

Town of Austerlitz
Workshop/Public Forum/Town Board Meeting
March 19, 2015

Present: Robert Lagonia, Supervisor, Bryan Geel, Matthew Verenazi, Greg Vogler, Jon Mesick
Town Board Members, Robert Meehan (arrived at 5:43 p.m.), Highway Superintendent, and
Susan Haag, Town Clerk

A motion to open the Town Board Workshop was made by R. Lagonia and seconded by G.
Vogler.

R. Lagonia: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 5:0. Workshop called to order at 5:31 p.m.

New Town Hall: Supervisor Lagonia asked for thoughts from the Town Board on the proposal submitted by Architect Joe Iuviene. At the same time the Town Board discussed a proposal from Engineer for the Town, Paul McCreary. These are complimentary proposals as one deals with the actual structure and the other deals with outside issues. There are some additional options for an engineering piece that Supervisor Lagonia can pursue. Town Board Member Verenazi noted that by today's regulations, the septic system will have to be engineered. The Town Board discussed the difference between performing some of this work in-house versus bidding it out. Supervisor Lagonia would like to tap into residents of the Town of Austerlitz and ask them to help out and donate time. The Town Board believed that J. Iuviene's proposal looked in line. There is some duplication of efforts between the two proposals that would need to be clarified. First and foremost the Town Board must decide where the septic system is going. The Town Board also discussed issues around the well.

Supervisor Lagonia advised the Town Board that as a board they cannot bid out for purchase of the large barn on this property until they have definite plans and have gone through site plan review. During this process, the barn would need to be declared salvage based on the findings of a prepared plan submitted to the Town. Once this piece is in place, the Town Board can declare the barn salvage and put its removal out to bid.

Supervisor Lagonia asked that the Town Board formalize any questions they have for J. Iuviene. Town Board Member Vogler questioned who was going to have oversight of this project.

Supervisor Lagonia spoke with Jack Shear who is fine with using J. Iuviene, but requests that there is a meeting set up to go over thoughts and ideas.

Member Vogler would like to see a plan of action and sequence of work from J. Iuviene to make sure that all that the Town believes is covered in the proposal is actually covered. Supervisor Lagonia noted that plumbing, heating and electric issues do not seem to be covered.

The Town Board discussed the timing of hiring J. Iuviene to act as the architect for the project. Supervisor Lagonia will ask J. Iuviene to be available for questions during the next Town Board meeting. Members of the Town Board spoke very highly of J. Iuviene. Supervisor Lagonia will discuss the engineering proposal with Engineer McCreary and others in our community.

Town Park: Supervisor Lagonia noted that the Town Park renovation is a much more pressing project and needs to be put on the front burner. R. Lagonia met with Engineer for the Town, Paul McCreary last week concerning this project. The Town Board discussed the plans submitted by P. McCreary noting that what is currently there will be replaced. The plans include a multi-use court, a timber frame style pavilion, green space, lighting, power to the pavilion, change of where the power comes from the Academy to a new power source. The drainage work will be done by the Highway Superintendent Meehan and the Highway crew; a permit for this is currently being looked into. Installation of swings will also be done in-house. There are a couple of other minor changes that will be made including a storage area added to the pavilion.

Supervisor Lagonia will have P. McCreary put the bid package together for approval at next months' Town Board meeting and then go out to bid. The goal is to have this project done by July so there are no interruptions for the summer recreation program.

Lawn Care Bid Specs: Town Board will keep the 2015 lawn care specs the same only adding to mow and weed whack in the front of the new Town Hall.

Highway Bid Specs: Just a couple of changes on these from last year. The Town Board will not go out to bid for fuel because the Town will be using the County bid and will also use the County bid for heating for the Highway Garage and new Town Hall. Because of the problems incurred last year with the trucking bid, the specs have been changed to reflect the revised bid specs used the second time around last year.

A motion to close the Town Board Workshop 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. Workshop closed at 6:25 P.M.

Public Forum opened at 6:31 p.m. Public Forum called for the residents of the Spencertown Hamlet to voice concerns and issues surrounding the paving of State Route 203.

The Town Board looked at arial maps done up showing the Hamlet of Spencertown.

Barbara Smith questioned the increased size of the shoulders adding an additional four feet. B. Smith's concern is that many of the houses are very close to the road already and this will be taking more property frontage.

Highway Superintendent Meehan explained how he understands the project will play out based on a conversation he had with the NYSDOT workmen outside of Chatham: cold-in-place recycling of the existing asphalt payment to a depth of 5 inches and then overlay it with an inch and a half of asphalt.

Comprehensive Plan Oversight Committee Chairman Tim Stalker asked if it was possible to pave more area on the Rte 203 side of the Town Green, maybe another foot to help with parking.

Highway Superintendent Meehan noted the drainage issue by the entrance to the Town Park, the new Town Hall and Elm Street. R. Meehan noted that the height of the finish road will increase causing additional drainage issues if something is not done to correct them as the repaving progresses.

Town Board Member Bryan Geel questioned the time frame of the project noting traffic flow.

Town Board Member Greg Vogler questioned the life of the new road surface.

Chair Stalker noted that he has heard the following discussed at one time or another: crosswalks and where they should be located, traffic calming devices to slow speed, traffic and parking by Green and the new Town Hall. The Town needs to make sure NYSDOT is aware that the Town Hall will be moving.

Supervisor Lagonia will call the NYSDOT with these concerns and Chair Stalker will send an email.

A motion to close the Town Board Workshop/Public Forum was made by M. Verenazi and seconded by J. Mesick.

R. Lagonia: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 5:0. Public Forum closed at 6:53 p.m.

Regular meeting called to order at 7:03 p.m.

Moment of Silence, followed by the pledge of Allegiance.

Minutes

A motion to accept the February 26, 2015 Regular Town Board Meeting minutes was made by G. Vogler and seconded by J. Mesick.

R. Lagonia: yes

B. Geel: abstain due to meeting absence

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 4:1.

Auditing of Accounts and Claims

The Town Board discussed an invoice for a subscription renewal for the Columbia Paper. This subscription is for the benefit of the Town Historian. The general consensus of the Town Board was not to renew this subscription. Invoice for the Columbia Paper will not be submitted to the Town Board for payment.

A motion to pay General Fund, #57-82, in the amount of \$16883.38, and Highway Fund, #25-39, in the amount of \$45142.70, 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.

Supervisor Lagonia noted the payment to Caterpillar for the new grader.

Reports

Monthly Cash Disbursement and Supervisor Report

Supervisor Lagonia went over the February financials. Building permits are up compared to budget, as are fines and forfeitures. Supervisor Lagonia noted his concern that the projected sales tax figures will be low because of a hard winter. Appropriations for the attorney line are already at 38% attorney. Supervisor Lagonia advised that this is not due to Attorney Catalano's bills, but rather a combination of attorneys especially with the lawsuit concerning inclusion in the Bryarcliffe special road district. Supervisor Lagonia noted that Attorney for the Town, Joseph

Catalano, is doing a terrific job for the Town Board and the Planning Board and his bills are very reasonable.

NYS Comptroller's Audit: Supervisor Lagonia advised that the Corrective Action Plan required by the NYS Comptroller's office for the recently completed audit needs to be completed and filed. The two issues that were noted in the audit have been corrected.

New Highway Grader: Caterpillar is requiring the Town Board to pass a resolution to finalize paperwork for leasing the new grader. The first check has been sent. Once the resolution has been adopted and sent to Caterpillar, the transaction will be complete.

Highway Crew: Supervisor Lagonia noted that the Highway crew has clocked 642 hours of overtime this year with one less man, compared to 608 last year. These guys have worked their tails off this winter.

Town Insurance Policy: Supervisor Lagonia has a meeting scheduled with Rich Nesbitt to go over the insurance needs for the Town. Renewal for policies is coming up.

The Summer Program: Supervisor Lagonia noted that the Summer Recreation Program last year saw increased participation costs which will be carried forward to this summer. The kids will still be swimming at Fox Hill Camp Grounds and the Town will be using Michael Johnston Busing Company again. The Town Board consensus was to keep all these facets in place this summer.

New Town Hall: The Town received a bid from Architect Joe Iuveine for interior work and exterior walls. An additional contractor will be hired for the outside site plan work. J. Iuveine will be at the next Town Board Meeting to discuss this project. The Town Board will look into local contractors for the outside site plan work in addition to a plan already submitted by Morris Associates.

Highway Superintendent Report

Highway Superintendent Meehan reported mud season is here although the roads are not too bad because the snow is going slowly. There are sections on Dugway Road and Middle Road that have problems. A number of culverts froze; all but one are opened at this point. The Highway Crew has been grading and filling pot holes. There have been large trucks hauling timber that have been asked to stay off the roads until they are more solid. The dirt roads have been marked with weight limit signs. There is roughly 800 tons of sand left in the sand barn. That should be enough to get through the rest of the winter, but it will be close. The payment on Angel Hill Road took a beating this year and will need major repairs this summer.

East Hill Bridge Replacement: Supervisor Lagonia noted that Morris Associates advised that the replacement work on the culvert on East Hill Road does not have to be done this year. Highway Superintendent Meehan advised that if the Town does not replace this bridge this year, there needs to be a weight limit placed for liability issues. This should mitigate some, if not all, of the liability. This bridge was flagged two years ago by the County. The Millay Society is running a full time program now so traffic is heavier. Supervisor Lagonia and the Town Board would like clarification on the actual condition since it seems to be in question. Second question would be exactly what the correct course of action is to fix this bridge. Should this project be done in-house or bid out. If the Town can wait a year, for C.H.I.P.s funding purposes, maybe the project can start in the fall and finish in the Spring.

Town Board Member Jon Mesick discussed the replacement work done on this bridge previously since he worked on that project. J. Mesick would like to know how much it would cost just to redeck this bridge versus a full replacement because he does not believe that the bridge is as weak as it is portrayed to be. Highway Superintendent Meehan would like clarification from Morris Associates on exactly what needs to be done.

Town Board Member Vogler noted that the Town Board needs to look at the price of this project once the variables are known and make decisions from there.

Highway Bid Specs: Town Board reviewed the present annual Highway bid specs making note of the trucking section that was changed from last year.

A motion to authorize advertisement for annual Highway bids for the Town Austerlitz so that bids are advertised to be opened on April 13, 2015, at 10:15 a.m. understanding that the bids will be awarded at a reasonable amount of time thereafter was made by J. Mesick and seconded by B. Geel. The Town Board has the right to reject all bids.

R. Lagonia: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 5:0.

Town Clerk Report for the month of February 2015 submitted.

Tax Collector Report for the month of February 2015 submitted.

Planning Board Report for the month of February 2015 submitted.

Comprehensive Plan Oversight Committee Report for the month of February 2015 submitted. Concerns and issues surrounding the payment of State Route 203 that were discussed in the public forum will be submitted to NYSDOT by Supervisor Lagonia and Comprehensive Plan Oversight Committee Chair Tim Stalker.

Chair Stalker advised the Town Board that an audit of the current Town Laws should be undertaken as advised by the coding company several years ago. The Comprehensive Plan Oversight Committee can take this on and report to the Town Board. In addition, the Comprehensive Plan Oversight Ad Hoc Committee that was looking over the Zoning Law should start to meet again to discuss the ridge line protection section, and the subdivision boundary line adjustment section. Chair Stalker believes both these sections need to be reworked. Supervisor Lagonia advised that the Town Board has a lot on their plates right now with current Town projects so he is not sure how much time is left for this.

Building Inspector/Code Enforcement Report for the month of February 2015 submitted.

Justice Cassuto Justice Court Report for the month of February 2015 submitted.

Justice Grubin Justice Court Report for the month of February 2015 submitted.

No Dog Report for the month of February 2015 submitted.

Attorney Report for the months of January and February 2015 submitted.

Supervisor Lagonia noted the section of this report concerning the large barn on the new Town Hall property that the Town Board had wanted to sell by putting it out for bid. Unfortunately there is a process that the Town must follow in order for this to happen which Attorney for the Town Catalano spelled out. Selling this barn is still possible, but steps must be taken first.

In referencing the settlement of the Fizzingolia Law suit, Highway Superintendent Meehan needed the specifics agreed upon so he can replace the culvert in question.

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

R. Lagonia: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 5:0.

Correspondence

June Simons: Asks the Town of Austerlitz Town Board to adopt a resolution calling on the State Legislature to discontinue the implementation of the Common Core State Standards and participation in the Partnership for Assessment of Readiness for College and Careers Consortium in favor of an independent state-based approach to the improvement of the education system in New York.

The consensus of the Town Board was although no one is a fan of the Common Core, this is not under the Town Board's area of responsibility.

NYS Dept of Ag and Markets: Dog Control Officer Inspection Report completed on 2/25/15. Findings were rated as satisfactory.

St. Peter's Presbyterian Church: Permission to use the Spencertown Green on May 30, 2015 for the Annual 'Welcome to Summer in Spencertown' event and closure of a portion of County Route 7 in front of the church from 8:00 am to 4:00 p.m.

A motion to allow the St. Peter's Presbyterian Church to use the Spencertown Green on May 30, 2015 for the Annual Welcome to Summer in Spencertown was made by B. Geel and seconded by G. Vogler, closing County Route 7 in front of St. Peter's Presbyterian Church.

R. Lagonia: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 5:0.

Columbia County Enhanced Patrol Contract: Supervisor Lagonia advised that nothing has changed in this year's contract except a slight increase in rates.

A motion to authorize Supervisor Lagonia to execute the 2015 Enhanced Patrol Contract 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.

Unfinished Business

New Town Hall: Discussed

Town Park: Supervisor Lagonia advised that there will be some minor changes to the bid specs. Updated specs will be presented at the next Town Board meeting for approval to be sent out for bid and hopefully have the work done by July when the Summer Recreation Program will start. Supervisor Lagonia noted the changes the Town Board decided on in the workshop.

Paving of State Route 203: Discussed

Historical Records: Supervisor Lagonia advised the Town Board that he believed that all the Town Historical records had been turned over to the Town, but has since learned this is not the case. R. Lagonia and Town Clerk Haag have been trying to retrieve these additional records, but so far have had no luck.

In addition, the Town has learned that the Columbia County Historical Society has a minute book of the Towns from the 1800s that Town Clerk Haag is looking into how to get back. This minute book is a Town record of decisions made and direction taken that should be housed at the Town.

Supervisor Lagonia advised that currently the Town's Historical records removed from the Historian's use are being housed at the Austerlitz Historical Society. R. Lagonia would like to draw up a contract between the Town and the Austerlitz Historical Society listing all Town Historical records, stating that they are owned and under the authority of the Town, but will be housed at the Austerlitz Historical Society. Access to these records would also be spelled out. Supervisor Lagonia noted that the Town is fortunate to have such an active historical society.

Supervisor Lagonia noted the Town Board's decision to not renew the subscription to the Columbia Paper and he will work with the Town's current Historian to retrieve the remaining Town records still being held by the Historian. Supervisor Lagonia will also look into drawing up an agreement for the housing of these records.

NYS Comptroller's Audit: Discussed

Cat Grader Purchase:

Resolution #32, 2015, Governmental Entity Resolution to Lease, Purchase and/or Finance

A motion to adopt Resolution #32, 2015, Governmental Entity Resolution to Lease, Purchase and/or Finance was made by G. Vogler and seconded B. Geel.

R. Lagonia: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes
Motion carried 5:0.

WHEREAS, the law of the State of New York (the 'State') authorize the Town of Austerlitz, NY (the 'Governmental Entity'), a duly organized political subdivision, municipal corporation or similar public entity of the State, to purchase, acquire and lease personal property for the benefit of the Governmental Entity and its inhabitants and to enter into any necessary contracts; and

WHEREAS the Governmental Entity wants to lease, purchase and/or finance equipment ('Equipment') from Caterpillar Financial Services Corporation and/or an authorized caterpillar dealer ('Caterpillar') by entering into that certain Governmental Equipment Lease-Purchase Agreement (the 'Agreement') with Caterpillar' and

WHEREAS the form of the Agreement has been presented to the governing body of the Governmental Entity at this meeting.

NOW THEREFORE BE IT RESOLVED that (i) the Agreement, including all schedules and exhibits attached to the Agreement, is approved in substantially the form present at the meeting, with any Approved Changes (as defined below), (ii) the Governmental Entity enter into the Agreement with Caterpillar and (iii) the Agreement is adopted as a binding obligation of the Governmental Entity; and

BE IT FURTHER RESOLVED that changes may later be made to the Agreement if the changes are approved by the Governmental Entity's counsel or members of the governing body of the Governmental Entity signing the Agreement (the 'Approved Changes') and that the signing of the Agreement and any related documents is conclusive evidence of the approval of the changes; and

BE IT FURTHER RESOLVED that the persons listed below, who are the incumbent officers of the Governmental Entity (the 'Authorized Persons):,

Robert Lagonia, Supervisor

be, and each is, authorized, directed and empowered, on behalf of the Governmental entity, to (i) sign and deliver to Caterpillar, and its successors and assigns, the Agreement and any related documents, and (ii) take or cause to be taken all actions he/she deems necessary or advisable to acquire the Equipment, including the signing and delivery of the Agreement and related documents; and

BE IT FURTHER RESOLVED that the Clerk of the Governmental Entity is authorized to attest to these resolutions and affix the seal of the Governmental Entity to the Agreement, these resolutions, and any related documents; and

BE IT FURTHER RESOLVED that nothing in these resolutions, the Agreement or any other document imposes a pecuniary liability or charge upon the general credit of the Governmental Entity or against its taxing power, except to the extent that the payments payable under the Agreement are special limited obligations of the Governmental Entity as provided in the Agreement; and

BE IT FURTHER RESOLVED that a breach of these resolutions, the Agreement or any related document will not impose any pecuniary liability upon the Governmental Entity or any charge upon its general credit or against its taxing power, except to the extent that the payment payable under the Agreement are special limited obligations of the Governmental Entity as provided in the Agreement; and

New Business

RFP Barn Removal New Town Hall: Discussed

Town Park Bid Package: Discussed

Summer Recreation Program: Discussed

Bid Specs Lawn Care: Supervisor Lagonia noted that there is only one change to the 2015 Lawn care bids adding an area around the new Town Hall to mow.

A motion to authorize advertisement for the annual Lawn Care bids for the Town Austerlitz so that bids are advertised to be opened on April 13, 2015, at 10:00 a.m. understanding that the bids will be awarded at a reasonable amount of time thereafter was made by M. Verenazi and seconded by J. Mesick. The Town Board has the right to reject all bids.

R. Lagonia: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 5:0.

Bid Specs Highway: Discussed

East Hill Road Bridge Specs: Discussed

Enhanced Patrol Contract: Discussed

Norton Road: Highway Superintendent Meehan made the Town Board aware of a project that the Town of Canaan was undertaken that would effect our Town. The Town of Canaan section of Norton Road is in the process of being abandoned. The Town of Austerlitz plows the portion of Norton Road in the Town of Austerlitz, but uses a turn around on the Town of Canaan side. R. Meehan showed plans to the Town Board of how this turnaround would be handled. It was the consensus of the Town Board to have Attorney for the Town, Joseph Catalano review.

Public Comments

Judith Choate advised the Town Board that the park renovation schedule that may conflict with scheduled events the Spencertown Academy already has scheduled. These are not huge events, but they are concerned about parking. Supervisor Lagonia noted that there will be no work being done on the parking area. Once the Town Board has a better sense of the timing of this project, they will look into the timing of the events. The Town will work with the Academy.

Town Board Member Vogler that one big event, the Festival of Books is held in September and this is a big event. If the renovation work can not be done in the Spring and is held off until September, the Town Board must keep the timing of this event in mind.

Susan Geel questioned the contract the Town may enter into with the Austerlitz Historical Society noting that the Town should limit the access and use by anyone other than the Town to the Town's Historical records. Supervisor Lagonia will make sure that all players are comfortable with the boarders put in place.

Adjournment

A motion to adjourn was made by G. Vogler 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 8:11 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

