

Town of Austerlitz
Town Board Meeting
May 17th, 2018

Present: Robert Lagonia, Supervisor, Greg Vogler, Christopher Schober, Nansi Friedman, Jere Wrightsman, Town Board Members, Robert Meehan, Highway Superintendent and Constance Mondel, Minute Taker.

Attorney for the Town, Joseph Catalano, present. Susan Haag absent due to attendance at the IIMC Conference.

Town Board meeting called to order at 7:07 p.m.

Moment of Silence, followed by the Pledge of Allegiance.

Minutes

A motion to accept the April 19, 2018 Regular Town Board Meeting minutes was made by N. Friedman and seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

N. Friedman: yes

J. Wrightsman: yes

Motion carried 5:0

Auditing of Accounts and Claims

A motion to pay the General Fund #138-168, in the amount of \$12,196.13; the Highway Fund #68-82 in the amount of \$11,709.76 and the Capital Fund #46-57 in the amount of \$126,087.83 was made by G. Vogler and seconded by C. Schober.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

N. Friedman: yes

J. Wrightsman: yes

Motion carried: 5:0

Reports

Monthly Cash Disbursements and Supervisor Report

Monthly Cash Disbursement for April 2018 submitted. Supervisor Lagonia reported the Bicentennial plans are fine and in place. Shirts noting the occasion are ordered; cost is over \$3,000. Amount will be paid after event where the 500 shirts will be available for \$15.00 apiece.

Highway Superintendent Report

Superintendent Meehan reported numerous complaints about the pot holes due to the amounts of rain in the last several months. The highway crew is working to address this issue in between the daily work on the East Hill bridge. The bus trips which will be starting to the Millay colony

require that this bridge entry be ready. Other requirements are scheduled to be done by Memorial Day: one is grading of Fog Hill Road for calcium application.

There is a plan in place to remove the present Fire pump in front of the future Town Hall to another practical location; the light pole change is also in this plan.

After Memorial Day the crew will attend to needed work on Dugway Rd , upper level as well as entry. There is work planned for cutting the shoulders on the Bridge and working on the culvert at Schoolhouse Road.

One easement has been obtained for the East Hill Road bridge project. Attorney Catalano is in contact with the property owner for the other easement needed.

Easements are also required for water drainage from Town Hall property through Myers and Mondel properties. These easements will be completed and delivered to the property owners soon.

Supervisor Lagonia had information for Robert Meehan as to some new needs at the Town Park. The Supervisor noted, from his observations in passing the Recreation Park late evenings, that the Park is being used for a hangout for kids. The need for lighting for security purposes was discussed.

Town Clerk Report for the month of April 2018 submitted.

Tax Report for the month of April 2018 submitted.

Planning Board Report for the month of April 2018 submitted.

An observation made by the Supervisor on this report fostered a question to be addressed. In the case of a resident who had solar panels installed without the required permit, should there be a notice of failing to observe the rules and a possible fine. The issue was to be referred to the Code Enforcement Officer.

Comprehensive Plan Oversight Committee Report submitted for the month of April 2018.

Building Inspector Code Enforcement Reports for the month of April 2018 submitted.

Justice Grubin Justice Reports for the months of March and April 2018 submitted

Justice Cassuto Justice Reports for the months of March and April 2018 submitted.

It was noted that the Board's understanding at the April meeting that Justice Cassuto had been away during the time period covered under the March report was incorrect .

Dog Control Report: none

A motion to accept the monthly reports was made by N. Friedman and seconded by

J. Wrightsman.

R. Lagonia: yes

G.Vogler: yes

C. Schober: yes

N. Friedman: yes

J. Wrightsman: yes

Motion carried: 5:0

Correspondence

NYS Homeland Security and Emergency Services: The Town was awarded \$12257.32 in Federal Aid for a severe winter storm.

Shelter Point: Town of Austerlitz' Disability Insurance Policy includes an Accidental Death and Dismemberment Rider.

Unfinished Business

Architectural Bureau, Joseph Iuviene; New Town Hall Update.

Architect Joseph Iuviene updated the construction budget versus cost sheets through the May 2018 abstract.

Supervisor Lagonia informed the group that Jack Shear had given \$50,000 for the upgrade requested by Mr. Shear.

The discussion addressed the finishing work on the entrance as to stucco on the concrete and bluestone tops. Requested bids have been slow to come in. Suggestions will be sought from Joe Ordway and Dan Rundel. Architect Iuviene has estimated the estimated cost for this work to be in the \$58,000 range citing that age of the building is the reason for the high range in expenses. Another matter discussed at length are the benches used by the judges on court nights. The court size and style of the court benches are those commonly used in buildings where court sessions are held in meeting rooms, not actual court rooms. Justice Grubin requested that the benches be much higher. It was discussed that the dais and bench is about to be constructed and it is too late to raise the bench and raised platform. One option is to manufacture an additional frame that would be attached to the bench only when court is in session but this would have to be stored and moved each time it is used and would cost more money than the sum allocated for the furnishings that were planned and reviewed by the justices. Consensus of the Board was that the request to raise the bench will depend on whether grant money can be obtained for additional work, otherwise the design will stay the way it has been planned for cost purposes. It was suggested that Justice Grubin contact the Office of Court Administration to inquire if a grant can be obtained to accomplish what is being requested for the bench size. The location of the judge's clerk on the bench area was also discussed and it was determined that the clerk's station remain as previously planned.

A podium will need to be obtained as well as a microphone system for the meeting room. There will be a minimum of two proposals obtained after which Architect Iuviene can be authorized to make those two purchases within an outlay of \$10,000 or less.

A motion was made by G. Vogler and seconded by N. Friedman to authorize Architect Iuviene to obtain quotes for a podium and public-address system for the new Town Hall and to purchase such items at the lowest price received with a maximum expenditure not to exceed \$10,000 range per review by the Supervisor.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

N. Friedman: yes

J. Wrightsman: yes

Motion carried: 5:0

Jack Shear has requested that the current windows in the Town Hall be restored instead of new windows as originally planned and budgeted. The windows have been evaluated and are in excellent shape. The wooden components of these windows are hardwood. The cost to restore the windows is estimated by Bob DeLoia at cost of about \$8,000 more than the new windows. The storm windows are already in the budget. Architect Iuviene will share the window options with Jack Shear before any decisions are made.

Broadband

Town Board Member Wrightsman advised that Spectrum will be at work as of June 5th. Consolidated Communications will have a meeting in 3 to 4 weeks. Neighbors complain about the bright red 6 ft. posts that are installed along the roads as work is being done. Supervisor Lagonia inquired if there is a grant in place for removal of old wire. The understanding is that the new wires will get buried.

Bicentennial Committee Update

Town Board Member Wrightsman, presented the update as to the parade with color guard from the Ghent Band Fire Co.: motorcycles and Chatham Bands; a three-gun salute and the presence of several dignitaries; house tours. There will be materials promoting the bicentennial at the Country sale May 26th held at St. Peter's Church and on the green as well as for the book by Tom Moreland on the Oldest Houses in Austerlitz.

Salt Shed Project: SEQRA Review and Bond Resolution.

The Town Board has previously given approval for Salt Shed bids for the Salt Shed. Attorney Joseph Catalano stated that bond counsel has prepared a bond resolution authorizing the issuance of bonds for in the maximum amount of \$600,000 which is the estimated amount of the cost of construction plus additional amounts for the architectural fees and contingencies. First, the Board has to complete the SEQRA review process.

Attorney Catalano went over Part 1 of the SEQRA environmental assessment form (EAF) with the Town Board Members in detail and he and Joe Iuviene answered questions of the Board on Part 1. The Board then made a motion to accept Part 1 of the EAF as prepared and presented.

A motion to accept Part 1 of the EAF and to authorize the Supervisor to sign Part 1 of the EAF was made by G. Vogler and seconded by C. Schober.

R. Lagonia: yes

G.Vogler: yes

C. Schober: yes.

N. Friedman: yes

J. Wrightsman: yes

Motion carried: 5:0

Mr. Catalano explained the process for completing Part 2 of the EAF. He asked the Town Board each of the questions on Part 2 of the EAF form and the Town Board members verbally responded to each question in the form on possible environmental impact of this proposed

building. The shed building will be constructed with the Planning Board permit within a 10.4 acres area, a three-building zone area surrounded with appropriate land use. The building will not require heating and will meet state energy regulations. The Town Board Members response to the Part 2 EAF SEQRA questions as having no potential for large or medium environmental impacts. Attorney Catalano then went over the written explanation as a Part 3 statement to the EAF Part 2 explaining the context of the project and how it pertains to the environment. The section three of the forms addressed both the necessity for this building and financial arrangements. The Town does not have its own salt shed. The placement and size and housing of this salt shed will be an improvement over the one being used. The location of the salt shed now used is at a location where traffic has increased significantly and is less safe. Having a salt shed within the hamlet of Austerlitz, near the highway garage will be safer, require less time and avoid traffic conditions in getting the required salt for delivery to needed locations.

After the Board completed the EAF, Mr. Catalano then presented a resolution for the Board to formally complete the SEQRA process for issuance of bonds for the construction of the salt shed which includes the construction and use of the proposed salt shed building.

A motion to adopt the SEQRA resolution (resolution #32-2018) and to authorize the Supervisor to sign the last page of the EAF was made by G. Vogler and seconded by J. Wrightsman.

R. Lagonia: yes

G.Vogler: yes

C. Schober: yes.

N. Friedman: yes

J. Wrightsman: yes

Motion carried: 5:0

Whereas, the Town Board has discussed and previously authorized architect Joe Iuviene of Architectural Bureau to prepare plans and bid specifications for the construction of a salt shed to be located on the Town property where the Highway Department garage and yard is located (the "Project"); and

Whereas, for several months the Town Board has worked with the architect and the Highway Superintendent on the design and size of the salt shed that would meet the present and future needs of the Town with respect to the appropriate storage of salt and sand utilized for keeping Town roads safe for driving during the winter months; and

Whereas, the Town does not presently have a storage facility designed for the storage of salt and presently rents out a barn on an annual basis from a private individual land owner for such purpose and that arrangement is not acceptable for the long term since it may be terminated at any time by the land owner, the barn is not designed for such storage use, and its location is not optimal; and

Whereas, the Town Board having determined that there is a clear and present need for a salt shed has retained bond counsel in order to finance the project by the issuance of bonds over a period of years in order to manage the cost of construction; and

Whereas, since this Project involves the construction of a structure on the Highway Department garage site owned by the Town with no approvals from other governmental agencies required other than a building permit, it is the Town Board's understanding that the Project constitutes an action under the State Environmental Review Act ("SEQRA") because of the proposed issuance of bonds and, as such, is considered an Unlisted action under SEQRA; and

Whereas, in accordance with the SEQRA regulations, a short Environmental Assessment Form ("EAF") with Part 1 completed has been reviewed by the Town Board and Parts 2 and 3 of the EAF have been discussed and prepared prior to the introduction of this resolution;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board hereby determines that the proposed Project to construct a salt shed on Town property to be financed by the issuance of bonds by the Town Board is an Unlisted action that requires review under SEQRA.
2. The Town Board declares and designates itself to be lead agency for the SEQRA review of this action since the Town Board is the only agency with discretionary financing and approval jurisdiction over the Project and no other involved agencies, as defined under SEQRA, have been identified.
3. The Town Board has reviewed Part 1 of the EAF as prepared by the Town's attorney; has reviewed, discussed and answered all of the questions contained in Part 2 of the EAF; and has reviewed and discussed the further explanation of the Project in relation to environmental concerns that is provided in Part 3 of the EAF.
4. The Town Board hereby accepts and adopts the entire EAF as complete and adequate for purposes of the review of the Project under the SEQRA regulations.
5. The Town Board, based on the information and analysis provided in the EAF, has determined that the proposed Project, which includes the issuance of bonds, the full construction, and eventual use of the salt shed on the Town Highway garage property, will not result in any adverse significant environmental impacts and, as such, a negative declaration is hereby issued.
6. The Town Board also finds that the Project will have an overall beneficial environmental effect in that the proposed salt shed will: (a) safely and appropriately store the salt and sand that the Town Highway Department needs for making Town roads safe for travel in the winter months without seepage of salt into the ground or surface water; (b) eliminate truck trips to the rented facility on the edge of Town; and (c) being more centrally located in the Town, the salt shed will allow a more efficient response in winter storms, as well as reduce truck fuel consumption and emissions.
7. This resolution shall take effect immediately.

With the SEQRA process being completed, Mr. Catalano then explained the bond process and proposed bond resolution prepared by the Town's bond counsel. The bonds are allowable under the Finance law for a maximum term of 15 years. The type of structure being proposed is part wood frame which limits the period of probable usefulness to 15 years even though the building should last for 50 to 60 years according to Joe Iuviene. Mr. Catalano read the bond resolution and went over the details with the Board. The resolution is subject to a permissive referendum and will not be effective for 30 days after notice of its adoption is published. Then there will be a second notice published establishing an estoppel period for 20 days. The use of bond anticipation notes was also discussed.

A motion made by G. Vogler seconded by J. Wrightsman, to adopt the resolution (resolution # 33 -2018) authorizing the issuance of bonds for the Salt Shed project and a poll vote of the members followed:

R. Lagonia: yes

G.Vogler: yes

C. Schober: yes

N. Friedman: yes

J. Wrightsman: yes

Motion carried: 5:0

BOND RESOLUTION DATED MAY 17, 2018 AUTHORIZING THE CONSTRUCTION OF A SALT/SAND STORAGE BUILDING, AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF AUSTERLITZ, COLUMBIA COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$600,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Austerlitz, Columbia County, New York (the "Town") (by favorable vote of not less than three-fifths of all the members of the Board) as follows:

Section 1. The Town shall construct a salt/sand storage building, at a maximum cost of \$600,000, as more particularly described in Section 3 hereof.

Section 2. The Town is hereby authorized to issue its serial general obligation bonds (the "Bonds") in the aggregate principal amount of not to exceed \$600,000 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein.

Section 3. The class of objects or purposes (the "Purpose") to be financed pursuant to this resolution is the construction of a salt/sand storage building on Route 203 in the Hamlet of Spencertown, in the Town of Austerlitz, Columbia County, New York, and the costs incidental thereto.

Section 4. It is hereby determined that said Purpose is an object or purpose described in paragraph (c) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen (15) years. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

Section 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of such bonds by virtue of paragraph 9 of subsection d. of Section 107.00 of the Local Finance Law, with respect to all objects and purposes authorized to be financed hereby.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the sale of the Bonds, including renewals of such notes, is hereby delegated to the Supervisor of the Town, the chief fiscal officer.

Section 7. The power to further authorize the issuance of the Bonds and bond anticipation notes and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and the use of substantially level debt service, subject to the provisions of this Resolution and the Local Finance Law, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Supervisor of the Town. The Supervisor of the Town is hereby authorized to sign and the Town Clerk is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Resolution, and the Town Clerk is hereby authorized to affix to such Bonds and bond anticipation notes the corporate seal of the Town.

Section 8. The faith and credit of the Town of Austerlitz, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be levied annually on all taxable real property of the Town, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 9. This Resolution shall constitute the Town's "official intent", within the meaning of Section 1.150-2 of the Treasury Regulations, to finance the cost of the Purpose with the Bonds and notes herein authorized. The Town shall not reimburse itself from the proceeds of the Bonds or notes for any expenditures paid more than sixty days prior to the date hereof, unless specifically authorized by Section 1.150-2 of the Treasury Regulations.

Section 10. This resolution is adopted subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law and Section 90.00 of the Town Law. The Town Clerk is hereby authorized and directed within ten (10) days after the adoption of said resolution, to cause to be published a notice which sets forth the date of the resolution's adoption and contains an abstract of the resolution concisely stating its purpose and effect.

Section 11. This Resolution, or a summary thereof, shall be published by the Town Clerk together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each official newspaper of the Town. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 12. The firm Barclay Damon LLP is hereby appointed Bond Counsel to the Town in connection with the Bonds and bond anticipation notes herein authorized.

Section 13. This Resolution shall take effect immediately upon its adoption.

Additional details on the notices and process was discussed.

The bidding process was also discussed. Bid notice will go out next week and will be opened on June 14 prior to the next TB meeting.

Charging Station Bids

Bids were received as follows:

PlugIn Stations Online LLC

418 Broadway, 2nd Floor

Albany, New York 12207

\$10725.70 Electric Vehicle Supply Equipment, Base Bid

\$100.00 Alternate No 1

LiluPad EV, LLC

9801 West 100th Terrace

Overland Park, KS 66212

\$11861.00 Electric Vehicle Supply Equipment, Base Bid

\$1200.00 Alternate No 1

Town Board member G. Vogler reported that PlugIn Stations Online, LLC was the low bidder at \$10,725.70. G. Vogler recommended PlugIn as being found reputable.

A motion was made by G. Vogler, seconded by J. Wrightsman to award contract to PlugIn for \$10,725.70.

R. Lagonia: yes

G.Vogler: yes

C..Schober:yes

N. Friedman: yes

J. Wrightsman: yes

Motion carried 5 :0

East Hill Bridge

The Supervisor directed Joe Catalano to be in touch with R. Jurkowski and continue the process for the necessary easement for the East Hill Bridge. Mr. Catalano has been in contact with the property owner to get the last easement needed. Drainage easements for the new Town Hall are also in process. The type of drainage was discussed with the Highway Superintendent and moving the water temporarily. Easement papers were sent out to Meyers - the landowner now residing out of state. Options were discussed. Mention made of a possible bid for Black top which will be forwarded to Supervisor.

LED

LED street lighting was discussed.

Austerlitz Woodland Park

Town Board member N. Friedman outlined the duties of a group, known as Greenagers, who do field work that promotes conservation and agriculture. N. Friedman discussed the proposal: Working 8 hours a day under an experienced leader, a group of young people, 15 to 20 yrs. of age, will work to improve the trail, build benches and establish trail markers during the month of July. Estimated cost is \$4000,00 with \$2,000 allocated to start the process.

A motion by Supervisor Lagonia to approve the proposed contract from Greenagers for the Austerlitz Woodland Park was seconded by G. Vogler.

R. Lagonia: yes

G.Vogler: yes

C. Schober: yes

N. Friedman: yes

J. Wrightsman: yes

Motion carried: 5:0

A motion by G. Vogler to authorize the first payment under the contract for \$2,000 to Greenagers for the Austerlitz Woodland Park was seconded by J. Wrightsman,

R. Lagonia: yes

G.Vogler: yes

C. Schober: yes

N. Friedman: yes

J. Wrightsman: yes

Motion carried: 5:0

Other Business

Business Automation Services proposal was tabled for discussion at next Board meeting.

Furniture equipment proposal was discussed. The Supervisor asked the Board members to review the proposal and he will get it fine-tuned for further discussion at the June meeting.

Supervisor Lagonia notified Town board members that discussions with insurance agent, Richard Nesbitt, have occurred to raise the insurance coverage to cover the new Town Hall building and

raise the content on highway garage. Overall Town has 4.5 million coverage which is enough to cover any possible damages.

Adjournment

Supervisor Lagonia made a motion for adjournment, seconded by G. Vogler

R. Lagonia: yes

G.Vogler: yes

C. Schober: yes

N. Friedman: yes

J. Wrightsman: yes

Motion carried: 5:0 Meeting adjourned at 9:15 p.m.

Respectfully submitted,
Constance Mondel