

Town of Austerlitz
Town Board Meeting
December 12, 2013

Roll call. Present: Jeffrey Braley, Supervisor, Carol Pinto, Matthew Verenazi, Jon Mesick, Town Board Members, Robert Meehan, Highway Superintendent, and Susan Haag, Town Clerk, Attorney for the Town, Tal Rappleyea.

Bryan Geel absent due to being out of Town.

Public Hearing called to order at 7:00 p.m.

Public Hearing for Zanconato Unsafe Building tabled from November 14, 2013 Meeting reopened.

Brian Zanconato was not present. Code Enforcement Officer Lee Heim advised the Town Board that upon investigation, the unsafe building on B. Zanconato's property has not been taken down. B. Zanconato did try to push the building down, but was unable to do so. During a phone conversation between L. Heim and B. Zanconato, CEO Heim noted the continued Public Hearing set for December 12, 2013. CEO Heim also advised that the day before he spoke with B. Zanconato's girlfriend who assured L. Heim that B. Zanconato received the voicemails he left.

CEO Heim would like this process to move forward and be continued which means the next step is for a bid package to be put together and then put out for bid. Parameters of work to be done was discussed. CEO Heim advised that after last month's meeting he met with B. Zanconato and gave him 30 days to take down the unsafe building and 60 days to clean up. December 6, 2013 marked the 30 days.

Attorney for the Town, Tal Rappleyea, advised that the clean up portion needs to be done; whereas Supervisor Braley and Highway Superintendent Meehan noted they have seen jobs done where foundations were left. It was decided that Highway Superintendent Meehan would put together a bid package and give it to Attorney Rappleyea for review.

A motion was made by C. Pinto and seconded by M. Verenazi to determine that the building on B. Zanconato's property is indeed unsafe and must be removed and that the owner, B. Zanconato has either refused or failed to removed the unsafe building and the Town Board hereby directs to have bid specs drafted to have the building removed and secured.

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Town Board Member Mesick questioned the date of the 30 day mark to make sure that this date has passed. CEO Heim reiterated that the 30 day mark was December 6, 2013, with another 60 days to clean up.

All those wishing to be heard were heard.

A motion to close the Public Hearing was made by C. Pinto and seconded by J. Mesick.

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried. Public Hearing closed at 7:10 p.m.

Regular meeting called to order at 7:11 p.m.

Moment of Silence in memory of Lorraine Zagarola, followed by the pledge of Allegiance.

Minutes

A motion to accept the November 14, 2013 Public Hearing/Regular Town Board Meeting minutes was made by C. Pinto and seconded by M. Verenazi.

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Town Board Member J. Mesick wanted it stated for the record that it is not the job of the Code enforcement Officer to ride the roads looking for offenses, and unanimous complaints must be in writing in order to be follow-up upon.

Auditing of Accounts and Claims

A motion to approve General Fund #394-441, in the amount of \$43805.22, and Highway Fund #236-267, in the amount of \$39753.38, was made by M. Verenazi and seconded by J. Mesick.

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Reports

Monthly Budget Reports for the month of November 2013 were submitted. Supervisor Braley noted that some of the figures were allocated incorrectly. Budget amendments still need to be done by the end of the year.

On the County level, Supervisor Braley reported that there are no meetings really in the month of December. J. Braley did not make last night's County Board of Supervisors' meeting. The airport mess is now an open discussion by email. There seems to be some ideas and a plan out there.

Highway Superintendent Meehan reported that Bruce Whiteman gave him the plaque for the fire hydrant dedication to put up. Discussed mounting options for the plaque. R. Meehan noted that there has been a few small snow storms, the little truck is still down, the trucks purchased from the Town of Ghent are at the highway garage, and one is being used as a parts truck. One of the big trucks is down, but should be up and back on the road tomorrow. Town roads are taking a beating because they aren't frozen yet and are still soft. The temporary culvert on Harvey Mountain Road is almost complete.

Town Clerk Report for the month of November 2013 submitted.

Planning Board Report for the month of November 2013 submitted.

Comprehensive Plan Oversight Committee Report for the month of November 2013 submitted.

Building Inspector/Code Enforcement Report for the month of November 2013 submitted.

Justice Cassuto Justice Court Report for the month of November 2013 submitted.

Dog Report for the month of November 2013 submitted.

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

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Correspondence

No Correspondence

Unfinished Business

Ridgeline Map and Zoning Change

Columbia County Planning Board submitted comments and recommendations for the proposed Ridgeline Protection Zoning Change. Town Board Member Verenazi noted these are just recommendations, and the Town Board does not have to change the current proposed changes, but the Columbia County Planning Board did like what they read. Supervisor Braley will speak with Comprehensive Plan Oversight Committee Chair Stalker and get the proposed changes to Attorney Rapplelea.

New Business

Supervisor Braley recused himself from the discussion on the Salt Shed Lease. The Town Board discussed time frames of signing this agreement.

Resolution #29-2013 Authorizing Deputy Supervisor to Execute Salt Shed Lease

WHEREAS, the Town of Austerlitz must have a facility in which to store its winter road salt but does not own a facility sufficient to meet such needs, and

WHEREAS, the Town has heretofore leased certain property from Jeffrey W. Braley, Sr. and Leslie Braley for a period of ten years and that such lease has expired, and

WHEREAS, Jeffrey W. Braley is the Supervisor of the Town of Austerlitz and has heretofore disclosed his interest in such real property and has recused himself from any proceedings relating hereto, and

WHEREAS, the Town has applied to the Columbia County Supreme Court for approval of such lease in accordance with the laws of the State of New York, and

WHEREAS, the Columbia County Supreme Court has granted such approval by Order dated December , 2013.

NOW THEREFORE, IT IS HEREBY RESOLVED, that the Town Board of the Town of Austerlitz hereby authorizes the Deputy Supervisor to execute any necessary documents, including the attached lease document, in order to complete the rental transaction, covering the period of January 1, 2013 through December 31, 2014.

A motion to adopt Resolution #29-2013 Authorizing Deputy Supervisor to Execute Salt Shed Lease was made by M. Verenazi and seconded by C. Pinto.

J. Braley: abstained

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion carried 3:1.

Salt Shed Lease

SALT SHED LEASE

This is a Lease between TOWN OF AUSTERLITZ, a municipal corporation with its principal place of business located at the Austerlitz Town Hall, Route 203, Spencertown, NY 12165, party of the first part, and JEFFREY W. BRALEY, SR., and LESLIE BRALEY, with an address of County Route 9 and Route 203, Chatham, New York 12037, parties of the second part.

WHEREAS, the party of the first part has leased from the party of the second for a period of time, a portion of a pole barn owned by the parties of the second part, consisting of an area approximately 100 x 100 square feet for the purpose of the storage of salt, sand and vehicles used by the Town of Austerlitz Highway Department in connection with its duties and responsibilities within the Town, together with approximately 2 acres of vacant land surrounding the said pole barn for such purpose, and

WHEREAS, this storage arrangement has been in the best interest of the Town as it has provided and inexpensive and much needed storage location for materials and equipment necessary for the proper functioning of the Highway Department; and

WHEREAS, there is uncertainty as to when the Town will be in a position to relocate the storage of salt and materials and potential vehicles and whether same will be located in and about the vicinity of the new highway garage; and

WHEREAS, it is the desire of the Town Board to extend the existing arrangement at this time; and

WHEREAS, the parties of the second part are desirous of accommodating the request of the party of the first part in continuing the arrangement for the benefit of the Town; and

WHEREAS, the Town Board has duly authorized, by resolution dated December 12, 2013, the Deputy Town Supervisor to enter into a Contract for the continued storage of salt and materials and utilization of the afore-referenced storage are by the Town Highway Department for the years 2013 and 2014; and

WHEREAS, the Town has applied for and obtained approval of the within lease from the Columbia County Supreme Court, by Order dated December 9, 2013.

NOW, THEREFORE, it is agreed by and between the parties as follows:

That the party of the first part shall continue to lease a portion of the real property of the parties of the second part consisting of the 100' x 100' area within the pole barn for the purposed of the storage of salt, materials and equipment utilized by the Town of Austerlitz Highway Department, along with the right of access to and from the afore-referenced area, and approximately 2 acres of vacant land surrounding the said pole barn, for such purposes, which premises are located off County Route 9 in the Town of Austerlitz.

The parties agree that premises shall be leased by the party of the first part for the years 2013 and 2014 an annual consideration of \$\$4,300.50 for 2013 and \$4,429.50 for 2014, 50% of which shall be paid at the beginning of each year and 50% mid-way through the year, unless otherwise agree to by the parties.

The parties specifically agree that either party may cancel the within Contract upon one year's notification to the other party.

The parties shall each individually maintain liability insurance and the Town of Austerlitz shall maintain property insurance for any of the materials and equipment stored upon the premises of the parties of the second part.

The party of the first shall be provided continuous access to the premises leased herein for the purpose of obtaining salt, sand and equipment for use in the regular operations of the Town of Austerlitz Highway Department.

Resolution #30 Equipment Reserve Fund

Supervisor Braley stated that he would like to set up an Equipment Reserve Fund with the \$50000.00 that was put into the 2014 budget. Once this reserve fund is created, money can be added to it. J. Braley asked what the Town Board would like to do. Money available was discussed, as well as, what money is yet to be dispersed for this year and revenues that are still due to the Town. The setting up of an Equipment Reserve Fund was tabled until the End of the Year meeting.

Health Insurance

Supervisor Braley signed off on the new health insurance through CDPHP for next year. A Benefit Summary Sheet from CDPHP was handed out and discussed. Supervisor Braley advised that the Town has always told the Highway Crew that it would pay the deductible for hospital inpatient stays. J. Braley and Insurance Agent Steve Aciani met with the Highway Crew to go over the new plan and no-one seemed unhappy with the changes.

Dog Control

Supervisor Braley advised that the Town received an email from NYS Department of Ag and Markets concerning the fact that the Town of Austerlitz currently has no shelter agreement for seized dogs. J. Braley noted that there are cages on his property that the Town has been using for short term cases. When owners of dogs have not been found, the dogs have been taken to the Columbia Greene Humane Society, even though we have no contract with them. Supervisor Braley does not believe that the current set-up is sanctioned by Ag and Markets so something needs to be done. The Humane Society is very expensive, costing \$75.00 for the first day, and \$300.00 for each subsequent day after that. No decisions were made.

Future Meetings

A motion to set the End of the Year meeting for December 30, 2013 at 7:00 p.m. and the 2014 Organizational Meeting for January 2, 2014 at 6:00 p.m. was made by M. Verenazi and seconded by J. Mesick.

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Public Comments

None

Adjournment

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

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried. Meeting adjourned at 7:50 p.m.

Respectfully Submitted,

Susan A. Haag, Town Clerk