

Town of Austerlitz
Town Board Meeting
March 16, 2017

Present: Robert Lagonia, Supervisor, Greg Vogler, Jere Wrightsman, and Matthew Verenazi, Town Board Members, Robert Meehan, Highway Superintendent, and Susan Haag, Town Clerk. Attorney for the Town, Joseph Catalano in attendance.

Nansi Friedman absent.

Public Hearing called to order at 6:30 p.m.

Public Hearing called for Local Law #1-2017, A local law amending certain provisions of Town Zoning pertaining to home occupations and solar energy.

Entered into the record was an email from Jill Kalotay asking what the intentions of the town zoning will be as it pertains to existing installations as she already has a solar system installed in what is considered her front yard.

Steve Somlo requested time to submit additional written comments. The Town Board will take under advisement. S. Somlo served on the Planning Board for 3 terms and when the original zoning law was adopted. Home occupation level 2 additional criteria was part of a definition and was meant to address larger projects. Note that level 3 is still very restrictive. S. Somlo understands that there is a contradiction between the use table and the definition section for level 2, but note that level 2 was designed as a right not by special permit. The effect of putting this under the planning board is to subject it to requirements, which is already restricted by definition. Level 2 occupation are discouraged by cost and bureaucracy. S. Somlo sees the Town of Austerlitz as longer range and viability for simple things. S. Somlo spoke of the flavor of the town and what could be in the future with planning. S. Somlo currently owns property in the Hamlet of Spencertown with solar on it. Discussed what he pays and what is paid to the homeowner for these systems. This may not be economic when all is said and done between all the plusses and minuses. In the proposed legislation., S. Somlo notes the definition of what a large scale project is and how this is prohibited. S. Somlo asks the Town Board to take into consideration the economy of solar.

Comprehensive Plan Oversight Chair Tim Stalker spoke as a private citizen noting that the Town Board should keep an open mind toward large scale projects in the future. If a project does come up in the future, the town can see if it will fit.

S. Somlo noted that the Town of Austerlitz does not have industry and the agricultural lands have changed. There are expanses of land with opportunities for commercial solar that should be looked at pursuant to planning board approval. Larger solar projects can be done in thoughtful ways.

Zoning Board of Appeals Chairman Karl Gabosh does not disagree with S. Somlo's intent, but believes that the Town Board should not allow large commercial projects as the proposed law

states. If the Town Board wants to incorporate large commercial projects, it needs the law to be iron clad on how to handle ahead of time before anything is put in place. Stronger language is okay until you have the language to go forward.

Highway Superintendent Meehan does not like to see all the panels that are popping up all over the county.

Chair Stalker has been part of the process of putting a solar law in place in the Town of Austerlitz and agrees with the strategy of getting something in place and realizes that this can be revisited in the future to expand the law incorporating larger commercial projects.

Supervisor Lagonia advised that there currently are no projects coming before the planning board.

Attorney for the Town. Joseph Catalano, that currently the Town's zoning law is somewhat contradictory to make the Town's intent concerning solar clear and the regulation of it. Chair Stalker advised that the law was modeled after one used by NYSERDA, input from 6 other towns and a template vetted by many communities.

All those wishing to be heard were heard.

A motion to close the public hearing except for the acceptance of written comments on or before April 1, 2017 was made by G. Vogler and seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: absent

J. Wrightsman: yes

Motion carried 4:1. Public Hearing closed at 7:13 p.m.

Regular Town Board meeting called to order at 7:13 p.m.

Moment of Silence, followed by the Pledge of Allegiance.

Bonding

Representatives from the Kinderhook Bank, Donna Casey and Ted Campanella addressed the Town Board concerning bonding. Supervisor Lagonia noted that the Town will be paying off a bond this year and are in the process of making decisions as to how to fund current town needs.

Kinderhook CFO, Ted Campanella, noted that Kinderhook Bank appreciates the Town of Austerlitz' business and is happy to serve the Town going forward. Bank assets were noted. Generally the bank works with the attorney for structure when bonding. Different time frames for paybacks are available depending on needs and the turnaround can happen in less than a week. No local premiums are added. Rates change daily. The Bank can accommodate BANs before bonding. All projects do not have to go under one bond, but several rather with structured maturities. Each category of probable usefulness has a bonding time frame so projects need to

be bonded accordingly. Bonds are not secured, but rather the Bank checks the Town's credit rating and uses that. Rates are based on treasuries and Kinderhook Bank is very competitive.

Supervisor Lagonia advised that the Town Board will start with workshops for a few months to ascertain needs and numbers and then will reach out to the bank. Thanks D. Combs and T. Campanella for coming to speak with the Town Board.

Supervisor Lagonia would like to start at the April Town Board Meeting discussing highway issues: roads, salt shed and equipment. R. Lagonia asks Highway Superintendent Meehan to bring anything and everything to the table so the Town can figure out what it can and cannot do, make an informed analysis. Need short term and long goals and projects. For the April Town Board Meeting, the Town Board will start with equipment.

Town Park and new Town Hall needs must be determined as well. Attorney Catalano advised that the Town Board must be clear on costs.

Minutes

A motion to accept the February 16, 2017 Regular Town Board Meeting minutes was made by M. Verenazi and seconded by G. Vogler.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: absent

J. Wrightsman: yes

Motion carried 4:1.

Auditing of Accounts and Claims

A motion to pay General Fund, #63-90, in the amount of \$20642.73, Highway Fund, #25-41, in the amount of \$26275.99, and the Capital Fund #3-5, in the amount of \$5915.63 was made by J. Wrightsman and seconded by G. Vogler.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: absent

J. Wrightsman: yes

Motion carried 4:1.

Reports

Monthly Cash Disbursement and Supervisor Report

Monthly Cash Disbursement for the Month of February 2017 submitted. Supervisor Lagonia advised that the front page of the cash disbursement report is showing the new reserve accounts. Line item machinery point 1 seems high at 32% used so far this year. R. Lagonia will double check with Highway Clerk Davis.

Highway Superintendent Report

Highway Superintendent Meehan reported that the road crew has been taking care of the roads that were muddy not too long ago, but are now hard. Most of the roads are pushed back and the intersections are clear. Highway Superintendent Meehan and other Highway Superintendents were at the State Capital trying to secure more money for the C.H.I.P.s program. R. Meehan sat with Senator Marchione. Even though there is bridge and large culvert funds available, this funding seems to all be going to the City. It was suggested it was better to use the C.H.I.P.s funding as it becomes available instead of saving it. This will show a need and help in securing grant funding as well.

Supervisor Lagonia asked if R. Meehan had any prospects to fill in for the two highway men going out on leave. R. Meehan advised an ad was going in the paper, but nothing as of this point.

Town Clerk Report for the month of February 2017 submitted.

Tax Collector Report for the months of January and February 2017 submitted.

Planning Board Report for the month of February 2017 submitted.

No Comprehensive Plan Oversight Committee Report for the month of February 2017 submitted. The CPOC Committee was presented with proposed Local Law 1-2017 for review and discussion. The Committee was in support of the home occupation level 2 definition with no changes, other than adding the requirement for a special use permit.

CPOC Chair Tim Stalker noted that the subdivision regulations may be next to work on. Supervisor Lagonia gave the go ahead to move forward with this.

Even though the Columbia County Planning Board has not met to review Local Law #1-2017, Senior Planner Patrice Perry has done a preliminary review and made comments. The Town Board does need to look at the County Planning Board's recommendation for referrals so it can then take action to adopt or make changes.

Chair Stalker would like to set up a training seminar with the Planning Board and Zoning Board of Appeals to review the new solar law and the changes in zoning and asks the Town Board if the vacant planning board seat will be filled soon so the new member can take advantage of the training.

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

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

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

Dog Report for the month of February 2017 submitted.

A motion to accept the above reports was made by G. Vogler and seconded by J. Wrightsman.

R. Lagonia: yes
G. Vogler: yes
M. Verenazi: yes
N. Friedman: absent
J. Wrightsman: yes
Motion carried 4:1.

Correspondence

Spencertown Academy: Request to use the green in Spencertown June 17, 2017 for the Garden Market as part of the Spencertown Academy's Annual Hidden Gardens Tour.

A motion to allow the Spencertown Academy to use the green in Spencertown June 17, 2017 for the Garden Market as part of the Spencertown Academy's Annual Hidden Gardens Tour was made by M. Verenazi and seconded by J. Wrightsman.

R. Lagonia: yes
G. Vogler: yes
M. Verenazi: yes
N. Friedman: absent
J. Wrightsman: yes
Motion carried 4:1.

Unfinished Business

New Town Hall Update

Supervisor Lagonia spoke with Architect Joe Iuviene to confirm that the mechanical engineer redoing the specs will not charge and was assured this was the case. Bid numbers were discussed as to why they came in so high. The new specs will be broken out more and different parts will be bid separately instead of together. Architect Iuviene is not charging us for the new bid package. The goal is to have the new bid specs at the April Town Board Meeting, opened and awarded by May. It appears several hundred thousand dollars could be saved if the Town rebids.

Approval or rejection of the current bids will wait for the April meeting as well. After this decision is made, the Town Board can approve the new specs and move forward.

Broadband

Town Board Member Wrightsman advised that 17 million was awarded for Columbia County. The problem is it is hard to tell where that will go. There will be another grant process for phase 3 that Fair Point is expected to act on. Discussed areas in Town where upgrades will go, when and what types. Fiber is supposed to be run.

Local Law #1-2017

Preliminary comments by Columbia County Senior Planner Patrice Perry were discussed.

Comments made by S. Somlo were discussed including possibly changing the number used for tax breaks which is currently 110%. The consensus of the Town Board was to leave as is.

The Town Board advised that current installations, such as J. Kalotay's, are grandfathered.

The Town Board discussed different options of correcting the contradiction area between the use chart and the definitions section.

SEQRA

Attorney for the Town, Joseph Catalano, completed the SEQRA review. The Town Board found no significant or adverse effects.

A motion to accept the SEQRA as prepared by Attorney Catalano and reviewed by the Town Board was made by G. Vogler and seconded by R. Lagonia.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: absent

J. Wrightsman: yes

Motion carried 4:1.

New Business

Ed Campanella, CFO Kinderhook Bank: Discussed

Resolution #33-2017, Appointment of Deputy Court Clerk

A motion to adopt Resolution #33-2017, Appointment of Deputy Court Clerk was made by G. Vogler and seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: absent

J. Wrightsman: yes

Motion carried 4:1.

Whereas, the position of deputy court clerk is currently vacant and the Town Justices, Sharon Grubin and David Cassuto, have nominated Dineen Panadis to serve in such position effective February 28, 2017 for the remainder of the year; and

Whereas, the Town Board budgeted \$5,000 for the position of deputy court clerk in the Town Budget for 2017; and

Whereas, the Town Justices expressed their desire to have Ms. Panadis be approved by the Town Board and added to the Town payroll as Deputy Court Clerk for the Austerlitz Town Court on an annual salary based on the Town's annual budgetary appropriation for such position; and

Whereas, it is the Town Board's understanding that the Town Justices will set and supervise the Deputy Clerk's hours so that the hours worked are appropriate with the annual salary;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board hereby recognizes the Town Justices' nomination of Dineen Panadis to immediately fill the Deputy Court Clerk position and hereby appoints Dineen Panadis, effective as of February 28, 2017, to serve as Deputy Court Clerk for a term ending December 31, 2017.
2. The Town Board hereby approves the salary for Ms. Panadis at \$96.15 per week, effective from February 27, 2017, to be paid on a bi-weekly payroll basis.
3. The Town Board hereby ratifies and approves any actions taken by the Town Justices, Town Clerk and the Town administration in nominating and hiring Ms. Panadis.
4. This resolution shall be deemed to take effect as of February 27, 2017 for purposes of ratifying and approving any time that Ms. Panadis may have worked in the role of Deputy Court Clerk.

Town Garage

Supervisor Lagonia questioned what the back area of the Town Garage is used for because there is a thought to put a new salt shed in this area, as well as, material. R. Lagonia asked if it would be Highway Superintendent Meehan's preference to do this. There are covenants in the deed that state if any changes are made all parties must agree. The Town Board will look further into this.

Morris Memorial

Town Board Member Verenazi was approached by a resident in Town asking for the Town to donate money to the Morris Memorial. Supervisor Lagonia advised that the Town is not in the business of donating tax payer money. Member Verenazi did not think it was appropriate either.

Public Comments

Steve Somlo reiterates his previous points noting that the 110% is not a good indicator of what the Town Board is trying to protect. Please consider carefully the economic impacts.

Tim Stalker advised the Town Board that when the Town was looking for an area for a new highway garage, no one wanted this near them. The Town then found a resident willing to sell land, but only with certain stipulations. If the Town Board is considering putting up a new salt shed in this area, please reach out to the family. In addition, site plan approval was already done for a salt shed on this property.

Howard Reznikoff advised that he heard that the Federal Government planned on cutting funding for meals on wheels. Supervisor Lagonia will mention this on a County level and watch.

Adjournment

A motion to adjourn was made by J. Wrightsman and seconded by M. Verenazi.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: absent

J. Wrightsman: yes

Motion carried 4:1. Meeting adjourned at 9:02 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk