

Minutes of March 12, 2024, Germantown Town Board meeting, held in the Germantown Town Hall, 50 Palatine Park Road, Germantown, NY and via Zoom, commencing at 6:44pm.

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

Town Attorney, Corinne Smith

Recorded by: Town Clerk, Joyce Vale

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

Motion to approve the February 6, 2024 public hearing and the February 6, 2024 Town Board meeting minutes made by Councilmember Suarez, seconded by Councilman Kukon, with all in favor and none opposed.

Review of Financial Reports- Comments, Questions. Supervisor Helsley got the reports late and he did not even get to review them. Councilmember Suarez commented there should be a regular schedule. Supervisor Helsley said next month.

Motion to pay the audited bills for March 2024. Councilman Sullivan said that he will approve another bill until they get the reports. Councilman Sullivan asked about the re-zoning bills. Supervisor Helsley clarified.

Communications to the Town Clerk

Town Clerk received Highway report, History and Archeology report from Ethan Dickerson.

MARCH REPORT

- 1- PUT NEW LEAF SPRINGS ON AMBULANCE
- 2- DITCHED ON DALES BRIDGE, HILLTOP AND BEHIND SCHOOL
- 3- REPLACED PIPE ON DALES BRIDGE
- 4- RECEIVED 100 TON OF SALT
- 5- HAD REAR TIRES REPLACED ON BACKHOE
- 6- HAULED IN ROAD SAND
- 7- HAD SMALL SNOW EVENTS
- 8- HAD ELECTRICIAN IN TO INSTALL OUTLETS AND SOME REWIRING IN TOWNHALL
- 9- FIXED SINK IN TOWNHALL
- 10- JACK HAMMERED CONCRETE FLOOR IN ACTIVITY BUILDING TO PREP FOR SEWER LINES
- 11- HAD TREE COME DOWN ON DALES BRIDGE ON 2/29/24

ANTHONY CIDRAS, HIGHWAY SUPERINTENDENT
History Advisory Committee
Feb. 24th, 2024

Attendance: Rich Coons, Alvin Sheffer, Yvonne Crawford, Tom Shannon

- NAGPRA issue: next step is to email the state and federal NAGPRA officials for guidance on how to proceed. See January committee notes for background.
- Quick update on ColumbiaNY205 efforts: the events subcommittee is leaning toward moving the July 4th, 2026 event to Flag Day in Hudson, 2026. A variety of factors behind this including the anticipated scarcity of reenactors, fireworks companies, and emergency personnel that weekend. A resolution to produce a ColumbiaNY250 logo was passed by the County Gov't Comm. And head to the full BoS next. Tom sent a survey regarding 250th efforts to all CC elected officials.
- What do we want to do the Town levels for the 250th? Ideas included fresh research on local involvement, a monument, and a makerspace event about how to make clothing items of that era.

- Americana Corner grant: our request for \$10K to put toward roof replacement at the Parsonage was turned down. Feedback on the grant mentioned that our social media numbers and only being open regularly for 3 hours a week didn't compare favorably with other applicants. There is a "create" category for this grant that assists with enhancing the visibility of historic sites. We'll try this next time around.
- Pomeroy Foundation transportation sign grant: the next round opens March 15th. We will make an application for one dedicated to the Half-Moon Anchorage, assuming that structures that no longer exist are eligible for this program.
- Columbia County Historical Society re-grant program: Tom will submit a request for approximately \$450 for some combination of archive boxes, D-2, and Photoshop Elements if it becomes available through TechSoup.
- Town Clerk Record Room grant: Tom and Joyce Vale are working on a Local Government Records Management Improvement Fund Grant application for improvements to the Town records retention room. Due date is March 11th.
- A Building Condition Report on the Parsonage was completed recently by Crawford and Stearns with funding from the J.M. Kaplan Fund and Friends of Historic Germantown. A digital copy is attached to these notes.
- Recent donations: Crawford and Associates recently donated 4 lateral filing cabinets in good working condition and much more user friendly than our existing ones.
- Events:
 - History of North Germantown, Feb. 29th, 5:30PM G'town Library
 - Groundwater Issues, March 28th, 5:30PM G'town Library
 - PATH through History weekend in June (or some nearby weekend): open house at the Clarkson Chapel and a walking tour of the Second Lutheran Cemetery.

Germantown Town Board 50 Palatine Park Rd Germantown NY 12526
12 March 2024

Dear Town Board, Please consider this letter a formal commentary on professional archaeological standards and ethics and the archaeology at the 1767 Reformed Sanctity Parsonage at 52 Maple Avenue in Germantown, NY. The following is a brief overview of the key concepts within this letter: • Archaeology is a systematic, scientific, and controlled study of materials left behind by humans to interpret the past. • All archaeology should follow professional standards. • Annual reports and a master site report are imperative to ensure that the information collected during excavation lives on into the future. • 52 Maple Avenue is a Nationally Registered community asset that has already yielded new information about the community's past. • The project's depth and breadth pose substantial complexities for managing data and materials in the short and long term. • The town board should consider the potentially substantial financial burden of collection management and data loss if the Principal Investigator does not write reports and a long-term management plan is not established through a robust MOU. Project Background: Archaeology began at 52 Maple Avenue in 2009 to yield new and meaningful information about Germantown's colonial past through the Parsonage. Since 2009, the archaeological investigations at 52 Maple Avenue have operated without a formal Memorandum of Understanding (MOU) between Germantown and Bard College. All professional archaeology projects that recover substantial materials from publicly held lands should be bound by an MOU that defines the project's scope, type, and legal parameters. An MOU should be reviewed annually to remain flexible when unforeseen circumstances arise during complex projects. Establishing a comprehensive MOU is the basis of a well-run, comprehensive, effective, ethical, and legal project that protects all stakeholders. What is Archaeology? Archaeology is the systematic and scientific excavation of soil from a historical and cultural site to produce a comprehensive understanding of past activities by humans. Note: There are many types of archaeology and techniques used to gather data from a site. The project at 52 Maple Avenue is best defined as traditional terrestrial historical archaeology using invasive (or destructive) excavation methods. What is the difference between Cultural Resource Management (CRM) Archaeology and Academic Archaeology? Cultural Resource Management (CRM) archaeology (or contract archaeology) is the professional application of archaeology's scientific methods to address key questions and concerns raised in advance of a publicly or privately funded undertaking that could adversely impact a historic and/or cultural resource. CRM archaeology is bound to professional standards which are laid out by the US Secretary of the Interior, NYS SHPO, the New York Archaeological Council, and or the Register of Professional Archaeologists. Oftentimes, CRM projects must be led by Professional Archaeologists who meet or exceed the Secretary of the Interior's Criteria and or be a

Registered Professional Archaeologists who has demonstrated their capacity to undertake, manage, complete, and report on a project. 2 Unlike CRM archaeology, which is subject to SHPO review, academic archaeology, such as the project at 52 Maple Avenue is not subject to SHPO review as it does not trigger any State or Federal Laws. Archaeology projects for academic purposes, like a field school, should not automatically be exempt from adhering to professional standards. Just like all archaeology has the potential to yield valuable information about the past, academic archaeology should always be following the field's standards to mitigate research made errors that could adversely impact stakeholders. Project Timelines and Meeting Professional Standards: CRM archaeology may be a requirement by a federal, state, or local agency in advance of a construction project. Mandated CRM archaeology must follow professional standards but is often subject to strict timelines which translates to a limited scope of work. A CRM archaeology project's complexity is determined by the construction project's scope and potential impact on a site. As such, there are three levels of archaeological investigations, each require more time, research, resources, and reporting, that could be undertaken to study and protect the site:

- Phase I Investigations: Phase I investigations consist of background research and fieldwork to identify resources and define site boundaries within the project area.
- Phase II Investigations: Phase II investigations consist of additional background research and fieldwork. A Phase II investigation is conducted in order to determine if the archaeological site is eligible for the National Register of Historic Places. To determine if a site is eligible, a Phase II investigation must result in a comprehensive understanding of the materials, depth, breath, formation of the site, and more. To do this, the archaeologist will open a series of strategically placed test units that are likely to yield a representative sample of the site's data.
- Phase III investigations: Phase III investigations are also known as data recovery investigations. Phase III are a response to a project having been determined to have an adverse effect on an archaeological site and are the appropriate approach to mitigate adverse effects and recover significant data prior to disturbances and destruction. Any archaeological investigation that is not limited by strict timelines should never be exempt from meeting professional standards, which include, but are not limited to:

- Consultation with stakeholders during the development of research questions and subsequent interpretations.
- Clear and concise excavation, data recovery, storage, and project management plans, and long-term collection management plans.
- Lining and backfilling excavated units at the end of a dig season
- The production of annual reports, in chronological order, that inform subsequent excavation areas, interpretations, and hypotheses.
- The production of a master site report synthesizing all annual reports within the multiyear project.

Why are annual reports so important? Because archaeology is the systematic and scientific deconstruction of a buried historic and cultural site with the goal of producing a comprehensive understanding of past human activities, there are a few key archaeological concepts that back up the importance of annual reports:

- An archaeological site is a finite resource.
- Archaeological contexts are as important as artifacts to understanding a site's development.
- Excavations should only be undertaken when necessary.
- A report is vital because it captures the artifacts recovered and spatial contexts visually, numerically, and textually and provides an interpretation that will live on into the future thereby informing the present and future generation of researchers.
- Each excavation season is a discrete dig with specific objectives and hypotheses.
- Data yielded and synthesized from the first year's excavation's should be used to inform the second year, and so on.

3 • If discoveries, analyses, and adjusting hypotheses are not captured in annual reports, then you run the risk of misinformed research. Any report that is not structured according to traditional NYAC and SHPO standards should not be accepted.

- Archaeology without the production of reports is one step shy of treasure hunting.

Why is the Parsonage an important historic and cultural resource to Germantown, NYS, and the Nation? In 1976, the 52 Maple Avenue was listed on the National Register of Historic Places for meeting Criterion C, "...that [the structure embodies] the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant distinguishable entity whose components may lack individual distinction..."

Recently learned information, however, indicates the Parsonage is eligible for an expanded listing on the National Register under Criterion A and D:

- Criterion A: that are associated with events that have made a significant contribution to the broad patterns of our history.
- Criterion D: that have yielded, or may be likely to yield, information important in prehistory or history.

Since 2009, the archaeological and historical research at the 52 Maple Avenue demonstrates the site can yield meaningful data about 18th - century life in Germantown. To date, the excavations at 52 Maple Avenue constitute one of the largest historical archaeological studies in Germantown. Given that Germantown was the site of the largest single colonial migration and the largest German settlement in 1710, 52 Maple Ave (and the town more broadly) warrants particular sensitivity when cultural resources are to be disturbed and/or studied. Since 2009 the archaeology project also identified a black family, the Person family, as the property's longest owners (between 1850 and 1911) at a time when rural black landownership was uncommon. Research also identified a rural black neighborhood along Maple Avenue that emerged after NYS ended slavery in 1828 and which persisted until 1911.

Project Scope to Date: Since 2009, there were 15 discrete dig seasons at 52 Maple Avenue. During these dig season, excavations took place in the front, west side, and rear yards and 52 Maple Avenue's cellar hearth. As of 2022, the project scope and

archaeological collection stands at an estimated: • # of Test Units: Over 100 test units spread across the property according to a grid, generally placed at 10' intervals. • Catalogue Entries: 23,000 entries (or rows) in a Microsoft Excel Spreadsheet or Google Sheet. • # of artifacts: Approximately 116,097.00 spread across the 23,000 spreadsheet rows. • Cubic Footage (likely the most appropriate measurement): As of 2022, the Parsonage collection is stored in cabinets donated to Bard College by the NYS Museum; each cabinet is approximately 3ft wide (x) 3ft deep (x) 3.5ft tall (or 31.5 cubic feet). o In 2022, the Maple Avenue Parsonage collection occupied approximately 12-14 cabinets or between 378 - 441 cu/ft of space (rounding up to 500 cubic feet would be appropriate). In terms of sq/ft, each cabinet is 9sq/ft so 12-14 cabinets (stacked 2 high) would require approximately 54 - 63 sq/ft. o As of 2022, the collection's size is too large to store within the 1767 Maple Avenue Parsonage (if returned to Germantown). If the collection is ever returned to the town, it would likely need its own secured space that could allow it to be stored in appropriate museum cabinets. What is the liability for not providing managerial oversight since 2009 and for not securing annual reports? Without managerial oversight of the archaeology project at 52 Maple Avenue, the town is at risk of the following issues: • Only having one archaeology report for the 2009 dig, out of the total 15 years of archaeological investigations. If annual reports that follow the standards laid out by NYAC and SHPO, then the town, the descendent 4 community, and other key stakeholders are at risk of losing valuable historical and cultural data. Archaeology without collecting and interpreting data through professional reports is one step shy of treasure-hunting. • The historical and cultural materials recovered at the site are meaningful to Palatine descendants, African Americans, and researchers. An ill-defined project lacking reports with an ill-defined collection management program could be bad PR for the town if not properly addressed. • The town will be responsible for a substantial archaeological collection. If Bard ever decided not to store the collection, then the town would be responsible for either building a storage unit or paying for a storage unit. The town would also be responsible for purchasing cabinets for storage and ensuring that the collecting is stored according to NYAC and SHPO standards. Together, these responsibilities could amount to several thousands of taxpayer dollars. We recognize that this is a complex matter that may require further discussion. Please do not hesitate to reach out with any questions that arise.

Respectfully Submitted, _____

Ethan P. Dickerman, MA, RPA

Old Business

- Kellner Activity Building- Floor has been opened in preparation for new plumbing, a huge thank you to the DPW for their hard work. Supervisor Helsley said the IFB has been prepared and will go out to bid as soon as possible. Corinne said they may need the names of any volunteers for insurance purposes.
- STR Law- next steps. Corinne said the next steps would be Part 2 & 3 of the EAF, then a Resolution with roll call vote. Councilman Sullivan would like to talk to Brandon first. Councilman Sullivan is concerned about the enforceability. Corinne will reach out to Brandon. Councilman Sullivan will talk to him as well. Town Board agreed to table this until the April meeting.
- SPEDES permit- Awaiting testing results.
- Bard archeological MOU. Tom, Councilman Christian, Supervisor Helsley met with Dr. Lindner. Don't agree on the reporting. Issue with the volume of artifacts stored at Bard. Tom said this would be an enormous financial burden on the Town for storage and hiring a curator for the artifacts. Tom said there was never a formal agreement. Tom would like the digging to stop. Councilmember Suarez asked if there was a way to work with Dr. Lindner? Tom answered by saying he wants the reports from Dr. Lindner. Ben Davidson was asked to speak with the Town Board by Ethan Dickerson. Ben said they would like Dr. Lindner to stop digging. Councilman Sullivan would like to get into a MOU that protects the Town and what they are digging up. Corinne is concerned about the liability. Supervisor Helsley suggested changing the language in the MOU. Tom and Ben would like the digging to stop until the reports are done. Supervisor Helsley will let them know no digs until the reports are turned in.
- Bard Parcel. Councilman Christian said the requirements have been met for the SFS.
- Solar Law. Motion to lift the moratorium established by LL3 of 2023, thereby allowing current 3 solar projects to move forward. Councilman Kukon said they talked about changes to the Local Law how would that fit into new projects? Corinne answered saying as a board they could decide to put another moratorium in place and/or adopt changes to the current Local Law. Corinne also said changes could be made without a moratorium. Councilman Kukon asked if they could lift the moratorium and then put another moratorium in place? Corinne said they would have to start the process over again. Motion to lift the moratorium established by LL3 of 2023, thereby allowing current 3 solar projects to move forward made by Supervisor Helsley seconded by Councilmember Suarez, with all in favor and none opposed.

New Business

- NYS Planning Federation Training- \$218 pp for registration Annual Conference Registration- The New York Planning Federation (NYPF). Approval for chairs or 1 designated member per board to attend?
- Volunteer accident insurance?
- Columbia County Hazard Mitigation Plan update. Assign a lead. Some assignments are past due-late response on the part of the Supervisor. Christina asked for an extension, they will extend assignment one until April 1st. Supervisor Helsley and Councilmember Suarez will work on it.
- LWRP Local Laws. Shoreline Preservation- Shoreline LL Ver 2.0. Harbor Management HMA LL Ver 2.0. No action to take. Councilman Christian drafted a letter to Amtrak about the Ice House Landing. Supervisor Helsley is in favor of the letter and will sign. Martin Overington said WAC has 3 new members, Paul Trapido, Jude Ray, Kai Lando. Supervisor Helsley welcomed the new WAC members. Motion to appoint Paul Trapido, Jude Ray and Kai Lando to the Waterfront Advisory Committee made by Councilmember Suarez, seconded by Councilman Kukon, with all in favor and none opposed.

Comments from Councilmembers

Councilman Christian said the grant was denied but they did give some references and worksheets.

Councilmember Suarez said the Town wide yard sale is Saturday, May 18th. Councilmember Suarez also said Molly Marquand from the CSC has a program with the school pulling invasive species on April 19th.

Comments and Questions from the public

Martin Overington said River Sweep is May 4th. Martin also thanked the Town Board for supporting WAC. Martin also asked if the board could look into taking the red building down on corner of Main Street and 9G. Supervisor Helsley said it is probably property of Xtra Mart and he will look into removing it.

Christina Bohnsack said the next stage of approval for \$45,000 through NYSERDA.

John Salerno said that solar companies are misleading to property owners. John also change of ownership in these solar companies are problematic and hard to track down the owners. John said the solar companies abandon or decommission the solar panels.

Tom Shannon gave an update on NAGRA. Tom reached out to one of the tribes in regards to the skeletal remains in the box and they don't want to do the inventory. Corinne asked Tom to cc' her. Tom said they are looking into a reburial service sometime in September. Supervisor Helsley appreciates all the work they have done.

Motion to adjourn the meeting at 8:06pm made by Councilman Kukon, seconded by Councilmember Suarez, with all in favor and none opposed.

Respectfully submitted,