

Town of Austerlitz
Town Board Meeting
September 15, 2016

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

Town Board Member Jere Wrightsman absent due to vacation.

Meeting called to order at 7:02 p.m.

Moment of Silence, followed by the Pledge of Allegiance.

Minutes

A motion to accept the August 18, 2016 Town Board Meeting minutes was made by N. Friedman and seconded by M. Verenazi.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: yes

J. Wrightsman: absent

Motion carried 4:1.

Auditing of Accounts and Claims

A motion to pay General Fund, #264-292, in the amount of \$30821.26, Highway Fund, #141-155, in the amount of \$38905.07, and the Capital Fund #36, in the amount of \$4021.00 was made by M. Verenazi and seconded by G. Vogler.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: yes

J. Wrightsman: absent

Motion carried 4:1.

Reports

Monthly Cash Disbursement and Supervisor Report

Monthly Cash Disbursement for the Month of August 2016 submitted. Supervisor Lagonia noted that the town is tracking very well and many line items are below budget. Some line items that have higher balances normally use the budgeted amounts later on in the year. Supervisor Lagonia noted some specific line items with money ahead. There are only a couple of line items that are over their budgeted amount. The total in all accounts is roughly \$1.4 million. Next month, Supervisor Lagonia will start to go over the line items in the Highway Fund with Highway Superintendent Meehan to find areas that have overages where the money can be spent on the roads before the end of the year.

Town Park: Supervisor Lagonia noted that the new pavilion in the park will be going up in the next couple of weeks. Highway Superintendent Meehan has done the prep work. This new building will be a great addition. Town resident, Harry Newton, has been approached by Town Board Member Nansi Friedman to see if he would like to donate funds to be used at the baseball field or on exercise equipment.

Dust on Ten Broeck is being monitored because of road closure crossover traffic. Highway Superintendent Meehan has been there several times and the Enhanced Patrol has sat a number of times noting that there are not that many speeders. The Town's speed sign has been in use on Ten Broeck as well.

At the last Town Board Meeting some residents from Austerlitz brought up that sometimes it feels like the Town has forgotten that there are additional parts to our Township than just Spencertown. There were suggestions to try and do something with the park in Austerlitz and Supervisor Lagonia has looked at the maps of this area. He and Superintendent Meehan will go up and look to see what land is available and maybe with grant money, something can be done. Town Board Member Friedman would like to go as well. Findings will be brought back to the Town Board.

Supervisor Lagonia met with the Pintos concerning draining issues on Fire Hill Road. They walked the road. This was also discussed with Engineer for the Town, Ray Jurkowski.

Supervisor Lagonia was contacted by Town resident Howard Reznikoff about the condition of State Route 203. R. Lagonia made some phone calls and the NYSDOT was able to come out the very next day to fix the issues.

On a County level, discussions have begun on the pros and cons of changing the County Executive make-up, changing from a County Board of Supervisors to a County Executive. One of the biggest cons is the loss of tax money for individual Towns forcing the Towns to raise this in Town taxes. A home town feel would be lost as well. A pro seems to be that utilizing a County Executive provides better management. This is just in discussion mode currently.

Highway Superintendent Report

Highway Superintendent Meehan reported that oil and stone have been placed on Rigor Hill Road and Punsit Road. Brush trimming has been done and a few new culverts put in. Grading has been done on some of the Town roads. Prep work for the new pavilion at the Town park has been completed as well. Highway Superintendent Meehan has spoken with Engineer for the Town, Ray Jurkowski, concerning Town Park project. Pavilion construction should begin mid-September; the tresses have been ordered by contractor Wes Coons.

The culvert on Frank Fizzinoglia's will be put in next week. Additional material will be put down on Ten Broeck once the level of crossover traffic is down. A roller will need to be rented for roads throughout the Town. Guardrails on Harvey Mountain have been put in. Money spent for Rigor Hill Road, Punsit Road and Harvey Mountain will be taken out of C.H.I.P.s.

Highway Form 284 work that has been completed to date include: Harvey Mountain Road guardrails, oil and stone on Punsit Road and Rigor Hill. Still needed to be done are: A box culvert on School House Road which R. Meehan is waiting for the Engineer, and placing of item 4 on Longview Drive. Still waiting on Engineer Jurkowski as well in order to start the ditching on Middle Road. One spot needs to be done over that is holding water.

Highway Superintendent Meehan met with Engineer for the Town, Ray Jurkowski, concerning Fire Hill Road drainage. After looking over the area and discussion, the decision was made to leave the area as is and just keep grading the road as necessary. Engineer Jurkowski tried to find a way to divert the water in a different way, but no good solution could be found.

Town Clerk Report for the month of August 2016 submitted.

Planning Board Report for the month of August 2016 submitted.

No Comprehensive Plan Oversight Committee Report for the month of August 2016 submitted.

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

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

Justice Cassuto Court Report for the month of August 2016 submitted.

Dog Report for the month of August 2016 submitted.

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

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: yes

J. Wrightsman: absent

Motion carried 4:1.

Correspondence

Resignation letter from Lee Heim, Code Enforcement Officer, effective September 29, 2016. Supervisor Lagonia noted that he has spoken with the Supervisors from the Towns of Hillsdale and Canaan and all have agreed that the Town of Austerlitz will make the September payment due for the Shared Service Agreement and a reimbursement of \$2000.00 for the shared vehicle will be sent to the Town of Austerlitz. This will complete the agreement and the Town of Austerlitz will be out of it.

Unfinished Business

New Town Hall Update: Architect Joe Iuviene came out and went over updated plans for the new Town Hall with Town Clerk Haag and Property Clerk Mary Davis. J. Iuviene will sit down with both Town Justices as well. This stage is close to being completed so the project can go out to bid. Supervisor Lagonia has met with J. Iuviene and Jack Shear to go over the plans. Additional funding is expected in October. Supervisor Lagonia is trying to time the bidding

process with the funding so there is no lag in time. The Town Board discussed particulars. Supervisor Lagonia noted this is exciting and the hope is to have the project begin by October or November.

Town Park Update: Discussed.

Possible Code Update Cost: Changes and updates to the Town's Ridgeline Protection Law and Road Law, and a new Solar Law are ready to be handed over to the Town Board for consideration. Supervisor Lagonia has spoken with Attorney for the Town, Joseph Catalano, who has scanned the new law and updates. Attorney Catalano has advised Supervisor Lagonia there will be some cost in making the noted changes. Supervisor Lagonia questioned the Town Board as to their thoughts on spending the money. The Town Board would like to have a workshop with Attorney Catalano present to discuss the proposed changes, and what they will mean in the overall picture.

New Business

Historical Districts: Tom Moreland, Town Historian, and Bill Krattinger, a program analysis with the Historic Preservation Division of the NYS Department of Parks, Recreation and Historic Preservation, came before the Town Board to discuss the possibility of creating a historical district in the Hamlets of Spencertown and Austerlitz.

Historian Moreland suggested that the Board consider applying to place the Hamlets of Spencertown and Austerlitz on the National Register of Historic Places, as historic districts. The discussion was just to introduce the topic without any suggestion that action be taken at this time. T. Moreland believes that no application should be submitted until and unless, after appropriate public hearings and other outreach, it appears to the Town Board that there is broad community support for the applications.

Historian Moreland advised that The National Register was created, pursuant to federal legislation enacted in 1966, to recognize buildings or districts of historic significance. Based on their wealth of old buildings and their history, T. Moreland believes that both Spencertown and Austerlitz are deserving of historic district recognition.

The National Register program in New York is coordinated by the Historic Preservation Division of the NYS Department of Parks, Recreation and Historic Preservation.

Historian Moreland advised that it is important to understand that creation of a historic district does not, in any way, restrict the rights of any property owner within that district. There is no mandatory consequence of the designation, unlike in the case of a zoning law or a historic preservation law. The owners of a historic house in an historic district are not limited by the designation in any way and can do whatever they want with the house -- even tear it down -- without the need for any governmental review or approval.

T. Moreland continued asking what then is the reason for seeking an historic district designation, given that it is purely honorific. The answer is to create and/or increase public awareness of the Town's historic heritage. In the Town of Austerlitz' case, it would be especially fitting as part of the 2018 celebration of the Town's bicentennial. The hope is that by heightening public

awareness of our heritage, the preservation of historic houses will be encouraged, and perhaps we will even attract to our town some potential homebuyers interested in purchasing an old house. But, again, such encouragement is never accompanied by any restriction on the freedom of any homeowner.

The cost to the Town of pursuing historic district status should be zero or minimal. The cost of hiring a consultant to research and draft the applications -- a helpful though not required step -- should be funded by a grant from the Preservation League of New York State, which regularly makes grants for this purpose. T. Moreland has been in touch with the League, and it will inform him of the timing of its next grant application cycle, sometime in early 2017. Further, in our case, the cost of the consultant (and therefore size of the grant requested) should be substantially less than usual because the Austerlitz Historical Society has already researched the history of each of the 160 houses in the Town which date from 1888 or earlier, as part of its old house project. Any consultant would have full access to the Society's research.

One requirement of NYS is that any application must have a sponsor: a local group or person who would oversee the application by acting as the contact with the State office and, importantly, organizing the public outreach and information program to solicit community support for the application. The Austerlitz Historical Society has agreed to sponsor these applications, should the Town Board decide to move forward.

In closing, T. Moreland noted some of the other hamlets in Columbia County which have received historic district status: New Concord (2010), Hillsdale (2010), North Chatham (2012) and Ancram (2016). T. Moreland hopes that Spencertown and Austerlitz can join them.

Bill Krattinger believes that community support is essential. As far as the application process, B. Krattinger confirmed that there would be no cost if the information needed is already compiled and his office would be willing to put the documentation together. B. Krattinger believes that there would be no problem achieving Historical District status in the Town of Austerlitz.

B. Krattinger has been involved in program analysis for 20 years and notes that Historical District status is not a bad thing for towns or villages. Some are offered tax incentives, but that would not be available in the Town of Austerlitz because of income levels. Again, the essential part of this process is municipal support, and support of the property owners. B. Krattinger's objective is to edify; identify the area, hold public hearings and make sure this endeavor is a viable entity. His department chooses the areas to classify as historical districts and the Hamlets of Spencertown and Austerlitz are what his department is looking for.

Discussion on the difference between a Historical District and a historical overlay district managed by a governing municipal body. The Town of Kinderhook has a historical overlay district that puts constraints on homes and homeowners. What is being proposed does not do that. This is just a registry with the State.

Discussion continued on what is exactly looked for when a Historic District is created and timing of putting in applications for both Hamlets at the same time or separately. The process normally takes a year to a year and a half, but this can be fast tracked because of the work already done by the Austerlitz Historical Society. B. Krattinger cautions that his office is heavy with applications

currently so doing both Hamlets at the same time may increase the approval time. Historian Moreland advised that a consultant can be hired through grant funding to do the remaining leg work to move this application process along faster.

Town Board Member Vogler stated that this is a very positive and encouraging project and asked what the next steps were. Supervisor Lagonia advised that the Town Board needs to agree it wants to go forward with this project, and if so the community would be engaged. The general consensus of the Town Board was to move forward and ascertain the feelings of the community. Historian Moreland will put together a package for the community, and asked that he work with a member of the Town Board and a member of the Austerlitz Historical Society. It was decided that the Town Board will support this endeavor, but the project will be put together by the Austerlitz Historical Society.

B. Krattinger has some generic information he can send for informational purposes.

2017 Tentative Budget: Town Clerk formally presented the Town Board with the 2017 Tentative Budget.

Supervisor Lagonia thanked Town Board Member Gregg Vogler for being such a tremendous help during the budget compilation process. The Town of Austerlitz is one of the only Towns to complete a tentative budget done this early. The goal for budgeting is to have a budget where the figures are accurate and close as possible to actual numbers. Both Supervisor Lagonia and Town Board Member Vogler met with Accountant for the Town, Nelson Furlano, who although put some eyes on it, did little work as the work was done by R. Lagonia and G. Vogler.

Supervisor Lagonia and Member Vogler noted the following: spending is up, as we continue to understand and right-size the budget. Increase in spending is funded mostly thru recognition of increased non-property tax sources of revenue. The budget is the most accurate it's been maybe ever, and continues to be lean. The Town is compliant with the tax cap law.

Overall:

- 1) Property Tax increase calculated at .0068% increase as allowed by law
- 2) Overall budget General and Highway appropriations and revenue increases \$58,210 or 4.2%
- 3) General Appropriations:
 - a) Overall, General Appropriations increases \$29,632 or 4.8%
 - b) Notable spending increases:
 - i. Court increases \$6,300 with Clerk salary increase of \$2,000, and Deputy Court Clerk pay increases from \$700 to \$5,000. Overall court increase is 15.2%
 - ii. \$10,000 additional spend in Building A1620.4 for Academy septic
 - iii. \$10,000 for Bonding
 - iv. 3% pay increase for Town Clerk, Assessor, CEO, Dog Control and Mary Davis.
 - c) No increase in salary for Town Board, Supervisor, Justices, Historian, ZBA or Planning Board.
 - d) CPOC continues to work with no compensation.

- e) \$500 donation to St. Peter's eliminated
- 4) General Revenue increases (ex-property taxes):
 - a) \$10,000 in Sales tax (Love's is helping overall county numbers)
 - b) \$5,000 in Rec fees – attendants to pay bus and swimming cost
 - c) \$5,000 increase in mortgage tax revenue (2016 is above budget)
 - d) \$5,000 increase in court revenue (2016 is above budget)
- 5) In Highway appropriations, we have:
 - a) Overall increase of \$28,578 or 3.6%
 - b) Spending increases:
 - i. \$20,000 for dust control
 - ii. Highway guys ex-Bobby get 10% pay increase to get closer to market rates. Bobby gets 3% increase (in general fund)
 - iii. Highway General Repairs (road maintenance) budget increase \$15,000 over 2016 to better fix gravel roads while Machinery Repairs decreases \$20,000 as equipment getting newer.

Justices Cassuto and Grubin came before the Town Board to discuss the proposed 2017 Court budget as presented. Justice Cassuto appreciates all the work that goes into compiling a budget, but with all due respect and candor, the Justices feel the proposed 2017 court budget ignores the needs of the court as discussed on previous occasions. The Justices are again seeing no raises as has been the case in the last 8 years. The Town of Austerlitz is the 3rd busiest court in the County and all Town Departments have gotten raises except the Justices. This is with the court bringing in about 20% of the Town's revenue. Justice Cassuto also notes that although additional increases for the Court Clerk and Deputy Court Clerk were given, the requested amount was not.

The Justices discussed the 2013 budget in which a raise for the Justices was budgeted, but not given. It was suggested that 'taking' away a raise is unconstitutional during a Justice's term. Town Clerk Haag explained that due to a discrepancy in two different pages in the budget, when elected official's salaries were noticed, the wrong figure was used. The Town was advised at the time to use the noticed figure for salaries. This was not a decrease in salary, but rather the Town kept the same amount and gave no raise.

Discussion was heard on the fact that the budget does not reflect the data the Justices submitted as substantiation for requested budget amounts, what supports the budget numbers used, and what the thinking was behind the salary decisions for Justices.

Justice Grubin noted that she feels it is insulting that the Town Board does not feel that a raise in the Justices' salary is warranted after 8 years.

Town Board Member Vogler noted that what he is hearing from the majority of the conversation is that the Justices want to discuss their lack of a raise over everything else. Justice Cassuto said he is also concerned about the Court Clerk and Deputy Court Clerk, whereas Justice Grubin agreed her proposed salary is the point of contention. Member Vogler advised that he felt the budget is reflective of a very generous increase in the overall court budget of \$6300.00 when the tax cap is so low, and the budget is highly accommodating in working toward making this a better situation. G. Vogler feels that the Justices are very well compensated for one official court

night a month each, and any additional call in time, and will not support any additional with the tight tax cap. Justice Grubin noted that the percentage increase of the 2017 budget as compared to the 2016 budget is because money and positions were taken away in the past that need to be reestablished.

Justice Cassuto does not believe that the Town Board understands what the court actually does and is responsible for. Member Vogler reminded all that he has in fact spend time in the Town Hall during court nights, spend time in other courts, and has audited the court ledgers in the past.

Supervisor Lagonia reminds the Justices that he was a Town Justice for many years and in fact knows what they are responsible for and feels that the Justices are very well compensated for the time they put in. The Justices asked for \$19000.00 and were given a \$6300.00 increase with the priority on the Court Clerk and Deputy Court Clerk area. Supervisor Lagonia actually did research the salaries across the County and feels that the budget reflects the best the Town could offer with such a tight tax cap.

Town Board Member Vogler recommends that if the Justices feel that additional money is still needed, they should submit supporting documentation for the 2018 budget cycle and if the figures are substantiated, the Town Board will consider them. For 2017, priority was given the Court Clerk and Deputy Court Clerk area.

Town Board Member Friedman had no comment. Town Board Member Verenazi notes that he is sure no disrespect was intended when the budget was done. Justice Cassuto does not believe the 2017 budget is respectful of the Judicial Department and a cost of living adjustment is appropriate at the very least.

A motion to adopt Resolution #37-2016, Adoption of 2017 Tentative Budget as the 2017 Preliminary Budget was made by M. Verenazi and seconded by N. Friedman.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: yes

J. Wrightsman: absent

Motion carried 4:1.

Resolution #37-2016, Adoption of 2017 Tentative Budget as the 2017 Preliminary Budget
WHEREAS, the Supervisor of the Town of Austerlitz prepared a Tentative Budget for the Town's fiscal year 2017 and presented that Tentative Budget at a meeting of the Town Board held on September 15, 2016; and

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

WHEREAS, the Town Board is prepared to adopt the Tentative Budget without changes made by the Town Board during the course of discussions regarding same as the Preliminary Budget;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Austerlitz hereby adopts the Tentative Budget for 2017, as the Preliminary Budget for the fiscal year of 2017 of the Town of Austerlitz; and

BE IT FURTHER RESOLVED, that the Town Board hereby schedules a public hearing on said 2017 Preliminary Budget for Thursday, October 20, 2016, at 6:30 pm at the Austerlitz Town Hall and directs the Town Clerk to post and publish the required notices for said hearing.

Code Enforcement Shared Service Agreement Termination: Discussed.

Code Enforcement Officer Replacement:

Supervisor Lagonia spoke with two gentlemen who were interested in the Code Enforcement Officer position. Previously retired Code Enforcement Officer for the Town of Austerlitz, Glenn Smith, agreed to come back at the salary currently in place. No Town car would be necessary as the Town will pay mileage and G. Smith's required education is current and up-to-date as he is also the CEO for the Village of Kinderhook. G. Smith is available to start anytime.

A motion to adopt Resolution #38-2016, Appointment of Code Enforcement Officer was made by G. Vogler and seconded by M. Verenazi.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: yes

J. Wrightsman: absent

Motion carried 4:1.

Resolution #38-2016, Appointment of Code Enforcement Officer

WHEREAS, the Town Code Enforcement Officer, Lee Heim, appointed on January 4, 2016, for a one-year term has submitted his letter of resignation on August 30, 2016 effective September 29, 2016; and

WHEREAS, since Mr. Heim informed the Town of his resignation as Town Code Enforcement Officer, the Town Supervisor interviewed a couple of potential candidates for the position one of which is Glenn Smith who served as Code Enforcement Officer prior to the tenure of Mr. Heim; and

WHEREAS, Mr. Smith expressed a desire and an ability to fill the Code Enforcement Officer's position as soon as it is vacant; and

WHEREAS, the Town Board desires to fill the Code Enforcement Officer's position without a gap in service, with an efficient transition, and with an experienced individual, and Mr. Smith's prior experience with the position and willingness to start as soon as the position is vacant satisfies those objectives;

NOW, THEREFORE, BE IT RESOLVED as follows:

The Town Board accepts the resignation of Lee Heim from his employment as the Town of Austerlitz Code Enforcement Officer and determines that Mr. Heim's last day of employment service with the Town will be September 29, 2016.

The Town Board hereby appoints Glenn Smith, effective October 1, 2016, as Town of Austerlitz Code Enforcement Officer to fill the vacancy in that position that will occur on September 30, 2016, for the remainder of the calendar year at the salary rate of \$13,777.00 per year as pro-rated for the last three months of 2016 and to be paid on a bi-weekly basis. Mr. Smith will use his own vehicle while on Town of Austerlitz business and will be reimbursed for mileage at the current federal per mile rate. Mr. Smith shall maintain a mileage log and shall submit the log together with a completed voucher for reimbursement of travel expenses on a monthly basis. Mileage to and from the Town Hall for fulfillment of his office hours shall not be included except for returning from and leaving for inspection appointments and other meetings or activities in the Town of Austerlitz. Mr. Smith as the Town's Code Enforcement Officer shall maintain a minimum of 7 hours per week of regularly scheduled and noticed office hours on at least two days of the week and shall be responsible for the administration, inspections, and enforcement of the State Building Code, Property Maintenance Code and Town Zoning Code together with any other responsibilities typically conducted by a Town Code Enforcement Officer. Mr. Smith shall be also responsible to provide the Town Board with monthly reports (either in writing or in person at the regular monthly Town Board meetings) summarizing the activities of the Building Department and to properly maintain and keep the records of the Building Department and the required application and permit forms for that Department as well as updating and maintaining the Building Department page on the Town's official website.

This resolution shall take effect immediately, but Mr. Smith's first day as the appointed Code Enforcement Officer and employee of the Town is to occur on October 1, 2016.

Public Comments

Charles Vander Weit asked if the County has considered a referendum for changing the structure of County government to which Supervisor Lagonia answered that this is only being discussed at the time. Nothing is being considered yet.

Sharon Grubin asked if Beale Road was being considered for dust control. Speeding is an issue as is the depth of the ditches. Superintendent Meehan advised that the last couple of rain storms have taken their toll and his crew will get to Beale Road. Supervisor Lagonia advised that the speed sign can be moved to Beale Road as well. R. Lagonia also advised that the Town is looking for a piece of equipment to purchase to use in dust control. Town Board Member Friedman asked if the Town could put up caution signs to slow people down. Highway Superintendent Meehan advised that when the bridge in Red Rock is opened back up that will cut down traffic. Supervisor Lagonia noted that the speed sign does work.

Adjournment

A motion to adjourn was made by M. Verenazi and seconded by G. Vogler.

R. Lagonia: yes

G. Vogler: yes

M. Verenazi: yes

N. Friedman: yes

J. Wrightsman: absent

Motion carried 4:1. Meeting adjourned at 8:37 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk