

Town of Austerlitz  
Public Hearings/Town Board Meeting  
October 19, 2017

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

Public Hearing called to order 6:04 p.m.

Public Hearing called for the 2018 Preliminary Budget

Town Clerk noted proper notice of public hearing.

Supervisor Lagonia made the following points:

1) Property taxes overall increased 1.8%, within the tax cap. For 2018, millrate is \$1.573 versus \$1.560 for 2017. On a \$200,000 home, town taxes will go up \$2.57 and on a \$500,000 home, taxes will go up \$6.42.

2) Compensation:

- No pay increases for Supervisor, Town Board, Town Justices, ZBA or Planning Board

- 3% increases for:

+ Highway Department personnel including Highway Superintendent

+ Town Clerk/Tax Collector

+ Highway Clerk Mary Davis (increased workload assisting the Town Clerk)

+ Court Clerk Kelly Baccaro (in recognition of her hard work for the court)

+ Building Inspector Glenn Smith (large increase in fees while reducing dependence on his Clerk)

- 1% increases for Dog Control, Assessor, and the Justice's Deputy Clerk

3) Regarding the General Fund Appropriations:

- Overall spending DECREASED about 1/2 of one percent (excluding the increases for contingency and bond payments). Keep in mind that the contingency number is equally offset in General Fund revenues, so no impact on taxes)

- Bond payments increased by approximately \$25,000 to fund \$1.2 million bond at 15 years

- Assessor expense account increased from \$2,500 to \$9,657 to fund property re-val

- Summer rec program expenses and revenues lowered to reflect declining enrollment

- Celebrations increased from \$1,000 to \$2,500 for bi-centennial

4) Regarding General Fund Revenues:

- Sales tax budgeted adjusted \$10,000 higher than 2017 to reflect growing sales tax revenues

- Court fines revenue adjusted \$15,000 lower than 2017 to reflect

declining court revenue

- Building Permits increased from \$20,000 to \$35,000 in anticipation of increase in fees

5) Regarding Highway Department:

- Overall spending DECREASED about 1/2 of one percent (excluding CHIPS)
- Health Insurance premiums kept level in anticipation of increase in deductible to \$2,000
- All other Highway expenses basically in line with last year or adjusted slightly

There were no comments from the public.

A motion to close the public hearing for the 2018 Preliminary Budget 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. Public Hearing closed at 6:11 p.m.

Public Hearing called to order at 6:24 p.m.

Public Hearing called because a resident in Bryarcliffe who merged parcels during the formation of the Bryarcliffe Road district in order to pay a lower tax burden for the bond repayment, has asked the Town if their parcels can be resubdivided earlier than the 15-year stipulated time frame that was put in place at the time of the merger.

Theodore Guterman, Attorney for Alicia O'Rourke and Jed Fink, residents who are seeking permission to resubdivide property in Bryarcliffe, came before the Town Board. Copies of a tax map and survey map were handed out. Attorney Guterman explained that his clients originally owned 3 parcels in Bryarcliffe that were merged into one 10 years ago to save the road district expense. At that time, all property was being used by the owners and there was no intention to sell. Currently, the property is on the market and has been shown a number of times. According to Realtor Tracey Tassinari, Associate Broker for Gabel Real Estate, letter given to Town Board, a subdivision of the property would bring the price point to a level where there would be more sales. In conversation with the owners, the Realtor noted that 90% of those who have looked at the property say there is too many acres included. The property isn't really getting any interest and would be much easier to sell if the lot was only 25 acres.

Theodore Guterman asked the Town Board to allow his clients to subdivide their property into 2 parcels, understanding that repayment of the back road district tax will be repaid upon the sale of the property. Documents can be drawn up to ensure payment is made.

Jed Fink advised that he and A. O'Rourke have every intention of paying the back road district taxes and are not looking to subdivide into more than the 2 parcels. They are just having a difficult time selling.

The following 6 email comments are hereby entered into the record:

1. My name is Robert Bransfield and my wife and I are the owners of 150 Partridge Drive. We appreciate your notification of the planned subdivision (1:2 parcels) of the parcel that was previously collapsed (3:1 parcels) at the time road district implementation.

Our position on this matter is that any subdivision is technically in violation of the condition at time of merger that lots remain unsubdivided for a period of 15 years. While we appreciate the owner's offer to pay back district fees, we believe a subdivision and payment of back districts fees subject to future sale(s) does not adequately protect existing property owners/neighbors who have funded district obligations in whole absent any preexisting conditions.

Therefore, we believe it is reasonable that any property owner seeking to sidestep the 15-year prohibition on subdivisions either pay 100% of all back-district fees immediate upon subdivision itself OR within a 12 month period following such subdivision or the sale of BOTH parcels, whichever should occur first. We believe this to be a fair and equitable proposal that protects existing owners/neighbors without adversely impact the party seeking to subdivide their property.

2. Jon and Kristy Maslin, 179 Harrington Drive. As we are not able to attend the hearing, we did want to submit our view on the issue. We understand that one of owners would like to sell a previously merged lot short of the 15-year moratorium. We do not want to stand in the way of giving this lot owner the right to do so. We do, however, feel that the spirit of the original agreement should be maintained to some degree. The property owner in question was able to reduce their liability for the cost of the road paving by merging lots together. If they now wish to subdivide some of those previously merged lots, our position is that they should be able to do so as long as they pay for the full cost that this new lot would have incurred from the beginning of the road assessment. In this case, they should pay the cost for one and one-half lots. This payment should be used to retroactively reduce the road cost liability of all of the other lot owners. In addition, this should not create a precedence for any new owners who come forward wishing to do the same. Rather, it should be handled on a case by case basis.

3. Martin T. Stern, 321 Harrington Drive. In response to your request of a reply regarding the board meeting on October 19,2017. regarding the Briarcliff property road project. I support keeping the original agreement made in 2008 which stated "any property owner within the district who merged two or more lots together should be prohibited from subdividing those merged lots for a period of 15 years",

Therefore, as with initially accepting of those terms, they should have to keep the properties merged for the full 15 years as initially agreed to. After such 15 years, they will; have the option of re applying to again separate/subdivide them.

4. Deborah and Charles Adelman 11 Harrington Drive. My husband and I will be out of state at the time of the Board meeting on 10/19 but we are opposed to allowing a homeowner in our subdivision who gained the benefit of combining their lots in 2008 in order to reduce their property taxes to now be allowed to merge their lots. After much debate and discussion at that time, the restriction of not allowing a subdivision of the merged lots for at least 15 years was a reasonable compromise to allow some owners to gain the benefit of reducing their tax burden. To allow a homeowner to now subdivide the lots earlier than the 15 years after gaining this financial benefit that the rest of the homeowners have had to pay for is both unfair and clearly not what was legally agreed to by the homeowners who had asked to combine their lots. To allow this would certainly be a blatant violation of what the homeowner as well as what the Town agreed to in writing in 2008.

Our understanding when the special improvement area bonds were issued that as homeowners we were paying for the costs of paving our roads so that the Town of Austerlitz would then maintain them on an ongoing basis as it does other roads within its jurisdiction. The assessment per lot was determined to be the best alternative in determining the costs for each homeowner and now that we are almost at the end of the bond period it is clearly unfair to all other homeowners to allow someone to try to change the rules at everyone else's expense. If the Board feels there is some important reason to allow this exception, then the homeowner must pay the difference between what they have paid for their one lot versus what they would have paid for the 3 lots plus interest, and this sum should then be rebated equally to the rest of the homeowners who had been paying a higher amount.

5. Eileen and Cono Fusco 49 Harrington Drive. As you know, we are residents of the Bryarcliffe section in Austerlitz. We understand that there has been at least an informal request to subdivide land that was previously combined 10 years ago, for purposes of the pro-rata allocation of the substantial extra taxes we paid for the paving of our roads.

We are out of the country for the October Board meeting, so are writing to you and the Board to express our concerns and our clear understanding of the Bryarcliffe road agreement with the Town, based on our recollections, and the written documentation from that time.

As background, the Bryarcliffe roads were supposed to be paved by the contractor at the completion of the subdivision, with the town taking over the maintenance of the roads once they were brought up to town specs. To ensure compliance with this provision, the contractor issued a letter of credit to the Town. Unfortunately, the town administration later let the letter of credit lapse, and the contractor subsequently declared bankruptcy. After much discussion and debate, the Town agreed with the residents of Bryarcliffe to take over maintenance of the roads, once the residents themselves paid for the paving of the approximately 4.2 miles of roads in Bryarcliffe. A "special improvement area" was formed *solely* for the purpose of issuing the bonds to pave the roads. (This "special improvement area" is distinguished from a continuing "district", in a memorandum by Jeff Baker to George Jahn on March 13, 2008.) The amount of the bonds issued was \$1.4 million. The repayment period of the bonds was over ten years, divided pro-rata by the number of lots in Bryarcliffe.

Since some people in Bryarcliffe owned 2 or more lots, they were allowed to petition the Planning Board to combine them at the time the bonds were issued, thereby reducing their

special assessment. Some multiple lot owners chose to combine their lots, and others did not. Those that chose to combine their lots, and thereby reduce their taxes, each signed a letter and marked their lot survey maps with a restriction. This was done individually with each owner appearing before the Planning Board, agreeing not to re-subdivide for 15 years. The Town Board also passed a resolution (30-2008) memorializing this 15-year restriction. The 15-year period was a compromise between 10 years, which was deemed too easy to evade the special assessment taxes, to the detriment of the remaining owners, and forever, which was deemed too long. I have an email opinion from Jeff Baker, the Town attorney at the time, indicating the 15-year restriction period was legal.

With these voluntary lot combinations, the repayment amount was determined pro-rata with each owner paying just under \$40,000 per lot over the 10 years. We are now at the end of this period. We strongly object to an owner(s) being allowed now to now subdivide the lots they combined at the outset of this ten-year period. That would be a clear violation of the Town's and owner's agreement, and an evasion of the taxes, which resulted in an increased burden on the rest of the owners.

If for some reason the restricted subdivision is allowed, the back taxes with interest must be repaid and rebated immediately to the remaining owners in the Bryarcliffe, who already covered the entire burden. To allocate these amounts to anything else, like future road maintenance for Bryarcliffe, is a violation of the spirit and letter of the agreement. It would also appear to be a violation of paragraph 14 of NYS Town law 200, under which the improvement was done. (In essence, this paragraph says that once the road improvement under this law is completed, it must be maintained as a public road and not as a charge against real property.) There is no on-going "special improvement area" once the pavement and payment was complete. The whole purpose of the paving and related bond issuance for Bryarcliffe was for the town to maintain the roads going forward. That is the only reason we agreed to undertake this significant extra tax burden. First, we were held to the higher standard and cost of hot mix asphalt paving when the very vast majority of the roads in town are gravel. Second, we were subjected to these significant extra taxes at least in part because the Town let the contractor's letter of credit lapse (arguably negligently, ethically if not legally). Third, some owners voluntarily chose to combine their lots with a restriction that reduced their tax share.

Let's not now further burden the taxpayers in this area. We deserve to have the agreements upheld, and the burden shared equitably and according to the written agreements. To do otherwise would amount to another special assessment on the Bryarcliffe taxpayers. We also deserve to have our roads legally maintained and paid for in the Town budget, just like any other taxpayer.

6.) Len and Blanche Siegel, 241 Harrington Drive. As long term residents of Bryarcliffe, we feel very strongly in not allowing a multiple lot owner to subdivide.

Judith Choate, 7 Partridge Drive and Harrington Drive: Opposed. Would only consider if the full amount plus interest is paid immediately, not upon the sale.

J. Choate also asked how the Town Board would track down owners who no longer own property in Bryarcliffe, but would be due reimbursement. To figure out what was owed to whom

would take a lot of time and effort and any cost to this should not be borne by the current residents in Bryarcliffe.

John Allen, 191 Partridge Drive: not opposed to subdividing, but agree that taxes should be paid back and that money should go to the people in the road district.

Attorney Guterman understands all the points made noting that an agreement can be worked out to everyone's satisfaction.

Attorney for the Town, Joseph Catalano, understands that the road district was created for the sole purpose of paving the roads in Bryarcliffe, after which time the Town takes over the roads, owning them and maintaining them like any other road in the Town of Austerlitz.

J. Fink is looking for people to get the money back, not to hurt anyone, but there should be a way to sell his property.

Town Board Member J. Wrightsman notes J. Choates point about doing a lot of leg work if the decision is to allow this with back road district taxes being paid.

All those wishing to be heard were heard.

A motion to close the Public Hearing discussing Bryarcliffe parcel mergers/resubdivisions was made by R. Lagonia and seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: yes

J. Wrightsman: yes

Motion carried 5:0. Public Hearing closed at 6:45 p.m.

Public Hearing for Local Law #2-2017 called to order at 6:55 p.m.,

Public Hearing called for public comment on Local Law #2-2017, Increasing Exemption Amounts for Alternative Veterans Exemptions and Including Exemption for Gold Star Parents

Town Clerk noted proper notice of public hearing.

Attorney Catalano explained the intention of Local Law #2-2017 noting that it would increase exemption amount rates for qualified veterans and include a new provision for Gold Star Parents. Last year the Town revised the exemption rates to catch up to the County, which they are again doing this year. This law is just a modification of the existing law. Columbia County did an analysis, and increasing the exemption rates do not affect the Town tax base by all that much.

No public comments.

A motion to closed the Public Hearing on Local Law #2-2017 was made by R. Lagonia and seconded by N. Friedman.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: yes

J. Wrightsman: yes

Motion carried 5:0. Public Hearing closed 6:57 p.m.

Regular Town Board meeting called to order at 7:03 p.m.

Moment of Silence, followed by the Pledge of Allegiance.

### **Minutes**

A motion to accept the September 21, 2017 workshop and regular Town Board Meeting minutes was made by G. Vogler and seconded by M. Verenazi.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: abstain

J. Wrightsman: yes

Motion carried 4:1.

### **Budget Amendment**

A motion to make the following budget amendment was made by 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.

### **General Fund**

A1460.4 Record Retention increase by \$50.00

A3310.4 Traffic Control increase by \$276.76

A3620.4 Building Inspector increase by \$728.73

A6510.4 Veterans Service increase by \$200.00

A6772.4 Aged Programs increase by \$43.04

A1620.4 Buildings decrease by \$1298.53

A7140.4 Playground increase by \$802.46

A7310.1 Youth Programs decrease by \$802.46

### **Highway Fund**

DA5112.2 C.H.I.P.s increase by \$96541.86

DA3510 S/A C.H.I.P.s increase by \$96541.86

### **Auditing of Accounts and Claims**

The Town Board discussed a bill submitted for payment from Morris Associates. The invoice in question, General Fund voucher #306 for \$996.11, was for research and design of new salt sheds. Highway Superintendent Meehan has put a call into Engineer Ray Jurkowski to go over these designs and to look at salt sheds in other Towns, but R. Jurkowski has not gotten back to R. Meehan to date.

A motion to pay General Fund, #284-305, 307-313, in the amount of \$20880.53, Highway Fund, #151-164, in the amount of \$21806.73, and the Capital Fund #35-47, in the amount of \$81234.93, and to hold payment of General Fund voucher #306, in the amount of \$996.11, was made by J. Wrightsman 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 September 2017 submitted. Supervisor Lagonia advised there is a total amount in bank of \$2.7 million. Supervisor Lagonia noted again that he met with Greene County Bank who offered the Town interest rate figures above what Kinderhook Bank is currently giving. Supervisor Lagonia then talked with Kinderhook Bank who raised their interest rates so the Town will be staying with Kinderhook Bank.

The fines and forfeitures line item looks better at this point. The amount is more in line with what was budgeted, although it is not yet certain if the gap will be totally closed. There continues to be outstanding tickets in the queue and the Columbia County Sheriff's Department is out writing tickets.

#### **Highway Report**

Highway Superintendent Meehan reported that C.H.I.P.s paperwork has been filed.

The Highway crew has been out patching and laying blacktop. Some grading has been done and materials put down. Ten Broeck Road is in need of materials as well. Superintendent Meehan worked on the new town hall next door getting his part done so the electric and plumbing could be done. The floor was supposed to be poured today, but wasn't. Once it is poured, it will take a week to set and then the next phase can be started. The septic tanks should be in before the cold weather hits and there is just a little bit of drainage work left to be done.

Town Board Member Wrightsman asked if grading is going to be done on Stonewall Road. R. Meehan noted that he is trying to get the blacktop work done while the weather is good. Then he will be finishing up with grading and putting material down.

Superintendent Meehan advised the Town Board that there is a used roller for sale that is in good shape. The cost is half of what a new one would be. Town Board discussed buying new verses used, and highway equipment that needed to be purchased.

#### Bonding

Attorney for the Town, Joseph Catalano, discussed what the town needed to know about the salt shed before it could go out for bonding, ie: not to exceed cost of the project, size, location. A SEQRA review must be done and final plans are needed. Soft costs can be rolled into the bond, as can attorney fees, bond counsel fees and engineering costs. Some fees can be under a BAN for preconstruction and pre-bid costs once the bond resolution is adopted. Hard costs after the bidding process can also be included in the bond. Attorney Catalano noted time frames for each step, including all the legal processes. The town would go out for a General Obligation Bond. Length of bond would be based on probable usefulness. New highway equipment and the salt shed can be under one bond.

Highway Superintendent Meehan advised that the truck from the Town of Canaan is still coming to the Town of Austerlitz. R. Meehan is just waiting on the Town of Canaan. R. Meehan reminded the Town Board that much of the new equipment can be purchased under State bid.

The Town needs to get working on the plans for the salt shed. There are options as to who does this work.

Town Clerk Report for the month of September 2017 submitted.

Planning Board Report for the month of September 2017 submitted.

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

Town Board Member Vogler spoke concerning an organizational meeting for the Climate Control Committee. There are a few people interested in being on this committee. Committee members were given background material and an explanation of the NYS Climate Program. Each member was charged with choosing a part they wanted to champion. The Committee will meet the 3<sup>rd</sup> Wednesday of each month at 7:00 p.m.

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

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

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

No Dog Report for the month of September 2017 submitted.

#### Attorney Report

Attorney for the Town, Joseph Catalano, discussed mandatory annual training for all employees on workplace violence. The Columbia County Human Resource Department has sent all the

Supervisors notification that PESH is visiting Towns, auditing policies and adherence to mandates. Although the Town of Austerlitz has the necessary policies in place, annual training of one hour per year, of all employees needs to happen. Towns can contact Columbia County who has an arrangement with their labor attorney to come out and do training for Towns. The Town would need to sign for services and the cost is \$50.00 an hour and mileage.

Member Vogler asked if they have a 'train the trainer' program so that someone in Town can be trained and do the training each year. Attorney Catalano is not sure. Member Friedman asked if towns can go in together for the training. Attorney Catalano believes this might be able to be done. Overall, the cost for 2 training sessions is under \$100.00 which is reasonable.

Highway Superintendent Meehan advised that he, the Highway Crew, and Clerk Mary Davis have all been trained by the County for this.

A motion to accept the above reports 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.

### **Correspondence**

Eileen and Cono Fusco: Activity at 34 Harrington Dr., Austerlitz, NY.

Charles Adelman: Activity at 34 Harrington Dr., Austerlitz, NY

Attorney Catalano spoke to the Town Board concerning two complaint letters received from residents in Bryarcliffe concerning activity at 34 Harrington Dr. It appears that the property is being rented out for weddings and parties. Code Enforcement Officer, Glenn Smith, has investigated. This property is listed on VRBO. There is nothing in the Town's Zoning Code that prevents a property from being rented out for what it was originally approved and built for. In this case, a one family residence. Renting the property out for weddings and parties is outside this original use. Therefore, Code Enforcement Officer Glenn Smith will send a letter to the owners advising them of the code violation.

Town Board Member Vogler noted that this may be a warning for the need for a noise restriction. Supervisor Lagonia noted that this is a one off. The Town is handling this issue. Attorney Catalano advised there are penalties involved if the residents continue to rent out this property for uses outside the property's original approved use. They can go to the Planning Board and ask for a chance in use.

Judith Choate brought up another parcel that is being used for a commercial enterprise. Code Enforcement Officer Smith will be made aware of this. These complaints must go through this office as the CEO is the one who has the authority to investigate all complaints.

### **Unfinished Business**

### **Resolution #42-2017, Adoption of the 2018 Final Budget**

A motion to adopt Resolution #42-2017, Adoption of the 2018 Final Budget, was made by G. Vogler and seconded by N. Friedman.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: yes

J. Wrightsman: yes

Motion carried 5:0.

WHEREAS, the Supervisor of the Town of Austerlitz prepared a Tentative Budget for the Town's fiscal year 2018 and presented that Tentative Budget at a special meeting of the Town Board held on September 21, 2017; and

WHEREAS, the Town Board reviewed the Tentative Budget and discussed and analyzed it with the Town Supervisor, and

WHEREAS, the Town Board adopted the Tentative Budget without changes made by the Town Board during the course of discussions regarding same as the Preliminary Budget and scheduled a public hearing on the Preliminary Budget for October 19, 2017; and

WHEREAS, the public hearing on the Preliminary Budget has been duly noticed and held;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Austerlitz hereby adopts the Preliminary Budget for 2018, without any changes made by the Town Board, as the Final Budget for the fiscal year of 2018 of the Town of Austerlitz; and

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the Final Budget as required by law.

### **Resolution #43-2017, Local law #2-2017, Increasing Exemption Amounts for Alternative Veterans Exemptions and Including Exemption for Gold Star Parents**

A motion to adopt Resolution #43-2017, Adoption of Local law #2-2017, Increasing Exemption Amounts for Alternative Veterans Exemptions and Including Exemption for Gold Star Parents, was made by R. Lagonia and seconded by M. Verenazi.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: yes

J. Wrightsman: recues

Motion carried 4:1.

**WHEREAS**, Section 428-a of the Real Property Tax Law authorizes the governing body of an assessing unit that have elected to establish exemptions for qualifying veterans of the armed services of the United States for purposes of real property taxation to increase the exemption amounts from time to time as the Real Property Tax Law allows; and

**WHEREAS**, the Town was recently informed by the Director of the Columbia County Real Property Tax Service Agency that the County raised alternative veteran's exemption amounts in 2017 and also included an exemption for Gold Star parents; and

**WHEREAS**, the Town Board, being informed of this action by the County, desires to bring the maximum exemption amounts for alternative veterans to the level that is current with the County and to add the exemption for Gold Star parents; and

**WHEREAS**, the Town Board has authority to change the exemption amounts for qualified veterans by local law and the Town Board has reviewed the proposed local law that was prepared for such purpose; and

**WHEREAS**, said local law was formally introduced as Local Law No. 2 of 2017 by the Town Board at its meeting held on September 21, 2017, at which time a public hearing on the proposed local law was scheduled for October 19, 2017;

**WHEREAS**, it is the desire of the Town Board to extend the veteran's exemptions as set forth in the law for qualified residential property owners within the Town of Austerlitz,

NOW, THEREFORE, BE IT RESOLVED as follows:

The public hearing on proposed Local Law No. 2 of 2017 has been duly held and closed and those who wished to be heard regarding said proposed law a full and fair opportunity to be heard.

The Town Board hereby adopts Local Law No. 2 of 2017 of the Town of Austerlitz which amends Local Law No. 3 of 2007 and Local Law No. 1 of 2016 by increasing the exemption amounts originally established under said law for veterans with wartime service, combat zone service and service-related disabilities as well as an exemption for Gold Star parents as specified in Local Law No. 2 and authorized under Real Property Tax Law 458-a and said exemption increases shall apply to Town real property taxes levied by the Town of Austerlitz effective for the 2018 tax roll.

The Town Board hereby directs that the Town Clerk to prepare said Law for filing and that it be filed with the Office of the Secretary of State.

This resolution shall take effective immediately.

**Local Law #2-2017**

Section 1. Legislative Intent

a. The purpose of this local law is to increase the amounts for alternative veterans exemptions that were originally established in 2007 by the Town of Austerlitz (Local Law No. 3 of 2007) and modified in 2016 pursuant to the authorization of Real Property Tax Law section 458-a.

b. The Town Board of the Town of Austerlitz wishes to recognize the patriotic service of those individuals who have served in the armed forces of the United States of America by providing some property tax relief through the increased exemptions as allowed by law and to be consistent with the County of Columbia which recently increased these exemptions.

c. The Town Board also wishes to recognize the parents of veterans who died in the line of duty while serving in the United States armed forces during a period of war by allowing for an exemption to include these “Gold Star Parents”.

## Section 2. Increase of Alternative Veterans Exemption Amounts

Local Law No. 3 of 2007 of the Town of Austerlitz (as codified in Chapter 175, Article IV of the Code of the Town of Austerlitz) as amended by Local Law No. 1 of 2016 is hereby amended by increasing the maximum exemption allowable under Real Property Tax Law section 458-a as follows:

For wartime service, under Real Property Tax Law section 458-a, subdivision 2(a), the maximum exemption is increased from \$24,000 to \$36,000.

For combat zone service, under Real Property Tax Law section 458-a, subdivision 2(b), the maximum exemption is increased from \$16,000 to \$24,000.

For service-connected disability, under Real Property Tax Law section 458-a, subdivision 2(c), the maximum exemption is increased to fifty percent (50%) of the Veteran’s disability rating not to exceed \$120,000.

For purposes of this law, exemptions may be combined where applicable and allowed pursuant to and under Real Property Tax Law section 458-a.

## Section 3. Gold Star Parent

The above exemptions shall be allowed for and include “Gold Star Parents” which is defined as the parent or parents of a child who died in the line of duty while serving in the United States armed forces during a period of war. A Gold Star Parent shall be eligible for the exemption for “qualifying residential property” as set forth in Real Property Tax Law section 458-a.

## Section 4. Repealer

Any prior local law or any provision or term in a prior local law which is inconsistent with the terms of this local law is hereby repealed.

## Section 5. Severability

If any section or part of this local law, or the application thereof to any person or circumstances, is adjudged invalid or unconstitutional, then such adjudication shall not invalidate or impair the validity or force or effect of any other section or part of this local law or the application of this local law, or any section, provision, or part thereof, to other persons or circumstances.

## Section 6. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State, and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after such date.

### **Bryarcliffe Prohibition of Resubdivision**

Supervisor Lagonia advised that he is against allowing the property in Bryarcliffe to be resubdivided before the 15 years. Alicia O'Rourke signed an agreement. This Town Board was not privy to the discussions at the time this road district was set up and there are enough responses from residents in Bryarcliffe that are against this as well. Town Board Member Vogler noted there is no benefit to the Town to allow this and it would be an administrative hassle. Members Friendman, Wrightsman and Verenazi agree.

Attorney Catalano noted that there were more than 2 lots that were merged, but the resident is only offering to pay back road district fees on one. It could be that the price they are asking for the property is what is hindering the sale, not the land involved. The 15 year time frame before the land could be resubdivided was a deterrent and a penalty for merging the parcels. The 15 years is not up for another 5 years. If this is allowed, the Town could incur more problems.

The Town Board consensus was to keep the current policy and not allow a resubidivision of property for Alicia O'Rourke. Attorney Catalano will notify Attorney Guterman.

### **Bond Counsel**

Attorney Catalano handled.

### **Architect Summary**

The Architectural Bureau submitted the following report:

#### **Architectural Services During Construction-Municipal Contracts**

##### Contract Administration-Multiple Prime Contracts

##### After contracts have been awarded:

*The Architect shall advise and consult with the Owner during Construction Phase and have authority to act on behalf of the Owner as defined in the agreement. The Architect shall evaluate the work:*

- Obtain a schedule of values from each contactor
- Observe the work during construction to be able to:
  - Approve payment requests when issued
  - Endeavor to guard against defects in the work.
  - Confirm work is in conformance with the contract documents.
  - Reject work that is inferior or not in conformance with contact documents.
  - Interpret and decide matters concerning performance.
  - Review change order requests and either approve, modify or deny.

- Attend project progress meetings conducted by the Construction Manager (for this project, this service is performed under Construction Management).
- Maintain a photographic record of the work.
- Answer questions for clarification as to intent of the documents.
- Render initial decisions on claims between the Owner and Contractor.
- Review submittals for products that are specified.
- Review shop drawings for assemblies that are specified.
- Coordinate with other design professionals that are engaged in the project.
- Prepare punch-lists for each trade, excluding MEP and site work.
- Determine when the project is complete for final payment and release of retainage, review warranties, and confirm attic stock has been properly received.

### **Construction Management-As an Advisor**

Multiple Prime contracts (20 to 25)

The Construction Manager as an Advisor will:

*The construction manager's main responsibility is to assist in the coordination and scheduling of the work so it proceeds in an orderly and timely fashion so as not to cause any delays or increases in cost due to scheduling delays or work done out of sequence.*

- Obtain schedule information from all of the 20 to 25 contractors and prepare a construction schedule for issuing and approval from all.
- Review with all parties the sequence of the work.
- Monitor and maintain the construction schedule.
- Conduct project meetings, prepare minutes and agendas and follow up as needed.
- Apprise all of the contractors when they are scheduled to work and the sequence of the work.
- Coordinate the work of the owner's contractors with the project contractors.
- Review lead times on delivery of items with the various contractors.
- Review that submittals are approved in a timely fashion.
- Review that shop drawings are submitted in a timely fashion.
- Make sure all work required is accounted for and contracted.
- Track project costs.

### **Design & Other Services During Construction**

As Approved by Owner

*Design services arise when during construction new information results in design changes that will require additional drawings, work not yet designed, or result from changes in the work by the Owner.*

Known design required: Support of porch roof, Judges bench, town clerks window and counter.

Other services include: preparing contracts, obtaining and tracking certificates of insurance, obtaining information required by the Dept of Labor and reporting. Preparing RFP for work to be performed by other contractors direct to the Owner (ie: Data, Telephone, Security, Cameras, etc.), tracking costs for construction contract where Owner is purchasing materials directly.

Architect Joe Iuviene came before the Town Board to go over the report he provided detailing the different fee type categories. The descriptions J. Iuviene used came from the American Institute of Architects and are standard practices. Some construction projects have an architect and a general contractor and some only the general contractor. For the new Town Hall project, there are 21 separate contractors and no general contractor because the Town Board chose to save money by eliminating this function and to attract local contractors split up the bids into smaller pieces. Because there are 21 separate contractors, there needs to be a construction contractor.

Architect Iuviene went over the project to date and the 3 separate categories of services he bills for, discussing budget figures. Some costs are unknown to Architect Iuviene and he has reached out to Engineer R. Jurkowski for them. By the end of next week J. Iuviene will put together a chart listing all costs, where the project is to date, and projected cost outcomes, understanding that some of the information needs to come from Engineer Jurkowski.

### **Austerlitz Town Park**

Town Board Member Friedman noted that the Columbia Land Conservancy has just opened up a new area in Town that is charming. Members J. Wrightsman and G. Vogler went to the ribbon cutting.

Member Friedman talked about a 5-acre area that is wooded in Austerlitz. Serge Bervy cleaned up this area to better see what is there. Supervisor Lagonia thanked Serge Bervy for this service which was done at no cost. N. Friedman would like to put together a committee of residents to brainstorm what to do with this area to best serve the community. It would definitely be a carry in, carry out park area, wooded. All of the work would be done by volunteers, maybe grant funding and fundraising. The Austerlitz section of Town needs park facilities. Supervisor Lagonia advised something could be put on the website to generate interest. Member Friedman will put together a piece for the website.

### **Spencertown Fire Hydrant**

Superintendent Meehan advised that the Town Board has to put together a letter to the Austerlitz Fire District advising that the fire hydrant will be moved back 4-5 feet. This hydrant needs to be moved because of the curbing that will ultimately be put in next year.

### **New Business**

None

### **Public Comments**

Charles Vander Weit advised that years ago when he was on the Town Board, he looked into the Justice Court needs and found that there were many deficiencies in the current set up. He may still have some information concerning the bench area if the Town Board would like to see it.

**Adjournment**

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

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: yes

J. Wrightsman: yes

Motion carried 5:0. Meeting adjourned at 8:36 p.m.

Respectfully Submitted,  
Susan A. Haag, Town Clerk