

Town of Austerlitz
Workshop/Town Board Meeting
May 15, 2014

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

John Mesick absent due to a previously scheduled commitment. Brian Geel absent due to work.

Workshop called to order at 6:12 p.m.

New Highway Truck Financing Options

The Town Board discussed leasing versus bonding a new highway truck. Bids that were received were compared to bid specs and some discrepancies were noted. The GMC bid met the bid specs where as the Ford bid did not. When leasing, 10% must be put down according to GML.

Local Law 1-2014

Supervisor Lagonia noted that Steve Somlo submitted written comments and Comprehensive Plan Oversight Committee Chair Tim Stalker submitted verbal comments concerning Local Law 1-2014 scheduled to be adopted. These comments were received outside the public hearing. Steve Somlo's comments were sent to Attorney for the Town Catalano. Attorney Catalano advised that most of S. Somlo's comments deal with driveways and private roads, not really what is being addressed in this Local Law. Local Law 1-2014, which changes certain sections of existing law, separate the two. These issues are not in the subdivision or zoning law. Attorney Catalano advises that S. Somlo believes that that Planning Board has been removed from the process. Attorney Catalano does not believe this is the case. Attorney Catalano intentionally separated out driveways, but advised that the Planning Board does have jurisdiction over driveways over 500 feet. If the Town Board feels that a reference should be made, the codification company can be asked to put a notation in to reference additional sections in zoning law.

Some of S. Somlo's minor comments were noted. For practical purposes, Attorney Catalano noted that what was before the Town Board in this new law, is sufficient for what the Town Board was trying to accomplish. Attorney Catalano recommends that the Town Board adopt Local Law 1-2014 as is.

Attorney for the Town, Joseph Catalano, reviewed and went over SEQRA for Local Law 1-2014. This law may not need SEQRA, but it is better to do it than not.

Harvey Mountain Road Bridgework

The Town just received the bid package for the Harvey Mountain Road culvert replacement project from Morris Associates. The Town received notification that it will receive \$134000.00 in C.H.I.P.S. and another \$15000.00 for winter recovery. There are a couple of permits that the

Town needs to secure, but Morris Associates will help us to do this. Discussed cost involved with this project.

Highway Grader

The Town only has one quote for a new highway grader and that is from Nortrax. It is for a John Deere. Nortrax told the Town that a type of piggyback bid process could be used for already bid equipment. This process was researched by, Attorney for the Town, J. Catalano with the NYS Comptroller's Office and all involved were skeptical about purchasing equipment this way. Therefore, the Town can purchase off of the State or County contract or bid outright on their own. The Town Board discussed renting a unit which was deemed too expensive and various manufacturers were discussed.

The Town Board then discussed the financing of a new grader noting that the Town currently has a line item in the budget of \$50000.00 for equipment. This amount can be used toward the grader and the new highway truck depending on how the Town chooses to finance both or either of these. Bonding was discussed.

Supervisor Lagonia noted that the procurement of a new grader is a large purchase and does not want to rush the process, although the Town will most likely make this purchase before the end of the year.

Workshop closed at 6:59 p.m.

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

Moment of Silence, followed by the pledge of Allegiance.

Minutes

A motion to accept the April 10, 2014 Public Hearing/Regular Town Board Meeting minutes was made by G. Vogler and seconded by M. Verenazi.

R. Lagonia: yes

B. Geel: absent

J. Mesick: absent

M. Verenazi: yes

G. Vogler: yes

Motion carried.

Budget Amendments/Auditing of Accounts and Claims

Supervisor Lagonia noted that the new accountant and payroll company have been great and have done a great deal of work in a very short period of time. Current reports are lacking some information which has not yet been forwarded from the previous accountant. Although there are budget amendments that will need to be made, until the Town receives solid budget figures, it is prudent not to take action at this point. The general accounts have roughly \$1,000,000.00 in total.

Auditing of Accounts and Claims

A motion to approve 2014 General Fund #123-172, in the amount of \$24290.65, and 2014 Highway Fund #84-101, in the amount of \$13687.12 was made by G. Vogler and seconded by M. Verenazi.

R. Lagonia: yes

B. Geel: absent

J. Mesick: absent

M. Verenazi: yes

G. Vogler: yes

Motion carried.

Reports

Monthly Cash Disbursement and Supervisor Report

Supervisor Lagonia advised that the NYS Comptroller's Office has been working in the Town for about 2 weeks at this point. The risk assessment done by them in October of 2013 found the Town to be at risk and why they are now doing a full blown audit. So far, retirement reports were found to be filed late in many cases last year. The Auditor from the NYSCOMP Office has spoken with the new payroll company and liked the fixes that are being made. The Auditor has been very helpful.

Supervisor Lagonia noted the June 7, 2014 at noon has been set for the Community Day at the Town Park. This time will give residents time to make suggestions for possible changes and or upgrades to this area. There is roughly \$65000.00 left from the original \$100,000.00 given for this project.

The Town has set up a back-up system for records through Business Automation Systems using cloud technology. M. Davis has done some great work with this.

The Hudson Correctional Facility coordinated the painting of the Town Hall and it only cost the Town about \$300.00. The inmates did a great job.

Supervisor Lagonia is still working on electric rates.

Town Board Member Brian Geel sent a gentleman in to scope out the requirements for a new air conditioning unit.

Columbia County

On a County level, Supervisor Lagonia attended a service honoring Frank Fratellenico for his service during the Vietnam War. This was a great honor for Supervisor Lagonia to be a part of and he felt that F. Fratellenico's accomplishments and awards should be hung on the wall at the Town Hall since F. Fratellenico has since past away.

The Pine Haven Nursing Home continues to be a hot topic on a County level. If anyone has any questions, please email them to Supervisor Lagonia. The County is looking for alternatives since the current situation is costing the County millions of dollars. There are many misconceptions concerning this entire project throughout the County.

There is a County broadband survey on the Town of Austerlitz' website which Supervisor Lagonia encourages all to take. While on the Town's website, look around.

Town Clerk Report for the month of April 2014 submitted. Town Clerk Haag noted the Town's Proprietors' Book is back from the preservation company and is out for preview. It will be returned to the Columbia County Historical Society.

Tax Collection Report for the month of April 2014 submitted.

Highway Superintendent Report

Highway Superintendent Meehan reported that his crew has been out grading roads and working on potholes. It was a tough winter, but looks like there is not too much mud this Spring. There are some soft spots on Dugway Road, sweeping is done. Both Town owned and County owned bridges have been washed: the Upper Hollow Road Bridge is flaking. R. Meehan will notify the County of this. The blacktop on some roads has taken a beating, but will be fixed. The culvert replacement project on Harvey Mountain Road Bridge needs to be started.

The speed sign is charged and ready to be put out next week. Placement on State Routes 22 and 203 is still being worked on.

Planning Board Report for the month of April 2014 submitted.

No Comprehensive Plan Oversight Committee Report submitted. Comprehensive Plan Oversight Committee Chair Tim Stalker was in attendance and noted that the CPOC put together a survey seeking guidance for hamlet issues. T. Stalker would like this survey to be put on the Town's website and asked the Town Board to review and let him know if there needs to be any changes or additions. The CPOC would like a paragraph about goals and objectives on website for public to see as well.

Chair Stalker thanked Supervisor Lagonia for allowing him time to meet with the Attorney for the Town and for Town Board Member Vogler's attendance at this meeting. The suggested changes for the ridgeline protection section of the zoning law was discussed. Town Board Members Vogler, Verenazi and CPOC Chair Stalker will work together on these changes and will report back to the Town Board.

Building Inspector/Code Enforcement Report for the month of April 2014 submitted.

Justice Cassuto Justice Court Report for the month of April 2014 submitted.

Justice Grubin Justice Court Report for the month of April 2014 submitted.

No Dog Report submitted.

Attorney Report

Attorney for the Town, Joseph Catalano, reported that outside of unfinished business, the Fizzinoglia lawsuit is moving forward towards settlement, although the final document has not

yet been completed. Attorney Catalano will be speaking with Planning Board Chairman Engel concerning pending applications. This will be done in between meetings.

A motion to accept the above reports was made by G. Vogler and seconded by M. Verenazi.

R. Lagonia: yes

B. Geel: absent

J. Mesick: absent

M. Verenazi: yes

G. Vogler: yes

Motion carried.

Correspondence

No Correspondence

Unfinished Business

Highway Truck

Bids were received and opened per bid notice. Bids were received from:

Orange Motors Co. Inc.
799 Central Ave
Albany, New York 12206
2015 Ford F-350
\$48497.00

Ruge's GMC
7916 State Route 22
Copake, New York 12517
2015 GMC Sierra
\$50100.00

Ally Financial
Roger Gallup
Lease Bid on 2015 GMC
4 years @ 4.69%
\$50100.00 principal, \$1163.97 monthly payment

Bid received late from Vision Ford and was returned unopened 5/5/14.

A motion to accept the bid from Ruge's GMC as the lowest responsible bidder that met the bid specifications was made by M. Verenazi and seconded by G. Vogler.

R. Lagonia: yes

B. Geel: absent

J. Mesick: absent

M. Verenazi: yes

G. Vogler: yes

Motion carried.

Highway Trucking Bids

Bids were received and opened per bid package. Bids received from:

Bemiss Trucking Service Inc.
PO Box 136
Canaan, New York 12029

Tractor Trailer Aluminum Trailer: \$109.00 for 37 ton.
Tractor Trailer with Steel Trailer Rate: \$124.00 for 34 ton.
Material hauled to Town Garage from Colarusso Sand and Gravel: \$4.75/per ton
Material hauled to Town Garage from Colarusso Quarry: \$4.05/per ton
Material hauled to Town Garage from Bolls: \$2.70/per ton
Material hauled to Town Garage from Rifenburg Construction: \$6.00/per ton

A.Colarusso and Son, Inc.
PO Box 302
Hudson, New York 12534

Tractor Trailer Aluminum Trailer: \$115.00 for 36 ton.
Tractor Trailer with Steel Trailer Rate: \$120.00 for 33 ton.
Tri-Axle Dump Truck: \$85.00 for 22 ton.
Material hauled to Town Garage from Colarusso Sand and Gravel: \$5.35/per ton
Material hauled to Town Garage from Colarusso Quarry: \$4.50/per ton
Material hauled to Town Garage from Bolls: \$2.30/per ton
Material hauled to Town Garage from Rifenburg Construction: \$5.40/per ton

A motion to award the 2014 Trucking Services Bid to Bemiss Trucking Services Inc. for the Tractor Trailer Aluminum Trailer, for hauling material to the Town Garage from Colarusso Sand and Gravel and from Colarusso Quarry; to award the 2014 Trucking Services Bid for Tractor Trailer with Steel Trailer, the Tri-Axle Dump Truck, for hauling material to the Town Garage from Bolls and from Rifenburg Construction to A.Colarusso and Son, Inc. was made by R. Lagonia and seconded by G. Vogler.

R. Lagonia: yes
B. Geel: absent
J. Mesick: absent
M. Verenazi: yes
G. Vogler: yes
Motion carried.

Zanconato Unsafe Structure

Attorney for the Town, Joseph Catalano, noted that Brian Zanonato has not responded to the Town within the parameters given, therefore the Town Board needs to move forward and put this demolition project out to bid. Code Enforcement Officer, Lee Heim, has called B. Zanconato two times, left messages, but has not heard back from him. L. Heim noted that originally B. Zanconato advised that he was going to start cleaning out the structure, but no evidence of that

has been seen to date. L. Heim is keeping a log of correspondence and noted that the condition of this property has severely deteriorated over the winter.

Resolution #36-2014 Matter of the Application of the Town of Austerlitz to remove an Unsafe Structure, Vehicles and Unsafe Condition Upon Lands Owned by Brian Zanconato

A motion to adopt Resolution #36-2014 Matter of the Application of the Town of Austerlitz to remove an Unsafe Structure, Vehicles and Unsafe Condition Upon Lands Owned by Brian Zanconato was made by G. Vogler and seconded by R. Lagonia.

R. Lagonia: yes

B. Geel: absent

J. Mesick: absent

M. Verenazi: yes

G. Vogler: yes

Motion carried.

State of New York County of Columbia
Town Board of the Town of Austerlitz

In the Matter of the Application of the Town
Austerlitz to remove an Unsafe Structure,
Vehicles and unsafe Condition Upon Lands
Owned by Brian Zanconato, located at
Middle Road, Austerlitz, NY
Tax Map #: 79.-1-21

RESOLUTION & ORDER

Resolution No. 36 -2014

WHEREAS, Brian Zanconato is the owner of certain real property located at Middle Road, Austerlitz, Columbia County, New York, bearing Tax Map Number 79.-1-21; and

WHEAREAS, the Town Board of the Town Austerlitz (hereinafter the "Town Board") has completed proceedings pursuant to Chapter 83 of the Town of Austerlitz Code regarding unsafe buildings and has determined that the building located on the aforesaid property was unsafe and has ordered the property owner, Brian Zanconato, on multiple occasions to demolish and remove said structure; and

WHEREAS, Mr. Zanconato, to date, has not complied with the Town Board's orders and the building remains in its unsafe and deteriorating condition; and

WHEREAS, pursuant to its Resolution and Order adopted on March 20, 2014, and as a result of Mr. Zanconato's failure to demolish and remove said unsafe structure, the Town Board has no other option but to hire a contractor to demolish and remove said structure;

NOW THEREFORE, the Town Board of the Town of Austerlitz hereby RESOLVES that the attached bid notice is approved for publication and posting as required by law and that it may be circulated to interested contractors; and it is further

RESOLVED and ORDERED, that the bid opening shall occur on June 17, 2014, with the bid awarded at a reasonable time thereafter and that the Town Clerk is authorized to post and publish the bid notice and the Town Code Enforcement Officer is to respond to inquiries from prospective bidders regarding site visits or further information about the structure's condition

Local Law #1-2014 A Local Law of the Town of Austerlitz Regulating Driveways

This law deals with the construction of new driveways in the Town of Austerlitz. The Town Board wishes to convey that all comments made were carefully reviewed and considered.

After review of the comments made, Attorney Catalano found that there was no contradiction to current law and other comments can be addressed by reference to other section of the Town Code through the codification process.

SEQRA completed and the Town Board did not find any moderate to large impacts.

A motion to accept the SEQRA EAF as complete concluding that the proposed adoption of Local Law 1-2014 will not result in any significant adverse environmental impacts was made by R. Lagonia and seconded by G. Vogler.

R. Lagonia: yes
B. Geel: absent
J. Mesick: absent
M. Verenazi: yes
G. Vogler: yes
Motion carried.

A motion resolving to adopt Local Law 1-2014, A Local Law of the Town of Austerlitz Regulating Driveways as introduced and subjected to public hearing was made by G. Vogler and seconded by M. Verenazi.

R. Lagonia: yes
B. Geel: absent
J. Mesick: absent
M. Verenazi: yes
G. Vogler: yes
Motion carried.

Local Law #1-2014 A Local Law of the Town of Austerlitz Regulating Driveways

Be it enacted by the Town Board of the Town of Austerlitz as follows:

SECTION 1. Policy and Purpose

It is the policy of the Town of Austerlitz to further the safe access to properties and roads within the Town of Austerlitz and to ensure that private driveways facilitate the proper drainage of

surface waters and storm water run off so as to not be detrimental to the Town's drainage ways and systems and to further the public health, safety and general welfare. The purpose of this local law is to provide a process for review of new and existing driveways and to provide minimum requirements and standards for driveway construction and maintenance in furtherance of the aforesaid policy.

SECTION 2. Application.

The requirements of this local law shall apply to all new and existing driveways accessing public and approved private roads in the Town of Austerlitz. Driveways proposed onto State highways also require approval from the State Department of Transportation (DOT) and driveways proposed onto County Highways also require approval from the Columbia County Department of Public Works (DPW).

SECTION 3. Design Standards.

- For access onto any public road:
 - General Standards. A driveway servicing one residence or parcel of real property shall have a minimum width of travel surface of 12 feet and be configured and situated so that vehicles are able to turn around and exit the premises without backing onto a main road. A turnoff or passing zone must be built into the driveway for every 400 feet of length, which turnoff or passing zone shall be at least 30 feet in length and shall provide an additional eight feet of width. A driveway servicing more than one residence or parcel of real property shall have a minimum width of 18 feet. All driveways in excess of 150 feet in length shall have an area (such as a loop or hammerhead design so that vehicles (including emergency vehicles) can turn around and exit the driveway without backing down the driveway.
 - Finished Grade: All access grades within thirty (30) feet of the road's driving surface should be no more than 2% and in no case more than 3%. Any grade beyond this thirty (30) foot point shall not exceed 15%.
 - Access grades shall be constructed to slope downward from the edge of the road surface to the existing drainage ditch line at a rate of three-quarter (3/4) inch per foot.
 - Ditching and drainage facilities shall be adequate along length of driveway to accommodate runoff and not affect adjoining properties or roads.

- For access onto Town roads:
 - The angle of all new driveways accessing Town roads shall be between eighty (80) and ninety (90) degrees for a minimum distance of twenty (20) feet from the edge of the Town roads driving surface.
 - The return radius between the edge of the driveway and the edge of the existing Town road's driving surface shall be a minimum of fifteen (15) feet on each side of the driveway.
 - Driveways shall have an adequate sight distance in each direction meeting the requirements of the Manual of Uniform Traffic Control devices measured twenty (20) feet back from the edge of the Town road's pavement at a forty two (42) -inch eye a height.
 - Sight easements shall be provided across all driveway corners. No obstructions to vision such as shrubbery, brush, trees, earth, fencing or structure shall be permitted at the road

intersections within the-triangle- formed-by the intersection-of the road-center lines and a-line drawn between points along such lines thirty (30) feet distance from their point of intersection and ten (10) feet back from the edge of the pavement of the road. This restriction does not apply to U.S. Postal Service mailboxes.

- For access onto State or County roads:
The curb cut and driveway requirements of the State or County shall be adhered to in addition to the general standards set forth in this Section. If there is a conflict between jurisdictional requirements or standards, the stricter requirements or standards shall apply.

SECTION 4. Construction Specifications.

A. For driveways accessing existing Town Roads:

1. Driveways for accessing single residential parcel or lot: Culvert pipe(s) shall be new and supplied by the property owner. Prior to construction, applicants shall contact the Town Highway Superintendent for specifications of the size of pipe and materials. Once the culvert pipe has been delivered and is available at the property for installation, the Highway Department shall be responsible for its proper installation. Such installation shall occur within a reasonable time after the culvert pipe is available at the property for installation. The Town will bear the cost of installing the culvert pipe to the extent that the installation does not involve stream crossings or specialized equipment and does not require more than one day of work by the Highway Department. The property owner will be responsible for reimbursing the Town for such additional costs if such are necessary.

2. Driveways for accessing multiple residences or residential parcels or nonresidential parcel. Driveway culverts shall be of such size and made of such material with the appropriate wheel load rating standards as approved by the Town Highway Superintendent. The culvert pipe shall be installed at the owner's expense and shall be inspected and approved by the Town Highway Superintendent after installation. The Highway Superintendent may require the owner to supply engineering plans or reports to adequately assess the amount of drainage flow in order to adequately size the culvert and drainage system in which it is placed.

B. For driveways accessing new roads. All driveway culverts and drainage systems shall be supplied and installed by the property owner at the property owner's expense. The new road and driveways accessing said new road shall comply with the requirements of Section 160-3 of the Town of Austerlitz Code.

C. For driveways accessing State or County roads. The requirements of the State or County, whichever applies shall be adhered to. Cost of construction or installation shall not be borne by the Town.

D. For all Driveways.

1. For any driveway, the Town Highway Superintendent reserves the right to review the site and advise Best Management Practices that shall be set in place before and during construction.

2. Driveways shall be constructed so that the entrance onto any state, county, Town or private road is consistent with the Highway Superintendent's requirements for safety and proper drainage.

3. Where any driveway that predates the adoption of this local law and subsequently requires a culvert to be installed in order to rectify a drainage issue affecting a Town road, the driveway culvert shall be ordered and installed by the Highway Department and the property owner shall reimburse the Town for 50% of the Town's costs for the culvert pipe and installation.

SECTION 5. Maintenance.

A. All driveways within the Town of Austerlitz must be kept in good driving condition, free and clear of surface water, debris or obstacles that prevent or hinder access by vehicles including, but not limited to, emergency vehicles.

B. Surface water from driveways or onto driveways within the Town of Austerlitz shall be diverted away from roads and road drainage systems to the maximum extent practicable to avoid flooding or the ponding of surface water on any road and any surface water that flows along or down a driveway shall be diverted into the appropriate culvert or drainage ditch or facility.

C. All driveways within the Town of Austerlitz shall be maintained in such a way as not to cause any erosion or drainage to adjacent roads or property. Privately owned ditches must be maintained in a manner that prevents storm runoff from private drives from entering onto a Town Road. The Town will hold individual property owner(s) financially responsible for any damage to Town roads relating from private drive runoff (i.e. washouts, debris, failure of proper ditch maintenance, drainage of surface water onto surface of driveway, etc.).

SECTION 6. Approval of Driveways/Application for Driveway Permits.

Prior to the construction of a driveway that enters a Town, County, State or private road, approval must be obtained from the appropriate governing authority or agency, and a copy of such approval forwarded to the Code Enforcement Officer. Where a driveway enters a County or State road, a Driveway Permit from the Town of Austerlitz is still required and an inspection will be conducted in order to ensure that the design standards of Section 3 of this local law have been met.

A. Application for a driveway permit shall be filed with the Town Code Enforcement Officer. A Driveway Permit Application fee of \$25 for residential properties and \$100 for non-residential properties will be required if the applicant has not secured a building permit.

B. Prior to construction, applicants shall arrange a time for the Town Highway Superintendent to conduct an initial inspection to review the location of the proposed driveway.

C. Before a Driveway Permit can be approved, a final inspection will be necessary to verify that the requirements and standards of this regulation have been met to the satisfaction of the Highway Superintendent.

D. The Code Enforcement Officer shall not consider a Driveway Permit application for on-site construction until an initial driveway inspection has been performed and an acceptable location has been sited. In order for the Code Enforcement Officer to perform necessary inspections, a passable driveway also must be constructed in the sited location prior to the issuance of any Building Permit Application for additional on-site construction.

E. The Code Enforcement Officer shall not issue a Certificate of Occupancy until the driveway is completed, inspected and approved by the Highway Superintendent.

F. The person to whom such permit is issued shall be responsible for all damages caused to the road itself, any public utilities in the road, any cracked or damaged sewer and water pipe shall be replaced with new pipe, under the supervision of the Highway Superintendent. Before the Certificate of Occupancy can be issued any damaged ditches, curbs, sidewalks, or other improvements shall be repaired or replaced in as good condition as before the construction commenced.

G. No debris shall be left in the Town Road at the end of each workday.

H. If any excavation is caused in any Town street or highway relating to the driveway construction, it shall be restored within the time granted in the permit, with approved bank run gravel and shall be kept and maintained level with the unexcavated portion thereof, for a period of one year from the date of the permit, so that said excavated portion shall be left in as good, substantial and permanent condition as before the excavation; and if not so restored and maintained, the work shall be done under the direction of the Superintendent of Highways and the cost thereof shall be a lawful charge against the person to whom the permit was issued. No person, persons, firm or corporation making or having made any such excavation in or upon any street or highway aforesaid, shall permit such excavation to remain open or uncovered either day or night, without having or causing the same to be properly barricaded by day and night and in addition thereto, shall place at such location, flares, red lanterns or other warning devices, by night, so as to properly warn all persons of the danger of such hole or excavation.

SECTION 7. Access for Proposed New Lots.

An applicant proposing a subdivision on a Town road shall not receive final approval without first meeting with the Town Highway Superintendent regarding the accessibility of each lot. The applicant shall provide the Code Enforcement Officer with a signed letter from the Highway Superintendent on his letterhead verifying that he has inspected the site and has determined that each new lot can be adequately accessed from a Town road

SECTION 8. Certificates of Insurance.

A. The permittee on all non-residential properties shall present to the Town certificates of insurance evidencing the acquisition of liability insurance coverage naming the Town as an additional insured on a non-contributory basis with the minimum limits of coverage for bodily injury equal to \$1,000,000.00 for each person injured, \$2,000,000.00 for aggregate bodily injury resulting from each occurrence, and \$500,000.00 property damage.

B. Said insurance shall be maintained throughout the term of the permit and the aforementioned certificates shall provide for thirty (30) days' notice to the Town prior to cancellation of coverage.

C. All persons performing work under this permit are to be covered by Workmen's Compensation Insurance and Disability Benefits insurances as required by State law.

SECTION 9. Maintenance Bond and Letter of Credit.

The permittee on all non-residential properties shall present to the Town a maintenance bond and/or a bank letter of credit in favor of the Town in such amount as the Highway Superintendent with the advice of the Engineer serving the Town and/or the Attorney serving the Town shall recommend to the Code Enforcement Officer dependent upon the number and extent of the driveways being constructed pursuant to such permit. guaranteeing compliance with the provisions of the permit. At such time, if ever, that said bond or letter of credit is expended, the permittee shall replace the same within 5 days written notice of the Town, failing which the permit shall be subject to revocation.

SECTION 10. Indemnity and Save Harmless.

The permittee on all non-residential properties shall agree to fully indemnify, defend, save and hold harmless the Town and all of its departments, bureaus, divisions, boards, officers and employees from and against any and all claims, costs, damages, expenses, charges, risks, losses, lawsuits, judgments, executions, penalties, fines, assessments or any other liability of any type arising out of, occurring in connection with, or resulting from any and all activity to be performed by permittee pursuant to said permit.

SECTION 11. Appeals – Variance of Requirements.

Any property owner who demonstrates that the application of the requirements or standards of this local law causes undue hardship, may apply to the Town Board of the Town of Austerlitz for relief and upon such application the Town Board, in its sole discretion, may vary or waive one or more requirements of this local law provided that such variance or waiver is consistent with the policy and purposes of this local law.

SECTION 12. Title.

This local law shall be known and cited as the "Town of Austerlitz Driveway Law".

SECTION 13. Separability.

Should any section, paragraph, sentence, clause or phrase of this Local Law be declared unconstitutional or unjust for any reason by a Court of competent jurisdiction, the remainder of this Local Law shall not be affected thereby.

SECTION 14. Inconsistency.

All Resolutions or Ordinances or Local Laws or portions thereof of the Town of Austerlitz not consistent with this Local Law in whole or in part shall be repealed. This local law is intended to supersede and replace Section 160-4, entitled "Driveways", of the Town of Austerlitz Code as adopted by Local Law No. 2 of 2000.

SECTION 15. Penalties.

A. A violation of this local law is an offense, punishable by a fine not exceeding two hundred fifty dollars (\$250.00) per day of continuing violation.

B. In addition to the above prescribed penalties, the Town Board may in its discretion revoke any permit previously issued after a public hearing at which the applicant shall have an opportunity to be heard, or in the alternative, may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with this local law by injunction, abatement or otherwise compel cessation of each violation, and obtain restitution to the Town for costs incurred by the Town in remedying each violation, including but not limited to reasonable attorney's fees.

SECTION 16. Effective Date.

This local law shall take effective immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

New Business

Donations

St. Peter's Presbyterian Church has asked the Town for a donation for their annual summer events. Last year the Town gave \$500.00. Supervisor Lagonia would like to understand what the Town's policy is or should be for donations. Town Board Member Matthew Verenazi noted that there is a good working relationship between the Town and the Church and the Town does sometimes use their building. Member Greg Vogler is fine with giving the Church a donation for summer events as has been done in the past, but noted that budgeting should be done next year, as well as, a set policy in place. Supervisor Lagonia is fine with giving, especially since the Town uses their facility, etc.

Attorney Catalano advised that one criteria for a donation must be that the money will be used for serving the public at large, public safety, etc. If this is a recurring item, it should be budgeted.

The criteria surrounding this donation was discussed and the Town Board deemed that these events served the public, but the Town Board does not endorse any of the practices and or beliefs of the Church.

Comprehensive Plan Oversight Committee Chair Stalker noted that the Church also offers senior programs, defensive driving classes, allows the kids attending the Summer Recreation Program to use building on rainy days, etc.

A motion to donate \$500.00 to St. Peter's Presbyterian Church for their "Welcome to Summer in Spencertown" Annual Event since the Town Board has done in years past, and this event is open to everyone in the Town, and this organization serves the public, and allows the Town to use it's building when needed, was made by R. Lagonia and G. Vogler.

R. Lagonia: yes

B. Geel: absent

J. Mesick: absent

M. Verenazi: yes

G. Vogler: yes

Motion Carried.

Harvey Mountain Culvert Replacement Bid

Supervisor Lagonia advised that this bridge was red flagged by Columbia County as in need of replacement. Additionally, the Town has C.H.I.P.s money to fund this project.

A motion to authorize the advertisement for bids for the Harvey Mountain Road Culvert Replacement Project as prepared by Morris Associates, PLLC, subject to any changes made by the Engineer after consultation with the Highway Superintendent, was made by R. Lagonia and seconded by G. Vogler.

R. Lagonia: yes

B. Geel: absent

J. Mesick: absent

M. Verenazi: yes

G. Vogler: yes

Motion Carried.

Miscellaneous

Highway Superintendent Meehan advised that the fountain on the green was up and running.

Memorial Day plans will be finalized between Supervisor Lagonia and Superintendent Meehan.

It was noted that past Town Board Member and long time resident, Robert Pinto's, father was recognized at a Veterans Celebration at the County.

Public Comments

Charles Vander Weit questioned whether or not Memorial Day services would be on the Town website.

Judith Choate asked the status of replacement of the rocks removed from her property during the road upgrade a number of years ago. Town Board Member Verenazi and Highway Superintendent Meehan will look at what is available and will call J. Choate to look what was chosen to see if these will suit her needs.

Executive Session

A motion to enter Executive Session to discuss a personnel matter and to discuss potential contract negotiations for acquisition of real property was made by G. Vogler and seconded by M. Verenazi.

R. Lagonia: yes

B. Geel: absent

J. Mesick: absent

M. Verenazi: yes

G. Vogler: yes

Motion Carried. Executive session entered at 7:55 p.m.

A motion to exit Executive Session was made by R. Lagonia and seconded by G. Vogler.

R. Lagonia: yes

B. Geel: absent
J. Mesick: absent
M. Verenazi: yes
G. Vogler: yes

Motion Carried. Executive Session was exited at 8:11 p.m.

A motion to authorize the Town Supervisor and Attorney for the Town to investigate and take such actions for the possible acquisition of real property for Town purposes was made by R. Lagonia and seconded by M. Verenazi.

R. Lagonia: yes
B. Geel: absent
J. Mesick: absent
M. Verenazi: yes
G. Vogler: yes
Motion Carried.

Adjournment

A motion to adjourn was made by R. Lagonia and seconded by G. Vogler.

R. Lagonia: yes
B. Geel: absent
J. Mesick: absent
M. Verenazi: yes
G. Vogler: yes

Motion carried. Meeting adjourned at 8:12 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk