

Town of Austerlitz
Town Board Meeting
September 17, 2015

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

Bryan Geel absent.

Workshop called to order at 6:23 p.m.

Workshop called to present the 2016 Tentative Budget and discuss numbers.

Supervisor Lagonia noted that he worked on this budget with Town Board Member Greg Vogler's help. Accountant for the Town, Nelson Furlano came out and was very helpful as well. The following points were made:

- 1.) The property tax increase was .7% (.007), less than the tax cap of .73% (.0073).
- 2.) Total overall 2016 general and highway spending is down approximately \$7,000 from 2015 (excluding the extra CHIPS money we got this year). Notable decreases in spending: Enhanced Patrol (\$8,000), Pension (\$21,000), Highway staff comp due to reduction in staff (\$10,000 lower even including the 3% raises), and CEO (\$4,650) since no car to buy.
- 3.) 2% salary increases given to Supervisor Lagonia, Susan Haag/Town Clerk, Mary Davis, Tax Assessor Pam Cook, CEO Lee Heim and Dog Control Office Wes Powell. 3% increase given to all Highway personnel including Superintendent Meehan. Notable no increases: Town Justices, Town Board, ZBA and Planning Committees and Historian.
- 4.) The millage decreases from 1.561 to 1.547 or 1.4 cents per \$100 of assessed value, as overall taxable assessed value of town increased.
- 5.) Fire District numbers are outstanding.
- 6.) \$25,000 added to General Road Repairs to budget appropriately to fix our roads.

The Town Board discussed salary lines and went over line item numbers. Possible highway equipment purchases for next year were discussed. Supervisor Lagonia made note that health insurance costs are the only variable since solid figures are not available as of yet.

Skid Steer Purchase: The Town Board looked at a bid from Milton Cat, and discussed options available.

A motion to close the workshop 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.

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 Austerlitz 27, 2015 Regular Town Board Meeting minutes 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.

Auditing of Accounts and Claims

Budget Amendment #2-2015

General Fund

A1740.4 Playgrounds increase by \$508.00

A7310.1 Youth Programs decrease by \$508.00

A motion to approve budget amendment #2-2015 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 pay General Fund, #277-304, in the amount of \$9991.00, and Highway Fund, #137-150, in the amount of \$18698.22, 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.

Reports

Monthly Cash Disbursement and Supervisor Report

Monthly Cash Disbursement for the Month of August 2015 submitted. Supervisor Lagonia noted the fund balances in each account. Spending is in line. Some line items are under such as salt and sand, but orders are just starting to be placed. Under revenues, sales tax and fines are coming in as projected.

Town Park Renovations: Supervisor Lagonia noted that this is still a very challenging project because to date, only one bid as been received and that is for asphalt. Engineer for the Town, Morris Associates, is trying very hard to get bidders.

State Route 203 Repaving Project: This should be completed by the end of September.

Town Newsletter: The first newsletter is on the website. Town Board Member G. Vogler did a great job and took the lead on the project. Periodically new editions will come out.

New Town Hall: Architect Joe Iuviene sent a letter updating the Town Board as to future steps and stages in the new Town Hall project. Supervisor Lagonia noted that next month the Town should receive additional funding from the Ellsworth Kelly Foundation. Once this funding is secured, the basement of the building will be gutted to see what is there and then a plan will be formulated to move forward. The Columbia County Board of Health has sent out an approval for the septic system and the Town Board will be completing the work necessary to purchase land from the Mondels.

As far as the actual building is concerned, the roof and steeple need to be discussed. When funding is secured, Supervisor Lagonia will get back with Joe Iuviene and schedule a time for him to come out and discuss future planning.

Columbia County

On a County level, Supervisor Lagonia noted CCEDC is continuing to work through their bylaws change and a new contract.

Highway Superintendent Report

Highway Superintendent Meehan reported the repair work on Angell Hill Road has started, and paving began today. The overall project is going well. Shouldering and blacktopping entrances to driveways still need to be done. West Hill Road has some minor items left to do. Harvey Mountain Road still needs some minor finishing work and then the Reed Road project will be next.

The truck for sale by the Red Rock Fire Company is parked next door for the Town Board to look at. Price is \$2500.00. This would be purchased to use as a water truck for dust control. The consensus of the Town Board is the same as last month and this truck will not be purchased. Discussed options out there the Town Board could look at.

Town Clerk Report for the month of August 2015 submitted.

Planning Board Report for the month of August 2015 submitted.

No Comprehensive Plan Oversight Committee Report for the month of August 2015 submitted.

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

Supervisor Lagonia advised that the meeting that was held with Code Enforcement Officer Lee Heim went well and Attorney for the Town Catalano was going to clarify some of the Town's Code to help alleviate some of the concerns and issues.

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

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

Dog Report for the months of July and August 2015 submitted.

Payroll Reports for the month of August 2015 submitted. The Town Board decided to discontinue presenting these at a Town Board meeting and discussing protocols and procedures in place.

A motion to accept the above reports 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.

Correspondence

None

Unfinished Business

New Town Hall: Discussed

Town Park Bid: Discussed

Court Clerk Appointment:

Resolution #37-2015 Appointment of Court Clerks

A motion to adopt Resolution #37-2015 Appointment of Court Clerks was made by R. Lagonia and seconded by G. Vogler.

R. Lagonia: yes

B. Geel: absent

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 4:1.

Whereas, at the Town Board meeting held on August 27, 2015, Town Board appointed two temporary Town Court Clerks as an interim measure to have clerk coverage for the Town Court

while the Town Justices searched for candidates to replace Eileen Olsen, the individual appointed as Town Court Clerk at the Town 2015 organizational meeting for a one year term but who resigned on July 17, 2015; and

Whereas, since the Town Board meeting held on August 27th, the Town Justices have each found and nominated an individual to serve as Court Clerk; and

Whereas, the Town Justice Sharon Grubin has nominated Loren Brink to be her Court Clerk and Town Justice David Cassuto has nominated Carol Wilbur to be his Court Clerk; and

Whereas, the Town Board desires to accommodate the Town Justices and finds no reason why a Clerk for each Justice cannot work so long as the compensation for both fits into the Town's annual budgetary appropriation for such position; and

Whereas, the Town Board determines to pay each clerk equally on a pro rata basis as to the remainder of the entire Court Clerk annual budget appropriation which is \$9,500 (combining the \$9,200 for the Clerk position and \$300 for the Deputy Clerk position) which comes out to \$92.35 per week for each clerk for the remainder of the year;

NOW, THEREFORE, BE IT RESOLVED as follows:

- The Town Board determines that the service of Eileen Olsen and Kati Bell as Court Clerks on a temporary basis has ended as of September 17, 2015; and the Town Board thanks both individuals for filling in and serving on such an emergency basis and for training the new appointees.
- The Town Board hereby creates an additional Court Clerk position so that there is a Court Clerk position for each Justice.
- The Town Board hereby eliminates the position of Deputy Court Clerk and hereby makes the budget adjustment of transferring the \$300 annual appropriation for the Deputy Court Clerk to the Court Clerk salary line item.
- The Town Board hereby appoints Loren Brink, effective as of September 8, 2015, as Court Clerk for Town Justice Grubin for the remainder of the calendar year at the salary rate of \$92.35 per week to be paid on monthly basis.
- The Town Board hereby appoints Carol Wilbur, effective as of September 9, 2015, as Court Clerk for Town Justice Cassuto for the remainder of the calendar year at the salary rate of \$92.35 per week to be paid on monthly basis.
- Both Court Clerks will fill the unexpired one year term of the Court Clerk that was appointed in January 2015.
- The Town Board hereby ratifies and approves the termination of Kati Bell and Eileen Olsen as temporary Court Clerks and also ratifies and approves the hiring of the two new appointees so that they received training from the temporary Clerks.
- This resolution shall be deemed to take effect as of September 8, 2015 for purposes of ratifying and approving the acts of the Town Supervisor, Town Clerk and Town Justices with respect to the termination of Eileen Olsen and Kati Bell as temporary Clerks and the hiring of the new appointees as set forth above.

Skid Steer:

A motion to purchase a Caterpillar 2460D XPS from Southworth-Milton, Inc. for \$70743.00 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.

Mondel Land Purchase:

Attorney for the Town, Joseph Catalano, explained the status of the purchase of land from the Mondels, the septic system approval, the parameters involved and back work. When originally performing the SEQRA Review for the purchase of the new Town Hall from Martin Parker, the Town was not aware that an additional land purchase may have to be made due to the placement of a new septic system it was not aware would need to be installed. In order to move forward, an additional SEQRA Review is necessary.

SEQRA Review

Part 1 of the SEQRA Review was presented to the Town Board by Attorney Catalano.

A motion to accept Part 1 of the SEQRA Review as presented 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.

Part 2 was prepared by the Town Board and Attorney Catalano

A motion to accept Part 2 as prepared by the Town Board 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.

Resolution #36-2015 Mondel Land Transfer

A motion to adopt Resolution #36-2015 Mondel Land Transfer 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.

Whereas, the Town acquired the property adjacent to the Town Hall in February 2015 for purposes of renovating the property and main building for use as the future Town Hall and meeting complex; and

Whereas, said property acquisition and future renovation project was the subject of engineering investigation and environmental review pursuant to the State Environmental Quality Review Act ("SEQRA") as well as a Town Board resolution dated, November 20, 2014; and

Whereas, since then the Town Board has been planning and taking steps for such renovation of the property and one of those steps is to locate and install a new septic system for the main building since the existing system is not serviceable or compliant with current regulations; and

Whereas, it was determined that the location of a septic system would be best located adjacent to but off the recently acquired Town Hall property; and

Whereas, the neighboring property owners, Joseph and Constance Mondel, have offered to convey to the Town a vacant strip of land comprising approximately 0.40 acres for the purpose of locating and installing a septic system for the new Town Hall as well as for other site amenities such as landscaping and perhaps accommodation for parking; and

Whereas, Mr. and Mrs. Mondel have proposed to dedicate the land to the Town for such purposes provided they have reserved a right of way for access to Route 203 and provided they receive a one-time payment of \$5,000 in consideration for the conveyance of title; and

Whereas, the Town Supervisor has received a commitment of the Ellsworth Kelly Foundation to donate the funds for the acquisition of this piece of land as well as future improvements to the Town Hall project; and

Whereas, although the Town Board had contemplated the need for a new septic system for the Town Hall project and addressed that need in the SEQRA review conducted for the Town Hall project, based on further engineering investigation and on the Mondel offer to convey the land needed for septic installation, the Town Board is amending the project to include the use of the strip of land offered by Mr. and Mrs. Mondel for the Town Hall project and supplementing the Town Board environmental review for the project accordingly; and

Whereas, in this regard, the Town Board has received and reviewed an environmental assessment form ("EAF") prepared by Town counsel for the acquisition of the property offered by Mr. and Mrs. Mondel and with the assistance of Town Counsel has completed Part 2 of the EAF; and

Whereas, in completing Part 2 of the EAF 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 acquiring the 0.4-acre parcel of land and the installation of a septic system on that property together with other minor site improvements that may occur on that property; and

Whereas, the Town Board believes it to have sufficient information to make a decision on whether to acquire the proposed property in question and the use of that property to the Town Hall project;

NOW, THEREFORE, BE IT RESOLVED as follows:

- The Town Board determines that the purchase of the small strip of land from Joseph and Constance Mondel for eventual use as the site for a septic system and other site improvements for the adjacent 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.
- 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.
- Town Board, as lead agency hereby finds and concludes that the contemplated purchase of the approximately 0.40-acre piece of land from the Mondels and its future use for the septic system and site amenities for the adjacent 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.
- Based on the investigation and analysis of the Town Hall project and the acquisition of the portion of Mondel property as described above, the Town Board desires to go ahead with the purchase of the property from Mr. and Mrs. Mondel for Town purposes utilizing the generosity of the Ellsworth Kelly Foundation to donate the full funding for the conveyance of that property to the Town.
- The donation to the Town by the Ellsworth Kelly Foundation for the specific purpose of financing the costs of this property acquisition and improvements 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.

As such, the Town Board hereby accepts the offer of dedication from Joseph and Constance Mondel dated September 17, 2015, pursuant to the terms therein and authorizes the Town Supervisor to execute such agreements with the Mondels and take such other acts with the assistance of the Town's legal counsel to effectuate such transfer of title as contemplated herein.

New Business

Columbia County Youth Bureau Agreement:

A motion to authorized Supervisor Lagonia to sign the Agreement between the County of Columbia, Acting through the Columbia County Youth Bureau and The Town of Austerlitz was made by R. Lagonia and seconded by G. Vogler.

R. Lagonia: yes

B. Geel: absent

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 4:1.

2016 Health Insurance: Supervisor Lagonia advised that the Town needs clearer numbers, which will not become available for a couple months, before making a decision as to which carrier to choose.

NYSEG Easement:

Resolution #36-2015 NYSEG Utility Easement

A motion to adopt Resolution #36-2015 NYSEG Utility Easement 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.

BE IT RESOLVED that the Town of Austerlitz Town Board hereby shall authorize Robert Lagonia, Supervisor for the Town of Austerlitz, to execute an easement to New York State Electric and Gas Corporation for the purpose of installing electric facilities along Town property on State Route 203, tax map #86.1-1-21 and more fully described in the easement being presented.

Columbia County Planning Board Region #2 Representative:

Supervisor Lagonia noted that the current Region #2 representative is Tim Stalker whose term ends December 31, 2015. The Columbia County Planning and Economic Development is looking for the Town of Austerlitz' recommendation to fill this position for a term running January 1, 2016 through December 31, 2018.

A motion to recommend Tim Stalker as the Town of Austerlitz' Region #2 representative on the Columbia County Planning Board 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.

2016 Budget:

Town Clerk Susan Haag presented the 2016 Tentative Budget to the Town Board. Supervisor Lagonia explained the 2016 Tentative Budget at the preceding workshop.

After Town Board review of the tentative budget for the fiscal year 2016 and explanation of budget details by the Town Supervisor, a motion was made by G. Vogler and seconded by J. Mesick to adopt the 2016 Tentative Budget, without any changes, alterations or revisions, as the 2016 Preliminary Budget and direct that the Preliminary Budget be filed in the office of the Town Clerk.

Town Clerk took the following poll vote:

R. Lagonia: yes

B. Geel: absent

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 4:1.

A motion to schedule a public hearing for the 2016 Preliminary Budget for October 15, 2015 beginning at 6:30 p.m. at the Town Hall was made by R. Lagonia and seconded by G. Vogler.

R. Lagonia: yes

B. Geel: absent

J. Mesick: yes

M. Verenazi: yes

G. Vogler: yes

Motion carried 4:1.

Public Comments

Ellen Melnick questioned Highway Superintendent Meehan on the condition of Cross Road. Superintendent Meehan advised he will correct the issues.

Executive Session

A motion to enter into Executive Session for a personnel matter 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. Executive Session entered at 7:55 p.m.

A motion to exit Executive Session was made by R. Lagonia 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 exited at 8:25 p.m.

No decision or actions were taken by the Town Board.

Adjournment

A motion to adjourn 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. Meeting adjourned at 8:26 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk