

Town of Austerlitz
Public Hearing/Town Board Meeting
October 16, 2014

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

Bryan Geel, Town Board Member, absent due to father's death.

Robert Meehan, Highway Superintendent, absent until 8:25 p.m. due to continued work on Harvey Mountain Bridge Replacement Project.

Public Hearing called to order at 6:06 p.m.

Public Hearing called for the Town of Austerlitz 2015 Preliminary Budget. Town Clerk noted the hearing was properly noticed.

Supervisor Lagonia noted that he started in January and took over a budget that he did not have a part in preparing. This budget has been closely monitored throughout year. Most of the highway equipment is in very poor shape and very old. The engine in the Town's grader just went. In looking at new graders a few months ago, the Town was given a trade-in of \$17000.00, which it may lose at this point. The Town of Austerlitz has been sharing work with the Town of Canaan and sharing their grader as well. Supervisor Lagonia has a good relationship with Town of Canaan's Supervisor Rick Keevney. The Town of Canaan has been very good to us. They have noted that until the Town of Austerlitz gets on its feet, they will continue to share their grader and other equipment. Highway Superintendent Meehan's small truck died earlier in the season and R. Meehan has been using his own truck. The Town did purchase a replacement which will be delivered Monday. Purchase price is \$51000.00.

Supervisor Lagonia continued noting that the Town Hall furnace is not in good shape and dangerous. In fact there could be health issues. The Town needs to purchase a new furnace.

Harvey Mountain Bridge Replacement Project will be completed in roughly a week. This project will come in around \$115000.00 when complete. The bridge on East Hill Road has been tagged for repair next year. The last storm did not make the cost threshold for F.E.M.A. reimbursement although the damage has been extensive. A culvert on Mallory Road needs to be replaced and this project will be started shortly and the road opened by winter.

The Town of Austerlitz will receive \$135000.00 in C.H.I.P.s funding this year. This will pay for the Harvey Mountain Road culvert replacement project, although it would have been nice to apply this money to our roads.

Legal fees have been higher this year and some of this is due to two lawsuits the Town is involved in and training for the Planning Board. The current Planning Board is fairly new and training was given to make sure the right decisions are being made.

The excess funds in the Bryarcliffe Road District account will be applied to reduce the bond payment for this district for the 2015 cycle. This reduction will be for one year only.

The Ellsworth Kelly Foundation has pledged funds for the purchase of the building next to the current Town Hall and for the completion of the SEQRA requirement. The seller will pay closing costs. The Town intends to purchase this property first, then work through refurbishment. No money has been pledged to the refurbishment, but the Kelly Foundation is committed to this project.

The Town has \$60000.00 to put towards the rejuvenation project at the Town Park. This money was donated years ago by the Ellsworth Kelly Foundation and an additional \$100000.00 has been pledged this year. Supervisor Lagonia explained the parameters of this work noting that the whole Town will be able to use this area when complete. Plans are in place and can be viewed. The Town hopes to have a bid package out soon and work completed by next summer. A lot of time has been spent on this project and Supervisor Lagonia feels when complete, it will be a great asset for the Town.

In the past, different philosophies concerning balancing the budget and keeping taxes low have been in place and consequently, previous Town Boards have made the decision to take money from savings to balance each year's budget. Supervisor Lagonia is not judging these decisions made, only stating that these were choices made at that time. Unfortunately, by doing this, savings balances have decreased and for this year, R. Lagonia feels different choices need to be made. R. Lagonia is presenting a balanced budget without using savings. If the Town Board continued to use savings to balance the budget, the Town could be out of savings in as little as 5 years.

Much time was spent putting the 2015 budget together using historical data for revenues and expenses. Budgeting in the past has been to overestimate expenses and underestimate revenues, hoping that not all of the amount to come from savings would be used. The Town's credit rating is currently good, and the Town Board would like to keep it that way; to keep the Town financially sound for future bonding needs. The Town already needs new highway equipment.

Supervisor Lagonia continued that it was important to present the residents of the Town of Austerlitz with a balanced budget that reflected real numbers and the situation that the Town is in. Raises were given, but not to everyone. Raises of 3% were given to the Highway Workers, the Town Clerk, the Planning/Building Clerk, the Building Inspector, the Assessor, and the Dog Warden. No raises were given to the Supervisor, the Town Board, the Highway Superintendent, or the 2 judges.

There have been questions raised as to the need of a Summer Recreation Program. Supervisor Lagonia did a thorough analysis on this program before the season this year. Registration costs were increased, and at season end, payroll was down \$5000.00. This total program is roughly a \$16000.00 cost to tax payers.

The Highway Department is currently down a man and the Town Board considered not replacing him.

Highway salt is up 25% this year. The Town does not have its own salt shed yet, but need one in the future and the Town Board is looking into options. The cost of renting the current salt shed has increased considerably, but Supervisor Lagonia feels that the increase is justified.

The Town Assessor reassessed properties this year lowering most assessed values. This was done due to a State mandate to put the Town's Equalization Rate back down to 100%. But, lowering assessed values also decreases assessed value for taxing purposes.

After a complete review and preparation of a realistic budget, Supervisor Lagonia noted that there is a \$130000.00 shortfall between revenues and expenses. Total tax levies for residents of Austerlitz are over 9 million, and last year the Town's portion of that was \$509,000.00. The rest is for school, county and fire districts, all of which the Town has no control over.

The Town's millage rate last year was \$1.19 per thousand. This figure rises to \$1.23 after the lost of assessed value from the reassessment done. If the 2015 budget presented tonight passes, the millage rate will increase to \$1.55 per thousand, or roughly a \$32.00 increase for a hundred thousand dollar home.

Current millage rates for other Towns in the County are as follows: Canaan-1.34, Germantown-2.56, Taghkanic-2.42, Hillsdale-2.16, New Lebanon-3.59. The Town of Austerlitz is extremely low for the County and even low when compared to other Towns of similar size.

Supervisor Lagonia notes that there are options in determining how to handle the \$130000.00 shortfall. The Town could take smaller increments each year over a span of years; take the whole shortfall in one year; or use savings.

The Town is not in dire straits, but it does need to plan in order to replace outdated highway equipment, to relocate the salt shed, to replace the grader, the Town Hall furnace, and to secure bonding. If the Town lowers its savings much more, this could affect the Town's credit rating.

What Supervisor Lagonia is proposing is that the shortfall of \$130000.00 is taken in one year. When looking to areas to cut, there really was not area that would make a big impact. Cuts were made none-the-less. Again, this is a \$32.00 increase for a hundred thousand dollar home. What is being presented tonight is the 2015 Preliminary Budget, not the Final Budget. R. Lagonia and the Town Board wanted to hear from the public with their thoughts and concerns.

The floor was opened for public comment.

Charles Vander Weit noted that to cut a 3% salary increase for some, or to even get rid of a highway employee would made such a miniscule difference it isn't even worth it. Give those who work hard a raise. And to cut people who work hard would cause financial problems.

Ben Puccio agrees.

Betsy Perlman disagrees because if the Town is in such dire straits, raises needed to be eliminated. B. Perlman asked if the Town considered pooling resources with other Towns such as is currently being done with the Building Inspector. Can the Highway Department share services? This may cut down the amount of highway equipment and personnel. Supervisor Lagonia noted that this is a good point and he has spoken to Town of Canaan Supervisor Rick Keevney about this. Each Town shares services to some degree, but sharing equipment on a full time basis is hard to do because each town needs the same equipment at the same time each year.

Town Board Member Mesick noted that when plowing snow, each highway worker is given a dedicated route and if towns combined this type of service, it would take longer to get roads plowed each day. In addition, towns are already involved in sharing work. The Town of Canaan and Austerlitz have worked on many projects together.

B. Puccio asked when the last time raises were given. Supervisor Lagonia noted that the Highway workers received 3% last year, but cautioned that the Town of Austerlitz' pay scale is much lower than other towns in the County, and with this being true, it is hard to replace men with such a low wage. Town Board Member Mesick stated that the Town of Austerlitz is about \$4.00/hour lower in its pay grades from the Town of Canaan.

C. Vander Weit asked what the cost of living increase was on a national level. Different answers were given.

Supervisor Lagonia went through payroll figures listed on the 2015 Preliminary Budget noting that in the case of the Town Clerk, although S. Haag is seeing a raise in salary, the Town Board decreased the amount allotted for a Deputy Town Clerk.

Gil Perlman advised the Town Board that about 2-3 years ago he came to a Town Board Meeting and asked the Town Board at that time to consider forming a coalition to look at the tax burden and ways to help ease the raising tax liability. G. Perlman realizes this is outside of individual Towns, but was and is looking for the community, and those around us, to get together to begin discussions looking for solutions. G. Perlman will volunteer his time to think about alternatives.

Supervisor Lagonia noted that taxes are increasing and it is scary. R. Lagonia used the rising cost of emergency services within the County as an example. This is really a global issue.

B. Puccio noted that residents need to speak with State Representatives, with the Governor, with the school districts, etc. But the Town is not going to solve this issue here tonight. Town Board Member Mesick noted that he is against all tax increases, even on a Town level. J. Mesick gets what G. Perlman is saying.

G. Perlman notes there is power in numbers. Supervisor Lagonia advised that the County Board of Supervisors talks about this all the time and is trying very hard to get control on costs in all areas.

G. Perlman agrees with the way in which the Town Board is trying to deal with the budget.

Supervisor Lagonia noted that it is his job to make sure the community is aware and that he does what the community wants him to do.

G. Perlman asked that a process to try and bring tax, as a whole across each venue, is begun.

Constance Mondel understands what G. Perlman's point is, but notes that does not answer the question of how to meet the need right now. G. Perlman's proposal would take months, or years and then may never go anywhere. The Ellsworth Kelly Foundation has been very good to the Town, but the Town cannot depend on the Foundation for everything.

A philosophical discussion continued.

B. Puccio thanked Supervisor Lagonia for the explanation and summary of the 2015 Proposed Budget.

All those wishing to be heard were heard.

A motion to close the public hearing for the 2015 Preliminary Budget was made by R. Lagonia and seconded by G. Vogler. Public Hearing closed at 6:50 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 September 18, 2014 Workshop/Public Hearing/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.

A motion to accept the September 23, 2014 Budget Workshop minutes was made by J. Mesick and seconded by M. Verenazi.

R. Lagonia: yes

B. Geel: absent

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 4:1.

A motion to accept the October 6, 2014 Special Town Board Meeting minutes 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.

Budget Amendments/Auditing of Accounts and Claims

Budget Amendment #6-2014

General Fund

A2555 Building Permits Increase \$3500.00

A1420.4 Attorney Increase \$3500.00

A7310.4 Youth Programs Increase \$2413.00

A7310.1 Youth Programs Decrease \$2413.00

Highway Fund

DA5110.1 General Repairs Increase \$1211.11

DA5140.1 Brush and Weeds Decrease \$1211.11

A motion to approve the above budget amendment 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.

A motion to approve 2014 General Fund #321-354, in the amount of \$14158.68, and Highway Fund #173-199, in the amount of \$104168.94 was made by J. Mesick and seconded by G. Vogler.

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 September 2014 submitted. Supervisor Lagonia advised that the Bryarcliffe Bond payments have been made. The Town Board seen vouchers tonight for \$110000.00 for Harvey Mountain Road Bridge replacement project. This project will be put in for C.H.I.P.s. In looking through the 2014 budget, most areas are tracking appropriately. There are line items that are off, either by overages or shortages.

Supervisor Lagonia has spoken to the NYS Comptroller's Office concerning the audit done of the Town. The NYS Comptroller's Office advised the Town that unfortunately they are slightly behind, but the Town will hear from them.

The plans for the Town Park project have been shown to the Kelly Foundation.

The amount the Town of Austerlitz will pay for the Chatham Rescue Squad will be increased for the 2015 cycle. If the Town of Austerlitz did not increase this amount, the Town would have lost services and had to make other arrangements. This increase is seen in the chargeback figure on the County portion of the tax liability.

The SEQRA process for the Parker purchase will begin on Monday.

Chatham Fuel came out to the Town Hall this week and serviced the furnace. Supervisor Lagonia was informed that the current furnace is in bad shape, the chamber cracked and broken; the pipe running to the chimney is bad, taped together. Because this is an emergency situation where the current furnace needs to be replaced ASAP, the Town is allowed to bypass the bidding process. Supervisor Lagonia called Bashford Mechanical and asked for a proposal noting that the Town would be switching from fuel oil to propane. Two proposals came in; one for the furnace only was \$3900.00. The second proposal which adds an air conditioning piece came in at \$6400.00. Supervisor Lagonia and Town Board Members Verenazi and Geel all know this company and their reputation is good. The Town Board discussed the bid. Town Board Member Mesick advised that the Town could receive C.H.I.P.s funding for this since it is an emergency. Supervisor Lagonia will look into this, although he is not sure how much funding will be available once the Harvey Mountain Road and the Mallory Road projects are complete.

A motion to accept proposal one for \$3900.00 from Bashford Mechanical was made by R. Lagonia and seconded by M. Verenazi.

R. Lagonia: yes

B. Geel: absent

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 4:1.

The second proposal will be looked at in the Spring.

Columbia County

On a County level, Supervisor Lagonia advised that the hot bed issues continue to be Pine Haven and Ginsberg's. Supervisor Lagonia toured Pine Haven and attended a meeting last night on Ginsberg's.

Town Clerk Report for the month of September 2014 submitted.

Highway Superintendent Report

Highway Superintendent Meehan was absent. No report given.

Planning Board Report for the month of September 2014 submitted.

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

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

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

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

No Dog Control Report for the month of September 2014 submitted.

Attorney Report submitted.

Engineer Report submitted.

A motion to accept the above reports 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.

Correspondence

Hover & Mackowski, PLLC on behalf of Samuel and Tracy Tassinari-Requesting First Refusal for Purchase of Current Town Hall.

Supervisor Lagonia noted that the Town received a similar letter from the Spencertown Fire Company. Supervisor Lagonia will respond to this request advising that the Tassinaris will be highly considered if any sale should occur. The Town will keep this request on file since it has no definitive plans for the current Town Hall at this point.

Unfinished Business

Town Park: Discussed

Parker Property: Discussed

Truck Lease:

A motion to purchase the 2015 GMC Sierra outright instead of leasing was made by J. Mesick and seconded by M. Verenazi.

R. Lagonia: yes

B. Geel: absent

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

New Business

Town Hall Furnace: Discussed

Resolution #45-2014, Authorization for Supervisor to Pay Capital Improvement Project Invoices

A motion to adopt Resolution #45-2014, Authorization for Supervisor to Pay Capital Improvement Project Invoices was made by R. Lagonia and seconded by M. Verenazi.

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

WHEREAS, the Town of Austerlitz has been conducting capital improvement projects for Town bridges and roads which qualifies for reimbursement in whole or in part from New York State CHIPs funds; and

WHEREAS, these capital improvement projects must be completed and all costs must be paid prior to the next scheduled Town Board meeting in order to qualify for reimbursement , and

WHEREAS, in order to qualify for reimbursement from the CHIPs program, all costs incurred in completion of these projects must be paid prior to submission for reimbursement; and

WHEREAS, the Town Board desires to have these projects qualify for CHIPs funds reimbursement for this year's program and, as such, wish to provide the Town Supervisor with the authorization to pay all final invoices for costs incurred in completion of these projects so that the deadline for CHIPs reimbursement is met;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Austerlitz hereby authorizes the Town Supervisor to approve and pay all invoices for costs incurred in the completion of the Harvey Mountain Road Bridge replacement project and the Mallory Road Culvert Replacement project in accordance with the bids and/or project costs previously authorized for said projects.

Highway Grader:

Supervisor Lagonia went over the quotes from Nortrax for the purchase of a new grader. A new quote was given in late September with a revised bid of \$265022.00, with a \$17000.00 trade in. The Town Board and Highway Superintendent Meehan discussed condition of the old grader and whether or not the grader could be fixed at all. Supervisor Lagonia advised that the \$50000.00

highway equipment line item in the 2014 budget was going to be used to payments for a new grader, but the Town Board just used that money to purchase the new highway truck out right instead of leasing it. At this point, the Town will not be making any payments toward the new grader until next year, so the 2015 budgeted highway equipment line item of \$50000.00 will be used for grader payments.

Mark Newton advised that if the Town does purchase a new grader, and takes care of it, it will last 15-20 years.

The Town Board discussed options, including whether or not to buy new or used. Town Board Members Verenazi and Mesick advised to buy new. Supervisor Lagonia will follow-up with Nortrax seeking better purchase figures and trade-in values. The Town Board discussed what the Highway Department will use in the meantime noting that the Town of Canaan will help. R. Lagonia will also check with Nortrax concerning rental equipment.

Public Comments

Ronnie Ryan: Questioned how emergency services are handled, specifically if a person can choose what hospital they want to go to. Mark Newton answered that if a situation is life or death, you cannot pick, but otherwise you can. Supervisor Lagonia explained how the emergency system is set up, where, and how paid for noting that the Chatham Rescue Squad provides great service to our community.

Judith Choate questioned what lawsuit the Town had concerning Bryarcliffe. Supervisor Lagonia noted he could not get into specifics, but one resident does not believe he should be included in the road district.

Ronnie Ryan advised the Town Board of an area on Reed Road that she felt was very dangerous because of a drop off. This section is out towards Route 9.

James Mannion came before the Town Board stating that he owns property on State Route 203. A resident whose mother owns 2 parcels next to his started to upgrade one of the parcels creating a driveway to the back parcel without any approvals or permitting from the Town. J. Mannion spoke with the Town of Austerlitz' Building Inspector questioning the need for permitting, especially since there may be an issue with the neighbor egressing on J. Mannion's property. The Building Inspector told him that everything that was being done was legal. Mr. Mannion is asking the Town Board if in fact no permits are needed for the work being done, especially creating a driveway. J. Mannion did have difficulty reaching the Town's Building Inspector and wrote a letter asking to meet with him after 4 failed attempts. The neighbor is also filling in a stream on the back parcel. J. Mannion called the NYSDEC concerning whether or not this was permissible. The NYSDEC came out and looked at the area and J. Mannion was advised to call the Army Core of Engineers which he did, but they have not yet come out to inspect the area.

Supervisor Lagonia advised that this really is not the jurisdiction of the Town Board. R. Lagonia questioned Building Inspector Lee Heim concerning this issue and L. Heim prepared a report for the Town Board which Supervisor Lagonia read. Supervisor Lagonia questioned whether the neighbor was still working on his project and J. Mannion advised that all work has stopped

currently. Supervisor Lagonia asked what J. Mannion is looking for the Town Board to do since the work has stopped, and J. Mannion noted he would like the Town Board to advise him as to whether or not a permit is needed for the work that was being done. J. Mannion also advised the Town Board that the statements made in the Building Inspector's Report are inaccurate.

Supervisor Lagonia asked J. Mannion to follow-up with the Planning Board Chairman, Jay Engle.

Executive Session

A motion to enter Executive Session for a personnel retirement issue 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. Executive Session entered at 8:06 p.m.

A motion to exit Executive Session 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. Executive Session was exited at 8:40 p.m.

Adjournment

A motion to adjourn was made by R. Lagonia and seconded by J. Mesick.

R. Lagonia: yes

B. Geel: absent

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 4:1. Meeting adjourned at 8:41 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk