

Town of Austerlitz
Town Board Meeting
November 20, 2014

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

Attorney for the Town, Joseph Catalano and Engineer for the Town, Paul McCreary also in attendance.

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

Moment of Silence, followed by the pledge of Allegiance.

Minutes

A motion to accept the October 16, 2014 Public Hearing/Regular Town Board Meeting minutes and the October 23, 2014 Special Town Board Meeting minutes was made by J. Mesick and seconded by M. Verenazi.

R. Lagonia: yes

B. Geel: abstain due to meeting absence

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 4:1.

Budget Amendments/Auditing of Accounts and Claims

Supervisor Lagonia noted that when looking at the financials, areas and accounts of concern since the beginning of the year are seeing shortages so budget amendments are needed.

Budget Amendment #7-2014

General Fund

A7310.4 Youth Programs increase \$167.57

A7310.2 Youth Programs decrease \$167.57

A1420.4 Attorney increase \$1875.00

A1440.4 Engineer increase \$2523.70

A1620.4 Buildings increase \$7105.59

A02610 Fines and Forfeitures increase \$11504.29

Highway Fund

DA5130.2 Machinery increase \$5000.00

DA5130.4 Machinery decrease \$5000.00

A motion to approve the above budget amendment was made B. Geel and seconded by G. Vogler.

R. Lagonia: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 5:0.

Supervisor Lagonia reminded the Town Board Members that the financials in front of them are October numbers and do not reflect November activity. The donation from the Ellsworth Kelly Foundation is not yet shown, nor are the payments through C.H.I.P.s money. The paperwork for C.H.I.P.s was completed earlier in the day. What could be submitted at this time was so the Town could recoup as much as possible before next year.

The overall 2014 budget figures are running tight as anticipated. The Town Board will have to make a decision if and when it wants to suspend the Enhanced Patrol for a short period of time. The Town Board compared the amount left in this line item as it relates to bills still outstanding, namely October through December. Supervisor Lagonia notes that this does bring in revenue for the Town.

The yearly bond payment paperwork for the highway garage is in and will be paid. This is the last bond payment of the year.

A motion to approve 2014 General Fund #355-396, in the amount of \$43070.29, and Highway Fund #201-232, in the amount of \$38744.35 was made by G. Vogler and seconded by J. Mesick.

R. Lagonia: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 5:0.

Reports

Monthly Cash Disbursements and Supervisor Report

Monthly Cash Disbursements for the month of October 2014 submitted.

Supervisor Lagonia advised that the Town still has not heard from the NYS Comptroller concerning the audit performed.

The Ellsworth Kelly Foundation did give the Town \$100,000.00 for Town Park renovations. Supervisor Lagonia submitted proposed plans to the Foundation on behalf of the Town Board. This project will not go out to bid until next year. There are no problems. Supervisor Lagonia just has not heard back from the Foundation to date.

The increase funding to the Chatham Rescue Squad may still not be enough and they will struggle again next year. The Town Board will have to again make some decisions on how it wants to handle emergency services in the future.

The new furnace at the Town Hall has been installed by Bashford who did a great job. The air conditioning piece will have to be decided in the Spring.

Different organizations throughout the Town will once again host Christmas festivities. The Town will participate with a tree lighting ceremony on December 12th at 6:00 p.m. The Spencertown Fire House will sponsor Santa who will be at the Town Hall this same night with refreshments. The Town Hall will be decorated by Barbara Smith and a little extra from Howes Horticultural.

Columbia County

On a County level, Supervisor Lagonia advised that the hot bed issues continue to be Pine Haven and Ginsberg's. The Ginsberg's project was knocked down by Ghent Planning Board. The County will write letter of support because this will mean big money for the County. Pine haven will have bid openings next week, and the County believes that the bids came in higher than anticipated.

Town Clerk Report for the month of October 2014 submitted.

Highway Superintendent Report

Highway Superintendent Meehan reported that the Highway Crew has been busy. Mallory Road is now opened with just minor things to finish. The Engineer for the Town came and inspected. The culvert replacement work on Harvey Mountain is done. New guardrails will be installed in the Spring. Currently there are jersey barriers in place for Winter. Seeding will also be done in the Spring.

Highway Superintendent Meehan noted that the Town Board signed a voucher to purchase a 1995 International truck from the Town of Canaan. This is a single axle truck, and includes a plow and a wing. It is in good condition and has 4 brand new tires and a sander. This will be a great addition to the highway equipment by upgrading what the Town currently owns.

Highway Superintendent Meehan and the Town Board discussed options for a new grader. Currently the Town Board has a quote from Nortrax for a John Deere, with a trade-in price of \$7000.00 for the old grader as it sits right now. Attorney for the Town Catalano advised that the Town Board can buy this new grader under the National Joint Alliance contract since there is a provision under NYS law whereby a Town can piggyback off of contracts from other States. This grader has already been awarded under the NYS contract and the price is 34% less than the list price. The Nortrax quote was discussed including financing options and available money. Supervisor Lagonia noted that a decision needed to be made if the purchase was going to be made this year noting that there is a 3 month lead time. The Town should have this onsite by Spring when it is needed most. Highway Superintendent Meehan advised that the John Deere from Nortrax has all the options the Town needs. Attorney Catalano advised that if the Town is not purchasing this piece of equipment outright, time is needed to work with the accountant on

financing documents because these will need to comply with NYS law for this type of purchase. It would be an installment contract.

A representative from Milton Cat was in attendance to present what his dealership has to offer. Milton Cat can provide a new grader from \$265000.00 and a used one for \$235000.00. Town Board Member Mesick noted that John Deere makes a good machine, but to be fair, so does Cat. R. Meehan gave the Town Board reasons why he would prefer the John Deere grader instead of a Cat. The Town Board discussed the Cat grader with the sales representative. Milton Cat can offer the same piggyback arrangement as Nortrax. Supervisor Lagonia questioned the Town Board on how they would like to proceed. Town Board Member Geel would like to get this going since Winter is coming.

A motion to pursue the purchase of a new grader; the Attorney for the Town and the Accountant for the Town will review the contract that was given to the Town from Nortrax to make sure it complies with NYS Municipal law was made by R. Lagonia and seconded by J. Mesick.

R. Lagonia: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 5:0.

The Town Board discussed financing options with the Milton Cat representative. Supervisor Lagonia will let Milton Cat submit a proposal as well. R. Lagonia will have something for the next Town Board meeting. In the mean time, Milton Cat will bring down a grader for Highway Superintendent Meehan to use and try out.

R. Meehan believes he will be able to use the Town of Chatham or the Town of Canaan's grader until we get a new one.

Planning Board Report for the month of October 2014 submitted.

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

The Town of Austerlitz Town Board recognizes Madsen Overhead Doors for being in business 60 years.

A motion to send a letter appreciation to Madsen Overhead Doors was made by R. Lagonia and seconded by J. Mesick.

R. Lagonia: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 5:0.

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

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

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

Dog Control Report for the month of September 2014 submitted.

Supervisor Lagonia advised the Town Board that Pondview Country Kennels wrote a letter advising the Town that they would no longer be able to be used by the Town of Austerlitz for dog shelter services. The letter explained that they are a no-kill shelter and at this point have too many dogs and cannot take anymore. They have offered to be an alternate shelter, if they have room at the time. Supervisor Lagonia noted this arrangement was very inexpensive for the Town and worked well. After checking around, the only other viable option is to use the Columbia Greene Humane Society which is more expensive, charging the Town up to \$305.00 per day unless redeemed within 24 hours. Then the cost is \$75.00. The Town only uses shelter services roughly 2-3 times a year. The Town Board reviewed a sample contract for the Humane Society. A new shelter agreement needs to be in place by January. Supervisor Lagonia will get back with the Town Board at the next meeting.

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

R. Lagonia: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 5:0.

Correspondence

Ellsworth Kelly Foundation-Donation of \$400,000.00: \$300,000.00 for purchase of Parker Property and \$100,000.00 for renovation of Town Park area.

Supervisor Lagonia cannot thank the Ellsworth Kelly Foundation enough for all their help, noting we are lucky to have them in our Town. They have given the Town of Austerlitz many wonderful opportunities.

Unfinished Business

Parker Property:

Engineer for the Town Paul McCreary came before the Town Board to discuss his report prepared for, and submitted to the Town Board, on the engineering and environmental investigation of the Parker Property that his engineering firm, Morris and Associates performed at the request of the Town Board. After explaining the contents of the report in detail, Engineer McCreary advised that there are no significant concerns with this property and the building is certainly usable as municipal offices and meeting space. The Town does need to have formal planning in place for the direction it chooses to go in and what it plans to do for renovations.

The water and waste water systems need to be upgraded and Engineer McCreary gave some options on how the Town could handle these upgrades.

Attorney for the Town Joseph Catalano advised the Town Board that NYS law requires that detailed plans, specifications and estimates be prepared for the renovation of the building and contracts be awarded to the lowest responsible bidder. Morris Associates can certainly help the Town with this.

Attorney Catalano stated that since the Town Board has agreed to basic terms to possibly purchase the Parker Property contingent on the completion of the engineering and environmental investigation and the SEQRA process, before the Town Board can make the final decision on this purchase, SEQRA must be completed. Once this is complete, the Town Board can authorize Supervisor Lagonia to enter into purchase contract for the Parker Property. It was noted that all monies for this purchase must come from donations verses tax payer money. If any tax payer money is used, the Town must go out for referendum. It was acknowledged by the Town Board that it is using no tax payer money for the purchase of the Parker Property and that the funds for the purchase and costs are being paid via a specific donation from the Ellsworth Kelly Foundation.

The Town Board completed the SEQRA review step by step, first by going through the information in Part 1 of the EAF form as prepared by the Town's engineer and legal counsel, and then answering each question in Part 2 as facilitated and explained by Engineer McCreary and as memorialized by the attachment to EAF.

A motion to accept Part 1 of the EAF as presented and to authorize Supervisor Lagonia to sign the EAF form was made by G. Vogler and seconded by J. Mesick.

R. Lagonia: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 5:0.

A motion to adopt the EAF as completed by the Town Board and to authorize Supervisor Lagonia to check the second box on page 4 which states, "Check this box if you have determined, based on the information and analysis above, and any supporting documentation that the proposed action will not result in any significant adverse environmental impacts," and to authorize Supervisor Lagonia to sign the EAF form was made by B. Geel and seconded by G. Vogler.

R. Lagonia: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 5:0.

Resolution #48, 2014, SEQRA and Purchase Authorization for Parker Property

A motion to adopt Resolution #48, 2014, SEQRA and Purchase Authorization for Parker Property was made by J. Mesick and seconded by M. Verenazi.

R. Lagonia: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 5:0.

Whereas, the Town Board has been seeking alternative space for Town offices and meeting space since the current Town Hall is a small one-room structure that is severely inadequate to house Town governmental administration and functions; and

Whereas, Martin Parker, the owner of the property adjacent to the current Town Hall offered to sell his property to the Town for a very reasonable price and the Town Supervisor solicited and obtained a commitment from the Ellsworth Kelly Foundation to contribute the full amount of the purchase price to the Town for the purchase of the property; and

Whereas, the property is approximately 0.298 acres improved with a large historic two-story building and a few outbuildings that will provide suitable meeting and office space for Town governmental functions; and

Whereas, upon authorization from the Town Board, the Town Supervisor executed a non-binding term sheet with Mr. Parker on September 12, 2014, that set forth the basic terms of a potential purchase agreement and which provided the Town with the right to conduct an environmental investigation and engineering feasibility study of the building; and

Whereas, thereafter the Town Board, on August 21, 2014, authorized Morris Associates Engineering Consultants PLLC (hereinafter "Morris Associates"), to conduct the investigation upon further commitment of the Ellsworth Kelly Foundation to subsidize the cost of such investigation and report; and

Whereas, Morris Associates completed the investigation and presented its report, dated November 19, 2014, to the Town Board at its meeting held on November 20, 2014 at which time an Environmental Assessment Form with Part 1 completed by Morris Associates and the Town's legal counsel, was also presented to the Town Board; and

Whereas, the Town Board reviewed and discussed in detail the Morris Associates report with an engineer from that firm, Paul McCreary, and also reviewed and discussed the Environmental Assessment Form; and

Whereas, since the Town Board is the only agency with the jurisdiction to approve the purchase of the property, and the only agency with discretionary jurisdiction over the anticipated improvement of the Property for Town use, it is acting both as the project sponsor and as lead

agency for purposes of conducting the environmental review required by the State Environmental Quality Review Act (SEQRA); and

Whereas, with the assistance of the Town's engineer and legal counsel and with the information gathered in the Morris Associates investigation and report, the Town Board completed Part 2 of the Environmental Assessment Form; and

Whereas, in completing Part 2 of the Environmental Assessment Form pursuant to the SEQRA regulations, the Town Board did not identify any moderate or large adverse environmental impacts that could result from the Town Board's action of purchasing the Property and for eventual use as a Town meeting and office space; and

Whereas, the Town Board believes it to have sufficient information to make a decision on whether to purchase the Parker Property for Town purposes;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board determines that the purchase of the Parker Property for eventual use as Town governmental offices and meeting space is an action that is subject to the State Environmental Quality Review Act (SEQRA) as an Unlisted Action as that term is defined under SEQRA and that the Town Board, being the only involved agency, designates itself as lead agency for purposes of the SEQRA review.
2. The Town Board having reviewed Part 1 of the Environmental Assessment Form and having discussed and completed Part 2 of the Form, hereby adopts the Environmental Assessment Form as completed.
3. Town Board, as lead agency hereby finds and concludes that the contemplated purchase of the Parker Property and its future use for Town government office and meeting space, does not result in the potential for a significant adverse environmental impact and that no further environmental review is required.
4. Based on the investigation and analysis of the Parker Property as described above, the Town Board desires to go ahead with the purchase of the Parker Property for Town purposes utilizing the generosity of the Ellsworth Kelly Foundation to donate the full funding for the purchase to the Town.
5. The donation to the Town by the Ellsworth Kelly Foundation for the specific purpose of financing the full purchase price of the Property constitutes surplus funds pursuant to Town Law sections 81 and 220, and, therefore, this resolution is not subject to a permissive referendum in accordance with Town Law sections 81 and 220 and this resolution shall thereby take effect immediately.

6. As such, the Town Board hereby authorizes the Town Supervisor to execute a purchase and sale agreement with Mr. Parker once such agreement has been approved by the Town's legal counsel.

There is a large, barn like structure on the Parker Property which Martin Parker would like since it has become evident that this building will be removed. Mr. Parker was advised to speak with his attorney concerning this so that it is built into the purchase contract. Closing costs will be paid for by M. Parker. There are some incidentals bills out that still need to be paid, but no costs are to come out of tax payer money. M. Parker is requesting to close in January of 2015. That is acceptable to the Town Board.

The Town Board discussed an invoice from Morris Associates for Town Park work.

Supervisor Lagonia thanked Engineer McCreary for coming to the Town Board Meeting and the Town Board looks forward to continuing to work with him on the Parker purchase and renovation. P. McCreary advised that the Town Board can make numerous decisions concerning renovation plans before he gets involved. This will save the Town money.

Resolution 46-20174, Adoption of the 2015 Final Budget

A motion to adopt Resolution 46-2014, Adoption of the 2014 Final Budget was made by G. Vogler and seconded by B. Geel.

R. Lagonia: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 5:0

WHEREAS, the Supervisor of the Town of Austerlitz prepared a Tentative Budget for the Town's fiscal year 2015 and presented that Tentative Budget at a special meeting of the Town Board held on October 6, 2014; and

WHEREAS, the Town Board reviewed the Tentative Budget and discussed and analyzed it with the Town Supervisor, and

WHEREAS, the Town Board adopted the Tentative Budget without changes made by the Town Board during the course of discussions regarding same as the Preliminary Budget and scheduled a public hearing on the Preliminary Budget for October 16, 2015; and

WHEREAS, the public hearing on the Preliminary Budget has been duly noticed and held;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Austerlitz hereby adopts the Preliminary Budget for 2015, without any changes made by the Town Board, as the Final Budget for the fiscal year of 2015 of the Town of Austerlitz; and

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the Final Budget as required by law.

New Business

Resolution 47-2014, Standard Work Day and Reporting

Supervisor Lagonia explained to the Town Board that 2 employees, Justice Sharon Grubin and Code Enforcement Officer Lee Heim kept track of the hours they worked for the Town of Austerlitz a second time. Both believed the previous time submitted was not an accurate portrayal of the actual time worked.

A motion to adopt Resolution 47-2014, Standard Work Day and Reporting was made by M. Verenazi and seconded by B. Geel.

R. Lagonia: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 5:0.

BE IT RESOLVED, that the Town of Austerlitz, location code #30889, hereby establishes the following as stand work days for elected and appointed officials and will report the following days worked to the New York State and local Employees'

Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 Digits)	Registration Number	Standard Work Day (Hrs/Days)	Term Begins/ Ends	Participates In Employer's Time Keeping System (Y/N)	Days/Months (based on Record of Activities)
Elected Officials Town Justice	Sharon Grubin	XXXX	XXXXXXXX	6 hrs	1/1/14-12/31/17	N	7
Appointed Officials Building Inspector/ Code Enforcement	Lee Heim	XXXX	XXXXXXXX	6 hrs	1/1/14-12/31/2014	N	8.82

**social security numbers and registration numbers deliberately left blank for privacy purposes.

2015 Health and Dental Insurance

Supervisor Lagonia advised that Insurance Broker, Steve Acciani, came out and discussed changes in law for the coming year. R. Lagonia noted that how the Town is currently charging employees for health and dental insurance is incredibly confusing and he would like to clean this area up. Supervisor Lagonia would like to stop paying for deductible coverage and start paying 100% of the premiums. The Town is paying far less on a hourly scale than other Towns in Columbia County. Supervisor Lagonia advised that there is enough in the 2015 budget to make this change. Town Board Member Geel believes the Town has a very generous benefit package.

The Town Board will think over what they would like to do and a decision will be made at the next Town Board Meeting.

2015 Dog Shelter Agreement

Discussed

Public Comments

None.

Executive Session

A motion to enter Executive Session for a personnel issue concerning a health insurance coverage payment was made by G. Vogler and seconded by B. Geel.

R. Lagonia: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 5:0. Executive Session entered at 8:51 p.m.

A motion to exit Executive Session was made by R. Lagonia and seconded by B. Geel

R. Lagonia: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 5:0. Executive Session was exited at 8:54 p.m.

Town Board discussed minor personnel matters.

Adjournment

A motion to adjourn was made by R. Lagonia and seconded by M. Verenazi.

R. Lagonia: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 5:0. Meeting adjourned at 9:12 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk