

Town of Austerlitz  
Executive Session/Regular Town Board Meeting  
March 8, 2012

Town Board convened at 6:15 p.m. to enter into Executive Session to discuss the Benjamin Strouse Law Suit with Attorney for the Town, Tal Rappleyea.

Board Members present: Jeffrey Braley, Supervisor, Jon Mesick, Carol Pinto, Bryan Geel, Matthew Verenazi, Town Board Members, Susan Haag, Town Clerk

A motion to enter Executive Session was made by C. Pinto and seconded by M. Verenazi.

J. Braley: yes

B. Geel: yes

C. Pinto: yes

M. Verenazi: yes

J. Mesick: yes

Motion unanimously carried. Executive Session entered at 6:15 p.m.

A motion to close Executive Session was made by C. Pinto and seconded by J. Mesick.

J. Braley: yes

B. Geel: yes

C. Pinto: yes

M. Verenazi: yes

J. Mesick: yes

Motion unanimously carried. Executive Session closed at 6:51 p.m.

Regular Meeting called to order at 7:00 p.m.

Moment of Silence, followed by the pledge of Allegiance.

Roll call. Present: Jeffrey Braley, Supervisor, Jon Mesick, Carol Pinto, Bryan Geel, Matthew Verenazi, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent.

Minutes

A motion to accept the February 9, 2012 Regular Town Board Meeting minutes was made by C. Pinto and seconded by J. Mesick.

J. Braley: yes

B. Geel: abstain due to absence

C. Pinto: yes

M. Verenazi: abstain due to absence

J. Mesick: yes

Motion carried 3:1.

Auditing of Accounts and Claims

A motion to approve General Fund #86-120 in the amount of \$20927.59, and Highway Fund #43-62 in the amount of \$25493.92, was made by B. Geel and seconded by C. Pinto.

J. Braley: yes

B. Geel: yes

C. Pinto: yes

M. Verenazi: yes

J. Mesick: yes

Motion unanimously carried.

### Reports

Monthly cash disbursements for the month of February 2012 were presented. Supervisor Braley noted on a Town level things have been hectic. NYS has alerted Towns that money is available to clean out streams due to flood damage. Paperwork for this project is due Monday. The new roof is on the Town Hall. The chimney could not be flashed the way the specs read because it is stone and irregular. It was tarred and should be checked every 5 years or so to see if it needs to be redone.

On a County Level, Supervisor Braley advised that the Board of Supervisors is back to square one on the purchase of a new building for the Department of Social Services. An air quality report came back negative on the proposed building in Hudson. J. Braley will vote to buy this building to keep Social Services in Hudson. Supervisor Braley is on two new committees this year; Public Works and Public Safety. It is a learning curve.

Town Clerk Report for the month of February 2012 submitted.

Tax Collector Report for the month of February 2012 submitted.

Highway Superintendent Meehan reported that roads are somewhat muddy, but not too bad. The Highway Crew has been working on potholes and brush. Superintendent Meehan met with F.E.M.A. today, noting that the Town will be getting about \$54000.00 and still may get some additional money for Stonewall Road. The culvert on Fog Hill Road is not working out so well. This needs to be replaced. A plastic replacement culvert should not be that much. The culvert on Dugway Road is fixed, but the one on Macedonia Road needs to be replaced. R. Meehan discusses the monetary figures F.E.M.A. will give the Town for each culvert. The culvert on Beaver Dam Road also needs to be replaced. There is a pipe on the dam that is rotten and needs to be replaced, but this pipe is located on private property. There is about \$20000.00 worth of culverts left to be replaced that the Town will have to pay for. Highway Superintendent Meehan advised that salt and sand for next year has been purchased already because it is less money now than if purchased in the fall. About a 1/3 of what normally is used has been used this year.

Discussion on the entrance to the playground area behind the Spencertown Academy from State Route 203. There is a distance site issue. Town Board Member Pinto will coordinate an effort between the Town and the NYSDOT to place a bigger 'Playground' road sign on State Route 203.

Planning Board Report for the month of February 2012 submitted. Highway Superintendent Meehan will speak with the surveyor handling the Doyle subdivision concerning the placement of survey pins marking a turnaround area. R. Meehan has been very busy with F.E.M.A. and will get to this next week.

Comprehensive Plan Oversight Committee Report for the month of February 2012 submitted.

Building Inspector/Code Enforcement Report for the month of February 2012 submitted.

Justice Roberts Justice Court Report for the month of January 2012 submitted.

Justice Lagonia Justice Court Report for the month of January 2012 submitted.

A motion to accept the above reports was made by J. Mesick and seconded by M. Verenazi.

J. Braley: yes

B. Geel: yes

C. Pinto: yes

M. Verenazi: yes

J. Mesick: yes

Motion unanimously carried.

#### Correspondence

Richard Madonia: Requests that the Town Board authorize the resurfacing of the parking lot area in front of the Town Hall.

David Seth Michaels: Alerts Town Board of an abandoned vehicle on his property and asks guidance for its removal. Supervisor Braley has addressed this issue granting permission to remove this truck.

#### Unfinished Business

Supervisor Braley discussed the 2-15 minute parking signs on State Route 203. The Town Board does not know when these were placed or why. They can be removed.

#### Resolution #26-2012 NYSDOT Limited Parking Signs

WHEREAS the State of New York Department of Transportation wishes to remove two *Limited Parking Signs* on NYS Route 203 at milepost numbers 1041 and 1042, and

WHEREAS the NYS DOT wishes to rid the state roadside of unnecessary signs, and

WHEREAS the NYS DOT and the Town can find no resolution or regulation concerning the placement of the signs, and

WHEREAS the Town Board sees no reason that the signs be maintained and kept in place,

BE IT THEREFORE RESOLVED that the Town of Austerlitz Town Board asks that the New York State Department of Transportation remove the two signs from along New York State 203.

A motion to adopt Resolution #26-2012 NYSDOT Limited Parking Signs was made by B. Geel and seconded by M. Verenazi.

J. Braley: yes

B. Geel: yes

C. Pinto: yes

M. Verenazi: yes

J. Mesick: yes

Motion unanimously carried.

Supervisor Braley advised that Resolution #24, 2012 is being presented in an effort to appease NYS. Resolutions passed in the past have not had the exact criteria the State is looking for.

Resolution #25-2012 Adoption of Columbia County Multi-Jurisdictional Hazard Mitigation Plan

WHEREAS, the Town of Austerlitz, with the assistance from Counsel Tal Rappleyea, has gathered information and prepared the Columbia County Multi-Jurisdictional Hazard Mitigation Plan; and

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

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

NOW THEREFORE, BE IT RESOLVED by Town Board that the Town of Austerlitz adopts the Columbia County Multi-Jurisdictional Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

A motion to adopt Resolution #25-2012 Adoption of Columbia County Multi-Jurisdictional Hazard Mitigation Plan was made by M. Verenazi and seconded by J. Mesick.

J. Braley: yes

B. Geel: yes

C. Pinto: yes

M. Verenazi: yes

J. Mesick: yes

Motion unanimously carried.

Benjamin Strouse Lawsuit: Supervisor Braley advised that the Town Board met with Attorney for the Town, Tal Rappleyea, to discuss the Strouse lawsuit. Attorney Rappleyea wanted the Town Board to understand the costs involved and to discuss strategy. The general consensus of the Town Board was to continue the lawsuit, but Supervisor Braley requests that the Town Board wait for a month before any formal decisions were made. This will give Supervisor Braley time to present cost and loan figures to the Town Board.

New Business

Resignation of Gerald DeBona as B.A.R. Member. Gerald DeBona thanks all the members of the Board of Assessment Review that he has served with. Town Clerk Susan Haag has advertised for a replacement. The Board of Assessment Review is a five member board which meets on Grievance Day and possibly other times based on number of applications.

Public Comments

Judith Choate questions the status of the Benjamin Strouse lawsuit and asks when the Town Board will make a decision if they will settle or not. Supervisor Braley advises that this will be on next month's agenda. J. Braley advises that Attorney Rappleyea feels there is a good chance that the Town will win this case. During Executive Session, there was some discussion on what the Town would be getting into should this lawsuit continue.

Constance Mondel noted that the Phelps Brothers, who replaced the Town Hall roof, are a good bunch of guys. Supervisor Braley advised that only one piece of plywood needed to be replaced. Now the

inside and out of the Town Hall needs to be repainted and some plaster work around the inside windows where there is water damage needs to be done.

Supervisor Braley noted that the Highway Crew came into the Town Hall and helped with moving file cabinets around and cleaning out the back vault making additional room for court. While cleaning, a banner from the Bi-Centennial parade was found. This will be hung on the wall of the Town Hall.

Town Board Member Pinto advised that she met with Highway Superintendent Meehan and Engineer for the Town, Paul McCreary concerning the park behind the Spencertown Academy. A preliminary report will be coming outlining the project at large and the costs involved. The report will include items such as the tennis court repair and retaining wall, as well as driveway entrance issues.

Supervisor Braley advised the Town Board that NYMIR is coming for their annual inspection. Also of interest is the WCTU well on State Route 203. This well needs to be skim coated due to salt from the winter. In addition, contacts for each of the Town's Fire Companies will be updated on the website.

R. Meehan noted that he needed to put up a couple piece of playground equipment.

Town Board Member Pinto questions an article she read in the Register Star concerning the Town of Austerlitz' Code Enforcement Officer expanding the Code Enforcement Contract with the Towns of Canaan and Hillsdale to also include the Towns of Copake and Ancram. C. Pinto asks why the Town Board was not made aware of this venture. Supervisor Braley states that he was unaware of this at first, but through discussion has come to understand that the State of New York offered the Town two grants for shared services; one that gives a reward for past initiatives and one for going forward with a shared service contract. Our Code Enforcement Officer, Glenn Smith, is trying to secure these grants for the Town. G. Smith and Property Clerk Mary Davis met with the State to get an understanding of requirements and goals. J. Braley continued noting that other Towns in Columbia County would like to become involved with the Town of Austerlitz in this shared service initiative.

Town Board Member Pinto questions additional costs involved with adding more Towns, namely hiring personnel, buying a vehicle, etc. Further, C. Pinto feels this initiative should have come from the Town Board, or the Town Board should have been consulted ahead of time. Supervisor Braley does not believe anything will come of this, but money will come from added Towns to cover the additional costs associated with the increased work load. Possible scenarios were discussed. Town Board Member Pinto would like to see the current contract and any future preliminary contracts.

#### Adjournment

A motion to adjourn was made by M. Verenazi and seconded by C. Pinto.

J. Braley: yes

B. Geel: yes

C. Pinto: yes

M. Verenazi: yes

J. Mesick: yes

Motion unanimously carried. Meeting adjourned at 7:52 p.m.

Respectfully Submitted,  
Susan A. Haag, Town Clerk