.
Motion to re-appoint Tony Albino to the Board of Assessment Review for a 5-year term

ending 9/30/2027 made by Councilman Sullivan, seconded by Councilman Kukon, with all in favor and none opposed. The Town Board thanked Tony.

- Motion to approve the installation of a Legends and Lore sign at the First Reformed Cemetery on Sharpe's Landing Road when it arrives in the spring.
Motion to approve the installation of a Legends and Lore sign at the First Reformed Cemetery on Sharpe's Landing made by Councilmember Suarez, seconded by Councilman Kukon, with all in favor and none opposed. Thank you to Tom.
- Resolution supporting the Germantown clean heating, cooling and energy efficiency campaign.

Supervisor Helsley read the following Resolution:

TOWN BOARD

TOWN OF GERMANTOWN

COLUMBIA COUNTY, NEW YORK

RESOLUTION SUPPORTING THE GERMANTOWN CLEAN HEATING, COOLING & ENERGY EFFICIENCY CAMPAIGN

WHEREAS, the Germantown Clean Heating, Cooling & Energy Efficiency Campaign is a short term, local effort administered by the Town of Germantown in conjunction with the Climate Smart Task Force that brings together potential heat pump customers through widespread outreach and education; and

WHEREAS, this model helps customers choose a heat pump or hot water heater by an energy-efficiency installer who are offering competitive, transparent pricing, and

WHEREAS, a Community Campaign for Clean Heating, Cooling & Energy Efficiency is a promotional campaign administered by local municipalities to assist customers to promote the purchase of heat pumps and increase the energy efficiency of their home through the installation of additional insulation; and

WHEREAS, a Clean Heating, Cooling & Energy Efficiency Campaign imposes no requirement for customers to enroll in the program, but provides prospective customers with information and a choice to purchase heat pumps or insulation; and

WHEREAS, a Clean Heating, Cooling and Energy Efficiency Campaign is considered a high impact action under the CEC program, which, if completed with at least 5 new customers enrolling in the program, would qualify the Town of Germantown to be eligible for a \$5,000 grant; and

WHEREAS the New York State Energy Research and Development Authority ("NYSERDA") provides technical assistance and other tools and resources to communities in support of Clean Heating, Cooling and Energy Efficiency campaigns.

NOW, THEREFORE, BE IT RESOLVED, that the town of Germantown supports, endorses, and is committed to participate in the Germantown Clean Heating, Cooling and Energy Efficiency Campaign.

BE IT FURTHER RESOLVED, that the town of Germantown stands ready to assist with community outreach and education in support of the Germantown Clean Heating, Cooling and Energy Efficiency campaign.

On a motion by Councilmember Suarez and seconded by Supervisor Helsley and having been approved by the majority of the Board, this Resolution was declared duly adopted by the Town of Germantown Town Board.

Councilman Christian noted a typo after the third Whereas to get rid of business or municipality. Supervisor Helsley will print out newly edited version.

Motion to approve edits to the Resolution Supporting the Germantown Clean Heating, Cooling & Energy Efficiency Campaign made by Councilmember Suarez, seconded by Supervisor Helsley, with all in favor and none opposed.

Christina Bohnsack stated for the record that she is currently employed by the persons that will be doing the education and that Matthew will be handling all the Germantown matters.

- Open Meetings Law. Discussion on current policies and procedures. Suggestions for improvements, changes. Supervisor Helsley said there have been concerns over the lack of sharing documents brought to his attention by a resident. Councilmember Suarez thinks we should put as many things online as possible, and she liked Councilman Christian's idea of a monthly google drive account for the town. Supervisor Helsley thinks this would de-clutter the website as long as the google drive is managed. Corinne suggests putting these documents into a google drive before a meeting for the public to view. Corinne said the applicant could provide a paper copy plus in electronic format. Supervisor Helsley said they will have to look through all the policies and see which ones need to be updated or changed. Corinne said could note on the application supply an electronic copy as well. Corinne also said if a document was too large or over- sized to make a notification on the town website stating documents are available at the town hall for review. More discussion on electronic and google drive for documents. Councilman Sullivan said we are not in violation of open meeting law. Corinne said the current law adopted in 2021 requires that everything going to be discussed at an upcoming meeting be made available to the public and posted on the website.
- Set dates for year end and re-organizational meetings.
Date for Year end meeting is December 27, 2022 at 12:00pm. Re-organizational meeting is January 3, 2023 at 5:30pm.

Supervisor's Report

- Thank you to all that participated and made the Tree lighting and holiday glow a success- Supervisor Helsley apologized for not attending.
- Christmas in the park- Saturday 12/17/22 from 2-6pm.
- Another brush fire along the trail on 11/23/22. A pile of large logs was on fire and Anthony noticed it when he arrived at work and called it in. Supervisor Helsley said this was suspicious and investigations are ongoing. Supervisor Helsley said they will set up trail cameras with no audio. Corinne said post signs.
- Voting for Fire Commissioner open until 9pm.

Comments from Councilmembers

Councilman Sullivan received an email from a young resident who would like to see swimming in the lake again.

Councilmember Suarez would like to have this topic on the docket in 2023 for discussion. Supervisor Helsley wants to meet with the chairs of the committees and people from the community to discuss use of the park.

Comments and questions from the public

Martin Overington thanked the board for a good year. As a WAC member he wanted to let everyone know they received the Hover grant. Martin thanked the town for supporting them. Supervisor Helsley mentioned again getting together with the committees to discuss uses of the parks.

Art Cady said he is looking at a very capable board and he likes how they are addressing the open meeting law. Art would also like the letter he sent today regarding the legacy dump admitted to the minutes and also to the Primax administration record.

Motion to enter into executive session at 8:17pm to discuss personal matter and ethics question made by Councilman Sullivan, seconded by Councilman Kukon, with all in favor and none opposed.

Motion to come out of executive session at 8:36pm made by Councilman Kukon, seconded by Councilman Sullivan, with all in favor and none opposed.

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

Meeting closed at 8:36pm.

Respectfully submitted,