

Town of Austerlitz
Town Board Meeting
June 15, 2017

Present: Robert Lagonia, Supervisor, Greg Vogler, Nansi Friedman, Jere Wrightsman and Matthew Verenazi, Town Board Members, Robert Meehan, Highway Superintendent, and Susan Haag, Town Clerk.

Highway Superintendent Meehan arrived at 7:25 p.m.

Regular Town Board meeting called to order at 7:04 p.m.

Moment of Silence, followed by the Pledge of Allegiance.

Minutes

A motion to accept the May 18, 2017 Workshop and Regular Town Board Meeting minutes was made by J. Wrightsman and seconded by N. Friedman with clarification concerning the \$50000.00 increase in the new Town Hall insurance coverage. This figure was taken out.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: yes

J. Wrightsman: abstain

Motion carried 4:1.

Auditing of Accounts and Claims

A motion to pay General Fund, #158-186, in the amount of \$18919.53, Highway Fund, #75-89, in the amount of \$18835.71, and the Capital Fund #11-12, in the amount of \$15825.27 was made by G. Vogler and seconded by M. Verenazi.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: yes

J. Wrightsman: yes

Motion carried 5:0.

Reports

Monthly Cash Disbursement and Supervisor Report

Monthly Cash Disbursement for the Month of May 2017 submitted. Supervisor Lagonia advised that there is roughly \$2.4 million in accounts. Sales tax is up, but figures are down in building permits and fines and forfeitures. Fines and forfeitures can catch up. Appropriations are in line. The Town Park project fund is now at zero. There is roughly \$828,000.00 left in the new Town Hall fund.

Supervisor Report

Harry Newton gave the Town a donation for concrete work up at the Town Park. The Town still needs a path from the pavilion to the parking lot. The least expensive way is blacktop. This pathway will need to be engineered due to handicap requirements. Supervisor Lagonia spoke with S&F Technologies and they will be getting back to him with a cost for the surveillance equipment. Two garbage cans have been ordered and when they arrive the Town needs to figure out how to lock them down because the vandalism continues. There is still garbage every day and someone stepped in the new cement.

On a County level, the Columbia Greene Community College enrollment is way down. The College has been keeping afloat with fund balance drawn downs. The fund balance is now gone. The College wants both Columbia and Greene County to kick in more support. They are looking at different programs to attract more students and the building needs repairs. Columbia County has formed a committee to look into this and figure out ways to generate funding and increase enrollment.

There is a sewer plant in the commerce park. The NYSDEC came down and noted areas that needed to be cleaned up. There is a plan in place for this that the DEC likes, but the work will not be completed until 2019. Many of the area facilities and businesses will be tying into the new sewer system as well.

Town Board Member Greg Vogler noted that Rich Nesbitt was going to look into the insurance documentation requirements for contractors who do work on the Town of Austerlitz' projects. This would include equipment rented by our Highway Department.

The insurance carrier representative did come down to inspect Town owned buildings and Highway Superintendent Meehan walked the properties with him.

Highway Report

Highway Superintendent Meehan submitted the following report:

Dust Control - 5,000 gallons of calcium were put down on Rhoen, Spencer, Middle, Fog Hill, Ten Broeck and Reed Road. Another 5,000 gallons will be put down on remaining roads next week.

Town Park - Ray Jurkowski is working on elevation grades for the sidewalk at the Town Park to make it handicap accessible. The Town Board will need to decide if they want the sidewalk black top or concrete. The Board will also need to decide whether or not to replace the flag pole. Garbage cans have been ordered but will take 3-4 weeks to arrive.

Speed Monitor - The speed monitor has been out on Route 203 and Route 22. We received a call about speeding on Rhoen Rd with a request to place the speed monitor there in an effort to slow down traffic.

Highway employees have been working on patching paved roads, ditching and mowing.

Supervisor Lagonia believes there should be a phase 2 for work at the Town Park to take care of some of these issues.

Supervisor Lagonia noted there was a speed sign that had cameras on the intersection of Fire Hill Road and Dugway Road. It was not the Town's sign. The State Police put it there and it was part of an ongoing investigation

The Town is allowed to use Peckham for the work on Dugway Road without bidding because they are under the State bid. Supervisor Lagonia wants to make sure the Town is put on Peckham's work list. Town Board Member Vogler is concerned about the timing for this project. G. Vogler does not want this to lag into fall and not get done. Supervisor Lagonia believes we are already on Peckham's work list and believes we will be okay.

A motion to approve Peckham to do work on Dugway Road from Mallory Road to West Hill Road for an amount not to exceed \$240,000.00 was made by G. Vogler and seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: yes

J. Wrightsman: yes

Motion carried 5:0.

Highway Superintendent Meehan is also working with Engineer for the Town Ray Jurkowski on the culvert for School House Road, the East Hill Road bridge work and the Fog Hill culvert.

Highway Foreman Shawn Williams is back to work.

Town Clerk Report for the month of May 2017 submitted.

Tax Collector Report for the month of May 2017 submitted. Town Clerk Haag advised that the 2017 tax roll has been turned over to the county.

Planning Board Report for the month of May 2017 submitted.

Comprehensive Plan Oversight Committee Report for the month of May 2017 submitted.

Building Inspector/Code Enforcement Report for the month of May 2017 submitted.

Justice Grubin Justice Court Report for the month of May 2017 submitted.

Justice Cassuto Court Report for the month of May 2017 submitted.

No Dog Report for the month of May 2017 submitted.

Highway Superintendent Meehan arrived and advised the Town Board that the Town is on Peckham's August calendar. R. Meehan confirmed work will be done from Mallory Road to West Hill Road and discussed the process to be used; a base with blacktop cover. The Highway

Crew will be doing some of the ditching. The road area not a part of this project will have some repairs done as well. Peckham will do core sampling on Dugway Road to analyze the amount of material to be put down. Peckham is aware that there is a steep section of the road and will put down the appropriate surface in that area.

Superintendent Meehan continued, alerting the Town Board that 5000 gallons of calcium has been put down with an additional 5000 to go.

The speed sign has been relocated in the Hamlet of Spencertown recording speeds as vehicles come into Town from the west. It was situated so it did not pick up cars in the 45mph zone.

Minor discussion on the path yet to be done at the Town Park. It was noted that blacktop would cost half of what concrete would.

A motion to accept the above reports was made by N. Friedman and seconded by G. Vogler.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: yes

J. Wrightsman: yes

Motion carried 5:0.

Correspondence

None

Unfinished Business

Planning Board Appointment

Supervisor Lagonia advised that Perry Samowitz is interested in being a member on the Planning Board. He was recommended by Zoning Chairman Karl Gabosh. Supervisor Lagonia has spoken with him, and Town Board Member Friedman knows him and commented that P. Samowitz would like to be involved in the Town. Town Board Member Vogler knows another person in Town who may be interested in serving in the future. Town Board Member Verenazi did not have time to chat with P. Samowitz, but trusts K. Gabosh. Town Board Member Wrightsman has not spoken with P. Samowitz either. Motion tabled until next month.

Climate Smart Community

Town Board Member Vogler noted that he and Member Wrightsman met and reviewed the NYSDEC outline for an approach for a Town to be awarded this designation. The work will be divided up and once complete, Members Vogler and Wrightsman will present to the Town Board. This may be several months out.

Pricing for Surveillance Equipment Town park

Discussed

New Business

New Town Hall Bids

The following bids were opened at the Town Hall, Tuesday, June 6, 2017 at 9:00 am. Supervisor Lagonia, Town Board Members Vogler and Friedman, Joe Iuviene, and Town Clerk Haag present.

Concrete Work Base Bid

L.D. Coon and Son Concrete
116 Soller Heights Road
Ghent, New York 12075
#1 \$89500.00
#2 \$8900.00

Gregg Concrete and Masonry Inc.
1502 County Route 28
Valatie, New York 12184
#1 \$68500.00
#2 \$1000.00

Roofing Work Base Bid

Daloia Contracting Inc.
402 Lape Road
Nassau, New York 12123
#1 \$25000.00
#2 \$5000.00

Painting Work Base Bid

Daloia Contracting Inc.
402 Lape Road
Nassau, New York 12123
#1 \$75000.00
#2 \$10000.00

Construction Work Base Bid

Daloia Contracting Inc.
402 Lape Road
Nassau, New York 12123
#1 \$703800.00
#2 \$30000.00

Hoosick Valley Contractors. Inc.

52 Melrose Valley Falls Road
Melrose, New York 12121
#1 \$704000.00
#2 \$12000.00

Pressure Tank, Well Piping & Connection Base Bid

Tri-Valley Plumbing and Heating, Inc.

2822 Curry Road
Schenectady, New York 12303
#1 \$19000.00
#2 \$285.00

Goold Well drilling
17 Goold Road
Valatie, New York 12184
#1 \$2875.00
#2 \$143.75

Plumbing Work Base Bid
Oram Contracting LLC
PO Box 426
Ghent, New York 12075
#1 \$76880.00
#2 \$2100.00

Tri-Valley Plumbing and Heating, Inc.
2822 Curry Road
Schenectady, New York 12303
#1 \$74000.00
#2 \$1109.00

HVAC Work Base Bid
Family Danz Mechanical LLC
404 North Pearl Street
Albany, New York 12207
#1 \$516400.00
#2 \$5500.00

KLD Mechanical Inc.
2768 Doelner Circle
Castleton, New York 12033
#1 \$220000.00
#2 \$9400.00

Tri-Valley Plumbing and Heating, Inc.
2822 Curry Road
Schenectady, New York 12303
#1 \$230500.00
#2 \$3457.50

DJ Heating and Air Conditioning, Inc.
1409 Route 9W
Marlboro, New York 12542

#1 \$273790.00
#2 \$7000.00

Electrical Work Base Bid

Harold R. Clune, Inc.
30 Prospect Street
Ballston Spa, New York 12020
#1 \$213000.00
#2 \$15800.00

La Corte Companies, Inc
630 7th Ave.
Troy, New York 12182
#1 \$176108.00
#2 \$3640.00

J. McBain, Inc.
2742 6th Ave.
Troy, New York 12180
#1 \$179500.00
#2 \$3600.00

Electrical Service Work Base Bid

Harold R. Clune, Inc.
30 Prospect Street
Ballston Spa, New York 12020
#1 \$213000.00
#2 \$15800.00

La Corte Companies, Inc
630 7th Ave.
Troy, New York 12182
#1 \$37500.00
#2 \$933.00

J. McBain, Inc.
2742 6th Ave.
Troy, New York 12180
#1 \$28050.00
#2 \$565.00

Supervisor Lagonia is very disappointed with the numbers. Everyone R. Lagonia discusses this with is flabbergasted. Bids are high again with a cost of roughly \$1.3 million total. This does not include other work left to be added to this figure. The assumption is that a total price for this project will come in around \$1.8 million. The Town currently has \$800,000.00 banked with another \$1 million promised. Supervisor Lagonia asked Attorney for the Town, Joseph Catalano

to speak with the Labor Department concerning having to use prevailing wage because he has researched this extensively and can't find anything to support their claim that prevailing wage must be used even for a project where the funds used are totally donated funds. The Labor Department has verbally given Attorney Catalano an opinion that since the Town owns the building and is overseeing the project, prevailing wage still is on the table. R. Lagonia has asked for this in writing because the Labor Department has never seen a project like this before.

Supervisor Lagonia advises that the Town must be in receipt of all funds before the project can be awarded. Once the funds are secured, the Town Board will award the bids. In the mean time, the Town can go back to the low bidders and ask if there is any savings in their numbers. Engineer Jurkowski was asked to go and examine the heating specs. Because of the way the building is set up, the heating has to be done the way the specs have it set up. Right now, each room has its own heating unit. Maybe a couple rooms can be put together. These types of changes can be made. R. Lagonia would like everyone involved with this project to sit down and see where the Town can save money before the project actually starts. He believes that the State prevailing wage mandate created this issue.

One way to save money is to hire an electrician and helper for \$40,000.00 with benefits to help cut the cost of the electrical work, but the timing isn't right. Attorney Catalano advised against doing this.

The Town Board discussed the cost of this project to date. The Town can make some substantial changes, but every time changes are made this costs money as well. Jack Shear would like the project to be done the original way it was proposed. With the additional funding coming in, there is a good possibility that this is doable.

A special meeting to award these bids may have to be called depending on the timing of receipt of the additional funding.

July Meeting Date Change

Supervisor Lagonia cannot make the July Town Board Meeting and needs to change the date to July 13, 2017.

A motion to change the July Town Board meeting to July 13, 2017 was made by N. Friedman and seconded by M. Verenazi.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: yes

J. Wrightsman: yes

Motion carried 5:0.

Workshop Dates and Topics

Supervisor Lagonia would like to schedule a workshop for August. July's meeting will be taken up with the new town hall project. R. Lagonia would like to start working on the new salt shed.

Highway Superintendent Meehan advised he had a chat with Engineer for the Town, Ray Jurkowski about this, but will talk more in-depth with him.

Revised Highway Form 284

A motion to adopt the revised Highway Form 284 incorporating improvement work on Dugway Road, changing the expended sum to \$240,000.00 and deleting "*said monies expected from the NYS C.H.I.P.S. funding program,*" under the School House Road project was made by G. Vogler and seconded by M. Verenazi.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: yes

J. Wrightsman: yes

Motion carried 5:0.

This agreement is entered into by the Town of Austerlitz Highway Superintendent and the undersigned members of the Town Board of the Town of Austerlitz pursuant to section 284 of the Highway Law as set forth below and shall be effective for the fiscal year of 2017:

We hereby agree that the monies levied and collected for the repair and improvement of the Town highways, and those monies received from the State of New York for the repair and improvement of Town Highways, shall be as follows:

1. General Repairs: The sum of \$ 50,000 may be expended for general repairs and maintenance upon 61.7 miles of own highways including sluices, culverts, drainage ditches and bridges having a span of less than five feet and boardwalks or renewals thereof.

2. Improvements. The following sums shall be set aside for the improvement of Town highways as described below:

a) Dugway Road: On the road commencing at Mallory and leading to West Hill: There shall be expended not over the sum of \$ 240,000, said monies expected from the NYS CHIPS funding program.

Type: Grinding adding concrete and paving.

AND

School House Rd; There shall be expended not over the sum of \$ 35,000.

Type: Installation of Box Culvert.

b) Pratt Hill Rd; A distance 2.9 miles, there shall be expended not over the sum of \$ 60,000,

Type: Oil and Stone Seal.

c) Ten Broeck Rd; There shall be expended not over the sum of \$ 20,000,

Type: Installation of Culvert.

3. It is hereby acknowledged that the foregoing is best estimates based upon information of road conditions and pricing that the Highway Superintendent has at the time this agreement is

executed. If there are changes in the scope of work, available materials, labor, or piecing, this agreement may be modified in writing by the parties hereto.

This agreement shall take effect when approved by the Town Board and executed by the Highway Superintendent and at least a majority of the members of the Town Board.

Codification Update

Town Clerk Susan Haag requested the Town Board consider updating the Town Code to incorporate Local Laws 2-2011, 1-2014, 1-2016 and 1-2017. The estimated cost will be between \$2010.00 and \$2215.00. This request tabled until next month.

Title Search Town Highway Garage Property

Sneeringer Monahan Provost Redgrave Title Agency, Inc. has provided the Town via Attorney Catalano its determination on who the parties are necessary to execute an instrument extinguishing or modifying the restrictive covenant in the deed to the Town of Austerlitz from Robert Whiffen. Because Robert Whiffen owned no other lands contiguous with the lands conveyed to the Town at the time of said conveyance to which that right to enforce the restrictive covenant would have been appurtenant, and because no assignment of his right to enforce the restrictive covenant was found recorded in the Columbia County Clerk's Office, and because there was no record found of an estate filed for Robert Whiffen in the Columbia County Clerk's Office, the determination was that the record holder of the right to modify or extinguish the restrictive covenant is Robert Whiffen.

Supervisor Lagonia believes that the restricted deed covenant can disappear if the property around has no interested party and if there are no heirs. The Town needs to do a little more digging and research. Attorney Catalano will then take the next step.

Public Comments

Eileen Fusco urged the Town Board to wait on the appointment of Perry Samowitz and asked how far the net was cast in looking for a planning board member. Supervisor Lagonia answered that the Town has looked in earnest for an appointee.

Eileen Fusco also advised that she went to an event at the Spencertown Academy and noted that the parking lot was pitch black. Supervisor Lagonia advised that a light has been put in there, but the Spencertown Academy must turn it on during their functions.

Eileen Fusco noted that West Hill to Partridge to Dugway Road is not paved. E. Fusco drives over dirt roads to get to paved roads and asks that these section of Bryarcliffe be put on the list for paving. Supervisor Lagonia advised that there was a discussion on the inclusion of this section and the costs involved when the Town Board was decided the extent of the Dugway Road project. The bottom line, the Town is doing what it can with the money available. C.H.I.P.S money from last year is being used for this project.

Eileen questioned the proposed trail system in the Austerlitz Town Park. Town Board Member Friedman noted that she is meeting with the Columbia Land Conservancy concerning this. This is in the Town Board sights.

Charles Vander Weit asked which land the Town Board was discussing concerning the Title Search. Supervisor Lagonia advised it was the land around the Highway Garage where there is a small, broken down cabin. C. Vander Weit noted he was on the Planning Board when the new Highway Garage was being built.

Adjournment

A motion to adjourn was made M. Verenazi and seconded by N. Friedman.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: yes

J. Wrightsman: yes

Motion carried 5:0. Meeting adjourned at 8:

15 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk