

Town of Austerlitz
Town Board Meeting
September 18, 2014

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

Town Board Member Geel absent.

Workshop called to order at 5:34 p.m.

Workshop called to work on the 2015 budget. Supervisor Lagonia, Town Board Member Vogler, and Accountant for the Town, Nelson Furlano, have worked on the 2015 budget. Exactly what Supervisor Lagonia was concerned with in January has occurred. There is a shortfall between revenues and expenses of roughly \$140000.00. The budget figures currently put before the Town Board include all contractual amounts requested by the different departments because these figures were in line with only slight increases. Some sections have salary increases whereas others did not. Realistic numbers were used for all revenues and costs using historic data. Supervisor Lagonia noted that in the past 6 years or more the budgets have seen a shortfall, but that shortfall has been made up by using savings to balance the budget. If the Town Board does not approve to raise the millage rate, savings would again need to be used. If this trend continues to occur, the Town could possibly be without any savings after as little as five years. Supervisor Lagonia advised that the Town Board needed to make some hard decisions.

Workshop closed at 6:41 p.m.

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

Public Hearing for Local Law #2-2014, A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c.

Supervisor Lagonia noted that just because this law is in place does not mean that the Town will go over the cap. This law just gives the legal ability to do so.

No public attended. No questions.

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 August 21, 2014 Regular Town Board Meeting minutes was made by G. Vogler and seconded by J. Mesick.

R. Lagonia: yes

B. Geel: absent

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 4:1

Budget Amendments/Auditing of Accounts and Claims

Budget Amendment #5-2014

General Fund

A3620.1 Safety Inspection Increase \$7130.34

A3620.11 Bldg Inspector Clerk Decrease \$7130.34

A2770 Miscellaneous Increase \$1631.95

A1420.4 Attorney Increase \$1631.95

A motion to approve 2014 General Fund #290-320, in the amount of \$27258.34, and Highway Fund #163-172, in the amount of \$8937.49, and to approve the budget amendment was made by G. Vogler and seconded by J. Mesick.

R. Lagonia: yes

B. Geel: absent

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 4:1

Reports

Monthly Cash Disbursements and Supervisor Report

Monthly Cash Disbursements for the month of August 2014 submitted. Supervisor Lagonia noted the numbers in the bank in each account with a total of roughly 1.1 million. The revenue for the Court will probably be more than budgeted, which is good. Overall though, there will probably be a shortfall between revenues and expenses of \$60,000.00 to \$80,000.00 which will be made up by savings.

The Town has not yet heard from the NYS Comptroller's Office concerning the audit that was performed in the Spring.

Town Park: The Town Board discussed plans from Morris Associates, especially the multiuse court area. The entire renovations will cost roughly \$1,600,000.00 and most likely not happen until the Spring. The general consensus of the Town Board is to have Morris Associates prepare the bid-specs for this project. The configuration of the multiuse court area looks fine as submitted, but the area will need some type of pavilion as well.

Summer Recreation Program Report

2014 Summer Recreation Program Report submitted. Summer Recreation Director Deborah Oleynek went over the report with the Town Board and thanked them for a great summer. Highlights included attendance of 70 children which is down from last year of 137. Although the enrollment was down, it was a great year. If the enrollment stays the same next year, D. Oleynek will not replace the two counselors who will not be returning next summer. The change in bussing worked well. The Town Board thanked D. Oleynek for running the program and doing a great job.

Speed Sign: Highway Superintendent Meehan has been moving this sign to different locations in Town and it has been working out great.

Budget Workshop: Supervisor Lagonia reiterated highlights from the budget workshop noting that he, Town Board Member Vogler and Accountant for the Town Nelson Furlano worked on the 2015 budget that was given to the Town Board earlier to discuss and tweak. The budget includes a shortfall between revenues and expenses of \$138,000.00. This same shortfall has been carried for many years, but made up by tapping into the Town's savings instead of raising taxes slightly each year. This has depleted the Town savings account. There are options this year as to how to make up this shortfall, whether to continue to use savings, or raise the amount through taxes completely, or in increments throughout the next few years, or a combination of both using savings and raising taxes. The shortfall needs to be corrected at some point and the Town Board is coming at this from different perspectives. The Town Board will go back and see if and where any cuts can be made.

Heating/Air Conditioning Unit: Supervisor Lagonia asked the Town Board if they were interested in purchasing a new heating/air conditioning unit this year. The current furnace is very old and tired. Highway Superintendent Meehan noted that even if the current furnace is not replaced, the chimney is putting CO into the air and needs to be fixed. Main Care will be called to scheduled a time to come out and look at this situation and advise on the condition of the current furnace.

Chatham Rescue Squad: R. Lagonia had a long conversation concerning how charge backs work through the County Budget. In this discussion, Supervisor Lagonia was assured that the residents will not even notice the difference in payments if the Town chooses to double the amount given to the Chatham Rescue Squad. Before this decision is ultimately made, Supervisor Lagonia will recheck the numbers involved.

NYSEG Project: Supervisor Lagonia advised that the NYSEG Upgrading Plan will not be going through.

Parker Purchase: Supervisor Lagonia advised that he signed the purchase contract for the Martin Parker Property. M. Parker signed a 2 month lease for the building with the gentleman who purchased the contents. This will give 2 months for the building to be cleaned out. The Ellsworth Kelly Foundation paid for the SEQRA process and Morris Associates will perform these services and start ASAP.

Austerlitz Fire House: Supervisor Lagonia has called the NYSDEC several times to ascertain the particulars involved with fixing the area behind the Austerlitz Fire House so future flooding is not a problem. The NYSDEC advised that the Town Engineer would have to prepare plans for this project and submit them to the NYSDEC who would then come out. Morris Associates came out and reviewed the area. It was noted that the Austerlitz Fire House can go into the creek and clean it out which they will. They can also put a small berm to hold back water. Someone has come forward to do this work at no cost.

Salt Shed: Supervisor Lagonia noted that the Town has received a new contract from Jeffrey Braley and Leslie Adams. The lease price per year has increased, but R. Lagonia believes it is still within a reasonable amount. Supervisor Lagonia has discussed alternatives with Attorney for the Town Joseph Catalano and Engineer for the Town Paul McCreary. Both cautioned the storing of salt outside of a building due to the danger of runoff which leads to liability issues. Highway Superintendent Meehan noted that the system and locality works well and the price increase is justified because of the appraisal the Town commissioned last year.

Supervisor Lagonia looked at some other options such as pole barns, etc. and feels the Town Board should renew this contract and then work towards a more permanent plan.

A motion to authorize Supervisor Lagonia to sign a renewal lease between the Town of Austerlitz and Leslie Adams (Braley) and Jeffrey Braley for an annual consideration of \$8500.00 was made by M. Verenazi and seconded by J. Mesick.

R. Lagonia: yes

B. Geel: absent

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 4:1

Enhanced Patrol: Supervisor Lagonia advised that after analyzing revenues verses costs, he will keep this program running and only change where the patrol will sit from inside the Hamlet of Spencertown to the Taconic Parkway.

Columbia County

On a County level, Supervisor Lagonia advised that Pine Haven and the Ginsberg projects continue to get the attention.

Town Clerk Report for the month of August 2014 submitted.

Highway Superintendent Report

Highway Superintendent Meehan reported that the work on Macedonia Road is finished and will help in the future with flooding. There are pictures on file for viewing. All the residents were good to work with and R. Meehan believes they are happy with the completed work. The bridge replacement on Harvey Mountain Road has begun. This project needs a bigger crane than originally thought and R. Meehan will work with NYSEG so the power lines are protected. There will be an additional cost for the bigger crane. Superintendent Meehan hopes to have this

project done in less than a month. The Highway Crew had to work up a plot plan. The culvert pipe for Mallory Road is supposed to be in next week. R. Meehan made sure to call the Chatham Central School District to alert them of the road closure on Mallory Road.

The new highway truck is in and Highway Superintendent Meehan hopes to have it on the road within the next couple of weeks. The Ford truck needed a new rocker which was replaced and the truck will be back on the road by Monday. Supervisor Lagonia is waiting for leasing paperwork for the new truck. When it comes in, he will sign it. The Town Board discussed options available should the Ford truck need to be replaced as well.

Planning Board Report for the month of August 2014 submitted.

Comprehensive Plan Oversight Committee Report for the month of August 2014 submitted.

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

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

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

Dog Control Report for the month of August 2014 submitted.

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: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 4:1.

Correspondence

Columbia Land Conservancy: Wetlands, Woodlands, and Water: What Local Decision-Makers Need to Know, September 29, 2014 5:30-8:30 p.m.

Unfinished Business

Salt Shed Discussed

Town Park Discussed

Parker Purchase Discussed

Enhanced Patrol Discussed

Green River-Austerlitz Fire House Discussed

New Business

Local Law #2-2014, A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c.

A motion to adopt Resolution #43-2014 as presented, that Adopts Local Law No. 2 of 2014, regarding the authority of the Town Board to exceed the tax cap imposed by the State of New York, was made by G. Vogler and seconded by M. Verenazi.

R. Lagonia: yes

B. Geel: absent

J. Mesick: no

M. Verenazi: yes

G. Vogler: yes

Motion carried 3:2.

Resolution #43-2014

WHEREAS, section 3-c of the General Municipal Law establishes a limit on the amount that a local government's or school district's property tax levy can increase each year (hereafter referred to as the "property tax cap") that affects all local governments; and

WHEREAS, under this law, the growth in the property tax levy, the total amount to be raised through property taxes charged on the municipality's taxable assessed value of property, will be capped at 2 percent or the rate of inflation, whichever is less, with some exceptions and other calculations; and

WHEREAS, based on the calculations of General Municipal Law section 3-c, the amount of increase over last year's tax levy of the Town of Austerlitz may be as low as 1.6%; and

WHEREAS, local communities have the ability to override the property tax cap; and

WHEREAS, the Town Board intends to be fiscally responsible in adopting a budget that balances the revenue needed to provide sufficient and adequate services to Town residents and to keep Town taxes as low as feasible; and

WHEREAS, since the property tax cap law has such a low threshold and the Town tax levy is already at a low amount, the application of the tax cap law would mean that a budget increase of an amount as low as \$10,000 could potentially be contrary to the tax cap law; and

WHEREAS, given such low threshold, the Town Board may not have the flexibility during the budget process due to the tax cap law to increase revenues when and where needed and this may prevent the provision of appropriate services to Town residents and/or prevent the Town from having the resources to respond to emergencies such as harsh winter storms, or major road repairs, or to respond to unforeseen circumstances that limit the Town's revenues such as a decrease in sales tax or mortgage tax revenues; and

WHEREAS, although at this time the Town Board does not necessarily intend to raise taxes on Town property owners that exceeds the property tax cap imposed by the State, the Town Board

desires to have the flexibility and ability to do so if a need arises during the budget process for the Town's 2015 fiscal year; and

WHEREAS, in order for the Town Board to at least have the option to increase revenues beyond the tax cap limit imposed by the State, it has to act now because to wait until the budget process is significantly underway may be too late to enact local legislation to give the Town Board that option; and

WHEREAS, a proposed local law was introduced by the Town Board at its regular meeting held on August 21, 2014, a public hearing on said law was duly scheduled, noticed, held on September 18, 2014, and closed;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The public hearing on proposed Local Law No. 2 of 2014 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.
2. The Town Board hereby adopts Local Law No. 2 of 2014 of the Town of Austerlitz which allows the Town of Austerlitz to adopt a budget for the fiscal year commencing January 1, 2015, that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.
3. 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 in accordance with law.

Local Law #2-2014

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Austerlitz to adopt a budget for the fiscal year commencing January 1, 2015, that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Austerlitz, County of Columbia, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2015, that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the

remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Public Comments

Constance Mondel asked about the area dug up on State Route 203 in the Hamlet of Spencertown as to whether or not this was a Town project. This is not a Town project, but rather a project undertaken between the resident and the NYSDOT. The NYSDOT has another project further down State Route 203 in the creek across from Stever Hill Road.

Adjournment

A motion to adjourn was made by M. Verenazi and seconded by G. Vogler.

R. Lagonia: yes

B. Geel: absent

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 4:1. Meeting adjourned at 7:52 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk