

Town of Austerlitz
Workshop/Special Meeting/Town Board Meeting
September 21, 2017

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

Town Board Member Nansi Friedman absent due to Rosh Hashanah.

Workshop called to order 6:02 p.m.

Workshop called to discuss bonding options for highway equipment and a new salt shed.

The Town Board discussed bills submitted by The Architectural Bureau and the difference between contract administration and construction management sections. Contract administration is the work that an architect would do for any project, whereas construction management is coordinating contractors and the work that has already been awarded. The extra section on the invoice would include any new items, or work that has yet to be awarded, that does not fit into the other two categories. Each of these 3 sections should be broken down into specifics.

Attorney for the Town, Joseph Catalano, asked Architect Joe Iuviene to put in writing specifics concerning these 3 sections; what they would normally include. In addition, J. Iuviene was asked to lay out where the Town was currently as far as fees are, and an estimate of where we would end up. Town Board Member G. Vogler would like to ascertain on a monthly basis if the Town is on target for agreed upon construction management costs, or going over. If there are any 'extras,' Member Vogler would like these approved ahead of time.

Supervisor Lagonia would like an overall estimate of any foreseen costs, a description of services. Member Vogler would also like a number and any deviation from this number should have an approval of the Town Board.

Attorney Catalano noted there would be steps to this process: have J. Iuviene detail a description of services, then get estimate pricing and lastly sign a contract for services. The bill that is submitted for payment tonight will be paid contingent on getting the requested information.

It was noted that The Architectural Bureau does discount their bills by 20% for the Town.

Bonding: Supervisor Lagonia advised that the Town would be bonding roughly \$1.2 million to cover the needed highway equipment and the new salt shed. Options for the type of salt shed were discussed thinking that the salt shed would cost roughly \$500,000.00 leaving \$700,000.00 for new equipment. The Town is paying roughly \$8000.00 a year to rent the current salt shed.

Highway Superintendent Meehan noted the following highway equipment he has been researching and pricing: loader-\$155000.00, a brand new single wheel snow plow truck-\$210000.00, maybe could get 2 for \$450000.00, small excavator-\$70000.00, dirt roller with a cab-\$165000.00 (no cab-\$125000.00), used snow plow truck from the Town of Canaan-\$20000.00.

It was noted that for the most part, used equipment cannot be bonded, some can be depending on the year and the bonding time frame.

The Town Board decided to bond 2 new snow plow trucks, a dirt roller without a cab, a loader and an excavator. These must be bid and most of it can be bonded for 15 years.

For the salt shed, Attorney Catalano advised that the building must be designed before it can be bonded with a maximum time frame of 30 years. The Town must retain bond counsel for this transaction. Attorney Catalano can reach out to bond counsel and get some cost figures and have them attend the next Town Board meeting. The Town Board discussed regulatory statues concerning bonding.

The Town Board discussed how the building design work could be done, whether through the architect or engineer, and who could prepare a bid package.

Discussed the placement of the building.

The goal is to have everything in place by the end of the year.

Building Permits for Non-Profits: Supervisor Lagonia advised that Code Enforcement Officer, Glenn Smith, asked about fees for building permits for non-profits, noting that in some other towns, the fees are waived. Attorney Catalano noted that many towns do lessen or exempt, but on a case by case basis. Each case can be decided by the Town Board. If fact, it is better to have the Town Board decide because it is difficult to come up with a policy to fit all cases. A criterion for approval might be if the non-profit benefitted the Town in some fashion, the fee would be waived. The Town Board wanted to make sure the tax payers are getting something back if the fee is waived.

If a non-profit comes to the Code Enforcement Officer for a building permit and wanted the building fee waived, they must write a letter to the Town Board and the Town Board will make the decision on a case by case basis.

A motion to close the workshop 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. Workshop closed at 7:01 p.m.

Special Meeting called to order at 7:01 p.m.

Special Meeting called for 2018 Tentative Budget. Town Clerk, Susan Haag, presented the 2018 Tentative Budget to the Town Board Members.

A motion to closed the special meeting was made by R. Lagonia and seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: absent

J. Wrightsman: yes

Motion carried 4:1. Special Meeting closed at 7:02 p.m.

Regular Town Board meeting called to order at 7:08 p.m.

Moment of Silence, followed by the Pledge of Allegiance.

Minutes

A motion to accept the August 17, 2017 regular Town Board Meeting minutes was made by G. Vogler and seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: abstain

N. Friedman: absent

J. Wrightsman: yes

Motion carried 3:2.

Auditing of Accounts and Claims

A motion to pay General Fund, #255-283, in the amount of \$17370.48, Highway Fund, #131-150, in the amount of \$99902.98, and the Capital Fund #25-34, in the amount of \$27962.17, holding Capital Fund voucher #26-2017 until Supervisor Lagonia received an explanation of invoice sections and consults with the Town Board 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.

Reports

Monthly Cash Disbursement and Supervisor Report

Monthly Cash Disbursement for the Month of August 2017 submitted. Supervisor Lagonia advised total in bank of \$3.046 million. Revenue for court is still a concern. R. Lagonia spoke with the Columbia County Sheriff's Department and they noted there are a lot of outstanding tickets. R. Lagonia hopes this revenue line will catch up to budgeted figures since the current monthly figures are better. Sales tax revenue is up.

Supervisor Lagonia met with a representative from Greene County Bank. Greene County Bank is very aggressive with interest rates and would not charge any fees associated with accounts. Currently, the Town receives little to nothing in interest. R. Lagonia went back to Kinderhook Bank to see what they would do for us, but they have not come back yet. It might be time for the Town to consider switching banks.

The Town's Accounting firm did not properly report a retirement figure on the W2 for 2014. A couple of Town Employees have received letters from NYS informing them they owe additional tax. The Town's Accounting firm will pay any interest and penalty charges.

Highway Report

Highway Superintendent Meehan reported that Dugway Road has been motopaved and sealed. C.H.I.P.s money was used to pay for this. R. Meehan pushed to make sure that all C.H.I.P.s related bills were submitted for the September Town Board meeting in order to meet the deadline. The shoulders on Dugway Road are not yet done. R. Meehan is waiting for the motopaving to be set and hard.

The Highway Crew wrapped the footing drain around new town hall. The gutter drains will be done next and Highway Superintendent has about half the prep work done for next week. R. Meehan needs to know when the electric and plumbing is scheduled to be started. All the major work being done by the Highway Department up to this point is completed until the sewer work.

Supervisor Lagonia thanks Highway Superintendent Meehan for all his hard work and notes he has received compliments on Dugway Road.

Supervisor Lagonia noted that some big trucks are now using Dugway Road and this will have to stop because of weight limits.

Now that the Highway Department's work on the new town hall is completed, they will be getting back to road work next week, rolling and blacktopping. Staffing is back to normal at this point.

Town Clerk Report for the month of August 2017 submitted.

Planning Board Report for the month of August 2017 submitted.

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

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

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

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

No Dog Report for the month of August 2017 submitted.

Attorney Report

Town Assessor, Pam Cook, contacted Attorney for the Town, Joseph Catalano, asking for the Town's procedure for lot merging. Attorney Catalano did not find anything as to process in the Town of Austerlitz's code, but noted that the Planning Board historically has approved lot mergers as a matter of course. Because of this, Attorney Catalano advised Assessor Cook to send residents to the Planning Board. Attorney Catalano advised that if the Planning Board is going to have jurisdiction over this issue, then the Town Board needs to incorporate this in the Town's code. Attorney Catalano will have Comprehensive Plan Oversight Committee Chairman, Tim Stalker, address this addition in committee. This is a good area to have oversight of.

Attorney Catalano summarized the outstanding demolition payment from Zanconato noting this property contained an unsafe structure. The Town of Austerlitz went through the legal process to remedy this condition having the building demolished. The homeowner, Zanconato, never paid the outstanding costs associated with this demolition. Payment for this work was levied on the 2015 January Town and County tax bill, but was never paid. The Columbia County Treasurer will not put a tax lien on the property for the Town and the Town is not authorized to put a mechanics lien on the property. The time has passed for this. The only way a Town can put a lien on the property is to commence a court case. Attorney Catalano has alerted the Town Assessor and the Town Code Enforcement Officer of this issue if this property comes into play whether through a building project or through a sale. Attorney Catalano suggests sending the property owner a letter that this bill is still outstanding and also ask the Columbia County Treasurer to put this issue as a matter of public record. If the County will not collect the fine, they should at least put a lien on the property for the Town. Attorney Catalano will make the case to the Columbia County Treasurer and see if there can be a middle ground here. The Town should get statutory interest on this. An update will be given next month.

Townwide Reassessment

Supervisor Lagonia advised the Town Board that he had a meeting with NYSORPS, Columbia County Real Property, and Town Assessor Pam Cook to discuss the Town wide reassessment which will start in roughly a year. The Town will notify the residents in advance and put information on the Town's website.

A motion to accept the above reports was made by R. Lagonia and seconded by G. Vogler.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: absent

J. Wrightsman: yes

Motion carried 4:1.

Correspondence

NYSDEC Office of the Commissioner: Climate Smart Communities Program: Congratulations to the Town for Adopting a Resolution.

Unfinished Business

Resolution #40-2017, Introduction, Local law #2-2017, Increasing Exemption Amounts for Alternative Veterans Exemptions and Including Exemption for Gold Star Parents

A motion to adopt Resolution #40-2017, Introduction, 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: absent

J. Wrightsman: recues

Motion carried 3:2.

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 recently raised alternative veteran's exemption amounts to be effective for 2018 tax rolls and added an exemption for Gold Star Parents; and

WHEREAS, it is the desire of the Town Board to bring the maximum exemption amounts for alternative veterans to the level that is current with the County; 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 which is subject to this resolution;

NOW, THEREFORE, BE IT RESOLVED as follows:

The Town Board hereby introduces and proposes for adoption introductory Local Law No. 2 of 2017 of the Town of Austerlitz which amends Local Laws No. 3 of 2007 and No. 1 of 2016 by increasing the exemption amounts originally established and amended under said laws for veterans with wartime service, combat zone service and service-related disabilities as specified in introductory Local Law No 1 and to add an exemption for Gold Star Parents.

The Town Board determines that the adoption of the proposed Local Law is an action that is not subject to the State Environmental Quality Review Act (SEQRA).

The Town Board hereby schedules a public hearing for the proposed Local Law No. 2 of 2017, to be held at the Town Hall, on October 19, 2017, at 6:55 p.m.

The Town Board hereby orders that notice of the public hearing be posted at the Town Hall, on the Town website, and published at least once in the Town's official newspaper a minimum of 5 days before the scheduled hearing date.

This Resolution shall take effect immediately.

Masonry Bid-New Town Hall

As a follow-up to last month, the masonry bid for the new Town Hall was awarded to Creative Country Landscapes, Inc.
204 Gilligan Road, Hudson, NY 12534
\$54000.00

Bonding

Supervisor Lagonia noted that the Town will be paying off the garage bond this year and will be going back out next year to bond for highway equipment and a new salt shed. The amount to cover these and for bonding will be roughly \$1.2 million. This will not increase taxes because the Town will be keeping the payment basically the same. Bonding will not be finalized at this point, but in the coming months.

Attorney for the Town, Joseph Catalano, explained that once everything is in order, the Town will adopt a resolution after a public hearing subject to permissive referendum. If enough petitions come in to cause a referendum, then the Town will conduct a Town wide referendum. If there are not enough petitions, the process will take about 90 days.

Climate Smart Community

Town Board Members Wrightsman and Vogler met and are asking for those interested in joining the Climate Smart Committee to attend a meeting scheduled for October 18, 2017. The committee needs about 5-7 interested parties. This is not related to Zoning or to see additional burdens placed on residents.

New Business

2017 Summer Recreation Report

Summer Recreation Program Director Deborah Oleynek came before the Town Board to give the Annual Summer Recreation Report. 2017 Summer Recreation Report submitted.

Recreation Director Oleynek noted that there were no rain dates this year due to the new pavilion. It was big enough to fit all the kids underneath. Attendance this year was lower; lost some due to aging out of the program. There were 34 residents and 2 nonresidents. Costs were kept in line although there was a new cost this year for recertification of life guards.

Supervisor Lagonia and the Town Board thanked D. Oleynek for another great year and all the effort put in.

Bryarcliffe Prohibition of Subdivisions

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. The resident has offered to pay back the additional amount that would have been paid if the parcels were not merged. Attorney Catalano does not believe the parcels should have been merged in the first place, but now that the bond is almost paid in full, J. Catalano does not feel this policy should stay in place, with the understanding that should any resident who wants to resubdivide their property before the allotted time frame, must make up the additional amount that would have originally been paid if no merging was done. Any money collected would have to be kept in the District and used only for Bryarcliffe. Supervisor Lagonia would also like to see any attorney fees, or other associated costs be paid by the resident requesting to resubdivide early.

If the Town Board okayed a change in policy, any resubdivisions would still have to go through the Planning Board process and a public hearing. The Town also has the option of leaving the policy as is and not allow any resubdivisions until the 15-year time frame is up. Lastly, the Town Board could set a totally new policy.

Supervisor Lagonia noted that the Town Board has a responsibility to the whole community.

Town Board Member Vogler would like to hold a public hearing to ascertain what the residents in Bryarcliffe feel. The public hearing should be on the merits of the project, not on the request.

A motion to hold a public hearing to hear public comments from the residents in Bryarcliffe was made by R. Lagonia and seconded by M. Verenazi.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: absent

J. Wrightsman: yes

Motion carried 4:1.

Town Hall Drainage Easements

In order for drainage work to be done for the new Town Hall, a right of way and perpetual easement must be agreed to and signed by Constance Mondel and Fredrick Meyer and Christine Meyer, both properties adjacent to the Town Hall property.

A motion to authorize Attorney for the Town, Joseph Catalano, to finalize, execute and record easements between the Town of Austerlitz and Constance Mondel, Fredrick Meyer and Christine Meyer 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.

2018 Tentative Budget

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

Supervisor Lagonia noted that Town Board Member Greg Vogler was a big part of putting together the 2018 budget and a huge help.

Resolution #41-2017, Adoption of the 2018 Tentative Budget as 2018 Preliminary Budget

A motion to adopt Resolution #41-2017, Adoption of the 2018 Tentative Budget as the 2018 Preliminary Budget 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 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 has reviewed the Tentative Budget and has discussed and analyzed it with the Town Supervisor, and

WHEREAS, the Town Board is prepared to adopt the Tentative Budget without changes made by the Town Board during the course of discussions regarding same as the Preliminary Budget;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Austerlitz hereby adopts the Tentative Budget for 2018, as the Preliminary Budget for the fiscal year of 2018 of the Town of Austerlitz; and

BE IT FURTHER RESOLVED, that the Town Board hereby schedules a public hearing on said 2018 Preliminary Budget for Thursday, October 19, 2017, at 6:00 pm at the Austerlitz Town Hall and directs the Town Clerk to post and publish the required notices for said hearing.

Public Comments

Charles Vander Weit questioned when the new town hall will be dropped back down into place. Supervisor Lagonia advised it is scheduled to be down the first week in October.

C. Vander Weit commented on the decreased revenue from court fines noting that he has traveled the Taconic Parkway lately and has not seen any police presence. If they are not writing tickets, the Town is losing fine revenue.

Linda Horn stated that she didn't realize that the tennis court at the Town Park was a multiuse court and is not in favor of the set-up. Supervisor Lagonia advised that the Town did hold a public comment day looking for input as to the Town Park renovations. The Ellsworth Kelly Foundation donated money for this renovation and the Town provided what it could. It was too much money to have separate courts.

Linda Horn handed out information from the NYSDEC concerning grant opportunities to deal with invasive species. L. Horn explained different types of invasive species that are present in the Town of Austerlitz and how they can cause health issues. L. Horn would like to see specialized burn crews dealing with these species.

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 8:35 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk