

Town of Austerlitz  
Town Board Meeting  
June 16, 2016

Present: Robert Lagonia, Supervisor, Greg Vogler, Jere Wrightsman, and Nansi Friedman, Town Board Members, Highway Superintendent Robert Meehan, and Susan Haag, Town Clerk.

Matthew Verenazi absent due to vacation.

Meeting called to order at 7:03 p.m.

Moment of Silence, followed by the Pledge of Allegiance.

**Minutes**

A motion to accept the May 19, 2016 Town Board Meeting minutes was made by J. Wrightsman and seconded by G. Vogler.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: absent

N. Friedman: yes

J. Wrightsman: yes

Motion carried 4:1.

**Auditing of Accounts and Claims**

A motion to pay General Fund, #169-201, in the amount of \$35908.46, Highway Fund, #99-114, in the amount of \$20101.64, and Capital Fund #31-33, in the amount of \$643.27 was made by J. Wrightsman and seconded by N. Friedman.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: absent

N. Friedman: yes

J. Wrightsman: yes

Motion carried 4:1.

**Reports**

**Monthly Cash Disbursement and Supervisor Report**

Monthly Cash Disbursement for the Month of May 2016 submitted. Supervisor Lagonia noted the balances in each account with a total of 1.45 million as of May. Revenues are tracking okay, some up, some down. Appropriations are in line at this time. Highway Superintendent Meehan has a number of projects coming up to be completed which will use a good chunk of the budgeted money.

Bid were opened this afternoon for the new pavilion. One received.

There has been more vandalism at the Town Park. This time the new fencing has been bent. This is a shame because a lot of time and money has gone into this project to have something

ruined so quickly! Supervisor Lagonia was thinking about purchasing a trail camera to put in the woods to do surveillance. R. Lagonia is not looking to do law enforcement work, but these courts are brand new and there is too much vandalism going on. In addition, a police presence is not around enough to actually catch someone.

Town Board Member Friedman question what the thoughts were about publicizing that there is a camera in use. Consensus was that this is a good idea. Town Board Member Wrightsman is concerned about the quality of the pictures taken and whether or not a good enough picture of a face could be taken. Member Friedman noted a vendor she remembers from the A.O.T. training in the City, B & H. N. Friedman can look into this company as they want to help communities be productive.

Supervisor Lagonia advised that he and Town Board Member Vogler did an extensive study a few years ago on fees charged for the Summer Recreation Program. At that time there were a number of nonresidents. Fees were increased at that time for both residents and nonresidents. Program Director, Debbie Oleynek is running into some difficulty this year with residents wanting to pay the resident fee for family members who live out of Town. In order to get the resident rate, the child must live in the Town of Austerlitz.

Highway Superintendent Meehan is continuing to look for garbage can options to use at the Town Park. R. Meehan prefers concrete because they are more durable and noted that an additional one needs to be purchased for the Town Green. R. Meehan will get the garbage receptacles ordered.

Supervisor Lagonia noted how nice the new gardens on the Town Green look.

The brick dust for the ball field at the Town Park has not yet arrived. Payment must be received before the company delivers. There is an invoice in the vouchers for this meeting.

#### Highway Superintendent Report

Highway Superintendent Meehan reported that there are several projects that are on hold because the Engineer for the Town, Ray Jurkowski, has not gotten back to him: Elevations and grading for the new pavilion site work in the Town Park, size of the box culvert for School House Road, drainage issue for Fog Hill Road where steam is going into a resident's back yard, and culvert needs on Fog Hill Road and Rhoen Road.

Superintendent Meehan really would like to level up the area where the new pavilion is going to go before the Summer Recreation Program begins, but again, he is having issues connecting with Engineer for the Town, Ray Jurkowski. The culvert replacement project will not be started until fall because the project needs to go out for bid, bid package not yet started, then the culvert purchased. R. Meehan advised that maybe the Town Board should consider hiring another engineer to help out so these projects can be moved forward. R. Meehan always liked working with Engineer Pat Prendergast and felt he got back to the Town in a timely fashion.

Supervisor Lagonia advised that there really are no excuses for the Engineer not getting back to Superintendent Meehan and these projects need to be completed. Maybe it is time for the Town to start looking and interviewing other engineers.

Supervisor Lagonia noted that the Town Board is still waiting on direction for the East Hill Bridge replacement project as well.

Highway Superintendent Meehan continued that the highway crew has been working in the Town of Canaan for the last couple of days helping with some moto-paving work.

There is a resolution on the table for tonight to address weight limits for vehicles using our Town roads while the County Bridge on Route 24 is being replaced. The detoured traffic is diverted leaving the potential for heavier loads to travel over roads that do not normally handle this amount of weight.

Supervisor Lagonia questioned procedures for dust control noting that he understands that the Town hires Peckham to place calcium chloride down in front of houses only and the fee for this is \$10000.00. Dust is an issue not only for health reasons, but for maintenance of property. R. Lagonia believes that the Town Board needs to consider buying some type of vehicle that it can use to do this in house. Supervisor Lagonia will check funding available this year or put in a line item for it in next year's budget. Highway Superintendent will ask Peckham to come in again next week.

The highway crew also watered the new areas in the Town Park and guardrails for Harvey Mountain Road are ordered. They should come in and be installed by the next Town Board Meeting.

Town Clerk Report for the month of May 2016 submitted.

Tax Collector Report for the month of May 2016 submitted

Planning Board Report for the month of May 2016 submitted.

Comprehensive Plan Oversight Committee Report for the month of May submitted. Town Board Member Vogler will be attending the training session on solar energy.

Building Inspector/Code Enforcement Report for the month of May 2016 submitted.

Justice Grubin Justice Court Report for the month of May 2016 submitted.

Justice Cassuto was in attendance and noted that due to errors from the last few months being found and corrected, his report is being held until corrections have gone through. D. Cassuto noted that current Court Clerk Baccaro has done some amazing forensic accounting to balance the checking accounts.

Dog Report for the month of May 2016 submitted.

A motion to accept the above reports was made by G. Vogler and seconded by N. Friedman.  
R. Lagonia: yes  
G. Vogler: yes  
M. Verenazi: absent  
N. Friedman: yes  
J. Wrightsman: yes  
Motion carried 4:1.

### **Correspondence**

NYS Dept of Taxation and Finance: Tentative Equalization Rate of 100%, Hearing Scheduled.

St Peter's Presbyterian Church requests use of Green on Sunday, July 10, 2016 in honor of Rev. Drew Paton who is leaving. Would like County Route 7 closed in front of church as well.

A motion to allow the St. Peter's Presbyterian Church to use the Green July 10, 2016 to honor Rev. Drew Paton was made by R. Lagonia and seconded by J. Wrightsman.

R. Lagonia: yes  
G. Vogler: yes  
M. Verenazi: absent  
N. Friedman: yes  
J. Wrightsman: yes  
Motion carried 4:1.

### **Unfinished Business**

**New Town Hall:** The Town Board reviewed fees to date and future costs of Architectural services by The Architectural Bureau, Joe Iuviene. Supervisor Lagonia noted that J. Iuviene is professional, responsive and a gentleman who has a great working relationship with J. Shear.

In addition, the Town Board reviewed and discussed proposed plan changes to the front foyer area of the main room at the new Town Hall. It was noted that there still should be room for the District Attorney to conference with defendants. Contributor Jack Shear was consulted concerning the plan changes and he advised to just leave the bathroom area and the stairs in the foyer. J. Shear would also like to have the stain glass windows restored with the bottom section replaced with up-to-date windows. J. Shear would like to see the religious window kept, but have it sheet rocked over on the inside, and plexi-glassed on the outside. He would also like to see the brick over the foundation kept as well.

Supervisor Lagonia spoke concerning time lines. Additional funding is expected to come by October and maybe even as early as September. The second phase is to do up the final construction bid package and have specs out and awarded by the time the funding comes in. This will move the project along. The bid package will contain the complete project, bid in sections, so individual sections can be completed as funding is available.

Supervisor Lagonia will get back with J. Iuviene to start putting the bid package together and have out by August or September.

**Town Park:** The Town of Austerlitz received one bid for the building of the pavilion at the Town Park.

L.D. Coon and Son, Inc.

Base Bid: Pavilion Construction, including concrete surfaces with demolition of existing pavilion and rough grading to be done by the Town of Austerlitz: \$63824.00.

Add Alternative #1: Installation of 26 gauge corrugated metal roof panels (screwed) over 2' x 4' roof purlins @ 24" O.C. instead of asphalt shingles: \$63824.00.

Add Alternate #2: Installation of 26 gauge standing seam metal roof panels (screwed) over 2' x 4' roof purlins @ 24" O.C. instead of asphalt shingles: \$8000.00 additional.

Add Alternate #3: Installation of tongue and groove ceiling instead of plywood: \$3000.00 additional.

Supervisor Lagonia had a discussion with benefactor J. Shear who would like to see the tongue and groove in the ceiling. With the money left available, once the pavilion is complete, available funds left for the electric would be roughly \$20000.00.

A motion to accept the bid from L.D. Coon and Son, Inc. to build the new pavilion at the Town Park adding alternate #3 for a total of \$66824.00 was made by N. Friedman and seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: absent

N. Friedman: yes

J. Wrightsman: yes

Motion carried 4:1.

Due to timing issues for ordering of trusses and the Summer Recreation Program, the construction work will begin in mid-August. If Engineer Jurkowski is available next week, he and Highway Superintendent Meehan can meet so ground leveling can be done now.

**Norton Road Easement:** Through conversation Attorney Catalano advised that there no real changes. The next step is for the property owner to meet with Engineer for the Town, Ray Jurkowski. This probably will not happen until late June or into July. Attorney Catalano is waiting on Town of Canaan Attorney, Andy Howard, to verify that Norton Road has been officially abandoned.

**Cyber Security Insurance Quote:** The Town Board looked over and discussed the insurance rate quote for adding cyber security.

A motion to add a policy and coverage for Cyber Security Breach for \$50000.00 and Network Security Liability for \$100.000 for \$404.25 annually was made by G. Vogler and seconded by R. Lagonia.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: absent

N. Friedman: yes

J. Wrightsman: yes  
Motion carried 4:1.

**Town of Austerlitz Justice Court Personnel and Salary Increase:** Justices Cassuto and Grubin came before the Town Board in April requesting approval of funding for a deputy court clerk and to increase the salary of the court clerk. The Town Board Members have thought about the request.

Supervisor Lagonia asked Justice Grubin and Cassuto if there were any changes to the original proposal or a new proposal. The original proposal stands.

Justice Cassuto brought the Town Board up to speed noting that current Court Clerk Kelly Baccaro has spent a good deal of time cleaning up the backlog. D. Cassuto noted that the sizable backlog speaks to the need of more hours needed by the Court Clerk. Justice Cassuto notes that his statement is not a reflection on the competency of anyone, but rather the amount of work there is to do.

Justice Cassuto advised that current Court Clerk Baccaro has committed to stay on until the end of the year, and the Justices hope to work something forward from there.

During a poll of each Town Board Member, the following sentiments were recorded:  
Town Board Member Verenazi: absent.

Town Board Member Vogler noted that it appears that the Justices have the potential to work something out past the end of the year with current Court Clerk Baccaro. Although Justice Cassuto noted that K. Baccaro was working on the backlog, according to the memo from Accountant for the Town, Nelson Furlano, Clerk Baccaro has been correcting errors from previous months. Justice Cassuto was referring to the old criminal cases and scoffs. Member Vogler feels that if there is the potential for K. Baccaro to stay on he would prefer to hold off on any decision concerning increased pay until that time. G. Vogler would like to work some new numbers into the budgeting process this cycle. G. Vogler appreciates the point of view held by each Justice of what is needed to attract a quality clerk, but would like to hold off on any decision and deal with this through the budgeting process.

Town Board Member Wrightsman questioned the actual workload of the Court Clerk once everything is caught up. Justice Grubin stated the Court Clerk position should be funded by the position, not the person and she believes this is the only position that the Town Board is attempting to fund by the person. S. Grubin does not understand why the person doing the job is relevant. Justice Cassuto does not believe the amount of hours that K. Baccaro puts in should be taken into consideration because if she quits, a new clerk will put in more hours, not only to train, but in general as well. S. Grubin noted that there needs to be a deputy for banking reasons. D. Cassuto agrees with Justice Grubin to fund the job and not the person. Member Vogler notes that the amount that is being asked for is such a large leap. G. Vogler does support the court having a deputy court clerk, but prefers to have the budgeting process determine where this will shake out. K. Baccaro should get what she is worth.

Town Board Member Friedman noted that the other Town Board Members make great points, but she keeps going back to the backlog and questions how much money will actually be brought in when the backlog is completely taken care of. Discussion centers on how much money each type of ticket has the potential to bring in, the length of time to collect and the collection process in general. Justice Cassuto notes that he is uncomfortable discussing revenue streams such as this because his job is not to make money for the Town, but rather to dispense justice. D. Cassuto does note though that just because the Court has done their part in dealing with the backlog does not mean that the money will come in immediately. Some of these tickets hang out there for years. Having said this, the figures show that revenue for the Town is increasing. What Member Friedman is driving at is to find a revenue stream to pay for the increases the Justices are asking for. There has to be income to support outflow. Justice Cassuto notes that over the last few years the Court Clerk's job and responsibilities have grown in importance and the court fines makes more than enough revenue to support the salaries being asked for.

Town Board Member Vogler noted that he listened to the Justices' requests at the April meeting and since then he has visited other courts to understand this process better. G. Vogler is sympathetic, but notes that the Town Board must mind the budget. Member Vogler feels there is flexibility in the 2017 budget, but he is not sure how far of a leap the Town Board can make.

Justice Grubin advises that she is concerned that Court Clerk Baccaro may want to make more money somewhere else if an opportunity comes up and she should get what she is worth, as everyone should.

Supervisor Lagonia understands the issues presented, but notes that the Town Board will be starting the 2017 budgeting cycle next month. A town must live within the 2% tax cap law and what the Justices are asking for is a 170% increase next year. R. Lagonia notes that Court Clerk Baccaro is worth this, but other departments are not seeing this type of raise. There is a need to increase the Court Clerk salary and the Town Board will work towards something next year, but there is not a dire need to change this year. If the Justices would like to give Court Clerk Baccaro something extra this year, R. Lagonia is sure money can be found in the court budget to do so. Supervisor Lagonia notes it is realistic to be supportive of some type of a change, but to what extent is the question. Justice Grubin asked that the Town Board remember that the deputy court clerk position was done away with and implementing it again is part of the 170% increase Supervisor Lagonia noted. Town Board Member Vogler stated that maybe the increase could be worked in over a number of years instead of just one.

Justice Cassuto stated that although the percentage looks like a lot, all need to remember that the amount being requested is for a full year and there is only 5 months left for this year.

Justice Grubin noted that the Town Board is looking for money to buy a tanker truck for the Highway Department. Supervisor Lagonia advised that the money for this truck is already in Highway budget, whereas the Court budget never had extra or the potential for extra.

The consensus of the Town Board was to hold off and not increase the salaries for the Justice Court Clerk or add a Deputy Court Clerk position for this budget cycle, but rather work on the 2017 budget and see where the numbers come in. Town Board Friedman noted that for the 2017

budget cycle, the Justices need to redefine the job and give the number of hours needed to be worked by all those involved.

Justice Grubin noted that some towns pay by the hour which both herself and Justice Cassuto discussed, but this option didn't seem like the best. What if more hours were worked than budgeted for?

Justice Cassuto asked that as a potential solution that the Town Board try and reach the requested numbers for the 2017 budget, which is not a lot of money in the large scheme of things. In the near term, D. Cassuto asked that the Town Board find money to pay Court Clerk Baccaro extra, an actual increment to compensate her for all the hard work she put in, for saving the butts of a lot of people, and for making the town court work much more efficiently. This is a matter of urgency.

Supervisor Lagonia noted that there is no funding right now and there is not a dire need. Court Clerk Baccaro stated she is doing fine and does not need any increase in salary. Increases to salary will be discussed in the 2017 budget cycle. Town Board Member Friedman noted that giving Court Clerk Baccaro money for the extra time she has put in cleaning things up may have a long term benefit. The Town Board appreciates her efforts.

Town Board Member Vogler stated that any proposal to give extra money to Clerk Baccaro should come from the Justices. There may be unexpended contractual money they could use. There is a difference of opinion as to whether or not the court is bringing in any additional money. Some do not agree there is an increase. Member Vogler is sympathetic, but there is nothing for the Town Board to do tonight. The Court has survived and in 2017 new numbers will come into play. As one member of the Town Board, Member Vogler is willing to swallow a good chunk next year, but not to the extent of what is being asked.

Supervisor Lagonia would like to add that if there is a deputy court clerk, the court clerk does less work.

The discussion centered on getting some hard figures on what type of hours are actually worked.

The Town Board will table this request for now. If the Justices come up with a proposal for additional monies for Clerk Baccaro for her hard work and getting all the backlog caught up and the errors corrected, the Town Board will entertain the proposal, but new salaries will be addressed in the 2017 budget.

### **New Business**

**2016 Justice Court Audit:** Accountant for the Town, Nelson Furlano, met with current Court Clerk, Kelly Baccaro, to audit the Justice Court books. Accountant Furlano reported that since August/September of 2015 there has been an issue with the reporting of credit card payments via online. Current Court Clerk, Kelly Baccaro has done a wonderful job sorting, reviewing, assembling and tracking down errors in the paperwork as prepared by the prior court clerk(s). There were several outstanding items that she found that caused the records to differ from reports

as presented to the NYS Justice reporting system. Causes for the discrepancies were not understanding the collection system process and errors by the previous court clerk(s).

It was decided that it was more effective to isolate the problems, agree on cause and settle upon a method for corrections. Once corrections were made, a more substantial audit of the books would be done.

**Resolution #36-2016, Weight Limitation on Certain Town Roads**

A motion to adopt Resolution #36-2016, Weight Limitation on Certain Town Roads was made by N. Friedman and seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: absent

N. Friedman: yes

J. Wrightsman: yes

Motion carried 4:1.

Resolution #36-2016, Weight Limitation on Certain Town Roads

WHEREAS, the Town Board has received the opinion and request of the Town Highway Superintendent that certain Town roads may sustain damage by heavy truck traffic diverted along such roads due to the bridge construction by Columbia County on County Route 24 in the Town of Canaan near the Town of Austerlitz town line; and

WHEREAS, it is expected that traffic will be diverted from County Route 24 to nearby Town roads in the Town of Austerlitz and that such roads are not designed for, and will be damaged by, heavy truck traffic that is expected to result from being diverted from Route 24 onto certain Town roads during the bridge construction which is expected to last approximately 5 months; and

WHEREAS, the Town Board has the authority pursuant to section 1660(a)(11) of the Vehicle and Traffic Law to temporarily exclude from any portion of any town highway any vehicle with a gross weight of over 4 or more tons when in the Town Board's opinion such highway or highways would be materially injured by the operation of vehicles of such weight on such roads or highways; and

WHEREAS, the report and opinion of the Town Highway Superintendent provided to the Town Board at the Town Board meeting held on this 16th day of June, 2016, stated that the following Town highways/roads would be materially damaged or injured by the operation of vehicles with a gross weight of 5 tons or more: Macedonia Road, Beale Road, Reed Road, Stonewall Road, and Ten Broeck Road;

NOW, THEREFORE, BE IT RESOLVED and ORDERED as follows:

The Town Board hereby finds, pursuant to the report and opinion of the Town Highway Superintendent, that the following Town highways/roads would be materially damaged or

injured by the increased operation of vehicles with a gross weight of 5 tons or more during the County Route 24 bridge construction project: Macedonia Road, Beale Road, Reed Road, Stonewall Road, and Ten Broeck Road.

The Town Board hereby ORDERS, pursuant to the authority provided it in section 1660(a)(11) of the Vehicle and Traffic Law, that any and all vehicles with a gross weight of five (5) tons or more be excluded from traveling along any part or portion of Macedonia Road, Beale Road, Reed Road, Stonewall Road, and Ten Broeck Road in the Town of Austerlitz for an expected period of five (5) months until the bridge project on County Route 24 is completed; and as such this Order excluding vehicles with a gross weight of five (5) tons or more from traveling on the aforesaid Town highways/roads shall take effect upon the placement of weight limitation signs on the aforesaid highways/roads and until the removal of the signs as ordered by the Town Board.

Upon written application by any operator of a vehicle subject to this section, the Town Board may issue a permit providing appropriate exemption to such vehicle, if it is deemed that said vehicle is performing essential local pickup or delivery service and that a failure to grant such permit would create hardship. Every such permit may designate the route to be traversed and contain other reasonable restrictions or conditions deemed necessary. Every such permit shall be carried on the vehicle to which it refers and shall be open to inspection of any peace officer, acting pursuant to his special duties, or police officer. Such permits shall be for the duration of the restriction imposed under this section.

The Town Board hereby directs the Town Superintendent of Highways to duly place weight limitation signs consistent with this Resolution and Order at the appropriate locations on the Town roads identified herein and hereby directs the Town Clerk to place a notice of this Order in the Town's official newspaper which is published in Columbia County where the subject roads are located and to forward a certified copy of this Resolution to the Director of the Department of Public Works of the County of Columbia and to the appropriate law enforcement authorities.

This Resolution shall take effect immediately.

Highway Superintendent Meehan asks that the Columbia County Sheriff patrol this area for speeding and weight limits.

**Town Attorney:** Supervisor Lagonia added his praises for the Attorney for the Town, Joseph Catalano is who always available and works hard to get work turned around as quickly as possible.

**East Hill Culvert Replacement:** The Town Board reviewed Engineer for the Town, Ray Jurkowski's memo. Discussion centered around available C.H.I.P.s funding for this year and the amount designated to be set aside in Highway Form 284. Highway Superintendent Meehan advised that easements with surrounding land owners would have to be negotiated as well. Design work can be done this year with available money.

Supervisor Lagonia will ask Engineer Jurkowski to attend the July Town Board Meeting to discuss options and will then begin the process.

**Town Park Signs:** Town Board Member Friedman worked on some language for the new Town Park signage. The Town Board discussed and a finalized version will be presented and farmed out for production through the County.

**Public Comments**

None

**Adjournment**

A motion to adjourn was made by N. Friedman and seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: absent

N. Friedman: yes

J. Wrightsman: yes

Motion carried 4:1. Meeting adjourned at 9:05 p.m.

Respectfully Submitted,  
Susan A. Haag, Town Clerk