

Town of Austerlitz
Public Hearing/Town Board Meeting
July 17, 2014

Present: Robert Lagonia, Supervisor, Greg Vogler, Jon Mesick, Bryan Geel, Town Board Members, Robert Meehan, Highway Superintendent, and Susan Haag, Town Clerk.

Matthew Verenazi absent due to vacation.

Public Hearing called to order at 6:45 p.m.

Public Hearing called for the Charter Communication Entertainment I, LLC renewal contract.

Bruce Whiteman: Did not feel that adequate notification was given to the residents so they could come in and express their concerns about service that is received from Charter Communications. B. Whiteman's wife, Elizabeth Whiteman, was a Town Board Member when Charter first came into the Town and offered cable to the residents. Many promises were made at that time that have not been met. Prices have increased over the years as the service has decreased. B. Whiteman asked the Town Board to only renew this contract for one year, or maybe not sign at all and let another cable company give the Town cable service.

Supervisor Lagonia noted that Attorney for the Town, Joseph Catalano, has negotiated this contract down to a 5 year renewal. There is no other cable company available to replace Charter Communications, and with only 88 residents using this service, there is little Charter Communications will do in reference to upgrades, expansion, etc. Charter is in the middle of selling all of its northeast assets to Comcast.

Supervisor Lagonia will ask the Town's Attorney if the Town Board can refuse to sign this contract, noting that he will not leave the 88 residents in Town without cable.

All those wishing to be heard were heard.

Public Hearing closed at 7:00 p.m.

Regular meeting called to order at 7:00 p.m.

Moment of Silence, followed by the pledge of Allegiance.

Minutes

A motion to accept the June 19, 2014 Workshop/Regular Town Board Meeting minutes was made by B. Geel and seconded by G. Vogler.

R. Lagonia: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: absent

G. Vogler: yes
Motion carried 4:1

Budget Amendments/Auditing of Accounts and Claims

Supervisor Lagonia explained the amendments and reasoning behind them, noting that several other amendments will need to be done in the future.

Budget Amendment 4-2014

General Fund

Clearance, Demolition, Rehab A8666.4 increase by \$8420.00
Charges for Demolition of Unsafe Buildings A1570.0 increase by \$8420.00

Interest on Taxes A1090.0 increase by \$2800.00
Attorney A1420.4 increase by \$ \$1550.00
Parks A7140.1 increase by \$500.00
Safety Inspection A3620.1 increase by \$700.00
Celebrations A7550.4 increase by \$50.00

A motion to approve Budget Amendment 4-2014 was made by G. Vogler and seconded by J. Mesick.

R. Lagonia: yes
B. Geel: yes
J. Mesick: yes
M. Verenazi: absent
G. Vogler: yes
Motion carried 4:1.

A motion to approve 2014 General Fund #173-220, in the amount of \$47293.53, and 2014 Highway Fund #102-124, in the amount of \$17082.58; 2014 General Fund #221-257, in the amount of \$25754.31, and Highway Fund #125-143, in the amount of \$31627.63, was made by G. Vogler and seconded by B. Geel.

R. Lagonia: yes
B. Geel: yes
J. Mesick: yes
M. Verenazi: absent
G. Vogler: yes
Motion carried 4:1.

Reports

Monthly Cash Disbursements and Supervisor Report

Monthly Cash Disbursements for the month of June 2014 submitted. Supervisor Lagonia noted that he has been watching this very closely and there is collectively \$1,173,719.47 in the bank accounts. The revenues are tracking well, licenses slightly higher, court fees are just about caught up. On the expense side, attorney fees are over and will continue to be. For some reason when the budget was done last year the attorney line was cut in half from the previous year.

Town Board Member Vogler questioned how much the Town has received in summer recreation registration fees to date. Member Mesick noted that attendance is down this year. Supervisor Lagonia has only heard from a couple of non-residents concerning the price hike in registration fees. R. Lagonia is not sure at this point why there is a decrease in attendance. This is still a great summer program and with less attendance, there is less expenses for the Town in general.

Town Board Member Geel stated that we shouldn't be subsidizing other towns.

Supervisor Lagonia went on to advised the Town Board that the audit being done by the NYS Comptroller's Office is just about done. During an informal exit conference, the auditor noted that the findings were mostly minimal, mostly just sloppiness. A full, written report will be forthcoming. R. Lagonia stated that this type of exercise is a good way to open the Town's eyes and for the State to see where we are. A lot of what was found has already been corrected this year due to the new administration.

Concerning the renovations at the Town Park, Supervisor Lagonia advised that he has spoken with several contractors getting verbal cost estimates and project details. These were reiterated to the Town Board. There are two different opinions as to what work should be done on the tennis courts: resurface verses replacement. Supervisor Lagonia and Superintendent Meehan have been out looking this area over with Engineer Paul McCreary. An additional \$100,000.00 has been pledged for this project, and some additional ideas have been put on the table for renovation work. Once the Town Board decides on a final design, a bid package will be developed and noticed. Regardless of the decision, this will be a complete renovation of the entire area.

Supervisor Lagonia advised that the Town is still waiting on the NYSDOT for permission for the speed sign to be placed on State Roads. GPS coordinates have been sent, permits filed and paid for, emails and phone calls have been made looking for follow-up, and there has been no response from the DOT. Town Board Member Geel asked if Attorney Catalano can contact the NYSDOT to get this approval moving forward. Superintendent Meehan advised that the speed sign has been placed on Fog Hill Road and is currently on County Route 7.

Supervisor Lagonia has notified VanAlstyne's to paint the highway building roof.

After the last major rain storm that caused heavy flooding in Town, Supervisor Lagonia declared a State of Emergency, which lasts for a 30 day period. This can be extended. All guidelines were followed, Bill Black from the County and Attorney Catalano gave advice and instruction concerning the process. The NYSDEC was contacted and permission given to work in the streams without permits because of the State of Emergency declaration. After a couple of days, permitting paperwork from the NYSDEC came through for stream work and it is quite extensive. Supervisor Lagonia has asked Engineer McCreary to handle the permit paperwork. Supervisor Lagonia gave a review of areas that needed work. Highway Superintendent Meehan has started work in the Green River, in an area by Beale Road, and on Mallory Road.

Supervisor Lagonia commends Highway Superintendent Meehan, and the Austerlitz Highway Crew for all their hard work during the storm, and the Town of Canaan Highway Crew for coming out to help for three days, lending not only man power, but trucks and equipment as well.

Engineer for the Town, Paul McCreary, Supervisor Lagonia and Highway Superintendent Meehan have walked the creeks looking at the damage and have contacted Laura Seger to see if there is any possible grant money available to use for cleanup.

In order to get any F.E.M.A. funding, the County must hit a monetary threshold, which Supervisor Lagonia believes they have hit. In case we are eligible, the Town has all the documentation in order.

In terms of the 2015 budget preparation process, Supervisor Lagonia advised the Town Board that paperwork has gone out to all departments. Once this paperwork is completed with department requests and returned, Supervisor Lagonia and Town Board Member Vogler will look over and come up with some preliminary numbers. After this, the numbers will be worked through with the Accountant for the Town, and then brought to the Town Board.

There have been some requests from the Community to have the Town Board Agenda up on the website sooner. A preliminary agenda will be put up about a week ahead of time.

Supervisor Lagonia met with Rich Nesbitt concerning the changes suggested to our property coverage. R. Lagonia noted that by removing some items and even adding a new town hall building, the Town could net a savings of roughly \$270.00 a year.

Although both Supervisor Lagonia and Town Board Member Geel have researched pricing for a new air conditioning unit, any purchase is probably moot at this point.

Supervisor Lagonia advised the Town Board that currently the Town is using American Power and Gas for electricity, and the price is quite high. R. Lagonia has researched other companies and found one that is charging just over 7 cents. Supervisor Lagonia will switch companies and sign up for the better rate.

Columbia County

On a County level, Supervisor Lagonia advised that the County is still dealing with the same issues, namely the airport and Pine Haven.

Town Clerk Report for the month of June 2014 submitted.

Highway Superintendent Report

Highway Superintendent Meehan reported that the Town took a lot of damage during one of the heavy rain storms. R. Meehan thanked the Town of Canaan's Highway Crew for all their help. In addition, R. Meehan thanked the Town of Austerlitz' Highway Crew as well. They put in long hours and worked through the night. Mallory Road is still closed because of the collapsed culvert. Engineer McCreary advised that the Town should put in an 8 foot replacement pipe, but R. Meehan will put in a 6 foot one because that is all the area will allow and all the room

available. Schoolhouse Road also has a collapsed culvert that has been somewhat repaired, but this will need to be replaced. Engineer McCreary is working on this as well. Stever Hill Road will need a new culvert and some roads need new gravel. Additional roads that need some work are East Hill, Stonewall, Middle and Fog Hill. Superintendent Meehan believes that his crew will be working for a couple more weeks in the creeks and then they will be getting to these culverts. The Harvey Mountain Road bridge replacement project also needs to be started and completed.

Planning Board Report for the month of June 2014 submitted. Chair Engel is doing a great job.

No Comprehensive Plan Oversight Committee Report for the month of June 2014 submitted.

Building Inspector/Code Enforcement Report for the month of June 2014 submitted. Extra report submitted on Zanonato's. Supervisor Lagonia read Code Enforcement Officer Heim's report on the demolition project noting that both he and Attorney Catalano felt L. Heim did a great job with this project.

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

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

Dog Report for the month of June 2014 submitted. Dog Control Officer Powell was part of a larger scale raid that took place today at a property located on State Route 22, but has not heard the results as of yet.

Attorney Report

Supervisor Lagonia read Attorney for the Town, Joe Catalano's, June 2014 submitted report.

In conjunction with the purchase of the property next to the Town Hall, Attorney Catalano advised the Town Board that before the acquisition of this property takes place, the Town will need to conduct a thorough environmental review process as required under SEQRA. This would involve the preparation of an environmental assessment form as well as obtaining environmental information on the property. Attorney Catalano asked the Town Board for permission for either himself or Supervisor Lagonia to ask the Foundation if it can finance the cost of the due diligence investigation of this property.

Supervisor Lagonia noted that the money for the purchase of the Parker property in the amount of \$300000.00 has already been pledged, the closing costs will be paid for by M. Parker, but the engineering costs are still an outstanding financial item. Town Board Geel understands that the Town does not have extra money, but does not want to abuse the Kelly Foundation.

A motion to authorize the Town Supervisor to execute a memorandum of agreement on the potential acquisition of the Parker property for Town purposes as negotiated and approved by the Attorney for the Town of Austerlitz and providing that it does not commit the Town to the acquisition until a SEQRA review process is completed and a formal contract is presented was made by G. Vogler and seconded by B. Geel.

R. Lagonia: yes
B. Geel: yes
J. Mesick: yes
M. Verenazi: absent
G. Vogler: yes
Motion carried 4:1.

A motion to authorize Morris Associates to conduct an environmental assessment and assist in the provision of information needed for the SEQRA review process regarding the Parker property next to the Town Hall pursuant to its proposal dated June 19, 2014, excepting the survey work identified in said proposal and conditioned on the Ellsworth Kelly Foundation agreeing to pay for the engineering costs was made by B. Geel and G. Vogler.

R. Lagonia: yes
B. Geel: yes
J. Mesick: yes
M. Verenazi: absent
G. Vogler: yes
Motion carried 4:1.

A motion to accept the above reports was made by J. Mesick and seconded by B. Geel.

R. Lagonia: yes
B. Geel: yes
J. Mesick: yes
M. Verenazi: absent
G. Vogler: yes
Motion carried 4:1.

Correspondence

Edward Goldfrank: Letter of Appreciation for Highway Superintendent Robert Meehan for the work done after the latest flooding. Thanked Supervisor Lagonia for securing the State of Emergency.

Eileen Fusco: Request for an accounting of how Bryarcliffe Account money was used since bonding. Supervisor Lagonia advised that the Accountant for the Town has been notified and asked to research this. The bond cannot be paid down, but the Town can give a rebate next year. Town Board Member Vogler and Town Clerk Haag will research how this extra money was spent.

Unfinished Business

Charter Communication Entertainment I, LLC.

A motion to authorize Supervisor Lagonia to sign the renewal contract with Charter Communication Entertainment I, LLC was made by G. Vogler and seconded by B. Geel understanding that Supervisor Lagonia will find out if the Town Board can decline to sign this contract.

R. Lagonia: yes

B. Geel: yes
J. Mesick: yes
M. Verenazi: absent
G. Vogler: yes
Motion carried 4:1.

Zanconato Demolition Project

Supervisor Lagonia reference a project report from Code Enforcement Officer Lee Heim discussed earlier.

Town Park Update

Discussed earlier.

New Business

No new business at this time.

Public Comments

Ben Puccio questioned who was involved in the park renovation project. It was explained that the Town Board set up a Community Day at the Park to solicit suggestions for park renovations to which roughly 20-25 residents showed up. Town personnel who would have an interest in this project were also consulted. Suggestions given were discussed at a Town Board Workshop. Due to limited space at the Park, not many changes can be made. The cost of this project would be paid from donated funds.

B Puccio questioned the parking lot area advising that a number of years ago a plan was completed and given to the Town Board recommending certain changes to this area. B. Puccio advised that he had a conversation at that time with the person who donated the funds concerning the use of the donated funds to which he was told that some of the donated money would be transferred to the Spencertown Academy for work there. To date, no monies have been used for the Spencertown Academy. Supervisor Lagonia reiterated what was discussed at the Town Board Workshop noting that there are no plans to transfer any of the donated money.

Linda Horn questioned the move of the Town Justice Court to the Spencertown Academy as has been discussed from time to time. At this time the Justice Court will not be moving due to room constraints.

B. Puccio stated that it was great that plans were beginning for a new rejuvenated park and a new town hall. Supervisor Lagonia noted the new town hall project would be in at least two phases: purchase the building, then renovating. Different possibilities for the entire area were given.

Adjournment

A motion to adjourn was made by G. Vogler and seconded by J. Mesick.

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

G. Vogler: yes

Motion carried 4:1. Meeting adjourned at 8:08 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk