

Town of Austerlitz
Town Board Meeting
April 18, 2019

Present: Robert Lagonia, Supervisor, Greg Vogler, Jere Wrightsman and Chris Schober, Town Board Members, Robert Meehan, Highway Superintendent and Susan Haag, Town Clerk. Attorney Joseph Catalano also present.

Town Board Member Nansi Friedman absent due to illness.

Town Board meeting called to order at 7:00 p.m.

Moment of silence and pledge of allegiance.

Minutes

A motion to accept the March 21, 2019 Public Hearing/Regular Town Board Meeting minutes was made by J. Wrightsman and seconded by C. Schober.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

N. Friedman: absent

J. Wrightsman: yes

Motion carried 4:1.

Auditing of Accounts and Claims

A motion to pay General Fund, #121-159, in the amount of \$30,352.89, Highway Fund, #70-100, in the amount of \$79,807.82, and the Capital Fund #57-68, in the amount of \$60,020.70 was made by G. Vogler and seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

N. Friedman: absent

J. Wrightsman: yes

Motion carried 4:1.

Reports

Monthly Cash Disbursement and Supervisor Report

Monthly Cash Disbursement for the Month of March 2019 submitted. Supervisor Lagonia noted between all accounts, there is roughly \$2.5 million in the bank. Line items are running at a 25% level right now. R. Lagonia noted that A1620.4, Buildings, will have to be watched. There is roughly \$315,000.00 left in the Ellsworth Kelly fund. Member Vogler questioned the C.H.I.P.s line item number. Supervisor Lagonia will check the figure with the Town Accountant. Discussed how C.H.I.P.s is received and paid out and how that shows on the financials.

Supervisor Lagonia that he has had a short discussion with Dan Howes concerning the landscaping around the new Town Hall. D. Howes has a plan in mind that he will provide, along with pricing.

Supervisor Lagonia continues to work putting together a signage committee for the new Town Hall. Most of the committee is in place, but has not met yet. Tom Moreland has some decorating ideas for the old Town Hall. R. Lagonia will be contacting the Hudson inmates to come out and paint again.

Supervisor Lagonia and Town Board Member Vogler met with Insurance Broker Rich Nesbit to go over all the Town's insurance needs. A few numbers have been increased to reflect recent changes.

On a County level, Supervisor Lagonia noted that the hot topic is the new sewer line going in from Commerce Park. There are residents who are not in favor of this change. The County is seriously considering evoking eminent domain. The current sewer plant will be done away with. The NYSDEC is involved and if the County had kept the current plant and updated it, it would have cost much more. This project will most likely go through.

Highway Report

Highway Superintendent Meehan reported that the Highway Crew has been out working on the roads, which really took a beating last winter. A lot of material is in the ditches. The Highway Crew is on their second time around rolling the roads and filling in the potholes. There is still a lot of mud out there! R. Meehan has been trying to chase the heavier trucks off the roads. The weather still is not cooperating and this weekend looks like more rain.

R. Meehan advised that all the posts for the historical signs have been put up. Superintendent Meehan is working with Tom Moreland on this project.

The sign for the charging station in the Town Hall parking lot is also up.

Town Clerk Report for the month of March 2019 submitted.

Tax Collector Report for the month of March 2019 submitted. Town Clerk Haag advised that second notices have gone out and she will be collecting until the end of May.

Planning Board Report for the month of March 2019 submitted. Planning Board Member Lee Tilden was in attendance and spoke to the Town Board concerning the AT&T project before them.

Town Board Member Wrightsman questioned aspects of the project. Member Tilden advised that the existing tower is full of antennas. This sort of project is governed by Federal Government rules and a planning board cannot just deny the project out of hand. The current tower is full so there is need for an additional one. R. Meehan spoke about the number of towers up in this area. Member Tilden noted the lack of data coverage for residents causing a 'coverage gap' and that is the foundation for the application. If AT&T proves there is indeed a coverage

gap, the application will be approved. The applicants are very cooperative and giving the Town Planning Board everything it has asked for. Discussion centered on the Town of Austerlitz' code for these types of projects. The Planning Board is holding the applicant to the Town code and all Federal rules and regulations.

Attorney for the Town, Joseph Catalano noted that AT&T, the applicant, has to prove the proposed tower is sufficient to cover the coverage gap, in this location, without another alternative. The Planning Board is waiting for a visual analysis to come in. The FAA has jurisdiction over visual and height concerns. There will be light on this tower. It appears that the tower height and service gap seem to have met the threshold for a coverage gap. This is being analyzed by the special engineer the Town hired.

L. Tilden advised that this project is really about data, not so much cell service, although that is part of the project. Attorney Catalano noted that the Planning Board only has a minimum in discretionary powers for this project. It will still be a couple of months yet before a public hearing is set.

Comprehensive Plan Oversight Committee Report for the month of March 2019 submitted. Supervisor Lagonia advised the Town Board would be completely open to having Joyce Thompson, who works at the County Office of the Aging come out to make a presentation. Member Wrightsman stated that the Town should collect email addresses at all Town functions.

Supervisor Lagonia noted that the erection of a kiosk is in the mix.

Building Inspector/Code Enforcement Report for the month of March 2019 submitted.

Justice Grubin Justice Court Report for the month of March 2019 submitted.

Justice Cassuto Justice Court Report for the month of March 2019 submitted.

Dog Control Officer Report for the months of January, February and March 2019 submitted.

Climate Smart Committee

Town Board Member Vogler reported that the Climate Smart Committee met to discuss the NYSERDA grant opportunity. As part of becoming a Clean Energy Community, NYSERDA is making available up to \$35,000.00 in funding for qualified projects that reduce greenhouse gases. The Committee discussed applying for grant money to cover LED street lighting, community LED light bulb exchanges, solarizing the town garage, upgrading the HVAC systems in the old town hall and town garage, and other possible projects. There has been discussion concerning a lighting audit. Town Board Member Schober will head up securing this audit.

It was noted that the Enhanced Patrol is back out in the Town of Austerlitz.

A motion to accept the monthly reports was made by G. Vogler and seconded by C. Schober.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

N. Friedman: absent

J. Wrightsman: yes
Motion carried 4:1.

Correspondence

Eileen Fusco: Believes the Town Board should incorporate regulations for air bnb type properties into the Town Code. Supervisor Lagonia reviewed E. Fusco's letter and has spoken with Town Code Enforcement Officer Glenn Smith and Attorney for the Town, Joseph Catalano. Officer Smith, aided by Attorney Catalano, is writing a cease and desist order for the property noted to remedy this situation.

Supervisor Lagonia offered for the Town Board to have a workshop on the topic of air bnbs to flush out what the Town Board would like to do as far as regulation is concerned.

The Town Board discussed the current Town Code concerning the definition of a single family dwelling and how this lines up with the definition of an air bnb rental. Attorney Catalano noted that there is a glaring gap in the Code for uses for events like parties or weddings, etc. This is really what this property is being used for.

Town Board Vogler stated that there is a growing use of homes as air bnbs and the Town Board should be proactive about how to regulate this use. Supervisor Lagonia noted it may be as simple as a permit. The Town Board discussed options.

Supervisor Lagonia suggested that Attorney Catalano put an outline together concerning air bnbs for the Town Board to discuss. The inappropriate activity at the property discussed in E. Fusco's letter has gone on too long at this point.

Attorney Catalano advised that there are other areas in the code that need to be updated and approved. Member Vogler asks that Attorney Catalano joins T. Stalker and himself, who have been working on these issues, to discuss and come up with a preliminary draft to submit to the Town Board.

Unfinished Business

New Town Hall Update

Cost analysis sheet was updated by Therese Boehme, Wallace Architecture.

Supervisor Lagonia updated the Town Board as to the status of the new Town Hall project noting that the new light fixtures upstairs in the meeting area have been put in. The top of the dais needs to be put in, floors re-stained, minor painting, new front doors put in and some odds and ends. Gutters will be put up, as well as, the column bases. Just a lot of little items to do. The rest of the furniture will be delivered at the end of April. At this point, the upstairs should be ready for the June Town Board meeting.

New Business

2019 Highway Bids

Trucking

Macfarlane Contracting

39 Percy Hill Road
Old Chatham, New York 12136

Bid:

2013 CAT Tandem Dump Truck: \$87.50/hour 21 ton
2006 Peterbilt Tri-Axle Dump Truck: \$92.50/hour 23 ton

Bemiss Trucking Service Inc.

187 Tunnel Hill Road
Canaan, New York 12029

Bid:

Tractor Trailer Aluminum Trailer: \$120.00/hour 36 ton
Tractor Trailer Steel Trailer: \$130.00/hour 33 ton
Haul Material to Town Garage from Colarusso Sand and Gravel: \$5.65/ton
Haul Material to Town Garage from Colarusso Quarry: \$4.65/ton
Haul Material to Town Garage from Bolls: \$2.30/ton
Haul Material to Town Garage from Rifenburg Construction: \$5.75/ton

A.Colarusso and Son, Inc.

91 Newman Road
Hudson, New York 12534

Bid:

Tractor Trailer Aluminum Trailer: \$125.00/hour 36 ton
Tractor Trailer Steel Trailer: \$145.00/hour 33 ton
Tri-Axle Dump Truck: \$90.00/hour 22 ton
Haul Material to Town Garage from Colarusso Sand and Gravel: \$5.50/ton
Haul Material to Town Garage from Colarusso Quarry: \$4.65/ton
Haul Material to Town Garage from Bolls: \$2.30/ton
Haul Material to Town Garage from Rifenburg Construction: \$5.40/ton

ADS Culvert Pip/Guard Rail/Geotextile Fabric

Chemung Supply Corp
PO Box 527
Elmira, New York 14902

CUL VERT PIPE (HDPE)

FOB /Deliven:- Yard

4" (corrugated interior)	\$.46 /lf
6" (corrugated interior)	\$1.35 /lf
8" (corrugated interior)	\$3.40 /lf
10" (corrugated interior)	\$4.80 /lf
12" (smooth flow interior)	\$5.70/lf
15" (smooth flow interior)	\$7.40 /lf
18" (smooth flow interior)	\$10.90 /lf
24" (smooth flow interior)	\$16.10/lf
30" (smooth flow interior)	\$26.20 /lf
36" (smooth flow interior)	\$34.80 /lf
42" (smooth flow interior)	\$43.90 /lf

48" (smooth flow interior) \$54.60 /lf

GUARD RAIL MATERIAL

FOB /Delivery-Yard

BOX BEAM \$14.00/lf
 POST \$30.00/per post
 Insulation \$280.00/hr

ARCH PIPE (Galvanized)

FOB/Delivery-Yard

71" High x 103" Wide (or equal) \$124.76/lf

GEOTEXTILE FABRIC

FOB.Delivery-Yard

Non-Woven (Mirafi 140M or equal) \$.49/sy
 Woven (Mirafi 500X or equal) \$.40/sy

Stone/Gravel/Bituminous Asphalt

A.Colarusso & Son, Inc.
 91 Newman Road
 Hudson, New York 12534

<u>CRUSHED STONE</u>	<u>FOB QUARRY</u>	<u>Delivery Yard</u>	<u>Delivery 203&22</u>	<u>Delivery Job Site</u>
IA (washed)	\$11.75 /ton	\$16.40/ton	\$16.40/ton	\$16.40/ton
#1 (washed)	10.55/ton	\$15.20/ton	\$15.20/ton	\$15.20/ton
#2	\$10.30 /ton	\$14.95/ton	\$14.95/ton	\$14.95/ton
#1 & #2 Mixed	\$10.45 /ton	\$15.10/ton	\$15.10/ton	\$15.10/ton
#3	\$10.30 /ton	\$14.95/ton	\$14.95/ton	\$14.95/ton
SCREEN FILL	\$7.35/ton	\$12.00/ton	\$12.00/ton	\$12.00/ton
CRUSHER ITEM 4	\$9.00/ton	\$13.65/ton	\$13.65/ton	\$13.65/ton
CRUSHER RUN (:S 2")	\$9.00/ton	\$13.65 /ton	\$13.65/ton	\$13.65/ton
LIGHT STONE FILL	\$10.90/ton	\$15.55/ton	\$15.55/ton	\$15.50/ton
MEDIUM STONE FILL	\$12.55/ton	\$22.55/ton	\$22.55/ton	\$22.55/ton
HEAVY STONE FILL	\$13.10/ton	\$23.10/ton	\$23.10/ton	\$23.10/ton
CRUSHER RUN IN-PLACE WITH PAVER under 600 tons/day)			\$32.50/ton	
CRUSHER RUN IN-PLACE WITH PAVER over 600 tons/day)			\$29.25/ton	

SHALE/GRAVEL/STONE/SAND

SAND (snow)	\$8.25/ton	\$13.75/ton	\$13.75/ton
ITEM 4 or CRUSHED (4" minus)	\$9.00/cy	\$13.65/cy	\$13.65/cy
COBBLES	\$9.00/ton	\$14.50/ton	\$14.50/ton

BITUMINOUS ASPHALT

FOB PLANT

DELIVERY- JOB SITE

TYPE 1 BASE COURSE	\$52.50/ton	\$90.00/ton
TYPE 3 BINDER COURSE	\$55.75/ton	\$90.00/ton
19 MM BINDER COURSE	\$55.75/ton	\$90.00/ton
12.55MM TOP COURSE	\$59.50/ton	\$90.00/ton
TYPE 6 TOP COURSE	\$61.75/ton	\$90.00/ton
TYPE 7 TOP COURSE	\$65.50/ton	\$90.00/ton

WINTER MIX (Cold Patch) \$90.00/ton \$90.00/ton

Irish Trucking LLC
343 Forest Street
Lee, Ma.01238

	Delivery	Delivery
<u>CRUSHED STONE</u>	<u>Yard</u>	<u>203&22</u>
CRUSHER ITEM 4	\$14.25/ton	\$14.25/ton

Bob Boll Excavating
Sand and Gravel
PO Box 408
Niverville, New York 12130

MISCELLANEOUS AGGREGATE

ITEM #4	\$10.80/ton
PROCESSED GRAVEL	\$10.80/ton
SNOW SAND	\$10.50/ton
BANK RUN	\$7.00/ton
SHALE	\$7.50/ton
SCREEN SHALE (6" minus)	\$8.95/ton
3" STONE	\$12.25/ton
3-6" STONE	\$12.95/ton

Supervisor Lagonia noted that the 2019 Highway Bids were opened April 16th at 9:00 a.m. R. Lagonia and Highway Superintendent Meehan discussed the numbers and made recommendations to the Town Board.

A motion to accept the bids as follows was made by G. Vogler and seconded by J. Wrightsman, understanding these were the lowest bidders:

Awarded to: Colarusso & Son, foe.

<u>CRUSHED STONE</u>	<u>FOBQUARRY</u>	<u>DELIVERY- YARD</u>	<u>DELIVERY- 203&22</u>	<u>DELIVERY- JOB SITE</u>
1A (washed)	\$11.75 /ton	\$16.40 /ton	\$16.40 /ton	\$16.40 /ton
#1 (washed)	\$10.55 /ton	\$15.20/ton	\$15.20 /ton	\$15.20 /ton
#2	\$10.30 /ton	\$14.95 /ton	\$14.95 /ton	\$14.95 /ton
#1 & #2 Mixed	\$10.45 /ton	\$15.10 /ton	\$15.10 /ton	\$15.10 /ton
#3	\$10.30 /ton	\$14.95/ton	\$14.95 /ton	\$14.95 /ton
Screen Fill	\$7.35 /ton	\$12.00 /ton	\$12.00 /ton	\$12.00 /ton
Crusher Item 4	\$9.00 /ton	\$13.65 /ton	\$13.65 /ton	\$13.65 /ton
Crusher Run (:S 2")	\$9.00 /ton	\$13.65 /ton	\$13.65 /ton	\$13.65 /ton
Light Stone Fill	\$10.90 /ton	\$15.55 /ton	\$15.55 /ton	\$15.50 /ton
Medium Stone Fill	\$12.55 /ton	\$22.55 /ton	\$22.55 /ton	\$22.55 /ton
Heavy Stone Fill	\$13.10 /ton	\$23.10 /ton	\$23.10 /ton	\$23.10 /ton
CRUSHER RUN IN-PLACE WITH PAVER (under 600 tons/day)				\$32.50 /ton
CRUSHER RUN IN-PLACE WITH PAVER (over 600 tons/day)				\$29.25 /ton

QUARRY LOCATION 91 New man Rd. Hudson, NY 12534

<u>Shale/Gravel/Stone/Sand</u>	<u>FOB QUARRY</u>	<u>DELIVERY-STOCKPILE</u>	<u>DELIVERY-JOB SITE</u>
SAND (snow)	\$8.25 /ton	\$13.75 /ton	\$13.75/ton
ITEM 4 or CRUSHED (4" minus)	\$9.00 <i>Icy</i>	\$13.65 <i>Icy</i>	\$13.65 <i>Icy</i>
COBBLES	\$9.00 /ton	\$14.50 /ton	\$14.50 /ton

PIT LOCATION 1?I County Route 31 Hudson, NY J 2534

<u>BITUMINOUS ASPHALT</u>	<u>FOB PLANT</u>	<u>DELIVERY-JOB SITE</u>
TYPE 1 BASE COURSE	\$52.50 /ton	\$90.00 /ton
TYPE 3 BINDER COURSE	\$55.75 /ton	\$90.00 /ton
19 MM BINDER COURSE	\$55.75 /ton	\$90.00 /ton
12.55MM TOP COURSE	\$59.50 /ton	\$90.00 /ton
TYPE 6 TOP COURSE	\$61.75 /ton	\$90.00 /ton
TYPE 7 TOP COURSE	\$65.50 /ton	\$90.00 /ton
WINTER MIX (Cold Patch)	\$90.00 /ton	\$90.00 /ton

PLANT LOCATION 91 Newman Rd Hudso n. NY 12534

Awarded to: Chemung Supple Corp

<u>CULVERT PIPE (HDPE)</u>	<u>FOB</u>	<u>DELIVERY-YARD</u>
4" (corrugated interior)	\$.46 /lf	\$.46 /lf
6" (corrugated interior)	\$ 1.35 /lf	\$ 1.35 /lf
8" (corrugated interior)	\$ 3.40 /lf	\$ 3.40 /lf
10" (corrugated interior)	\$ 4.80 /lf	\$ 4.80 /lf
12" (smooth flow interior)	\$ 5.70 /lf	\$ 5.70 /lf
15" (smooth flow interior)	\$ 7.40 /lf	\$ 7.40 /lf
18" (smooth flow interior)	\$ 10.90 /lf	\$ 10.90 /lf
24" (smooth flow interior)	\$ 16.10 /lf	\$ 16.10 /lf
30" (smooth flow interior)	\$ 26.20 /lf	\$ 26.20 /lf
36" (smooth flow interior)	\$ 34.80 /lf	\$ 34.80 /lf
42" (smooth flow interior)	\$ 43.90 /lf	\$ 43.90 /lf
48" (smooth flow interior)	\$ 54.60 /lf	\$ 54.60 /lf
<u>GUARD RAIL MATERIAL</u>		
BOX BEAM	\$ 14.00 /lf	\$ 14.00 lf
POST	\$ 30.00 <i>Ip.er</i> post	\$ 30.00 / <i>per</i> post
Insulation	\$ 280.00	\$ 280.00

ARCH PIPE (Galvanized)

71" High x 103" Wide (or equal) \$ 124.76 /lf \$ 124.76 /lf

GEOTEXTILE FABRIC

Non-Woven (Mirafi 140M or equal) \$.49 /sy \$.49 /sy

Woven (Mirafi 500X or equal) \$.40 /sy \$.40 /sy

TRUCKING OF HIGHWAY MATERIALS

Tractor Trailer aluminum trailer

Rate per hour \$120.00 average load permitted legally 36 - **Bemiss Trucking**

Tractor Trailer Steel Trailer

Rate per hour \$130.00 average load permitted legally 33 - **Bemiss Trucking**

Tri-Axle Dump Truck

Rate per hour \$92.50 average load permitted legally 23 ton - **Macfarlane Contracting**

Tandem Dump Truck

Rate per hour \$87.50 average load permitted legally 21 ton-**Macfarlane Contracting**

Haul material to Town Garage from Colarusso Sand and Gravel

Price per ton \$ 5.50 - **Colarusso**

Haul material to Town Garage from Colarusso Quarry

Price per ton \$4.65 - **Bemiss Trucking**

Haul material to Town Garage from Bolls

Price per ton \$2.30 - **Bemiss Trucking**

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

N. Friedman: absent

J. Wrightsman: yes

Motion carried 4:1.

Superintendent Meehan would like to try some of the material out of Massachusetts trucked by Irish Trucking. It is better grade material. The consensus of the Town Board was to allow this.

Road Mapping Proposal

This proposal was never received from Engineer Jurkowski.

Harvey Mountain Easements

Highway Superintendent Meehan advised that he still needs the easements for the Harvey Mountain Road project. Highway Clerk Mary Davis will follow-up with the one property owner still outstanding.

Subdivision Law Update

Attorney for the Town, Joseph Catalano, provided an update to the Board on the new version of the Town's subdivision regulations he has been working on. The Comprehensive Plan Oversight Committee provided proposed amendments to the current subdivision regulations (Chapter 167 of the Town Code) mainly with respect to boundary line adjustments. Attorney Catalano stated that based on his consultations with the Planning Board, the current regulations were confusing and difficult for the Planning Board to administer since the regulations do not provide clear procedures for each type of subdivision application. Therefore, it was thought best, in terms of updating the regulations, to replace the current regulations with new regulations that addresses both the Committee's proposed amendments and the Planning Board's input towards a more user-friendly set of regulations. Attorney Catalano provided the Town Board with a working draft of the subdivision regulations completed to date which are close to being finished and he went over the general layout of the regulations and some of the new features including: each type of subdivision application will have its own procedural article with the steps in the process clearly outlined. J. Catalano is now working on providing general criteria that will help guide the Planning Board's decisions and incorporating the requirements of the Town's Zoning Law both of which are not addressed in the current regulations. Then Attorney Catalano will work on the definitions article to make sure that is updated and consistent with the rest of the regulations. J. Catalano estimated that he should have a complete draft soon. The Town Board discussed the review process, that it should first go to the CPOC Chair and Member Vogler for their review with Attorney Catalano and then once that draft is reviewed and revised it will go to the Planning Board for its review prior to being ready for the Town Board review and adoption process. The Planning Board review of the draft could be used to satisfy part of the Planning Board's training requirements.

Public Comments

Lee Tilden questioned the pleasure of the Town Board concerning a Planning Board Chairman.

Executive Session

A motion to enter into executive session to discuss possible litigation with a contractor asking for additional money for their work on the new town hall was made by G. Vogler and seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

N. Friedman: absent

J. Wrightsman: yes

Motion carried 4:1. Executive session entered at 7:52 p.m.

A motion to exit executive session was made by J. Wrightsman and seconded by G. Vogler.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

N. Friedman: absent

J. Wrightsman: yes

Motion carried 4:1. Executive session ended at 8: 05 p.m.

Adjournment

A motion to adjourn was made by C. Schober and seconded by G. Vogler.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

N. Friedman: absent

J. Wrightsman: yes

Motion carried 4:1. Meeting adjourned at 8:06 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk