

Town of Austerlitz
Regular Town Board Meeting
February 9, 2012

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

Moment of Silence in memory of Helen Simon and Thelma Gleason, followed by the pledge of Allegiance.

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

Absent: Bryan Geel and Matthew Verenazi due to vacation.

Minutes

A motion to accept the January 12, 2012 Organizational/Regular Town Board Meeting minutes was made by J. Mesick and seconded by C. Pinto.

J. Braley: yes

C. Pinto: yes

J. Mesick: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #42-85 in the amount of \$20342.60, and Highway Fund #26-42 in the amount of \$16016.84, was made by C. Pinto and seconded by J. Mesick.

J. Braley: yes

C. Pinto: yes

J. Mesick: yes

Motion unanimously carried.

Reports

No Monthly cash disbursements for the month of January 2012 were presented. Supervisor Braley noted that the accountant did not provide us with a cash disbursement journal. On the Town level Supervisor Braley is still dealing with F.E.M.A. trying to get the paperwork in line. A few years ago Towns in Columbia County sent in Hazard Mitigation Forms. New York State alleges they did not receive any. Supervisor Braley resent the Town of Austerlitz' resolutions to the State. The State now says these resolution are not correct and new ones need to be done. At this point, Supervisor Braley is trying to ascertain exactly what the State wants.

On a County Level, Supervisor Braley advised that the politics have shifted; Chairman of the Board of Supervisor Pat Grattan is looking for transparency. More information is being put online including cash flow figures and the 2012 budget. Columbia County has surplus money on hand of about 9 million.

Town Board Member Matthew Verenazi is the Town of Austerlitz' representative on the County Traffic Safety Board. Unfortunately, the Town of Austerlitz has yet to find a representative to sit on the County's Environmental Council. Supervisor Braley asks the audience if anyone is interested or if they know of anyone who may be.

Town Clerk Report for the month of January 2012 submitted.

Tax Collector Report for the month of January 2012 submitted. The warrant checks have been given to the Town and to the Columbia County Treasurer. 82% of the taxes have been collected which is up from last year at this time.

Highway Superintendent Meehan reported that he continues to work on F.E.M.A. paperwork. It appears that F.E.M.A. will accept the big culvert put in on Stonewall Road. The Highway Crew has been filling potholes and cutting brush. There have been a couple minor storms, and all the roads in Town are open.

Planning Board Report for the month of January 2012 submitted.

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

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

Justice Roberts Justice Court Report for the month of December 2011 submitted.

A motion to accept the above reports was made by C. Pinto and seconded by J. Mesick.

J. Braley: yes

C. Pinto: yes

J. Mesick: yes

Motion unanimously carried.

Correspondence

Morris Associates: Thank you note to the Town Board for appointing Morris Associates as a consulting engineer for the Town. Supervisor Braley advised that Engineer Paul McCreary from Morris Associates stopped in personally to thank the Town and Engineer Patrick Prendergast called to thank the Town as well.

NYS Office of Parks, Recreation and Historic Preservation: Notification that the Daniel and Clarissa Baldwin house on Dugway Road, Spencertown, NY is being considered for nomination to the National and State Registers of Historic Places. Supervisor Braley will write a letter and encourage this accordingly.

Letter from Mark Feldman, on behalf of the Fern Hill Land Management Community requests approval for the purchase and placement of 'Neighborhood Watch' signs. Highway Superintendent Meehan does not care if the Fern Hill Community puts up these signs, but advises that he will need to approve where they are placed. R. Meehan will put the signs up if wanted. Columbia County Sheriff Deputy Leggett, who was in the audience, was asked to patrol Fern Hill Road from time to time. Supervisor Braley noted that the Enhanced Patrol program paperwork has been noting where they have been patrolling lately other than the Taconic Parkway. Patrols have sat on NYS Route 22 and 203.

Unfinished Business

Town Hall Roof Bid: Supervisor Braley advised the Town Board that he has consulted with Attorney for the Town, Tal Rappleyea concerning the legality of this bidding process since a bidder mentioned that

the bid specs lacked any mention of 'prevailing rate'. Attorney Rappleyea has advised that General Municipal Law, section 103, deals with the question of whether or not the words 'prevailing wage' need to be included in bid specs. Section 103 states that for contracts \$35000.00 and over, a provision for 'prevailing wage' must be present in the bid specs. For those contracts under this amount, no specific reference need be made. The Town of Austerlitz' procurement policy states that for contracts under \$20000.00, the Town must only ask for quotes. Therefore, the Town Board is within its legal rights to open the bids and award the contract to the lowest bidder. Supervisor Braley notes that it is up to the contractor to pay prevailing wage.

Bids opened were as follows:

Phelps Brothers, LLC
49 Mountain View Road
Nassau, NY 12123
Bid: \$6690.00

Harpis Roofing, Inc.
1233 Route 9
Hudson, NY 12534
Bid: \$12800.00

Bader-Lueki Industries, LLC
BLI Construction Services
850 Oregon Ave.
Niskayuna, NY 12309
Bid: \$10902.00

Charles Vander Weit noted that Phelps Brothers put a new roof on his house and they did excellent work. C. Vander Weit recommends them. Supervisor Braley noted he has never heard a bad word about the Phelps Brothers and stated that they run a very efficient operation.

Celia Cassuto asks if the Town Board should first ask the Phelps Brothers if they pay prevailing wage.

Judith Choate questioned whether or not repair around the chimney was covered in the Phelps Brother's bid. Supervisor Braley noted yes.

A motion to accept the Phelps Brothers, LLC bid was made by C. Pinto and seconded by J. Mesick.

J. Braley: yes

C. Pinto: yes

J. Mesick: yes

Motion unanimously carried.

Park Renovations: Town Board Member Carol Pinto advised that she has called Morris Associates and spoke with Paul McCreary concerning what the Town Board is looking for up at the playground area behind the Spencertown Academy. February 27, 2012 was set for Board Member Pinto, Highway Superintendent Meehan and Paul McCreary to meet and discuss plans for this area. Town Board Member Pinto will remain the liaison between the Town Board and Morris Associates.

New Business

Town Justice Appointment: Supervisor Braley noted the resignation of Town Justice Cheryl Roberts due to a conflict in her status as the Corporate Council for the City of Hudson. J. Braley explained that a legal notice has been placed asking for interested parties to fill this position. Of note is the fact that the replacement can only be appointed until the end of the year, not to fill the remaining term of the judge. This position will be up for election in the fall. Supervisor Braley continued that the Town Board can appoint an applicant to this position, or let the State appoint, in which case the State will pick up the salary. If the Town Board appoints, there are also some options. The Town Board can appoint a lawyer, if one has applied, who would be able to sit on the bench immediately. The Town Board can appoint a non-lawyer if one has applied, but a non-lawyer cannot sit on the bench until he has been certified through classes taken on the State level. These classes are only offered at certain times of the year; the next offering is at the end of March 2012. Current Judge, Robert Lagonia, has offered to pick up the slack for an increase in salary. There are four parties interested in filling this vacancy. The Town Board can appoint someone now to the position of Town Justice, wait until March to appoint, or let the State appoint. The Town Board preferred to make an appointment immediately.

Town Board Member Pinto advised that she has read through the resumes provided and knows the people who have applied. C. Pinto makes note that William Hogencamp has an extensive law background and ran for this position in the fall election. Town Board Member Jon Mesick advised that a number of good applications came in, but William Hogencamp has put the time in to run and wants the job. It was noted that Town Board Members Geel and Verenazi has expressed the fact that they would prefer William Hogencamp as well.

A motion to appoint William Hogencamp to the position of Town Justice for a term that ends December 31, 2012 was made by J. Mesick and seconded by C. Pinto.

J. Braley: yes

C. Pinto: yes

J. Mesick: yes

Motion unanimously carried.

Comprehensive Plan Oversight Committee: Supervisor Braley noted that Constance Mondel has requested to be appointed to the Comprehensive Plan Oversight Committee. This committee does not have a set number of members and Supervisor Braley noted that additional members have been added from time to time. Town Board Member Pinto noted that this Committee also has sub-committees where members are added.

A motion to appoint Constance Mondel to the Comprehensive Plan Oversight Committee with a term ending December 31, 2012 was made by C. Pinto and seconded by J. Mesick.

J. Braley: yes

C. Pinto: yes

J. Mesick: yes

Motion unanimously carried.

New Town Hall: Supervisor Braley advised that Jack Shear, representing the Ellsworth Kelly Foundation, came in and discussed the possibility of a new Town Hall. Supervisor Braley notes that the Ellsworth Kelly Foundation has donated before and in fact, the Town still has some of this money that will be used for the playground area. The Foundation has given to the Friends of Historic St. Peter's, and the Spencertown Firehouse. The Foundation grants money every fall and is interested in donating to the Town again this year. The Foundation sees this donated money used to speak with an architect

concerning plans for a new Town Hall, or to add on to the existing Town Hall. Supervisor Braley asks the Town Board to take a month to decide which direction it would like to go. J. Braley continues stating that there is 7 years left to pay for the highway garage. Supervisor Braley thinks doing something with the Town Hall is a good idea. Town Board Member Pinto questions when the deadline is for grant applications. Supervisor Braley is unsure, but the grants are given in the fall. The Town Board should decide by the March Town Board Meeting.

Spencertown Academy Arts Center: Supervisor Braley noted that the Spencertown Academy is asking permission to use the Town Greene for a garden market as part of the Academy's Annual Hidden Gardens Tour on Saturday, June 16, 2012.

A motion to allow the Spencertown Academy to use the Town Greene for a garden market as part of the Academy's Annual Hidden Gardens Tour on Saturday, June 16, 2012 was made by J. Braley and seconded by C. Pinto.

J. Braley: yes

C. Pinto: yes

J. Mesick: yes

Motion unanimously carried.

Supervisor Braley advised that he received an email from the NYSDOT concerning a '15 minute parking' sign on State Route 203 in the Hamlet of Spencertown. The State is asking to understand the need for this sign and is asking if it can be removed. Highway Superintendent Meehan notes that there should not be any parking in the area of this sign because it is dangerous. No one really quite knows why this sign is there. Supervisor Braley will research and get back to the NYSDOT.

Public Comments

Charles Vander Weit states that when the Ellsworth Kelly Foundation offers money, they mean business. He asks the Town Board to take them up on their offer because there is a need for a new Town Hall. When C. Vander Weit was a Town Board Member, much research was done because the Town's Court is out of compliance with the State Regulations. There is also the issue of the amount of people allowed in the Town Hall at once and the amount of times the capacity limit has been exceeded.

Steve Somlo addresses the Town Board stating his belief that the Town Board did not take adequate time in appointing a new Town Justice. The Town Board did not discuss or set up interviews for any of the candidates. S. Somlo feels like the Town Board had made up their minds in advance without consideration of the experience of the other applicants, and would have like to have all the Town Board Members present when the appointment was made. Town Board Member Pinto noted that she stated that William Hogencamp had extensive experience in the criminal field, to which C. Pinto gave examples from W. Hogencamp's resume. The examples cited prove his level of appropriate experience.

Supervisor Braley answered S. Somlo's concerns and Celia Cassuto's who noted that at this point, neither Justice is a lawyer. J. Braley states that the Town Board had letters of interest and resumes ahead of time to review. In addition to the 4 candidates who applied, there was an additional person considered, but he withdrew his interest. There could have been a long drawn out procedure, but the Town Board felt comfortable in appointing a replacement immediately. J. Braley notes that W. Hogencamp is not an attorney, but sites his qualifications. Supervisor Braley explained that he was a Town Judge for 25 years, and is not an attorney. One does not need to be to do a good job. J. Braley feels there are some lawyers who are very good judges, and some who are not. Vice versa, there are

some non-lawyers who are very good judges and some who are not. S. Somlo agrees with J. Braley's assessment and notes that J. Braley was a very good Town Justice.

Town Board Member Mesick stated that he felt S. Somlo was overqualified for the position and it is out of his realm.

Ellen Melnick questioned what the Comprehensive Plan Oversight Committee works on. Supervisor Braley explained the makeup of the committee, how they started, and what they are working on currently; ie., ridgelines, updating certain Town laws. In addition, an explanation of what a Comprehensive Plan is was given.

Columbia County Sheriff Deputy Leggett stated he is glad to be back and is ready to help! The Enhanced Patrol is trying to do more back road patrolling.

Supervisor Braley updated the Town Board on the progress of the Town Road Map stating that this project will soon be put up for adoption. There are only a couple of areas that still need updating.

C. Vander Weit announced that every fourth Tuesday is the senior lunch at St. Peter's. Since the attendance is down C. Vander Weit asked if the Town could help with notification. Town Clerk Haag noted that this event is put on the Town website calendar every month.

Adjournment

A motion to adjourn was made by C. Pinto and seconded by J. Mesick.

J. Braley: yes

C. Pinto: yes

J. Mesick: yes

Motion unanimously carried. Meeting adjourned at 8:06 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk