

Town of Austerlitz  
Organizational/Regular Town Board Meeting  
January 11, 2007

Present: George Jahn, Supervisor, Robert Pinto, Paul Bernstein, Charles Vander Weit, Mary Anne Lee, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent, Tim Stalker, Planning Board Chairman, Jeff Baker, Attorney for the Town.

Meeting called to order at 7:00 p.m.

Roll call.

Moment of silence in memory of Gerald Ford, 39<sup>th</sup> President of the United States, followed by the pledge of allegiance.

Minutes

A motion was made by R. Pinto and seconded by P. Bernstein to approve the December 14, 2006 Regular Town Board Meeting minutes.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to pay general fund #1-37 and highway fund #1-20 was made by C. Vander Weit and seconded by M. Lee.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

**Organizational Session**

**Yearly Resolutions**

**RESOLUTION 1-2007**

Be it resolved that, First Niagara and the National Union Bank of Kinderhook are hereby designated as the official depositories for all town funds for the year 2007.

A motion was made by P. Bernstein and seconded by M. Lee to adopt Resolution 1-2007.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

**RESOLUTION 2-2007**

Be it resolved that the Hudson Valley Newspapers and the Independent Newspaper, having circulation in the Town of Austerlitz, are hereby designated as the official newspapers for the Town of Austerlitz for the year 2007.

A motion was made by R. Pinto and seconded by P. Bernstein to adopt Resolution 2-2007.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

**RESOLUTION 3-2007**

Be it resolved that the Supervisor is appointed as the budget officer and is hereby authorized to invest idle funds of the Town of Austerlitz in those investments as approved by law, the State Comptroller, and the Investment Policy of the Town of Austerlitz as it becomes apparent that such funds will not be required to meet immediate commitments of the Town.

A motion was made by C. Vander Weit and seconded by M. Lee to adopt Resolution 3-2007.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

**RESOLUTION 4-2007**

Be it resolved that after the audit of properly submitted claims, to the Supervisor, Town Clerk/Tax Collector, Assessor, Election Inspectors, Justices, Justice's Clerk, Councilpersons, Planning Board, Assessor's Clerk, Zoning Commission, Animal Control Officer and Code Enforcement Official, for the use of privately owned vehicles on official town business, and provided that funds for such expenses are available in the budget, mileage reimbursement will be made at the rate that is promulgated by the Federal Government. Be it further resolved that with the exception for the Code Enforcement Official, Assessor, and Animal Control Officer, mileage shall not be paid for normal travel within the town in ordinary performances of duties of the office held nor for the travel to and from meetings of the Town Board or committees thereof. Daily automotive log substantiated.

A motion was made by R. Pinto and seconded by C. Vander Weit to adopt Resolution 4-2007.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

**RESOLUTION 5-2007**

Be it resolved that the Superintendent of Highways is authorized to advertise for sealed bids for the furnishing of Calcium Chloride, culvert pipe and banding, sand, gravel, shale, salt, crushed stone, fuel oil, diesel fuel, and gasoline that may be required for the year 2007. Be it further resolved that if a state or county bid for the foregoing materials is available to the town, the Superintendent of Highways may elect to purchase such supplies and/or materials under such contract rather than by competitive bidding, pursuant to State Law. All purchases will be made in accordance with the Town Procurement Policy.

A motion was made by C. Vander Weit and seconded by M. Lee to adopt Resolution 5-2007.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

**RESOLUTION 6-2007**

Be it resolved that the Town Board of the Town of Austerlitz shall meet on the second Thursday of each month and said Board meetings will be held at the Town Hall, 812 Route 203, Spencertown, NY. All meetings will commence at 7:00 p.m.

A motion was made by G. Jahn and seconded by M. Lee to adopt Resolution 6-2007.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes  
C. Vander Weit: yes  
Motion unanimously carried.

**RESOLUTION 7-2007**

Be it resolved that pursuant to section 29, subdivision 10a of Town Law that the Supervisor is directed to submit to the Town Clerk within sixty days after the close of the fiscal year, a copy of the report sent to the State Comptroller which is required by section 30 of the General Municipal Law, and the Town Clerk shall cause a summary of such report to be published in the Town's official newspaper within ten days after receipt thereof; this shall be in lieu of preparation of the report required by subdivision 10, section 20 of Town Law.

A motion was made by C. Vander Weit and seconded by M. Lee to adopt Resolution 7-2007.

G. Jahn: yes  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion unanimously carried.

**RESOLUTION 8-2007**

Supervisor Jahn thanked Shawn Hancock for her service on the Planning Board. She has been a serious contributor. The vacancy committee has met concerning organizational appointments. Town Board Member Pinto recommends Gloria Oleynek for the position of Planning Board Member sighting her schooling and experience. Member Pinto also notes that the Town has been through a lot of changes in the past year. At last year's organizational meeting when appointments were made, the choices did not reflect diversity. A year later the Town Board has the opportunity to choose diversity. They have the opportunity to make a good gesture, to help heal the Town and bridge the gap. Town Boards in the past have always put the opposition into positions and this Town Board should do the same. This is an opportunity to bring down the wall. Member Pinto would like noted that at 6:20 p.m. tonight he received Charles Knauss' resume, another candidate for the Planning Board position.

Town Board Member Lee noted that she and Member Pinto had a frank and open discussion about this appointment. She agrees conceptually and in principal with diversity. Member Lee advises that she is very conflicted with this situation. Although she agrees that G. Oleynek looks very good on paper, in the last year Member Lee has seen a lack of cooperation on G. Oleynek's part and feels this would be disruptive on the Planning Board level. She would like to make this gesture, but doesn't feel this would solve the problem she noted. Because she can not endorse G. Oleynek, Member Lee recommends Charles Knauss. C. Knauss' resume was provided to the Town Board because of questions raised by R. Pinto during the vacancy committee meeting.

Town Board Member Bernstein notes that at the end of the last election, he encouraged young people to get involved. He would like to see them mentored and be the ones to carry on in the future. The Town has three excellent choices for this position. Member Bernstein feels that G. Oleynek can work with people well and has great experience.

A motion to appoint G. Oleynek as Planning Board Member for a 7 year term was made by P. Bernstein and seconded by R. Pinto.

G. Jahn: no  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: no  
C. Vander Weit: no  
Motion denied 3:2.

A motion to appoint Charles Knauss to the Planning Board for a 7 year term to expire at the organizational meeting in 2014 was made by M. Lee and seconded by C. Vander Weit.

G. Jahn: yes

R. Pinto: no

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion carried 4:1.

Be it resolved that the Town Board affirms the following Planning Board members with term dates expiring as of the organizational meeting of each respective year:

S. Somlo: 2008

T. Stalker: 2009

C. Pinto: 2010

C. Lawson: 2011

S. Fischer: 2012

B. Puccio: 2013

C. Knauss: 2014

A motion was made by C. Vander Weit and seconded by M. Lee to adopt Resolution 8-2007.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

#### **RESOLUTION 9-2007**

Be it resolved that Tim Stalker, a member of the Planning Board, is hereby designated as Chairman of the Town of Austerlitz Planning Board, and Steve Somlo, a member of the Planning Board, is hereby designated as Deputy Chairman of the Town of Austerlitz Planning Board.

A motion was made by R. Pinto and seconded by P. Bernstein to adopt Resolution 9-2007.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

#### **RESOLUTION 10-2007**

Supervisor Jahn advised that Pam Cook resigned from the Comprehensive Plan Oversight Committee because she will be more involved in the Assessor's Office. Town Board Member Lee noted that there was only one applicant for this position, ie: Shawn Hancock. During discussions by the Vacancy Committee, R. Pinto raised issues that S. Hancock has a business that has not gone through site plan review. Member Lee advised that S. Hancock did not think she needed to do this based on the nature of her business, but has agreed to bring the business before the Planning Board for site plan review. Discussion on the importance of this issue. Supervisor Jahn and Member Pinto would like to leave this position open until S. Hancock has completed the site plan review process. Town Board Member Vander Weit questioned the possibility of making the appointment contingent on site plan review. Members Bernstein and Lee would like to take S. Hancock at her word that she will complete the site plan review process.

Be it resolved that the Town Board hereby appoints to the Comprehensive Plan Oversight Committee the following members serving at the pleasure of the Town Board with terms expiring December 31, 2007.

Barbara Smith

Janice Goldfrank

Gail Cashen  
Jean Corigliano  
Howard Reznikoff  
Stuart Scheer  
Shawn Hancock

A motion was made by M. Lee and seconded by C. Vander Weit to adopt Resolution 10-2007.

G. Jahn: yes  
R. Pinto: no  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion carried 4:1.

**RESOLUTION 11-2007**

Be it resolved that Barbara Smith, a member of the Comprehensive Plan Oversight Committee, is hereby designated as Chairman of the Town of Austerlitz Comprehensive Plan Oversight Committee, and Jean Corigliano, a member of the Comprehensive Plan Oversight Committee, is hereby designated as Deputy Chairman of the Town of Austerlitz Comprehensive Plan Oversight Committee.

A motion was made by M. Lee and seconded by P. Bernstein to adopt Resolution 11-2007.

G. Jahn: yes  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion unanimously carried.

**RESOLUTION 12-2007**

Be it resolved that the Town Board of the Town of Austerlitz hereby reconfirms a zoning commission for the purpose of formulating zoning laws which will govern land uses in the Town of Austerlitz. Be it further resolved that the Town Board of the Town of Austerlitz hereby reconfirms the appointments the following 7 members to the zoning commission for a 2 year term to expire December 31, 2007.

Roy Carney  
Hilary Ferrone  
Cathy Grier  
Stephen Langer  
Abi Mesick  
Constance Mondel  
John Spitzer

A motion was made by P. Bernstein and seconded by C. Vander Weit to adopt Resolution 12-2007.

G. Jahn: yes  
R. Pinto: no  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion carried 4:1.

**RESOLUTION 13-2007**

Be it resolved that Roy Carney, a member of the Zoning Commission, is hereby designated as Chairman of the Town of Austerlitz Zoning Commission, and Hillary Ferrone, a member of the Zoning Commission, is hereby designated as Deputy Chairman of the Town of Austerlitz Zoning Commission.

A motion was made by P. Bernstein and seconded by C. Vander Weit to adopt Resolution 13-2007

G. Jahn: yes

R. Pinto: no  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion carried 4:1.

**RESOLUTION 14-2007**

Be it resolved that Nancy Kern is hereby appointed as the Zoning Commission Clerk for a period of one year beginning January 1, 2007 and ending December 31, 2007.

A motion was made by R. Pinto and seconded by P. Bernstein to adopt Resolution 14-2007

G. Jahn: yes  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion unanimously carried

**RESOLUTION 15-2007**

Be it resolved that the 2007 salaries for the following elected officials and appointees, and the schedule of payment of such salaries, shall be as follows:

<b>Supervisor</b>	<b>\$ 7075.00 per year payable monthly</b>
<b>Budget officer</b>	<b>\$ 00.00 per year payable annually</b>
<b>Councilpersons (4 each)</b>	<b>\$ 2317.50 per year payable monthly</b>
<b>Town Clerk/Tax Collector</b>	<b>\$ 23850.00 per year payable bi-weekly</b>
<b>Registrar of Vital Stats</b>	<b>\$ 250.00 per year payable annually</b>
<b>Deputy Town Clerk</b>	<b>\$ 12.73 per hour payable biweekly</b>
<b>Superintendent of Highways</b>	<b>\$ 43560.00 per year payable bi-weekly</b>
<b>Highway Superintendent Clerk</b>	<b>\$ 12.73 per hour payable bi-weekly</b>
<b>Justices (2 each)</b>	<b>\$ 10610.00 per year payable monthly</b>
<b>Justice's Clerk</b>	<b>\$ 7917.00 per year payable monthly</b>
<b>Town Assessor</b>	<b>\$ 16417.00 per hour payable monthly</b>
<b>Assessor Assistants (2)</b>	<b>\$ 12.73 per year payable monthly</b>
<b>Town Accountant</b>	<b>\$ 10200.00 per year payable monthly</b>
<b>Code Enforcement Officer</b>	<b>\$ 17000.00 per year payable monthly</b>
<b>Code Enforcement Clerk</b>	<b>\$ 12.73 per hour payable bi-weekly</b>
<b>Custodian</b>	<b>\$ 2000.00 per year payable bi-weekly</b>
<b>Historian</b>	<b>\$ 1800.00 per year payable monthly</b>
<b>Planning Board Chairman</b>	<b>\$ 2800.00 per year payable monthly</b>
<b>Planning Board Members (6 each)</b>	<b>\$ 915.00 per year payable monthly</b>
<b>Planning Board Clerk</b>	<b>\$ 2400.00 per year payable monthly</b>
<b>Dog Warden</b>	<b>\$ 1600.00 per year payable monthly</b>
<b>Comp Plan Oversight Cmt Clerk</b>	<b>\$ 12.73 per hour payable monthly</b>
<b>Zoning Commission Clerk</b>	<b>\$ 12.73 per hour payable monthly</b>

A motion was made by M. Lee and seconded by C. Vander Weit to adopt Resolution 15-2007

G. Jahn: yes  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion unanimously carried

**RESOLUTION 16-2007**

Be it resolved that the wage scale and fringe benefits for highway employees for the year 2007 shall be as follows: An increase of five (5) percent shall be added to all current Highway Employees wages for the year 2006)

<b>Motor Equipment Operator</b>	<b>\$13.00 per hour payable bi-weekly</b>
<b>Skilled Laborer #2</b>	<b>12.00 per hour payable bi-weekly</b>

**Laborer**

10.00 per hour payable bi-weekly

New Hires – **MEOs** begin at the rate of \$12.50 per hour and are increased at the rate of .50 cents per hour every six months until they reach the current Motor Equipment Operator rate.

**Skilled Laborers** begin at \$9.00 per hour and are increased at the rate of .50 cents per hour every six months until they reach the current rate for Skilled Laborer.

**Vacation**

- Completion of one year ----- one week
- Completion of two years ----- two weeks
- Completion of seven years ----- three weeks + 1 day every year after
- Completion of fifteenth year ----- four weeks

**Paid Holidays**

- New Years Day
- Martin Luther King Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Christmas Day

\*To entitle employees to receive holiday pay they must work the day prior to and the day after the holiday.

**Sick Days**

- Five days per year/may accumulate sick days up to 80 maximum

\*More than 3 consecutive sick days require a Doctor's note.

**Personal Days**

- Five days per year

**Medical Insurance**

-100% paid by the Town for grandfathered time Town employee and family. Single full time new hires, 100% paid by the Town. Full time new hires with family, 100% paid by the Town for employee and employee will pay twenty-five (25) percent of the difference between cost of family insurance and single coverage.

**Retirement**

- Mandatory immediate enrollment for all fulltime employees into the New York State Retirement System.
- Part-time employees have optional enrollment.

**Bereavement**

- Three days paid for immediate family members only.

**Clothing Allowance**

\$300.00 per year.

A motion was made by C. Vander Weit and seconded by P. Bernstein to adopt Resolution 16-2007.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

**RESOLUTION 17-2007**

Be it resolved that Susan A. Haag, as Town Clerk, is hereby appointed Registrar of Vital Statistics for a one year term beginning January 1, 2007 and ending December 31, 2007.

A motion was made by M. Lee and seconded by C. Vander Weit to adopt Resolution 17-2007.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

**RESOLUTION 18-2007**

Be it resolved that the Supervisor is authorized to pay certain routine invoices, ie: utility, telephone, health insurance, and postage without prior audit.

A motion was made by R. Pinto and seconded by P. Bernstein to adopt Resolution 18-2007.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

**RESOLUTION 19-2007**

Be it resolved that the Town Clerk is hereby appointed to the position of Records Access Officer.

A motion was made by M. Lee and seconded by R. Pinto to adopt Resolution 19-2007.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

**RESOLUTION 20-2007**

Be it resolved that **Main Care** is hereby awarded the contract to provide heating oil and furnace maintenance service for a period of one year beginning January 1, 2007 and ending December 31, 2007. It is agreed that heating oil products will be provided at a rate equal to Columbia County's competitive bid price or less.

A motion was made by C. Vander Weit and seconded by P. Bernstein to adopt Resolution 20-2007.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

**RESOLUTION 21-2007**

Be it resolved that the Town Board of the Town of Austerlitz hereby authorizes attendance for schooling and annual conferences for employees of the Town. Be it further resolved that the Town Board hereby authorizes the payment of said employees' actual and necessary expenses incurred at each school or conference in so much as said expenses have been included in the annual budget.

A motion was made by M. Lee and seconded by C. Vander Weit to adopt Resolution 21-2007.

G. Jahn: yes

R. Pinto: yes



P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion unanimously carried.

**RESOLUTION 22-2007**

Be it resolved that the Town Board of the Town of Austerlitz hereby appoints Pam Cook and Deborah Welch as Assessor Assistants for a period of one year beginning January 1, 2007 and ending December 31, 2007.

A motion was made by R. Pinto and seconded by P. Bernstein to adopt Resolution 22-2007.

G. Jahn: yes  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion unanimously carried.

**RESOLUTION 23-2007**

Be it resolved that the Town Board of the Town of Austerlitz hereby appoints Sally Van Wagner as clerk for the Highway Superintendent.

A motion was made by C. Vander Weit and seconded by P. Bernstein to adopt Resolution 23-2007.

G. Jahn: yes  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion unanimously carried.

**RESOLUTION 24-2007**

Be it resolved that the Town Board of the Town of Austerlitz hereby appoints Steve Aciani as Broker for the Town's Health Insurance.

A motion was made by P. Bernstein and seconded by M. Lee to adopt Resolution 24-2007.

G. Jahn: yes  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion unanimously carried.

**RESOLUTION 25-2007**

Be it resolved that the Town Board of the Town of Austerlitz hereby appoints Sally Van Wagner as custodian.

A motion was made by P. Bernstein and seconded by C. Vander Weit to adopt Resolution 25-2007.

G. Jahn: yes  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion unanimously carried.

**Supervisors Appointments**

The Supervisor hereby appoints **Paul Bernstein** to serve as Deputy Supervisor without pay for a period of one year beginning January 1, 2007 and ending December 31, 2007. In the position of Deputy Supervisor, **Paul Bernstein** can act as Supervisor when the incumbent Supervisor is unavailable or not capable of performing the duties of Supervisor. Be it noted that said Deputy Supervisor can attend Columbia County assemblences but does not have voting power on Columbia County affairs.

The Supervisor hereby appoints **Sarah Light**, as Town Historian, beginning January 1, 2007 and ending with the organizational meeting in January 2008.

### **Town Appointments**

The Town hereby affirms the appointment of **Jeffrey Baker** as Attorney for the Town for a period of one year beginning January 1, 2007 and ending December 31, 2007.

The Town hereby appoints **Mark Fitzgerald** as Accountant to perform accounting services for a period of one year beginning January 1, 2007 and ending December 31, 2007.

The Town hereby affirms the appointment of **Patrick Prendergast**, and **Sterling Environmental**, as Civil Engineers, to provide approved engineering services for a period of one year beginning January 1, 2007 and ending December 31, 2007.

The Town hereby appoints **Matthew Torrey**, as Animal Control Officer to perform those duties as outlined in Article 7 of the Ag and Market Law, for a period of one year beginning January 1, 2007 and ending December 31, 2007, and **George Jahn** as the Deputy Animal Control Officer without compensation.

The Town hereby appoints **Fred Oleynek**, as the Code Enforcement Officer, beginning January 1, 2007 and ending with the organizational meeting in January 2008.

### **Highway Superintendent Appointment**

The Highway Superintendent hereby appoints **Sally Van Wagner** to serve as Deputy Highway Superintendent without pay for a period of one year beginning January 1, 2007 and ending December 31, 2007. In the position of Deputy Supervisor, **Sally Van Wagner** can act as Highway Superintendent when the incumbent Highway Superintendent is unavailable or not capable of performing the duties of Highway Superintendent.

### **Court Clerk**

The Town hereby appoints **Eileen Olson**, as Court Clerk beginning January 1, 2007 and ending with the organizational meeting in January 2008.

### **Policies and Procedures**

#### **Policy To Develop an Agenda For Regular Meeting of The Town Board**

1. Establish a regular agenda work session (for all members of the Town Board / for members of an Agenda Committee consisting of the Supervisor and one additional member of the Board) to be held at Austerlitz Town Hall at 9:00 AM on the Saturday immediately preceding the regularly scheduled monthly meeting of the Town Board.
2. The purpose of this work session will be to establish the agenda for the regularly scheduled monthly meeting of the Town Board.
3. The agenda work session will be open to the public and will conform to all applicable open meeting laws.
4. At this meeting any member of the Town Board or any board, committee or commission appointed by the Town Board (i.e. the Planning Board, the Comprehensive Plan Oversight Committee or the Zoning Commission) or any member of the general public may introduce a topic and request that it be placed on the agenda for the upcoming meeting of the Town Board. The request may be made in writing or in person.
5. Written requests for consideration of an agenda item must be submitted to the Town Clerk no later than noon on the Friday preceding the agenda work session. Electronic communication in the form of e-mail and attachments are acceptable.

6. For each request, (Board members / committee members) will consider whether the topic is relevant to the Town Board, whether necessary and sufficient information is available for the Board to productively consider the topic at the upcoming meeting and the relative urgency of the request.
7. After consideration, (the Board / the committee) may dispose of a request in one of the following ways. Disposition will be decided by (a majority vote of the Board / agreement of the committee members present).
  - a. Include the requested item on the agenda for the upcoming meeting;
  - b. Agree to consider the requested item at a future meeting;
  - c. Request additional information necessary to productively consider the request;
  - d. Refer the matter to appropriate authority other than the Town Board (e.g. Town Justice or Town Clerk or Building or Code Enforcement Officer).
  - e. Decline to consider the requested item.
8. An agenda will be prepared according to the accepted order of business for the Town Board and will include items of new business decided upon by (the Board / the committee).
9. No later than the close of business on the following Monday, the Town Clerk will prepare a written copy of the agenda and will distribute the same to all members of the Town Board and to the chairs of the Planning Board, the Comprehensive Oversight Committee and the Zoning Commission. The agenda will also be conspicuously posted in Town Hall and on the Town's official website.

**Cellular Phone/Phone Card/Telephone/Fax Policy**

Cellular Phones/Phone Cards are issued only through the direction of the Town Board of the Town of Austerlitz. Cellular Phones/Phone Cards/Telephones/Fax will be used only for municipal purposes. Usage will be monitored monthly through audit by the Town Board of the Town of Austerlitz.

**Gas Card/Credit Card Policy**

Gas Cards and Credit Cards are issued only through the direction of the Town Board of the Town of Austerlitz and will be used only for municipal vehicles, equipment and supplies. Charges against individual cards will be monitored monthly through audit by the Town Board of the Town of Austerlitz.

**Policy and Procedures for Appointments to Citizens Committees**

*The Town Board recognizes the importance of the services of citizen volunteers for many functions relating to governance of the Town including the important work done by the Town Planning Board, the Comprehensive Plan Oversight Committee and its various subcommittees, and the Zoning Commission.*

*In the appointment of persons to these citizen committees, as in all other areas, it is the intent of the Town Board of Austerlitz to conduct the business of the Town in a manner that is fair, open and representative of the people of the town.*

*Therefore, the following policy guidelines for making appointments are implemented.*

1. The Supervisor will name an Appointments sub-committee of the Town Board. This sub-committee will be charged with making recommendations to the full Board regarding appointments to those boards and committees which are subject to appointment by the Town Board.
2. Members of the Appointments sub-committee and the chair of each committee will actively solicit the participation of citizens for the Town Planning Board, the Comprehensive Oversight Committee and the Zoning Commission whenever a vacancy arises or is anticipated.

3. This will include, but is not limited to, posting a notice of the position(s) in the newspaper of record and on the official Town Website.
4. Applicants will be requested to submit letter of interest to the town clerk by a date specified in the notice of vacancy. This may be delivered in-person, via post or e-mail.
5. The Appointments sub-committee will review the qualifications of all candidates including a personal interview if appropriate.
6. Upon completion of the review, the Appointments sub-committee will then make a recommendation to the full Board.
7. Appointments will be made by a majority vote of the Board.
8. In making recommendations the Appointments sub-committee will be guided by the following policies.
  - a. An individual should serve on only one committee each term.
  - b. Only one member of a household should be appointed to serve in the same term.
  - c. An effort should be made to have members of both major political parties represented on each major committee in the Town.
  - d. For the Town Planning Board, where appointments are for a 7 year term, members should serve one term and be eligible to serve again after a one year absence.
  - e. A similar term-limit policy is recommended for any other Boards or committees that may be established with a term of office of 5 years or longer.
9. It will be the responsibility of each Board or Committee chair to solicit, review and appoint members of such subcommittees and task forces as deemed necessary for the committee to discharge its responsibilities. Board and Committee chairs are encouraged to employ the principles of openness and inclusiveness in making such appointments.

## **INVESTMENT POLICY**

2007

### **I. Scope**

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

### **II. Objectives**

The primary objectives of the local government's investment activities are, in priority order;

- To conform with all applicable Federal, State and other legal requirements (legal);
- To adequately safeguard principal (safety);
- To provide sufficient liquidity to meet all operating requirements (liquidity); and
- To obtain a reasonable rate of return (yield).

### **III. Delegation of Authority**

The governing board's responsibility for administration of the investment program is delegated to the Town Supervisor who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control

structure to provide a satisfactory level of accountability based on a database or records incorporating description and amounts of investments, transaction dates and other relevant information and regulate the activities of subordinate employees.

**IV. Prudence**

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Town of Austerlitz to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

**V. Diversification**

It is the policy of the Town of Austerlitz to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

**VI. Internal Controls**

It is the policy of the Town of Austerlitz for all moneys collected by any officer or employees of the government to transfer those funds to the chief fiscal officer within 10 days of deposit, or within the time period specified in law, whichever is shorter.

The Supervisor is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management’s authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

**VII. Designation of Depositories**

The banks and trust companies authorized for the deposit of monies up to the maximum amounts are:

<u>Depository Name</u>	<u>Maximum Amount</u>	<u>Officer</u>
National Union Bank of Kinderhook	\$1,000,000.00	Supervisor
National Union Bank of Kinderhook	\$ 30,000.00	Court
First Niagara	\$1,000,000.00	Supervisor
Bank of America	\$1,000,000.00	Supervisor

**VIII. Collateralizing of Deposits**

In accordance with the provisions of General Municipal Law, s10, all deposits of Town of Austerlitz, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

-By a pledge of “eligible securities” with an aggregate “market value” as provided by GML s10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.

-By an eligible “irrevocable letter of credit” issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-

term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

-By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

#### **IX. Safekeeping and Collateralization**

Eligible securities used for collateralizing deposits shall be held by National Union Bank of Kinderhook subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town of Austerlitz or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodian bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

#### **X. Permitted Investments**

As authorized by General Municipal Law, s11, the Town of Austerlitz authorizes the Town Supervisor to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposits accounts;
- Certificates of deposit;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;
- Obligations issued pursuant to LFL s24.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Town of Austerlitz;
- Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments;
- Certificates of Participation (COPs) issued pursuant to GML, s109-b;

-Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML, s6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the Town of Austerlitz within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Town of Austerlitz within two years of the date of purchase.

#### **XI. Authorized Financial Institutions and Dealers**

The Town of Austerlitz shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Town of Austerlitz. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers. The Town Supervisor is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

#### **XII. Purchase of Investments**

The Town Supervisor is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
3. By utilizing an ongoing investment program with an authorized tracking partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town of Austerlitz by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, s10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

#### **XIII. Repurchase Agreements**

Repurchase agreements are authorized subject to the following restrictions:

- All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- Obligations shall be limited to obligations of the United States of America and obligations of agencies of the United States of America where principal and interest are guaranteed by the United States of America.
- No substitution of securities will be allowed.
- The custodian shall be a party other than the trading partner.

## Appendix A

### Schedule of Eligible Securities

\_\_\_ (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United State of America, an agency thereof or a United States government sponsored corporation.

\_\_\_ (ii) Obligations issued or full guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development, and the African Development Bank.

\_\_\_ (iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.

\_\_\_ (iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.

\_\_\_ (v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organizations.

\_\_\_ (vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

\_\_\_ (vii) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

\_\_\_ (viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.

\_\_\_ (ix) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.

\_\_\_ (x) Commercial paper and bankers' acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.

\_\_\_ (xi) Zero coupon obligations of the United States government marketed as "Treasury Strips."

### **Notice of Highway Weight Restriction**



## HIGHWAY LAW – 320. Injuries to highways

### 320. Injuries to highways

Whoever shall injure any highway or bridge maintained at the public expense, by obstructing or diverting any creek, water course or sluice, or by dragging logs or timber on its surface, or by drawing or propelling over the same a load of such weight as to injure or destroy the culverts or bridges along the same, or of such weight that will destroy, break or injure the surface of any improved state highway, county road or town highway, or by any other act or shall injure, deface or destroy any mile-stone or guide post erected on any highway, shall for every such offense forfeit treble damages.

11. Temporarily exclude from any portion of any town highway any vehicle with a gross weight of over four or more tons or any vehicle with a gross weight in excess of any designated weight on any wheel, axle, any number of axles, or per inch width of tire when in its' opinion such highway would be materially injured by the operation of any such vehicle thereon. Such exclusion shall take effect upon the erection of signs on the section of highway from which such vehicle are excluded, and a notice that such vehicles are excluded shall be published in a newspaper in the county where the highway is situated. The exclusion shall remain in effect until the removal of the signs as directed 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.

### **Policy for Waiver of 30 Day Liquor License Notification**

After notification by an applicant that they are applying for a liquor license in the Town of Austerlitz, the Town will entertain a request to waive the 30 day waiting period before the applicant can submit an application to the New York State Liquor Authority. Procedure for approval of said request will be as follows:

1. Applicant must notify Town Clerk in writing as required by NYS Liquor Law that they are applying for a liquor license.
2. Applicant must request in writing to waive 30 day notification including reasons for request.
3. If Town Board meeting is within 10 days of receipt of request, approval will be made by the Town Board.
4. If Town Board meeting is not within 10 days of receipt of request, approval will be made by the Town Supervisor.
5. Notification of decision will be made in writing to applicant.

\*\*It is understood that any new establishments requiring a liquor license have gone through site plan review thus satisfying public notification and review.

### **Policy of Sexual Harassment**

All town officials and employees are responsible for assuring that the workplace is free from sexual harassment. Because of the town's strong disapproval of offensive or inappropriate sexual behavior at work or in representing the Town, all individuals must avoid any action or conduct that could be viewed as sexual harassment including but not limited to the following:

- Unwelcome sexual advances
- Requests for sexual acts or favors
- Sexually explicit language or gestures
- Other verbal or physical conduct of a harassing nature

An individual who has a complaint of sexual harassment at work concerning anyone, including town officials, supervisors, co-workers, or visitors, shall file their complaint with the Town Supervisor. If the complaint is against the Town Supervisor, then the individual shall file the complaint with the Deputy Supervisor or Town Clerk.

All complaints will be promptly investigated. The privacy of both the aggrieved and the accused will be strictly maintained.

The person or persons conducting the investigation may enlist the aid of other town officials, employees, Town Attorney, local law enforcement officers or others as it is deemed appropriate.

The findings of any investigation shall be reported to the Town Board and appropriate action shall be taken if the Town Board determines that it is necessary. The Town Board will retain confidential information

### **Procurement Policy**

Guideline 1: Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML, s103. Every town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter Purchases) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

Guideline 2: All purchases of a) supplies or equipment which will exceed \$10,000 in the fiscal year or b) public works contracts over \$20,000 shall be formally bid pursuant to GML, s103.

Guideline 3: All estimated purchases of:

Less than \$10,000 but greater than \$3,000 require a written request for a proposal (RFP) and written/fax quotes from three vendors.

Less than \$3,000 but greater than \$1,000 require an oral request for the goods and oral/fax quotes from two vendors.

Less than \$1,000 but greater than \$500 are left to discretion of the Purchaser.

All estimated public works contracts of:

Less than \$20,000 but greater than \$10,000 require a written RFP and fax/proposals from three contractors.

Less than \$10,000 but greater than \$3,000 require a written RFP and fax/proposals from two contractors.

Less than \$3,000 but greater than \$500 are left to the discretion of the Purchaser.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

Guideline 4: The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low bidder. (For example, the second low bidder is a business in town,

paying town property taxes, and their quote was within 5% of the low bidder which is an out-of-state business or supplier.) If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

Guideline 5: A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

Guideline 6: Except when directed by the town board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- a.) Acquisition of professional services;
- b.) Emergencies;
- c.) Sole source situations;
- d.) Goods purchased from agencies for the blind or severely handicapped;
- e.) Goods purchased from correctional facilities;
- f.) Goods purchased from another governmental agency;
- g.) Good purchased under County or State contracts;
- h.) Goods purchased at auction;
- i.) Goods purchased for less than \$500.00.
- j.) Public works contracts for less than \$500.00

However, a good faith effort should be made to insist that the best price be paid.

Guideline 7: This policy shall be reviewed annually by the town board at its organizational meeting or as soon thereafter as is reasonably practicable.

### **Policies and Procedures for Public Hearing at Regular and Special Sessions of the Town Board**

*The Town Board of the Town of Austerlitz is committed to uphold the spirit and the letter of the Open Meeting Law.*

*It is the intention of the Town Board that the business of the Town be conducted in a spirit of cooperation and with appropriate professionalism and decorum. It is also the intention of the Board that members of the general public have ample opportunity to comment and offer opinions on matters of concern to the Town and its government at meetings of the Town Board.*

*With these goals in mind, the following policies and procedures are adopted for public hearings at regular and special sessions of the Town Board.*

1. Every regularly scheduled meeting of the Town Board will include a public hearing period during which any member of the general public may address the meeting on any topic of relevance to the Town or its government.
2. A sign-in sheet will be available at the entrance to the meeting room 30 minutes prior to the official start time of the meeting. Any one wishing to address the meeting during the public hearing will be requested to sign-in. Speakers will be recognized by the chair in the order in which their names appear on the sign-in sheet.
3. Any one wishing to address the meeting who has not signed-in before the meeting is called to order may do so, upon being recognized by the chair, after all those on the sign-in sheet have spoken. Speakers who have not signed-in are requested to state their full name before addressing the meeting so that the clerk may properly record the comment for the minutes.
4. Comments will be directed to members of the Board and not to any individual or group in attendance at the meeting.

5. Each speaker will limit their initial remarks to three minutes.
6. After all who so request have an opportunity to speak, and upon being recognized by the chair, each speaker who wishes may offer one follow-up comment. Follow-up comments are limited to two minutes.
7. Speakers may address the meeting further only with the consent of the majority of the Board.
8. Members of the Board may ask for clarification, but otherwise will not engage in debate or discussion with a speaker during the public hearing session.
9. Speakers and Board Members will, at all times, maintain a courteous and respectful tone and avoid shouting, profanity and comments of a personal nature.
10. Should a speaker's behavior become disruptive, they will be asked to leave the meeting.

### **Policies and Procedures for Rules of Order for Austerlitz Town Board Meetings**

*It is the intent of the Town Board of Austerlitz to conduct the business of the Town in an open, fair and professional manner.*

*In order to do so, the Board wishes to follow the recommendation of the Association of Towns of the State of New York and adopt a written policy regarding the procedures that will govern the conduct of Town Board meeting.*

*We therefore adopt the following set of policies and procedures which are based on widely accepted rules of parliamentary procedure as the rules of order for the Town Board,*

1. The Supervisor shall preside at all meetings of the Board and shall preserve order and decorum in debate. In the absence of the Supervisor, this responsibility will fall to the Deputy Supervisor.
2. The Supervisor will conduct each regular meeting of the Board according to the following order of business:
  - a. call to order;
  - b. moment of silence and pledge of allegiance;
  - c. acceptance of minutes of previous meeting;
  - d. auditing of account and claims;
  - e. a public hearing of any member of the general public in attendance at the meeting on any subject in which the Town or its government is concerned according to the policies adopted by the Board for public comment;
  - f. reception of petitions and other communications addressed to the Town board including written and electronic communications (e-mail);
  - g. report of Town Supervisor which will include the report of monthly cash disbursements;
  - h. reports of the Town Clerk/Tax Collector and the Highway Superintendent;
  - i. report of other town officers and officials (building inspector, town historian, etc) as may be required
  - j. reports from the Planning Board, the Comprehensive Plan Oversight Committee, and the Zoning Commission by committee chair or board liaison;
  - k. reports from Town Board sub-committees;
  - l. consideration of outstanding old business;
  - m. consideration of new business;
  - n. adjournment.
3. This order of business may be revised at any meeting by a majority vote of the Board.

4. Any member may present a resolution or motion for consideration by the Board.
5. Every resolution or motion must be seconded before being debated and brought to a vote by the Supervisor. All resolutions and motions, including those that fail to get a second, shall be recorded in their entirety in the official minutes of the Town Board.
6. The Supervisor may offer or second a resolution or motion and need not relinquish the chair for such purpose.
7. No motion or resolution may be brought to a vote except by the consent of the majority of those board members present unless printed copies thereof are available to each member of the Board 48 hours prior to the opening of the meeting at which such motion or resolution is offered. For this purpose, a printed copy delivered to the Town Hall or electronic transmission to the e-mail address on file with the Town Clerk shall suffice.
8. In debate of motions and resolutions no members will speak more than once on any question until every member choosing to speak shall have spoken and no more than twice in any case without leave of the Board.
9. When a question is under debate, no motion shall be entertained unless (a) for an adjournment or recess (b) for the previous question to be tabled, (c) to postpone to refer to a committee or (d) to amend the main motion. These latter motions are neither amendable nor debatable.
10. No motion shall be made to offer any amendment to an amendment already before the Board on any proposition.
11. A majority vote of all the members of the Board shall be required to suspend these rules of order.
12. A majority of the board shall constitute a quorum.
13. If the above stated rules are or become at any time in conflict with the statutory law, the statutory law shall take precedent.

A motion to adopt the above policies as policies for the year 2007 was made by R. Pinto and seconded by P. Bernstein.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

#### Committees

##### **Recreation and Parks Committee**

Charles Vander Weit

Mary Anne Lee

##### **Highway Committee**

Robert Pinto, Jr.

Paul Bernstein

##### **Buildings and Grounds Committee**

Robert Pinto, Jr.

Paul Bernstein

##### **Vacancy Committee**

Robert Pinto, Jr.  
Mary Anne Lee

**Coordinating Committee**

Mary Anne Lee

**Liaisons**

**Spencertown Academy Liaison**

Paul Bernstein  
George Jahn

**Planning Board Liaison**

George Jahn  
Charles Vander Weit

**Comprehensive Plan Oversight Committee Liaison**

George Jahn  
Mary Anne Lee

**Zoning Commission Liaison**

George Jahn  
Mary Anne Lee

Supervisor Jahn noted all contracts, leases, bonds, letters of credit, lines of credit, etc.

**Regular Monthly Meeting**

**Monthly Reports**

Monthly cash disbursements for the month of December 2006 submitted.

Town Clerk Report for the month of December 2006 submitted.

Tax Collector Report from January 1-11, 2007 submitted.

Supervisor Jahn reported that the Organizational Meeting for the County was last week. Claverack Town Supervisor, Jim Keegan, was named Chairman of the County Board of Supervisors, and he will have 2 deputies, Arthur Baer, Town Supervisor from Hillsdale and Larry Andrews, Town Supervisor from Ghent.

Highway Superintendent Meehan reported the Town has been lucky this winter with the weather so far, they only used a little sand on New Year's Day. 2 trucks are down waiting for parts, one will be costly to fix. One will be down for about a week and the other has already been down for about 1 ½ weeks. New hires are doing well, and the Highway Department is fully staffed at this point. The Highway crew has been ditching and trying to take care of pot holes in-between the rain. If we get some cold weather and things freeze, R. Meehan advised he will start the Stever Hill Road project. If things stay like they are, he is going to hold off so the roads are not chewed-up due to muddy conditions.

Supervisor Jahn notes that Dean Knox is trading phone calls with Stephanie Walters about the Upper Hollow Road Bridge.

Planning Board Report for the month of December 2006 submitted. This report includes a Road Committee Update. In the report Chairman Stalker thanks Shawn Hancock for her time served on the Planning Board.

Comprehensive Plan Oversight Committee Report for the month of December 2006 submitted.

Zoning Commission Report for the month of December 2006 submitted. Member Lee noted that the last Zoning Commission meeting was a working session to create 3

proposed zones. Chazen presented a rough outline of dimensions. The committee discussed major concerns. Member Lee outlined the next steps the Zoning process will take. First, a summary will be issued listing the direction the Commission are working towards; then around March 6, Chazen will deliver a preliminary draft of a zoning ordinance which will then be reviewed by the Commission March 20. Revisions will be made and a public hearing held. The 3 zones are geographic, ie: the hamlets of Spencertown, the hamlet of Austerlitz and land outside the hamlets. Discussed specifics. Member Pinto advised there is confusion out there about commercial, residential and agriculture areas. Member Lee noted that the consultant used a color coded map based on the assessing records which showed these areas by color. This map was only a general guideline to help establish what types of properties are out there.

Building Inspector Report for 2006 submitted. Building Inspector Oleynek noted that permits and dollars collected are about the same as last year.

No animal control report submitted.

A motion to accept the above reports was made by C. Vander Weit and seconded by P. Bernstein.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

#### Correspondence

No monthly Correspondence.

#### Committees

Town Board Member Lee announced that the Town has been awarded \$19,800.00 from the NYSDOS Quality Communities Grant Program. The funds will be used for the zoning consultant, Chazen, Inc. The grant application was prepared by Victor Cornelius, the new grant writer. This grant requires no matching funds.

#### Unfinished Business

Local Law #4-2007 A local law providing for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code, was presented for upcoming adoption. This is a major change from what the Town currently has, but the Town doesn't have much choice on most of the sections in the law. Attorney Baker notes the areas the Town does have discretion on. This law will go to public hearing at the next regular Town Board meeting in February.

#### New Business

Local Law #1-2007 A local law providing for partial exemption from real property taxes to persons with disabilities who have limited income.

Local Law #2-2007 A local law providing a partial exemption from real property taxes to qualifying senior citizens.

Local Law #3-2007 A local law providing an increased exemption from real property taxes to qualifying veterans.

Supervisor Jahn presents Local Laws #1, 2, 3-2007 noting that he wants to move the annual income levels up, using a sliding scale. The Veterans exemption makes distinguished income levels dependent on service. He notes that this is the Town's effort to address a difficult income situation in an appropriate way helping those who have a need. Shifts the burden from those who have a need to those who don't. The County is in the process of looking at these same laws. They may end up at the same levels. These laws will affect Town taxes only.

A motion to schedule a public hearing on February 8, 2007 at 6:45 p.m. for local laws #1, 2, 3 and 4-2007 was made C. Vander Weit and seconded by R. Pinto.

G. Jahn: yes

R. Pinto: yes

M. Lee: yes

C. Vander Weit: yes

P. Bernstein: yes

Motion unanimously carried.

Supervisor Jahn advised that he has audited the Town Books, and the Town Clerk/Tax Collector Books for the year 2006 and found all to be in order. He will audit the Court Books during January and report at the next meeting.

Resolution #26-2007 Move Polling Location for Election Districts #1 and #2.

Supervisor Jahn advised that because of the inadequacy of space at the Town Hall Town he has asked the Spencertown Fire Company to use their facilities for voting purposes. They have consented.

BE IT RESOLVED that the Town Board of the Town of Austerlitz does hereby move the polling location of Election District #1 and Election District #2 to the Spencertown Fire House located on Memorial Drive, Spencertown, New York for the year 2007 and thereafter.

A motion was made by P. Bernstein and seconded C. Vander Weit to adopt Resolution #26-2007 Move Polling Location for Election Districts #1 and #2.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

#### Association of Towns Certificate of Designation

For the Annual Meeting of the Association of Towns, the Association of Towns requires a Certificate of Designation naming a voting delegate for each represented Township. Supervisor Jahn will be attending the Annual Meeting in New York City and will be in a position to vote at the annual meeting.

A motion to name Supervisor George Jahn as the voting delegate for the Town of Austerlitz at the Association of Towns Annual Meeting was made by R. Pinto and seconded by M. Lee.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

#### BAR Appointment

Member Lee advised that there was only one applicant for this position, Steve Hay. She is recommending him for appointment, R. Pinto is not.

A motion to name Steve Hay to the BAR was made by M. Lee and seconded by G. Jahn.

Discussion ensued. Member Pinto would like to post this position again. Member Vander Weit would like to repost as well if that is possible. Attorney Baker advised that the Town Board is not obligated to accept this applicant. They can choose to repost. Supervisor Jahn stated that this Town job happens once a year for a brief time period. S. Hay was once an assessor for the Town of Austerlitz. He has learned much since then and has also grown up in the Township. G. Jahn would like to see S. Hay get this position. This would be a place we can see him in action. Member Bernstein feels the



Supervisor's thoughts are legitimate, the qualifications are there and this is a panel of people, not just an individual job. P. Bernstein is afraid that not appointing this applicant will chase other qualified people in Town away from applying. He is okay either way the decision comes down.

G. Jahn: yes

R. Pinto: no

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: no

Motion carried 3:2.

#### Columbia County Youth Bureau Appointment

Sandy Fischer has stepped down due to the many demands on her time. Supervisor Jahn has approached Deborah Oleynek for this position, but she has not gotten back to him yet. Supervisor Jahn would like to leave this position open until we hear from her.

#### Columbia Greene Memorial Hospital Sign Permission

Supervisor Jahn noted an email the Town has received from the Columbia Greene Hospital Foundation requesting permission to place a fund raising sign on the Town green. It was noted that the Hospital benefits us all and serves many, but the Town has normally taken a firm stance on signs being allowed on the green. Member Vander Weit noted that normally the only signs allowed are those announcing Town functions. Allowing this type of sign would be opening can of worms, even though the hospital is a good organization. Member Bernstein questioned if EMTs are part of the group, and if so, what about asking the Spencertown Fire Company to put the sign down there. The Town Board questions Fire Company Member F. Oleynek who advises that this request would have to be put before the Fire Company Board. Member Pinto agrees that the Town should stick with the policy it has had for years not allowing the green to be used for signs.

Member Lee advised that the Comprehensive Plan Oversight Committee is in the middle of reviewing the sign law and maybe this could be part of what the committee looks at. Supervisor Jahn feels that the sense of the Town Board is not to allow this and he will write a letter to the Foundation explaining the Town Board's decision.

#### Planning Board Clerk

Supervisor Jahn noted that Nancy Kern found herself too busy and unable to handle being the clerk for 3 boards, therefore requesting to step down from all positions except the Zoning Commission Clerk. Member Lee reiterates the hard time the Town has had in trying to fill clerk positions. After this appointment, the Town still needs a Comprehensive Plan Oversight Clerk. Member Lee has talked with Robin Parow, the Planning Board Clerk applicant, and was very favorable impressed.

A motion to appoint Robin Parow as Planning Board Clerk for a term ending at the Town Board Organizational Meeting in January of 2008 was made by M. Lee and seconded by P. Bernstein.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

#### Public Comments

Cathy Greer congratulates the Town Board on securing grant money. Great news for the Zoning Commission. She noted that the second meeting with the zoning consultant was pretty well attended. The consultant did a great job facilitating, and listening. Is it possible for him to come to some of the public meetings? C. Grier also advised that the districts the commission was talking about are very vague, just pencil lines as of this time. She also thanks the Town Board for spending money for setting up the email program with Technology 4 All. This program is not completely in use at this point,

especially for the zoning commission clerk. Technology 4 All will work with the town to get this fixed.

Sue Geel would like to discuss the manner in which appointments were made. She notes that the Vacancy Committee consists solely of Town Board members which constitutes a public body; which as a public body, this committee should operate under open meeting laws. The meeting of this committee was never noticed, minutes were not taken, etc. This leaves all appointments made open to legal issues. S. Geel asks the Town Board to table all appointments, until this is straightened out. S. Geel offers proof from the Town Law Manual and opinions from the Open Government web sight of Robert Freeman, both of which collaborates S. Geel's statements. Attorney Baker will be happy to look at the material S. Geel has, but he does not believe the Town Board has done anything wrong. If he finds that this committee meeting should have been noticed, minutes taken, etc., he will alert the Town Board, but he doesn't believe the appointments need be tabled. His opinion is based on the fact that the Committee did not make any decisions, only offered recommendations to the Town Board as a whole in an advisory capacity and all recommendations were discussed at an open Town Board meeting. Attorney Baker will research the issue though.

Constance Mondel feels the information should be reviewed by Attorney Baker, but what was discussed by committee in private was made evident at tonight's meeting, and their recommendations were in an advisory capacity.

Town Board Member Vander Weit feels the Town Board should hold the appointments, if something was done wrong, the Town Board will fix it accordingly.

Attorney Baker discusses situations and ramifications concerning this type of scenario.

Planning Board Chairman T. Stalker noted that the Road Committee is reviewing road laws from other townships. It was interesting to note that the Town of Livingston copied Austerlitz's current road law word for word.

Sue Geel is confused about the recent grant for zoning that the Town has secured. S. Geel notes that in email correspondence and in the grant application, the donation from the Ellsworth Kelly Foundation is mentioned. S. Geel questions what part of contribution was supposed to be associated with zoning. She believes it was to be used for recreation areas. Town Board Member Lee advised that a decision was made with the grant writer, to make the Town's grant application distinctive. Because we have this money in Town, it can be used in a broader sense as discussed in previous Town Board meetings. S. Geel asks if Ellsworth Kelly is aware that his name is being associated with spurring on zoning. Supervisor Jahn advised that he is not sure that Ellsworth Kelly is, but Jack Shear, President of the Foundation, is fully aware of what the Town is doing.

Fred Oleynek feels that this is a creative way of getting money into zoning.

Alan Silvernale asked about the adopted budget for 2007, and questioned the fact that no money was budgeted for Highway equipment. Does the Town Board have a procedure to prioritize equipment replacement in the future? Supervisor Jahn feels that a truck should be replaced every 5 years. This year, the Town Board will probably buy 2 trucks, a smaller one and a large one to get this cycle started. All Purchases will be bonded instead of buying outright.

A motion to adjourn was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

R.Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Meeting adjourned at 8:37 p.m.

Town Board Member Pinto requests that his recommendations for appointments be part of the record. See attached.

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Public Hearing/Regular Town Board Meeting  
February 8, 2007

Present: George Jahn, Supervisor, Robert Pinto, Paul Bernstein, Mary Anne Lee, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent, Tim Stalker, Planning Board Chairman, Jeffrey Baker, Attorney for the Town.

Charles Vander Weit absent due to vacation.

Called Public Hearing to order 6:45 p.m. Public Hearing called for Local Laws #1, 2, 3, and 4-2007.

Public Hearing for Local Law #1-2007, A local law providing for partial exemption from real property taxes to persons with disabilities who have limited income.

Supervisor Jahn noted income levels, sliding scale and tax shifts.

No public comment. All those who wished to be heard were heard.

Public Hearing for Local Law #2-2007, A local law providing a partial exemption from real property taxes to qualifying senior citizens.

No public comment. All those who wished to be heard were heard.

Public Hearing for Local Law #3-2007, A local law providing an increased exemption from real property taxes to qualifying veterans.

Supervisor Jahn noted different income levels and impact issues. Supervisor Jahn advised that he is a veteran. Discussed levels of exemptions and requirements to be entitled for exemption.

No public comment. All those who wished to be heard were heard.

Public Hearing for Local Law #4-2007, A local law providing for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code.

Supervisor Jahn noted that this 15 page law replaces the current 4-5 page Town Law. New law doesn't seem to give additional enforcement duties.

Code Enforcement Officer Fred Oleynek noted that this law will make a little more work. There are limited discretionary areas, namely time limits, etc. F. Oleynek feels that the way this new law currently reads with 18 months to finish a building project is too short. He feels that the time limit should be at least 2 years. Many different factors could impact delays. Supervisor Jahn noted that many people build their own homes. The Town needs to look at the fee schedule as well. This is not part of the law. Supervisor Jahn asks Code Enforcement Officer Oleynek to come up with a new fee schedule. Town Board Member Pinto would like the time limit for building to be at least 2 years. Supervisor Jahn noted that this new law is from the NYSDOS. The NYSDEC has regulations and Storm Water regulations are also out there and he would like to incorporate these into the building process. Attorney Baker advises that these issues should be in the subdivision law or site plan review law. Discussed scenarios when these issues would be triggered, and how to enforce them. It was noted that the Town needs publicity that new regulations are in place.

Attorney Baker advises that this new law's building completion time limit would not apply to current projects.

Supervisor Jahn would like to modify the law to read a building time limit of 2 years with a 6 month extension.

All those wishing to be heard were heard.

A motion to close Public Hearing on Local Laws #1, 2, 3, and 4-2007 was made by R. Pinto and seconded by P. Bernstein.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

Motion unanimously carried. Public Hearing closed at 7:00 p.m.

Regular meeting called to order 7:00 p.m.

Moment of silence followed by the pledge of allegiance.

Roll call.

#### Minutes

A motion to approve the January 11, 2007 Organizational/Regular Town Board Meeting was made by P. Bernstein and seconded by M. Lee.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

Motion unanimously carried.

#### Auditing of Accounts and Claims

A motion to pay General Funds #38-66 and Highway Fund #21-39 was made by R. Pinto and seconded by P. Bernstein.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

Motion unanimously carried.

#### Reports

Cash Disbursement Journal for the month of January 2007 submitted.

Town Clerk/Tax Collector Report for the month of January 2007 submitted.

No Supervisor Report.

Highway Superintendent Meehan reported that the 2 trucks down that were down are now up and running. The Highway Crew have been cutting brush and sawed some wood up to make lumber for possible benches if the Town wants to purchase some additional cement bench sections this Spring. Superintendent Meehan asked if the Town would like to sand down some tables in the park. Town Board consensus is yes. R. Meehan hopes to get back up on Stever Hill next week.

Planning Board Report for the month of January 2007 submitted. No Road Cmt meeting.

Comprehensive Plan Oversight Committee Report for the month January 2007 submitted. Water Testing Recommendation submitted.

Zoning Commission Report for the month of January 2007 submitted. The first listening session went well. The feed back on the concept was good. There is still a need for a Town Board member to sit in for a couple of listening sessions. No sign-in sheet is used. People can just come in and discuss issues one on one. Town Board Member Lee noted that having Member R. Pinto sit one time would be good for those people who would

find it easier to talk with him versus a zoning advocate. R. Pinto will look at his schedule.

#### Correspondence

Town Assessor, Peter Ostrander, has submitted his letter of retirement effective April 30, 2007. Supervisor Jahn praised his hard work and noted that he is well respected in the County. Pam Cook is designed as an assistant and is fully qualified and certified to take over. She will do the Town of Hillsdale as well.

An unemployment claim by ex-highway employee Chester Blass has been filed. Supervisor Jahn has been notified that the Town is responsible for a portion of unemployment benefits because the time C. Blass spent with his next employer was too short. Discussion on situation and options.

#### Committees

Based on last month's discussion, Supervisor Jahn has been advised that the current Town Board Committees were not in compliance with open meetings law. Supervisor Jahn would like to disband the current Town Board committees and form ad hoc committees as needed. Attorney Baker advises that all appointments made at last month's Town Board meeting were properly handled because all discussions that had been done between committee members were done again in the open Town Board meeting. The Town Board committee only made recommendations, and all decisions were made at the Town Board meeting. This type of issue is a matter of education. Committees made up solely of Town Board members are subject to the open meetings law. Committees made up of Town Board members and citizens are not subject to open meetings law.

#### Unfinished Business

Local Law #1-2007, A local law providing for partial exemption from real property taxes to persons with disabilities who have limited income.

SECTION 1. This local law is adopted pursuant to the authority of Real Property Tax Law Section 459-c. All definitions, terms and conditions of such statute shall apply to this local law.

SECTION 2. Real property owned by a person with disabilities whose income is limited by such disabilities, and used as the legal residence of such person, shall be entitled to a partial exemption from taxation to the extent of 50% of assessed valuation.

SECTION 3. To be eligible for the exemption authorized by such section 459-c and implemented by this local law the maximum income of such person shall not exceed \$26,000.00 to qualify for the 50% exemption. For the purposes of this exemption income shall be measured after deducting medical expenses and prescription drug costs. Medical expenses and prescription drug costs associated with non-reconstructive cosmetic surgery shall not be deductible. Any such person having a higher income shall be eligible for exemption in accordance with the following schedule.

<u>Annual Income Level</u>	<u>Percentage of Exemption</u>
Up to \$26,000.00	50%
\$26,000.01 to \$26,999.99	45%
\$27,000.00 to \$27,999.99	40%
\$28,000.00 to \$28,999.99	35%
\$29,000.00 to \$29,899.99	30%
\$29,900.00 to \$30,799.99	25%
\$30,800.00 to \$31,699.99	20%
\$31,700.00 to \$32,599.99	15%
\$32,600.00 to \$33,499.99	10%
\$33,500.00 to \$34,399.99	5%

The above maximum levels will be effective upon approval. Further, the Annual Income Levels will be adjusted annually to be effective on July 1, 2007 (\$27,000 at 50% with a sliding scale option limit to 5%), on July 1, 2008 (\$28,000 at 50% with a sliding scale

option limit to 5%) and on July 1, 2009 (\$29,000 at 50% with a sliding scale option limit to 5%). To implement the foregoing, the future sliding scales shall be increased by \$1,000 at each increment level.

SECTION 4. This local law shall take effect immediately upon its filing in the office of the Secretary of State. This law replaces Local Law # 1 of 2006.

A motion to adopt Local Law #1-2007 was made by P. Bernstein and seconded by M. Lee

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

Motion unanimously carried.

Local Law #2-2007, A local law providing a partial exemption from real property taxes to qualifying senior citizens.

SECTION 1. This local law is adopted pursuant to the authority of Real Property Tax Law Section 467. All definitions, terms and conditions of such statute shall apply to this local law.

SECTION 2. Real property owned by a person with disabilities whose income is limited by such disabilities, and used as the legal residence of such person, shall be entitled to a partial exemption from taxation to the extent of 50% of assessed valuation.

SECTION 3. To be eligible for the exemption authorized by such section 467 and implemented by this local law the maximum income of such person shall not exceed \$26,000.00 to qualify for the 50% exemption. For the purposes of this exemption income shall be measured after deducting medical expenses and prescription drug costs. Medical expenses and prescription drug costs associated with non-reconstructive cosmetic surgery shall not be deductible. Any such person having a higher income shall be eligible for exemption in accordance with the following schedule.

<u>Annual Income Level</u>	<u>Percentage of Exemption</u>
Up to \$26,000.00	50%
\$26,000.01 to \$26,999.99	45%
\$27,000.00 to \$27,999.99	40%
\$28,000.00 to \$28,999.99	35%
\$29,000.00 to \$29,899.99	30%
\$29,900.00 to \$30,799.99	25%
\$30,800.00 to \$31,699.99	20%
\$31,700.00 to \$32,599.99	15%
\$32,600.00 to \$33,499.99	10%
\$33,500.00 to \$34,399.99	5%

The above maximum levels will be effective upon approval. Further, the Annual Income Levels will be adjusted annually to be effective on July 1, 2007 (\$27,000 at 50% with a sliding scale option limit to 5%), on July 1, 2008 (\$28,000 at 50% with a sliding scale option limit to 5%) and on July 1, 2009 (\$29,000 at 50% with a sliding scale option limit to 5%). To implement the foregoing, the future sliding scales shall be increased by \$1,000 at each increment level.

SECTION 4. This local law shall take effect immediately upon its filing in the office of the Secretary of State. This law replaces Local Law # 2 of 2006.

A motion to adopt Local Law #2-2007 was made by M. Lee and seconded by P. Bernstein

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

Motion unanimously carried.

Local Law #3-2007, A local law providing an increased exemption from real property taxes to qualifying veterans.

SECTION 1. This local law is adopted pursuant to the authority of Real Property Tax Law Section 458-a. All definitions, terms and conditions of such statute shall apply to this local law.

SECTION 2. Qualifying residential real property owned by a veteran is entitled to a partial tax exemption. For the purpose of this local law the maximum exemption allowable under RPTL Sec. 458-a(2) shall be increased to the following levels: \$18,000 under subparagraph (a) for wartime service; \$12,000 under subparagraph (b) for combat zone service, and; \$60,000 under subparagraph (c) for a service connected disability.

SECTION 3. This local law shall take effect immediately upon its filing in the office of the Secretary of State.

A motion to adopt Local Law #3-2007 was made by R. Pinto and seconded by P.

Bernstein

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

Motion unanimously carried.

Local Law #4-2007, A local law providing for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code.

## **SECTION 1. PURPOSE AND INTENT**

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this local law.

## **SECTION 2. DEFINITIONS**

In this local law:

“Building Permit” shall mean a permit issued pursuant to section 4 of this local law. The term “Building Permit” shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this local law.

“Certificate of Occupancy” shall mean a certificate issued pursuant to subdivision (b) of section 7 of this local law.

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.

“Code Enforcement Personnel” shall include the Code Enforcement Officer and all Inspectors.

“Compliance Order” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 15 of this local law.

“Energy Code” shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

“Inspector” shall mean an inspector appointed pursuant to subdivision (d) of section 4 of this local law.

“Operating Permit” shall mean a permit issued pursuant to section 10 of this local law. The term “Operating Permit” shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this local law.

“Permit Holder” shall mean the Person to whom a Building Permit has been issued.

“Person” shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

“Stop Work Order” shall mean an order issued pursuant to section 6 of this local law.

“Temporary Certificate” shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

“Town” shall mean the Town of Austerlitz.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

### **SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS**

(a) The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this local law. The Code Enforcement Officer shall have the following powers and duties:

(1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;

(2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy, Temporary Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;

(3) to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

(6) to issue orders pursuant to subdivision (a) of section 15 (Violations) of this local law;

(7) to maintain records;

(8) to collect fees as set by the Town Board of this Town;

(9) to pursue administrative enforcement actions and proceedings;

(10) in consultation with this Town’s attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and



this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this local law; and

(11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.

(b) The Code Enforcement Officer shall be appointed by the Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated there under.

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

(d) One or more Inspectors may be appointed the Town Board to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated there under.

(e) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Town Board.

#### **SECTION 4. BUILDING PERMITS.**

(a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.

(b) Exemptions. No Building Permit shall be required for work in any of the following categories:

(1) construction or installation of one story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88 square meters);

(2) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(3) installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;

(4) installation of fences which are not part of an enclosure surrounding a swimming pool;

(5) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;

(6) construction of temporary motion picture, television and theater stage sets and scenery;

(7) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(8) installation of partitions or movable cases less than 5'-9" in height;

(9) painting, wallpapering, tiling, carpeting, or other similar finish work;

(10) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(11) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or

(12) repairs, provided that such repairs do not involve (i) the removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

(1) a description of the proposed work;

(2) the tax map number and the street address of the premises where the work is to be performed;

(3) the occupancy classification of any affected building or structure;

(4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

(5) at least 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

(g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within 6 months following the date of issuance. Building Permits shall expire 24 months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

(k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

## **SECTION 5. CONSTRUCTION INSPECTIONS.**

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.

(b) Elements of work to be inspected. The following elements of the construction process shall be inspected made, where applicable:

- (1) work site prior to the issuance of a Building Permit;
- (2) footing and foundation;
- (3) preparation for concrete slab;
- (4) framing;
- (5) building systems, including underground and rough-in;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues or gas vents;
- (9) Energy Code compliance; and
- (10) a final inspection after all work authorized by the Building Permit has been completed.

(c) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, re-inspected, and found satisfactory as completed.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

## **SECTION 6. STOP WORK ORDERS.**

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

(1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

(d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.

(e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 15 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

## **SECTION 7. CERTIFICATES OF OCCUPANCY**

(a) Certificates of Occupancy. A Certificate of Occupancy shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or sub-classification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy.

(b) Issuance of Certificates of Occupancy. The Code Enforcement Officer shall issue a Certificate of Occupancy if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or sub-classification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy:

(1) a written statement of structural observations and/or a final report of special inspections, and

(2) flood hazard certifications.

(c) Contents of Certificates of Occupancy. A Certificate of Occupancy shall contain the following information:

(1) the Building Permit number, if any;

(2) the date of issuance of the Building Permit, if any;

(3) the name, address and tax map number of the property;

(4) if the Certificate of Occupancy is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy is issued;

(5) the use and occupancy classification of the structure;

(6) the type of construction of the structure;

(7) the assembly occupant load of the structure, if any;

(8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;

(9) any special conditions imposed in connection with the issuance of the Building Permit; and

(10) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy and the date of issuance.

(d) Temporary Certificate. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed six (6) months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

(e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy or for a Temporary Certificate.

## **SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.**

The chief of any fire department providing fire fighting services for a property within this Town shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

## **SECTION 9. UNSAFE BUILDING AND STRUCTURES**

Unsafe structures and equipment in this Town shall be identified and addressed in accordance with the procedures established by Local Law Number 1 of 1998, as now in effect or as hereafter amended from time to time.

## **SECTION 10. OPERATING PERMITS.**

(a) Operation Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

(1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled “Fire Code of New York State” and incorporated by reference in 19 NYCRR section 1225.1;

(2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

(3) use of pyrotechnic devices in assembly occupancies;

(4) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

(5) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

(c) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.

(d) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

(e) Duration of Operating Permits. Operating Permits shall remain in effect until reissued, renewed, revoked, or suspended.

(f) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

(g) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

## **SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS**

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

(1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.

(2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.

(3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every twelve (12) months.

(b) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:

(1) the request of the owner of the property to be inspected or an authorized agent of such owner;

(2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(c) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

## **SECTION 12. COMPLAINTS**

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

(a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;



(b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 15 (Violations) of this local law;

(c) if appropriate, issuing a Stop Work Order;

(d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

### **SECTION 13. RECORD KEEPING.**

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

(1) all applications received, reviewed and approved or denied;

(2) all plans, specifications and construction documents approved;

(3) all Building Permits, Certificates of Occupancy, Temporary Certificates, Stop Work Orders, and Operating Permits issued;

(4) all inspections and tests performed;

(5) all statements and reports issued;

(6) all complaints received;

(7) all investigations conducted;

(8) all other features and activities specified in or contemplated by sections 4 through 12, inclusive, of this local law, including; and

(9) all fees charged and collected.

(b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

### **SECTION 14. PROGRAM REVIEW AND REPORTING**

(a) The Code Enforcement Officer shall annually submit to the Town Board a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 13 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.

(c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Town in connection with administration and enforcement of the Uniform Code.

## SECTION 15: VIOLATIONS

(a) Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; (5) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

(c) Civil Penalties. In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this Town.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board of this Town.

(e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In

particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 381 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 381 of the Executive Law.

#### **SECTION 16: FEES**

A fee schedule shall be established by resolution of the Town Board. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of occupancy, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

#### **SECTION 17. INTERMUNICIPAL AGREEMENTS**

The Town Board may, by resolution, authorize the Supervisor of the Town to enter into an agreement, in the name of this Town, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

#### **SECTION 18. PARTIAL INVALIDITY**

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

#### **SECTION 19. REPEAL**

This Local Law repeals and replaces Local Law No. 1 of 1986.

#### **SECTION 20. EFFECTIVE DATE**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

A motion to adopt Local Law #4-2007 with change in language to read that a permit will last for 2 years was made by R. Pinto and seconded by P. Bernstein.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

Motion unanimously carried.

#### New Business

Supervisor Jahn advised that he has audited the Justice Court books and found all to be in order.

Road Name Application: David Seth Michaels has submitted a road name application for a private road 1/10 mile up Beale Road, from State Route 203, on the right hand side. The requested name is Wild Wood Lane. This for 911 purposes.

A motion to approve Wild Wood Lane as the name for a private road 1/10 mile up Beale Road, from State Route 203, on the right hand side was made by R. Pinto and seconded by M. Lee.

G. Jahn: yes  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
Motion unanimously carried

PACE University Land Use Training Seminar: PACE University is hosting a land use training program for Zoning and Planning Board members and members of local legislative bodies. The one-day training program can be attended either on March 23 or March 24, 2007, each starting at 9:00 a.m. and ending approximately at 3:30 p.m. Supervisor Jahn is urging Town Officials to attend.

#### Public Comment

Abi Mesick thinks that the listening session concept was a great idea and hopes that people come out.

Planning Board Chairman Tim Stalker questioned whether the Town Board was going to address the Water Testing Recommendation of the Comprehensive Plan Oversight Committee. Supervisor Jahn would like to check with the DEC first to see if they have done any testing lately. Town Board Member Bernstein feels this is a Pandora's box. Chair Stalker noted that this testing would set a bench mark for the future. Certain levels are already required to be maintained was noted by Member Bernstein. Supervisor Jahn would like to follow up with the DEC first.

Chuck Weinlein advised that St. Lawrence College was testing streams and rivers in this area last summer.

#### Executive Session

A motion to enter executive session for potential property acquisition was made by M. Lee and seconded by R. Pinto.

G. Jahn: yes  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
Motion unanimously carried. Executive Session entered at 7:34 p.m.

A motion to exit executive session was made by R. Pinto and seconded by M. Lee.

G. Jahn: yes  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
Motion unanimously carried. Executive session exited at 7:46 p.m.

Further discussion concerning unemployment issue.

#### Adjournment

A motion to adjourn was made by R. Pinto and seconded by M. Lee

G. Jahn: yes  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
Motion unanimously carried. Meeting adjourned at 7:54 p.m.

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Regular Town Board Meeting  
March 8, 2007

Present: George Jahn, Supervisor, Robert Pinto, Paul Bernstein, Charles Vander Weit, Mary Anne Lee, Town Board Members, Susan Haag, Town Clerk, Robert Meehan,

Highway Superintendent, Tim Stalker, Planning Board Chairman, Jeff Baker, Attorney for the Town.

Regular meeting called to order 7:00 p.m.

Moment of silence in memory of Pat Casey, 30 year member of the Fire Department, a Fire Commissioner, former member of the Planning Board, and long time Town of Austerlitz resident, who died this past week.

Pledge of allegiance.

Roll call.

#### Minutes

A motion to approve the February 8, 2007 Public Hearing/Regular Town Board Meeting was made by P. Bernstein and seconded by M. Lee.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: abstained due to absence

Motion carried 4:1.

#### Auditing of Accounts and Claims

A motion to pay General Funds #67-92 and Highway Fund #40-60 was made by C. Vander Weit and seconded by P. Bernstein.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

#### Reports

Cash Disbursement Journal for the month of February 2007 submitted. Out of the tax money paid to Town, Supervisor Jahn invested \$800000.00 in a 31 day CD at First Niagara with an interest rate of 5.02%.

Town Clerk/Tax Collector Report for the month of February 2007 submitted.

Supervisor Jahn reported that he attended the Association of Towns Annual Meeting in February. The business portion had to do with a number of resolutions. None that are really controversial, just positions the Association of Towns has endorsed.

Highway Superintendent Meehan reported that during the past snow storms some private contractors have left snow piles in the road when they plow. He has chased down a few explaining liability issues. The ice storm last Friday caused many trees to come down in Austerlitz. Because of it being so cold, some driveway culverts are freezing. Staff is stable. It will probably be muddy next week because of the warm up.

Planning Board Report for the month of February 2007 submitted. Road Committee is moving along. T. Stalker noted that the committee is at the point to set up a meeting with the Town Board. They are also working on establishing an official road map. There is a map in the files that was prepared by the County that will be used as a starting place.

There are two workshops presented by the Planning Boards of Columbia and Greene County. The Greene County Planning Board presents 'Community Design Tools' on Monday, April 23, 2007 from 7:00-9:00 p.m. at the Greene County Emergency Operations and Training Center in Cairo. The Columbia County Planning Board presents 'Land Use Tools for Creating Affordable Housing' on Thursday, April 26, 2007 from 5:00-6:30 p.m. at the Columbia Greene Community College in Hudson.

Comprehensive Plan Oversight Committee Report for the month of February 2007 submitted. Notes from meeting with Mike Millspaugh presentation attached.

Zoning Commission Report for the month of February 2007 submitted. Draft document from Chazen has not yet been forwarded to the Town.

A motion to accept the above reports was made by C. Vander Weit and seconded by P. Bernstein.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

#### Correspondence

Letter of resignation from Janice Goldfrank. Due to time constraints, Janice is resigning from the Comprehensive Plan Oversight Committee. Notices have been in the paper for a replacement. No response to date. Supervisor Jahn notes that Janice was an important part of this committee and she will be missed.

Berkshire Taconic Community Foundation sent a notice that April 1, 2007 is the deadline for grant applications.

The Columbia County Community Services Board 14<sup>th</sup> Annual Legislative Forum presents 'The Lost Populations' on Friday, March 30, 2007 from 2:00-4:00 p.m. at the Columbia Greene Community College.

#### Unfinished Business

None

#### New Business

Alease Haag Appointment: Supervisor Jahn notes that the Town has been looking for people to work in clerk positions and to date have not been able to find anyone. The Town has reached out to the High School and the College as well. No response. A. Haag has shown interest in working part time doing computer input.

A motion to appoint Alease Haag to a clerk position paying \$10.00/hour for part time work with no more than 8 hours a week was made by R. Pinto and seconded by P. Bernstein.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Tree Planting at the Highway Garage: Trees are available from the Columbia County Soil and Water Conservation District's 2007 Bare Root Tree and Shrub Program. There could be a Town work day to plant the trees which will be used as a screen. Town Board Member Bernstein advises that trees must be picked very carefully. There are growth and wildlife issues. Member Bernstein and Highway Superintendent Meehan will work together to pick out trees and work out the details. Town Board Member Pinto volunteers to pick them up and bring them up from Hudson.

Highway Superintendent Meehan noted that he will be posting specs for yearly highway bids to be awarded at next month's meeting. Lawn care specs will be posted for award as well.

As Town Board Member Bernstein was reading over the Comprehensive Plan Oversight Committee report, he was interested in the mention of viewscapes. Although P. Bernstein does not believe in telling people what they can or can't do on their property,

he does believe that managed logging is good for the environment and enhances the forest. But ridgeline cutting, or clear cutting may need some laws to manage. Town Board Member Lee notes that through discussion with Mark Millsbaugh, the industry best practice is to manage these types of issues. Discussion on these types of situations, laws and how to accomplish what the Town is looking to do. There was a distinction made between logging property and clear cutting as well as storm water management tools. Minor logging is good for the land. Town Board Member Pinto notes that the Town also needs to make a distinction between logging for firewood (selective cutting) and major logging. Member Lee advises that these concerns be directed towards the Zoning Commission to incorporate into the zoning document. Member Pinto wants to look at current local and state laws on this issue as well. There may be rules already out there to handle this. Attorney Baker will look into these types of laws and get back to the Board.

#### Public Comment

Al Wassenhoe: Notified the Town Board that the cell tower on Loudon Road is missing the flashing light. Explains the avenues he has gone through in the Town of Ghent and on his own to rectify this situation. He is concerned with airplane glide paths. He wants the Town to write American Tower, who owns the cell tower, asking them to replace the light. This is a public safety issue. Town Board Member Bernstein notes that the FAA does have regulations. Discussion on what requirements are for these types of issues. Town Board Member Pinto notes that there may be people out there who do not want to see the light. He deals with these types of issues on a County level. Supervisor Jahn will look into this and follow up.

Planning Board Chair Stalker advised that the original tower did not go through site plan review. But when Sprint added on, the applicant did a site plan review application. He remembers talk about the light during this process.

Cathy Greer stated that the logging issue is an interesting and important one. Selective logging is successful, but clear cutting for view is an issue. Both of these areas are being talked about in the Zoning Commission. She asks that the Town Board make these issues known at the public hearings for the new Zoning Law so that the Commission will incorporate them into the zoning document.

Planning Board Chair Stalker asks Attorney Baker to research certain road issues, namely locating fences to close to the road, set backs, user roads, and how Towns deal with these issues. Snow management and site distance are problems as well.

#### Adjournment

A motion to adjourn was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Meeting adjourned at 7:45 p.m.

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Bid Opening  
April 5, 2007

Present: George Jahn, Supervisor, Robert Meehan, Highway Superintendent, Susan Haag, Town Clerk

The following bids were opened beginning at 9:03 a.m.

Liquid Calcium Chloride: James Reed Sales, Inc.

Trucking: Macfarlane Contracting  
Bemiss Trucking Service Inc.

Sand and Gravel: Bob Boll Excavating  
Bemiss Trucking Service Inc.  
A. Colarusso and Son, Inc.

Lawn Care Bids: Howes Horticultural  
Affordable Lawn and Ground Care

No one bid for guard rail or piping. Highway Superintendent Meehan will re-bid.

Bid opening adjourned at 9:50 a.m.

Town of Austerlitz  
Special meeting with Road Committee  
April 2, 2007

Present: George Jahn, Supervisor, Robert Pinto, Paul Bernstein, Charles Vander Weit, Mary Anne Lee, Town Board Members, Tim Stalker, Barbara Smith, Jeffrey Braley, Road Committee Members, Robert Meehan, Highway Superintendent, Susan Haag, Town Clerk and Jim Muscato, Young Sommer, LLC

Special meeting called to discuss the progress of the road committee on the road law and to review problem areas.

Meeting called to order at 7:00 p.m.

Supervisor Jahn noted that the road committee has been meeting over the last couple of months chaired by Tim Stalker.

Chair Stalker started by addressing the new road maintenance agreement template put together by Steve Somlo. He noted that the Oleynek subdivision application opened up the issue that the Town Board needed at some point to approve this document or a revision thereof. He asks the Town Board to please review this document so any questions can be address within the next month or so and to ascertain the direction the Town Board wishes to take concerning road maintenance agreements. Attorney Baker has reviewed a version of this document.

Next Chair Stalker brought up the issue of requiring roads and all other financial and physical obligations to be completed before Certificates of Occupancy are issued to residents that are part of a new subdivision. This idea is not yet part of the road law revisions. This would be a new policy statement for the Town. Time limits for road completion and phase issues discussed. The reason for this proposal is to provide a mechanism for the homeowner to be able to put pressure on the subdivider in addition to what the Town applies, to complete the road. This is another policy decision for the Town Board that would need to be incorporated into the road law update.

Discussion on whether or not the Town taking over private roads as a viable option or desire.

Enforcement of access for emergency vehicles discussed. Standards for private roads are needed.

Next issue discussed was a provision for getting new roads to be more environmentally friendly as far as design is concern. Concerns for ridge lines, storm water management, slopes and the like discussed. Language in the zoning document could dictate new language in the road law to be consistent between different laws.

The Board then reviewed standards for future public roads, ie private roads the Town would take over. Depending on the driving demands for particular roads, maybe some of these standards need to be changed, such as width of roads, and paving. Impact fees for



developers were discussed. Paved vs gravel roads discussed. Chair Stalker advised the Board that all other Towns prefer to have paved roads instead of dirt.

Bryarcliffe subdivision was discussed in relation to the roads. It was noted that there is no longer litigation against Bryarcliffe.

Chair Stalker will ask Attorney Jeff Baker to look into different ways to address the problem of wanting to have some roads dirt and some paved.

Lastly, the road committee is requesting the Town Board to please review changes to the current draft version of the road law as compared to the existing law.

Supervisor Jahn is asking all too seriously consider driving surfaces, impact of subdivision on road issues, etc. He applauds the road committee for the time and effort they have put in already. Appreciates the Highway Department's hard work.

Member Lee believes that the Town Board should give direction to the road committee as to policy. As she understands, the Town Board is to address and give direction on surface types, performance standards vs absolutes, impacts from subdividers, taking over private roads and making them Town roads, variance issues, under what circumstances would special rules apply and to create a law that all could live with.

#### Public Comment

Sue Geel questions when the Planning Board gets involved with the creation of a road. She is looking at the draft law and is confused as to the placement of this issue. There is also a question based on understanding of the draft as to wording that appears to make the Town come before the Planning Board for road issues. Further questions raised concerning shared driveways for 2 parcels, and #9 under the private road section seems to have a lot of ambiguity, what is the meaning or the intention. What about the width of private roads. When the Town would take over a road is the time to bring it up to Town specs not before. Private roads are private roads and a lot of them are meant to stay that way.

Chair Stalker will meet with the fire commissioners and other interested parties concerning road issues that would affect them.

Workshop adjourned at 8:50 p.m.

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Regular Town Board Meeting  
April 12, 2007

Present: George Jahn, Supervisor, Robert Pinto, Paul Bernstein, Charles Vander Weit, Mary Anne Lee, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent, Tim Stalker, Planning Board Chairman, Jeff Baker, Attorney for the Town.

Regular meeting called to order 7:01 p.m.

Moment of silence in memory of Harold Lobdell, followed by the pledge of allegiance.

Roll call.

#### Minutes

A motion to approve the March 8, 2007 Regular Town Board Meeting minutes and the April 2, 2007 Special Town Board Meeting with the Road Committee was made by R. Pinto and seconded by C. Vander Weit.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion unanimously carried.

#### Auditing of Accounts and Claims

A motion to pay General Funds #93-121 and Highway Fund #61-77 was made by C. Vander Weit and seconded by M. Lee.

G. Jahn: yes  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion unanimously carried.

#### Reports

Cash Disbursement Journal for the month of March 2007 submitted. Tax money deposited and an \$800,000.00 CD opened at First Niagara at an interest rate of 5.02% for 30 days.

Town Clerk/Tax Collector Report for the month of March 2007 submitted.

Supervisor Jahn reported that \$4900.00 has been returned to a farmer in Columbia County that he paid for transport of yard waste material. The County reported that there was no charge to them for the material. A new policy of the County will be worked up for removal of yard waste and charges for such.

Highway Superintendent Meehan reported that they have been patching pot holes. Heavy trucks have beat up Dugway and West Hill Roads due to muddy conditions. The Highway Crew did not have to plow today, and they are repairing a couple of trucks. The work on East Hill Road will continue when the weather breaks. Highway Superintendent Meehan is looking into new trucks for purchase. Discussion on prices of new streets and if there are other purchasing options. Street signs can be bought through the County if needed and Bobby will check to see the price difference.

This winter saw about the same amount of sand used.

Planning Board Report for the month of March 2007 submitted. Road Committee met with the Town Board on April 2, 2007.

Comprehensive Plan Oversight Committee Report for the month of March 2007 submitted. Victor Cornelius will meet with the CPOC and the Hamlet Subcommittee to review grant opportunities for Hamlet planning.

Zoning Commission Report for the month of March 2007 submitted.

A motion to accept the above reports was made by M. Lee and seconded by P. Bernstein.  
G. Jahn: yes  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion unanimously carried.

#### Correspondence

Schooling Opportunities for Planning Board: There are two workshops presented by the Planning Boards of Columbia and Greene County. The Greene County Planning Board presents 'Community Design Tools' on Monday, April 23, 2007 from 7:00-9:00 p.m. at the Greene County Emergency Operations and Training Center in Cairo. The Columbia County Planning Board presents 'Land Use Tools for Creating Affordable Housing' on Thursday, April 26, 2007 from 5:00-6:30 p.m. at the Columbia Greene Community College in Hudson.

Chatham School District Budget Review: Superintendent G. Scott Hunter is asking help in informing voters of the upcoming annual school budget vote on May 15, 2007. He is looking to hold meetings at different locations to explain the budget and the budget process. Supervisor Jahn noted that the school budget is the major part of the tax burden and all should be interested in this process. Member Lee will notify the School that they could do a presentation at 6:30 p.m. before the next Town Board Meeting on May 10, 2007. Discussion on advertising, space constraints, etc.

Columbia County Waste Collection Day: Household Hazardous Waste Collection Day will be May 19, 2007 from 8:00 a.m. -12:00 p.m.

Columbia County Clerk's Office has Saturday hours for passports application processing. They will be open the third Saturday of every month from 10:00-12:00 p.m.

#### Unfinished Business

Current Assessor Peter Ostrander has formally submitted his resignation letter effective April 30, 2007. He has offered to still be available to help in any way. Pam Cook, current assessor assistant, has been taking the required classes in order to be appointed for the remainder of P. Ostrander's term, which expires September 30, 2007.

A motion to appoint Pam Cook to the position of Acting Assessor to fill P. Ostrander's remaining term effective May 1, 2007 to September 30, 2007 was made by P. Bernstein and seconded by R. Pinto.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Road Law: The Town Board met with the Road Committee. Supervisor Jahn updated the public as to what was discussed at this meeting. Chair T. Stalker noted that after speaking with Supervisor Jahn, he will sit with Supervisor Jahn and Attorney Baker to work some issues out. After this time, the Road Committee will meet again with the Town Board.

Town Board Member Vander Weit asked R. Meehan how long he thought the availability of gravel will be in Columbia County. Highway Superintendent Meehan noted that Colarusso Quarry is in the process of updating their lease. Their mine is running out. Discussed types of gravel and what providers are out there.

#### New Business

Lawn Care Bids: Howes Horticultural, 153 Stonewall Road, Chatham, New York, 12037.

Bid for lawn cutting and ground maintenance:

1. Price per lawn mowing \$195.00; estimate 27 mowings in the season.
2. Ground maintenance Spring and Fall cleanup \$35.00 per hr.
3. Garden maintenance \$35.00 per hr plus cost of materials.
4. Trash removal \$30.00 per week.

Affordable Law and Grounds Care, 100 Highland Ave., Elizaville, NY 12523

Bid for Lawn and Grounds:

Section 1.) A.B.C.D.-based on 12 mow and trim \$35.00/per hour, 7 hrs est. \$2940.00

Section 2.) A. and B.-\$960.00, material \$250.00

Section 3.) Trash and glass once per week, bags, County trash \$100.00

\* Additional storm damage will be charged at \$30.00/per hour/included bee spray. In above, serious problem may need exterminator.

Section 4.) Ok

Section 5.) N/A

Free blowing of tennis court surface as needed.

Total Bid: \$4250.00

References: Suburbane Propane, Hudson, NY, Philjer Properties LLC, Austerlitz, NY, Dom and Ruth Dornhoffer, Spencertown, NY  
In business 2 years serving public \*cell phone in pocket all the time for questions or problems.

Supervisor Jahn noted that Howes was the less expensive for mowing.

A motion to accept the lawn care bid from Howes Horticultural was made by R. Pinto and seconded by P. Bernstein.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Highway Bids: Trucking: MacFarlane Contracting, 39 Percy Hill Road, Old Chatham, NY 12136

Material hauling for the Town of Austerlitz Highway Department

Tri-Axle Dump Truck price per hour \$80.00

Average 22 ton per load/15 yd. per load

350 HP motor

Thank You,

Corey Macfarlane, Owner

Bemiss Trucking Service Inc., PO Box 136, Canaan, NY 12029, 518-781-4360, 518-858-3316 (cell), 518-781-3032 (fax)

Site Work Hourly Rates: \$110.00 per hour at 35 ton or 22-23 yards per average load. For a steel trailer: \$135.00 per hour. For a tri-axle: \$90.00 per hour. All rates are for delivery to town yard.

Boll Pit: \$3.00 per ton

Colarusso Quarry: \$3.95 per ton

Colarusso Sand: \$4.55 per ton

Rifenburg West Sand Lake: \$8.35 per yard

These rates are for a tractor trailer based on legal loads. Overweight permit number: 87116.

With the ever increasing cost of fuel, a fuel surcharge will be assessed at a 1% increase on all rates, for every 7 cents that fuel goes up over the New England average. That price can be found at the Energy Information Administration Hotline (202) 586-6966. The price as of April 2, 2007 is \$2.786 per gallon. As much as the cost increases, it will decrease as fuel comes down to the base price.

Thank You,

Marcey Bemiss, President

A motion was made by G. Jahn and seconded by M. Lee to accept both bids based on availability and versatility of service. Highway Superintendent to use his discretion.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Liquid Calcium: James Reed Sales, Inc., Foot of Union Street, Athens, NY 12015, 800-942-8947, An Equal Opportunity Employer M/F

We are pleased to submit our bid for the following liquid materials:

Liquid Calcium Chloride: Winter Calcium .95 per gallon delivered, 32% calcium 68% water

Summer calcium .95 per gallon delivered and applied, 35% calcium, 65% water

Very Truly Yours,

James Reed Sales,

Gary Cooper, Asst Secretary

Town Highway Superintendent Meehan noted that calcium is used for dust control. The Town does not use winter calcium.

A motion to accept the bid submitted by James Reed, Inc. was made by M. Lee and seconded by C. Vander Weit with insurance to come, naming the Town as the insured.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Sand and Gravel: Bob Boll Excavating, Sand and Gravel, PO Box 408, Niverville, NY 12130, (518) 784-3576

Bank Run: \$5.00 per ton FOB

Processed Gravel: 1" \$8.00 per ton FOB

Item #4 2" minus: \$8.00 per ton FOB

Cobbles: \$8.50 per ton FOB

#3 Stone: \$9.50 per ton FOB

Shale: \$6.00 per ton FOB

Open Monday –Friday 8:00 – 4:30

Distance from Town Garage to Gravel Pit is approximately 6.5 miles.

Robert Boll, III

A. Colarusso & Son, Inc., Suppliers of Crushed Stone, Sand and Gravel, Blacktop, PO Box 302, Hudson, NY 12534, Phone: (518) 828-3218, Fax: (518) 828-0546

All quantities are as requested, all units are a ton.

Item	Description	FOB	Delivered	Location
Crush Stone	Item 4 Crusher Run	\$7.20	\$11.75	91 Newman Rd, Huds
"	Screen Fill	\$6.25	\$10.80	"
Gravel	Bank Run Gravel	\$4.00	\$9.05	Cty Rte 31, Hudson
Crush Stone	Modified Crusher Run	\$7.20	\$11.75	91 Newman Rd, Huds
"	Crusher Run 2" Minus	\$7.20	\$11.75	"
"	Gabion	\$9.60	\$14.15	"
"	Medium Stone Fill	\$9.75	\$14.30	"
"	Heavy Stone Fill	\$9.75	\$14.30	"
Gravel	Processed 1" minus	\$6.75	\$11.80	Cty Rte 31, Hudson
"	Item #4	\$6.75	\$11.80	"
"	Cobbles	\$5.50	\$10.55	"
Crush Stone	Shale	\$5.00	\$10.05	91 Newman Rd, Huds
Asphalt	Base	\$46.50	---	"
Asphalt	Binder	\$47.00	---	"
Asphalt	Top	\$48.85	---	"
Asphalt	Type 7F	\$52.00	---	"

Payment Terms: New 30 days, finance charges of 2% per month (24% per year) will be applied to the unpaid balance after 30 days. Payment not conditioned upon payment by third party. Any and all costs of collections, including attorney's fees will be added if legal action is necessary. If this quotation is acceptable please forward a purchase order. All price quotes in U.S. ton unless otherwise specified. Pricing not valid after 30 days. Prices are based on current NYSDOT posted price index for asphalt. All increases in the cost of asphalt from the time of the quotation will result in a price increase to the above items.

Thank You,

J.R. Heffner, Sales Representative

Bemiss Trucking Service Inc., PO Box 136, Canaan, NY 12029, 518-781-4360, 518-858-3316 (cell), 518-781-3032 (fax)

Shale Bid: Price for shale delivered to Town yard: \$12.25 per yard  
(Conversion from yards to tons is 1.25)

Address for mine is Rte 9H, Hudson. Length of haul is 14 miles.

These rates are for a tractor trailer based on legal loads. Overweight permit number: 87116.

With the ever increasing cost of fuel, a fuel surcharge will be assessed at a 1% increase on all rates, for every 7 cents that fuel goes up over the New England average. That price can be found at the Energy Information Administration Hotline (202) 586-6966. The price as of April 2, 2007 is \$2.786 per gallon. As much as the cost increases, it will decrease as fuel comes down to the base price.

Thank You,  
Marcey Bemiss, President

A motion to accept all bids based on mileage to job site, availability of trucks, and quality of material, Highway Superintendent to use his discretion, was made by G. Jahn and seconded by C. Vander Weit.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Janice Goldfrank Certificate: Supervisor Jahn read a certificate which stated, 'In recognition of many years of service to the Town of Austerlitz. During her tenure as a Planning Board member, Comprehensive Plan Committee member and member of the Comprehensive Plan Oversight Committee, Janice devoted her time and interest to matters affecting the community. She was instrumental in the discussions surrounding the development of electronic mapping capabilities. The Town of Austerlitz expresses its sincere appreciation and thanks to Janice for her distinguished service to the community, and highly commends her for the manner in which she has carried out her duties and responsibilities.'

Comprehensive Plan Oversight Committee Member Appointment: Received a letter of interest today, April 12, 2007 from Anthonly Tozzi. Supervisor Jahn reviewed his resume and noted that Mr. Tozzi is more than qualified. He would like to appoint A. Tozzi to the Comprehensive Plan Oversight Committee. Since there is a Town policy for filling vacancies, Member Lee would like to follow it. She and Member Pinto will interview Mr. Tozzi and make a recommendation at the next Town Board meeting.

Court Clerk temp appointment: The Court would like the Town Board to give them authority to post for a temporary clerk. Current Court Clerk will be out for maternity leave shortly and they will need a replacement.

A motion to hire a temporary court clerk, recommended by Justice Roberts and Justice Lagonia, to provide court clerk services while Eileen Olsen is out for maternity leave was made by P. Bernstein and seconded by R. Pinto.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried

Columbia County Inter-municipal Agreement: Austerlitz Historical Society has asked Columbia County for 2 small buildings on the Kitchie Farm which if not removed will be destroyed. After research by the County Attorney, the County would need to transfer ownership to Town through an inter-municipal agreement and then the Town would transfer ownership to the Historical Society. The County can not just transfer property to a private entity.

A motion to give G. Jahn authority to enter into a municipal agreement to transfer owner of 2 small buildings on the Kitchie Farm from Columbia County to the Town of Austerlitz, drawn up by County Attorney Daniel Tuczinski, was made by P. Bernstein and seconded by M. Lee.

G. Jahn: yes  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion unanimously carried

Robert Herron Birthday and Benefit: The Austerlitz Historical Society is using R. Herron's 80<sup>th</sup> birthday as a time to honor Mr. Herron for his time and generosity. This time will also be used as a benefit for the Society. The Town Board will present a proclamation at the next Town Board meeting.

Hudson River Watershed Alliance: Cathy Grier, acting in her position as the Town of Austerlitz' representative on the Columbia County Environmental Council, is urging the Town to join the Hudson River Watershed Alliance. C. Grier briefly explains the alliance and what they hope to accomplish.

Member Pinto asks C. Grier if any restrictions will come to homeowners in the future. C. Grier doesn't think so. Attorney Baker noted that this is part of a series of DEC initiatives to educate about watersheds. The DEC could propose regulations, but the Town or State would have to adopt any laws. These are primarily educational tools. Member Vander Weit asked what membership entails. Basically the Town will be endorsing the inter-municipal cooperation concept and be educated about watersheds. Supervisor Jahn noted that the Town already has a number of regulations governing these issues whether DEC or State regs. R. Pinto would like to hear a presentation before the Town joins.

A motion to join the Hudson River Watershed Alliance was made by G. Jahn and seconded by C. Vander Weit

G. Jahn: yes  
R. Pinto: no because he would like to know more about this first  
P. Bernstein: abstains based on appearances due to contractual issues, neither for or against this proposal  
M. Lee: yes  
C. Vander Weit: yes  
Motion carried 3:2

Member Lee noted that the Town could ask the Comprehensive Plan Oversight Committee to have those who represent this initiative over for a presentation.

Resolution #27-2007 Acceptable Training for Planning Board and Zoning Board of Appeals Members and Clerks

WHEREAS Town Law Sections 267 and 271 provide that effective January 1, 2007, all planning board and zoning board of appeals members in New York State, as well as alternate members and the clerks of those boards, must complete a minimum of four hours of training each year: and

WHEREAS the above sections of state law provide that a planning board or zoning board of appeals member shall not be eligible for reappointment to such board if they have not completed the training required by law; and

WHEREAS the above sections of state law provide that the legislative body of the Town specifies which activities qualify as training to satisfy the state requirements,

NOW THEREFORE BE IT RESOLVED that the following list of agencies, commissions, associations, universities, and other organizations are approved to provide training to meet the state requirements when the training they provide pertains to municipal planning, zoning, community design, environmental issues, economic development, and local government functions and practices:

- 1.) the NYS Department of State; Department of Agriculture and Markets; Office of the State Comptroller; Department of Health; Department of

- Transportation; Department of environmental Conservation; Office of Parks, Recreation, and Historic Preservation; Hudson River Valley Greenway, and
- 2.) the New York State Association of Towns, the New York Conference of Mayors, the New York State Association of Counties, the New York Planning Federation, the American Planning Association, The Upstate New York Chapter of the American Planning Association and its sections, and
  - 3.) the Capital District Regional Planning Commission, Hudson Valley Regional Council, Tug Hill Commission, and Adirondack Park Agency, and
  - 4.) Columbia County Planning Department, and Columbia County Soil and Water Conservation Districts, and
  - 5.) The Albany Law School Governmental Law Center and Institute for Legal Studies, PACE Law School, Cornell University and its cooperative extension, and
  - 6.) on-line planning and zoning training programs offered by the New York Municipal Insurance Reciprocal, PACE University, and Land Use Law Center, and the Lincoln Institute of Land Use Policy, and

BE IT FURTHER RESOLVED that other training activities may be approved on a case-by-case basis by the Town Board upon the request of a planning board or zoning board of appeals member or clerk; and

BE IT FURTHER RESOLVED that any new member appointed to fill the last 9 months of a term shall not be required to have attended training to be reappointed to a first full term, but must thereafter comply with the municipal training policy as provided elsewhere herein; and

BE IT FURTHER RESOLVED that training received by a planning board or zoning board of appeals member or clerk in excess of four hours in any one year may be carried over by the member into succeeding years; and

BE IT FURTHER RESOLVED that the Town Clerk of the Town of Austerlitz shall create and maintain a system of tracking the training individual members complete annually, and such information shall be presented to the appointing authority prior to considering a member for reappointment.

Supervisor Jahn notes that any training from January 1, 2007 until today will be counted towards this training requirement. He would urge Town Board members to attend training as well. Member Lee notes for the record that Austerlitz has a high rate of volunteer participation in these types of offerings. Planning Board Chairman T. Stalker notes that the Planning Board did not review this resolution ahead of time, although he supports it in concept. Supervisor Jahn advises that when any member of the Planning Board attends training, they will need to copy the certificate given to them and give that copy to the Town Clerk for their personnel file.

Member Pinto asks about the cost to the Town for this training. Supervisor Jahn noted it was minimal.

A motion to pass Resolution #27-2007 Acceptable Training for Planning Board and Zoning Board of Appeals Members and Clerks, understanding that this resolution is retroactive to January 1, 2007, was made by M. Lee and seconded by C. Vander Weit.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Member Lee advised that she met with Hamlet Committee and Comprehensive Plan Oversight Committee about planning for the Spencertown Hamlet which would include park areas, recreation areas, etc. There is grant money out there but a work plan and an RFP would have to be drawn up. Town grant writer, Victor Cornelius, is scheduled to speak about current plans, the planning and grant process and the like on Monday, April



16, 2007. Member Lee notes that the Town Board originally formed a free standing committee to head up this process, but she is now asking the Town Board to reconsider and authorize the current Hamlet Committee to take over this project. The Committee would invite Sandy Fischer and George Sheanshang, members of the original committee, to join the Hamlet Committee. The Town would formalize a comprehensive plan, put out to bid, for such areas as traffic calming, traffic pattern of the green, water supply issues, design of parks, etc. None of these areas spill over into the Zoning Commission work. The Town needs to look at the whole project instead of just one piece. Victor Cornelius has advised that there are several planning grants out there that we can apply for. He will head up areas that identify grant opportunities and fund development. The donation the Town received from the Ellsworth Kelly Foundation will be used for the physical aspect of this project, whereas the grants will be used for the planning side as well as the physical.

A motion to abolish the original committee set up at the October 12, 2006 Regular Town Board meeting that would address plans for parks and open spaces, to expand responsibility of the Hamlet Committee to assume the duties of this abolished committee, and to include of former members of this committee, Sandy Fischer and George Sheanshang, was made by M. Lee and seconded by P. Bernstein.

G. Jahn: yes

R. Pinto: no

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion carried 4:1

#### Public Comment

T. Stalker noted that the Hamlet Committee should also address waste control issues. It was noted that these will be addressed as part of the study.

A motion to adjourn was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Meeting adjourned at 8:07 p.m.

Respectfully submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Regular Town Board Meeting  
May 10, 2007

Presentation by Chatham Central Schools, Superintendent Hunter and Board President, John Wapner, giving a brief overview of their budgetary situation, education requirements, and asking for public input. Session started at 6:30 p.m.

Present: George Jahn, Supervisor, Robert Pinto, Paul Bernstein, Charles Vander Weit, Mary Anne Lee, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent, Tim Stalker, Planning Board Chairman, Jeff Baker, Attorney for the Town.

Regular meeting called to order 7:07 p.m.

Moment of silence in memory of Ben Tassinari, followed by the pledge of allegiance.

Roll call.

### Minutes

A motion to approve the April 12, 2007 Regular Town Board Meeting minutes was made by R. Pinto and seconded by M. Lee.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

### Auditing of Accounts and Claims

A motion to pay General Funds #122-139 and Highway Fund #78-93 was made by R. Pinto and seconded by C. Vander Weit.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

### Reports

Cash Disbursement Journal for the month of April 2007 submitted. Supervisor Jahn noted that sales tax figures are marginally acceptable, on tract with the budget, but not much wiggle room. Some cushion in the mortgage tax figures. CD's continue to be rolled over at 5% for 30 days. This money will decrease as year goes on. On the County level, the lease on the Department of Social Services building is up soon. The County is looking at options. The County Highway Department usually hires summer interns from each Town. If anyone knows anyone interested in a job, let Supervisor Jahn know. Not much interest last year due to pay rate, so it has been increased this year to \$10.00/hour.

Town Clerk/Tax Collector Report for the month of April 2007 submitted. Tax records will be turned over to the County as of June.

Highway Superintendent Meehan reported the Highway Crew has been working on Stever Hill. They will continue until next week when they will go back to East Hill to finish up there. After East Hill is complete, they will return to Stever Hill. Some culvert replacements, some grading has been done. The roads are dusty and R. Meehan will be putting calcium down soon. Supervisor Jahn asked about possible FEMA charges from the last storm. R. Meehan noted that the Town doesn't have any.

Planning Board Report for the month of April 2007 submitted. Road Committee did not meet in April. Planning Board Chairman Stalker noted that ideas are currently being formulated concerning fire hydrant use in new developments.

Comprehensive Plan Oversight Committee Report for the month of April 2007 submitted. Also submitted was meeting summary notes from a Park/Recreation opportunities/brainstorming session. Information will be available on the website.

Town Board Member R. Pinto asks about the money donated to the Town from the Ellsworth Kelly Foundation. Supervisor Jahn noted that it is still sitting in bank. The Town is looking for additional monies, using this donation as matching funds. The Foundation is aware of this and supports it. Member Pinto was looking at the meeting notes from the Park/Recreation opportunities/brainstorming session. He questions the issue of fishing regulations and who have rights to be in the streams. Member Bernstein advises that the bottom of streams belong to the property owner. Member Lee advises that this issue came up due to DEC regulations concerning stream stocking. She also notes that this report contains ideas and if any one has comments or ideas please let the Comprehensive Plan Oversight Committee know. There is a survey that is going out to the community which these ideas are included in.

Zoning Commission Member Hilary Dunne Ferrone adds that 4 sub-committees have been formed to handle various areas as the Zoning Commission moves forward with its completion of a Zoning Ordinance.

Zoning Commission Report for the month of April 2007 submitted.

A motion to accept the above reports was made by R. Pinto and seconded by C. Vander Weit.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

#### Correspondence

Mary Anne Davis representing the Friends of Historic St. Peter's has asked the Town to use the green on May 26, 2007 from 9:00-3:00 p.m. for a "Welcome to Summer" fundraiser.

A motion to allow the Friends of Historic St. Peter's to use the green on May 26, 2007 from 9:00-3:00 p.m. was made by C. Vander Weit and seconded by M. Lee.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Helen Rivenburg, President of the Women's Guild of St. Peter's Church has asked the Town to use the green on May 12, 2007 from 9:30-3:00 p.m.

A motion to allow the Women's Guild of St. Peter's Church to use the green on May 12, 2007 from 9:30-3:00 p.m. was made by M. Lee and seconded by C. Vander Weit.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Letter from the Columbia County Office of Fire Coordinator, James Van Deusen, Fire Coordinator, commending our local fire departments for their work during the floods of April 16, 17, 18, and 23, 2007. The Town thanks the Fire Company.

#### Unfinished Business

None at this time.

#### New Business

Court Security Officer: Supervisor Jahn is requesting on behalf of the Justice Department to allow an officer from the Columbia County Sheriff's Department to be present on Court nights. Most Courts in the County have some sort of police presence during court for security reasons. Supervisor Jahn spoke with the Sheriff Department who advised that the cost would be \$120.00/night for a Uniformed Deputy, for 3 hours. The Deputy will assist in arraignment, and transport issues as well. Town Board Member Bernstein feels that because the Justices have asked and times have changed, the Town should approve this request.

A motion was made by P. Bernstein and seconded by C. Vander Weit to secure the services of a Deputy from the Sheriff's Department at a rate of \$120.00/night, for 3 hours/night for the Justice Court.

G. Jahn: yes

R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion unanimously carried.

In addition, because the Court has been unsuccessful in finding someone to hire to fill in for Eileen Olsen, Court Clerk, while she is out for maternity leave, a remote access for the Court computer will be set up on E. Olsen's home computer for her to do computer input. Supervisor Jahn has been assured there is a good level of security. Arlene Newton, former Court Clerk, has been asked to help out in all other areas. She has accepted.

A motion to hire Arlene Newton to help out with Court duties at an hourly rate of \$10.00 was made by R. Pinto and seconded by C. Vander Weit.

G. Jahn: yes  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion unanimously carried.

A certificate was given to Robert Herron reading as follows:

**Proclamation of Appreciation  
to  
Robert Herron**

Whereas, except for Napoleon and Edna St. Vincent Millay, no one had ever heard of Austerlitz until Robert Herron Auctions. Said auctions of this one-man cottage industry brought business to our area via rented tents and chairs, work for persons cleaning and polishing items to be sold, buyers of antiques, lunch seekers, furniture deliverers, camel drivers (who caused Robert to sell rugs for cash only) thus putting us on the map, and

Whereas, Robert's auctions were a treat to loyal followers who respected him for his integrity and the quality of items he presented for sale, he is still sought out by people seeking information about furniture, appraisal values on things they treasure, and an understanding of how things represent a way of life in the past, and

Whereas, as one of the trustees of the 1853 church and 1852 schoolhouse in Austerlitz, Robert has facilitated the preservation of these historic buildings giving evidence to their importance in the history of the town. He helped establish the Austerlitz Historical Society, serving as president and trustee since 1988 helping develop an organization whose mission is to stimulate interest in the history of the town, and

Whereas, his interest in antiques, his willingness to open his home to public tours has stimulated interest in the heritage of the town, county and region he has given land to the Austerlitz Historical Society and provided a means for additional acres to remain as open space for use by the Society and for benefit of the public, and

Whereas, his advice and expertise have facilitated restoration of buildings donated to the Society to represent Austerlitz from an earlier period. His vision has been a driving force on the development of Old Austerlitz and his leadership will enable us to educate others in the future regarding life here in the past, and

Whereas, this native son of Austerlitz, Robert Herron will celebrate his 80<sup>th</sup> birthday in the year 2007,

Now Therefore Be It Resolved, it is our pleasure to honor and thank Robert for his accomplishments, his example, his interest in the Town of Austerlitz, his vision and to wish him good health and many more productive years.

And to all of this Robert will say, “NO BIG DEAL”.

R. Herron accepts the certificate on behalf of the Austerlitz Historical Society. Dick Mugler and so many other people have been involved over the years. R. Herron thanks the Town.

A certificate was given to Peter Ostrander that read as follows:

The Town of Austerlitz wishes to express its deep appreciation for the many years of service which Peter has dedicated to the town and its citizens as Town Assessor. He has achieved a high level of equity in assessment and has rendered the real property assessment process transparent, accessible and clear. His patient explanations of the arcane principles involved in the evaluation process often took a great deal of time. Peter always made certain that his audience, whether an individual or a group, emerged from a session with him with a fuller understanding of the process than when they began. Through his efforts our town has modernized the Office through implementation of the Integrated Real Property System, and has merged the Assessor’s Office with that of the Town of Hillsdale. The Town of Austerlitz wishes Peter great success and happiness in his future endeavors.

Chazen Contract Addendum: Now that the time is approaching for public input on the newly created Zoning Ordinance, the Zoning Commission wishes to have the Zoning Consultant, Mike Welti, from Chazen, in attendance for 3 additional meetings; ie; 2 regular meetings and a workshop. This amounts to an addendum to the original zoning contract increasing the price paid to Chazen by \$3700.00. Supervisor Jahn noted that the Town raised about \$28000.00 to offset the Zoning contract for the year and our grant writer, Victor Cornelious will go back to get more from Quality Communities. Zoning Commission Member H. Ferrone noted that there was a tight budget at first, but Mike Welti, from Chazen, is so good at communicating the concepts, so crystal clear, and better understood than members of the commission. He listens so well to people’s thoughts and concerns, is eloquent, and a great person to present zoning to the community when the time comes. Supervisor Jahn also noted that during budget discussions last year, the Town did not budget any zoning income to offset the expenditures, but we now have grant money. Looking at this from a net basis, this request is not an increase to the expenditure line. Town Board Member Lee noted that in the industry, it is considered best practice to have a professional present the zoning package.

A motion to accept the amendment to the zoning contract with Chazen for an additional 2 meetings and a workshop at an increase of \$3700.00 was made by M. Lee and seconded by P. Bernstein.

G. Jahn: yes

R. Pinto: no

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion carried 4:1.

The Town Insurance Policy with the Kleeber Agency is due this month and needs to be renewed. The Town Board reviewed the proposed policy for the coming year. Yearly premium decreased by approximately \$1300.00. Kleeber did check with NYMIR, but they quoted a higher premium. Discussion of monetary responsibilities when part of a mutual reciprocal. Town Board Member Lee feels there is an advantage in using local businesses.

A motion to renew the Town Liability Insurance Policy with the Kleeber Agency was made by M. Lee and seconded by R. Pinto.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Replacement of front door: Supervisor Jahn advised that he received a couple of quotes for a new front door. One quote was overkill. The quote from Herringtons was more in line with a total replacement cost of \$1885.79. There will also be a drop box with a security lock for the Justice Court. Town Board Member Pinto questioned what type of hardware was going to be used. He is concerned about regulatory issues surrounding handicapped access. It was noted that Code Enforcement Officer F. Oleynek was consulted and all found in order. Member Lee questioned whether or not the required bid policy was followed. Supervisor Jahn noted it was.

A motion to purchase a new front door from Herringtons for the quoted amount was made by P. Bernstein and seconded by R. Pinto.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Grant Writing Contract: Member Lee explained a new proposed contract with Endeavor, Inc., Victor Cornelius, President, to write grants for making the community more habitable and pleasurable. This would include a development plan for the Town green, playgrounds, hamlets, recreational issues, all both in Spencertown and Austerlitz. The deadline for the first of a series of grants that the Town is eligible for is the end of June. The terms of this contract are a \$2500.00 flat fee for development plans, and 3% of all grants approved. Town Board Member Vander Weit noted that V. Cornelius was very successful in the first endeavor and he has a good reputation. Member Lee noted that the Friends of Historic St. Peter's have hired V. Cornelius as well.

A motion to enter into a contract with Endeavor, Inc., for a \$2500.00 flat fee for development plans, and 3% of all grants approved was made by M. Lee and seconded by C. Vander Weit.

G. Jahn: yes

R. Pinto: no

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion carried 4:1.

Tennis Court: Supervisor Jahn has spoken with a couple repair companies concerning the repairs needed to the Town tennis court. He has a quoted repair cost which a resident in Town has volunteered to pay. Member Pinto asked if the needed repairs raise a liability issue. Supervisor Jahn advised no. Repairs needed are not of that nature.

A motion to accept the payment of repairs to the Town tennis court by a Town resident was made by C. Vander Weit and seconded by R. Pinto.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Supervisor Jahn advised that there has been money approved at the County level for a County wide tennis program. Since tennis lessons were to be incorporated into the Summer Recreation Program this summer, G. Jahn has informed Summer Recreation Director S. Fischer and she will contact Jessica Nabozny, from the County Youth Bureau, to see if we can get a share in that for our summer tennis program.

Highway Superintendent Meehan advised the Town Board of the tennis court retaining wall issues. There are voids underneath the blacktop that cause settling and will eventually need to be addressed.

Public Comment

L. Helpern reminded the public about the monthly Senior Luncheon May 29<sup>th</sup> this month. Call her by May 28<sup>th</sup> with reservations. L. Helpern also speaks concerning a Senior Safety Net program put on by the Sheriff's Department for seniors and disabled persons. Member Lee thought that this would be a good topic for the Senior Luncheon Program.

A motion to enter executive session concerning assessment litigation by Lance Morrow was made by R. Pinto and seconded by C. Vander Weit.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Executive session entered at 8:02 p.m.

A motion to exit executive session was made by R. Pinto and seconded by P. Bernstein.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Executive session ended at 8:12 p.m.

A motion to authorize spending up to \$2000.00 for an appraisal in the tax litigation with Lance Morrow was made by G. Jahn and seconded by M. Lee.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

A motion to adjourn was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Meeting adjourned at 8:15 p.m.

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Regular Town Board Meeting  
June 14, 2007

Present: George Jahn, Supervisor, Robert Pinto, Paul Bernstein, Mary Anne Lee, and Charles Vander Weit, Town Board Members, Robert Meehan, Highway Superintendent, Tim Stalker, Planning Board Chairman, Barbara Smith, Comprehensive Plan Oversight Committee Chairman, Jeff Baker, Attorney for the Town.

Town Clerk Haag absent due to a family commitment.

Meeting called to order 7:00 p.m.

Moment of silence, followed by the pledge of allegiance.

Roll call.

### Minutes

A motion to approve the May 10, 2007 Regular Town Board Meeting minutes was made by R. Pinto and seconded by M. Lee.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

### Auditing of Accounts and Claims

A motion to pay General Funds #140-167 and Highway Fund #94-110 was made by C. Vander Weit and seconded by R. Pinto.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

### Reports

Cash Disbursement Journal for the month of May 2007 submitted. Supervisor Jahn noted that there is nothing out of the ordinary. Cash income exceeded expenditures due to the town receiving the semi-annual mortgage tax check.

Town Clerk/Tax Collector Report for the month of May 2007 submitted. Tax records have been turned over to the County.

Highway Superintendent Meehan reported the dust control is in progress and some brush cutting is being done. The highway crew has been working on Stever Hill Road and is waiting for NYSEG to schedule the relocation of the power lines. Work on East Hill Road will begin again next week. Supervisor Jahn noted a letter from Mrs. Ortnier concerning the condition and seasonal nature of Macedonia Road. Within the context of keeping Macedonia Road a seasonal road, the Highway Superintendent will make needed repairs. Supervisor Jahn will schedule a meeting with AFLAC for the Highway crew on the first rainy day.

Planning Board Report for the month of May 2007 submitted. Road Committee did not meet in May.

Zoning Commission report for the month of May 2007 submitted. Town Board Member Pinto noted that the Zoning Commission has scheduled meetings for the different hamlets, businesses in Towns, etc., but none for the rural residential district.

No Comprehensive Plan Oversight Committee Report for the month of May 2007 submitted. Chairman Smith was in attendance and noted that the meeting last Saturday was not well attended by the public. She has received requests by some residents to keep the ball field behind the Academy where it is.

A motion to accept the above reports was made by R. Pinto and seconded by P. Bernstein.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

### Correspondence

St. Peter's Presbyterian Church has requested use of the Green on Saturday, July 7 for a Trash and Treasure sale, Sunday, July 15 for a Sunday School Reunion, and Saturday,



July 21, for the annual Block Dance. They are additionally requesting County Route 7 to be closed on June 23 for a wedding, as well as July 15 and the 21<sup>st</sup>.

A motion to allow the St. Peter's Presbyterian Church to use the Green June 23, July 7, 15, 21, 2007 was made by R. Pinto and seconded by C. Vander Weit.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Supervisor Jahn noted the Tentative Equalization rate as set by NYSORPS. A hearing on this rate was held June 12, 2007. The Town of Austerlitz was concerned with the tentative equalization rate of 69.27 until we received the schedule of tentative equalization rates of the surrounding Towns and found that our rate is in line.

The Town has received notification from the State Education Department that the Local Governments Records Management Improvement Fund (LGRMIF) Grant that the Town applied for has not been funded. This grant was written by Victor Cornelius.

#### Unfinished Business

Anthony Tozzi has expressed a desire to serve on the Comprehensive Plan Oversight Committee, replacing Janice Goldfrank. Town Board Member Lee has spoken to him, but Member Pinto has not had a chance yet. Appointment is deferred until July giving Member Pinto an opportunity to interview Mr. Tozzi.

#### New Business

Local Law 5-2007, The Town of Austerlitz Major Subdivision and Commercial Use Moratorium Extension Law of 2007: Supervisor Jahn noted that the expiration date of the current Moratorium Law is in August. Proposed Local Law 5-2007, The Town of Austerlitz Major Subdivision and Commercial Use Moratorium Extension Law of 2007 is presented.

A motion to schedule a public hearing for Local Law 5-2007, The Town of Austerlitz Major Subdivision and Commercial Use Moratorium Extension Law of 2007 on July 12, 2007, at 6:30 p.m. was made by R. Pinto and seconded by M. Lee.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Proprietor's Book Contract: Supervisor Jahn explained that we have a 1700 Proprietor's Book currently being housed with the Columbia County Historical Society because of climate issues in the Town Hall's record retention area. The Town has a yearly contract with the Historical Society and normally pays them \$50.00/year for this service. This contract is coming due in July.

A motion to renew the contract with the Columbia County Historical Society to house the Town of Austerlitz' Proprietor's Book was made by P. Bernstein and seconded by M. Lee.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Summer Recreation Program: Supervisor Jahn noted the new components to this year's summer recreation program. The charge for non-residents has increased to \$120.00 and

for the first time a charge for residents will be \$20.00 per child or \$35.00 per family. A new tennis program will be started for a nominal fee, KidsArt at the Spencertown Academy on Fridays, and afternoon swims at Fox Hill Camp Grounds. Dates of the program are from July 9<sup>th</sup> thru August 17<sup>th</sup>, from 9:00-3:00 p.m.

The Town Board reviewed the fees and felt they are appropriate.

Supervisor Jahn noted the Senior Luncheon for this month will be June 26, 2007. Columbia County Sheriff D. Harrison will be the speaker.

#### Public Comment

A. Mesick, member of the Zoning Commission, feels that the Zoning meeting scheduled for Town wide concerns will provide the opportunity for residents to enter concerns about the rural residential district. Supervisor Jahn will mention Town Board Member Pinto's concerns to Zoning Commission Chair R. Carney.

#### Executive Session

A motion to enter executive session to discuss a legal matter dealing with court related issues was made by C. Vander Weit and seconded by R. Pinto.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Executive session entered at 7:34 p.m.

A motion to end executive session was made by R. Pinto and seconded by M. Lee.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Executive session exited at 7:54 p.m.

A motion to pay \$160.00 to Matthew Morais for a court related matter was made by R. Pinto and seconded by M. Lee.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

A motion to adjourn was made by M. Lee and seconded by C. Vander Weit.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Meeting adjourned at 7:55 p.m.

Respectfully Submitted,  
George Jahn and Charles Vander Weit

Town of Austerlitz  
Public Hearing/Regular Town Board Meeting  
July 12, 2007

Present: George Jahn, Supervisor, Robert Pinto, Paul Bernstein, Mary Anne Lee, and Charles Vander Weit, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent, Tim Stalker, Planning Board Chairman

Public Hearing on Local Law #5-2007, Town of Austerlitz Major Subdivision and Commercial Use Moratorium Extension Law of 2007, called to order 6:30 p.m.

Public Hearing notice read.

Public Comments

Steve Somlo submitted written comments concerning Section 8. He feels that the operational language is not good concerning the effective date.

Alan Silvernale stated that he is still against the moratorium. A. Silvernale directed a question directly to Town Board Member Bernstein. He asked P. Bernstein why he is willing to extend the moratorium when he very purposely stated a year ago that he would do everything possible so there would be no extension to the moratorium. Town Board Member Bernstein stated that he did say that, but feels that in order to do the process right the Town Board needs to give the Zoning Commission the time they need. There are issues in the zoning document that he is not in favor of and wants time to look at these issues as well. A. Silvernale appreciates the time the Zoning Commission is putting in, but the moratorium is being extended. He wants the Zoning document done right as well, but maybe it is time to sit down with the Zoning Commission Chairman, Roy Carney and talk to him about the speed of the process. A. Silvernale further states that maybe people aren't necessarily against zoning, but are against the complexity and issues imposed against the residents in the current zoning document.

Zoning Commission Member Greer notes that the Commission is working very hard. They are very thoughtful of the public's comments and are trying to think about each one. The Commission is currently meeting at least 2x a week. An additional 180 days to give the Commission room to be thoughtful is necessary.

Town Board Pinto feels that the proposals that are currently in the Zoning document are scaring a lot of people. Where is the common sense zoning that was proposed? The current document is very complicated.

Planning Board Chairman Stalker feels that it is very realistic that the process could go past the 180 days when you think of SEQRA and all the issues.

Town Board Member Lee understands that there is a possibility that the process could go past 180 days. Shortening the moratorium is designed to set a time limit, to make a statement that the Town Board would like the Zoning Ordinance expedited. Part of the process is out of Town Board control.

Town Board Member Vander Weit stated that if the Town Board extended the moratorium for a year, people may slow down and relax. The Town Board would like this work accomplished in a timely fashion.

Supervisor Jahn noted that should it be necessary, there is a provision in the moratorium for hardship relief. Currently the Town Board has heard nothing. Supervisor Jahn did not want to extent the moratorium, but feels he has too.

S. Somlo states that the moratorium isn't permissive enough. He lays out possible scenarios that may be future problems.

Penny Rubin feels there is a lot of work yet to be done on the Zoning document, so 180 days may not be long enough.

Town Board Member Pinto, commenting on R. Carney's monthly Zoning Commission report, asks for clarification of the scheduled June 14 meeting for owners of large properties. What is a large parcel? How many acres?

Town Board Member Bernstein would not look with favor of going past 180 days. He wants to get the Zoning Ordinance done.

All those wishing to be heard were heard.

A motion to close the public hearing made by C. Vander Weit and seconded by M. Lee.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Public Hearing closed at 6:58 p.m.

Regular meeting called to order 7:00 p.m.

Moment of silence, followed by the pledge of allegiance.

Roll call.

#### Minutes

A motion to approve the June 14, 2007 Regular Town Board Meeting minutes was made by M. Lee and seconded by C. Vander Weit.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

#### Auditing of Accounts and Claims

A motion to pay General Funds #168-206 and Highway Fund #111-125 was made by R. Pinto and seconded by M. Lee.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

#### Reports

Cash Disbursement Journal for the month of June 2007 submitted. Supervisor Jahn noted that the 2008 budget process has begun. Budget requests have been sent out to the appropriate people. There were no surprises on the disbursement side. All is going as expected. On a County level, the Board of Supervisors will float several bonds totaling Seven Million to take care of a host of projects. He has a list if anyone is interested.

Town Clerk/Tax Collector Report for the month of June 2007 submitted.

Highway Superintendent Meehan reported that the Highway Crew has changed some culverts, taken care of downed trees, done some ditching, and patching on Pratt Hill Road. They also did some ditching on Ten Broeck Road. The Crew will be working on East Hill Road next week and hopefully get that project done. The project on Stever Hill Road is not done yet. R. Meehan is waiting on the Power Company.

Town Board Member Lee noted a speaker from the Garden Tour who talked about road side planting options. She wondered if a few people could get together with R. Meehan to talk about how this is done. Highway Superintendent Meehan advised that once work

is completed on a road, they plant grass. Money to purchase trees is scarce. Discussion on types of grass.

R. Meehan is still looking into purchasing a new truck, but he has been very busy with all the different projects. Supervisor Jahn noted that the money for a new truck is still available.

Planning Board Report for the month of June 2007 submitted. Road Committee met June 25, 2007. The Mallory Road construction project is generating a lot of concerns. Code Enforcement Officer Fred Oleynek has investigated and reported that this is a one parcel logging project currently.

Comprehensive Plan Oversight Committee Report for the month of June 2007 submitted. Town Board Member Lee noted that the discussion around recreational opportunities noted in the report came about because of the grant possibilities. M. Lee explained to the Town Board that Grant Writer Victor Cornelius has notified her that the NY State Government has advised that the Town of Austerlitz is not far enough along in the planning process to be competitive to apply for the EPF grant. The Town must have a plan, not a wish list. Supervisor Jahn is concerned about the donation sitting in the bank waiting on this. He advises that the Town Board will have to discuss the use of this money at a later date.

Town Board Member Lee noted that the Road Committee is a subcommittee of the Comprehensive Plan Oversight Committee and she is concerned that not enough attention has been given to updating the road law. T. Stalker, who chairs this committee advised that the Road Committee meet to go over zoning and give comments in that regard. Attorney for the Town, Jeff Baker, is currently working on the road law. Attorney Baker advised the Town Board that he is in need of a little more guidance on the technical standards to be used in the law.

Zoning Commission report for the month of June 2007 submitted. Town Board Member Pinto questions what is a large parcel. Supervisor Jahn doesn't know what the answer is. It is the zoning commission's call as to what a large parcel is. Attorney Baker noted that basically the goal is to illicit comments from farmers and large rural parcel residents.

Code Enforcement Officer Semi-Annual Report submitted.

A motion to accept the above reports was made by M. Lee seconded by C. Vander Weit.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

#### Correspondence

Supervisor Jahn noted the Planning and Zoning Summer School dates offered by the Association of Town of NYS, the New York Planning Federation and the New York Conference of Mayors.

#### Unfinished Business

Town Board Member Lee advised that Anthony Tozzi, applicant for the Comprehensive Plan Oversight Committee notified her that he is no longer interested in the appointment because he is changing jobs. Town Board Member Pinto never got the opportunity to speak with A. Tozzi. Supervisor Jahn would like the position posted again. Town Board Member Lee will come up with some kind of a poster for different parts of Town as well advertising this appointment.

Supervisor Jahn has spoken with Mary Davis, who is interested in working for the Town. She doesn't live within the Township. Since the Town is in need of a data input clerk who will continue the process of creating histories for the Planning Board and Building Inspector areas, Supervisor Jahn would like to hire M. Davis.

A motion to hire Mary Davis as a part-time data entry clerk to input Planning Board and Building Inspector histories on the computer, at an hourly rate of \$12.73, with no benefits, was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Local Law #5-2007, Town of Austerlitz Major Subdivision and Commercial Use Moratorium Extension Law of 2007.

Section 4 will read as follows: This local law shall amend Local Law 4 of 2006 by amending Section 8 of that law by extending its expiration date by 180 days to February 12, 2008. All other provisions of Local Law 4 of 2006 shall remain in force and effect.

Section 7 will read as follows: This Local Law shall be effective immediately upon passage by the Town Board and filing with the Secretary of State

A motion to adopt Local Law #5-2007, Town of Austerlitz Major Subdivision and Commercial Use Moratorium Extension Law of 2007 with the amended section 4 and section 7 was made by M. Lee and seconded by C. Vander Weit.

G. Jahn: yes

R. Pinto: no because the Town Board originally promised 1 a year moratorium and no longer

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion carried 4:1.

A local law extending the 2006 a moratorium on certain described types of development within the Town of Austerlitz.

Be it enacted by the Town Board of the Town of Austerlitz

Section 1. SHORT TITLE: This Local Law shall be known as the Town of Austerlitz Major Subdivision and Commercial Use Moratorium Extension Law of 2007

Section 2. LEGISLATIVE INTENT

In August 2006, the Town of Austerlitz adopted Local Law 4 of 2006, "Town of Austerlitz Major Subdivision and Commercial Use Moratorium Law of 2006" (hereinafter referred to as the 2006 Moratorium) to limit further development in the Town while it drafted, considered and promulgated a zoning law for the Town. Since the adoption of that law the Town has worked diligently to draft a zoning law and the Town Zoning Commission has engaged consultants and is preparing a draft zoning law for the Town Board's consideration. Considering the effort required to draft the law and public input involved that process will not be completed before the expiration of the 2006 law. Therefore the Town Board finds it in the interest of the Town to maintain the status quo of development in the town until a final decision on the zoning is reached and thus an extension of the 2006 Moratorium is warranted.

Section 3. STATEMENT OF AUTHORITY

This Local Law is authorized by the New York State Constitution, Article IX, Section 2, the provisions of the New York Municipal Home Rule Law, the provisions of the Statute of Local Governments, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Austerlitz and the general police power vested with the Town of Austerlitz to promote the health, safety and welfare of all residents and property owners in the Town.

#### Section 4. EXTENSION OF MORATORIUM

This local law shall amend Local Law 4 of 2006 by amending Section 8 of that law by extending its expiration date by 180 days to February 12, 2008. All other provisions of Local Law 4 of 2006 shall remain in force and effect.

#### Section 5. SUPERSESSSION

Pursuant to Sections 10 and 11 of the Municipal Home Rule Law of the State of New York, this Local Law is intended to supersede the provisions contained in Article 16 of the Town Law of the State of New York which require action within specified time periods by the Planning Board on subdivision plats and site plan approvals elsewhere prohibited by the Local Law. Sections 276 and 277 of the Town Law are superseded by this Local Law.

Pursuant to Section 10 and 11 of the Municipal Home Rule Law, this Local Law is intended to supersede the provisions contained in Article 8, Section 8-0109, subsection (4) and (5) of the NYS Environmental Conservation Law and regulations thereunder (6 NYCRR Part 617) to the extent that such provisions require that the Planning Board or any lead agency determine the environmental significance of an application for a subdivision and/or site plan approval otherwise prohibited herein within certain specified time frames.

Pursuant to Sections 10 and 11 of the Municipal Home Rule Law, this Local Law is intended to supersede the various provisions of the Subdivision Regulations and Site Plan Review Law of the Town of Austerlitz to the extent that such provisions require that the Planning Board and/or Building Inspector of the Town of Austerlitz receive, review and decide, subdivision and commercial site plans otherwise prohibited herein within specified time frames.

#### Section 6. VALIDITY AND SEVERABILITY

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this local law.

#### Section 7. EFFECTIVE DATE

This Local Law shall be effective immediately upon passage by the Town Board and filing with the Secretary of State.

#### New Business

Donation to the Spencertown Academy for the Summer KidsArt Program: Town Board Member Lee gave an overview of the Kids summer program at the Spencertown Academy and its connection with our Summer Recreation Program noting that the program has been expanded to both Thursdays and Fridays. Thursdays are for the theatre! She is asking the Town to again give money to support this. Last year the Town donated \$1500.00.

A motion to give the Spencertown Academy \$1500.00 for the KidsArt Summer Program was made by P. Bernstein and C. Vander Weit.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: abstains, due to her directorship of the Academy

C. Vander Weit: yes

Motion carried 4:1.

#### Budget Amendment

Highway Fund: Increase Brush and Weeds, DA5140.4 by \$2000.00

Decrease General Repairs DA5110.4 by \$2000.00

A motion to approve Budget Amendment #1-2007 was made by R. Pinto and seconded by P. Bernstein.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Town Board Member Vander Weit has concerns surrounding the speed of vehicles going through Spencertown. Trucks are speeding well over 40 miles per hour. This is a safety issue. He questions whether the Enhanced Patrol or the Resident Sheriff can patrol more. Supervisor Jahn notes that the Enhanced Patrol sits out in front of the Town Hall at different times. Member Pinto has seen more patrols than he ever has. Discussion on electronic radar machines. Member Lee advises that speed through the Hamlet has been identified by the Hamlet Subcommittee and they feel this is a top priority. Attorney Baker notes that the Town can petition the State for a lower speed through Town. Member Vander Weit feels the Town needs more enforcement. Supervisor Jahn will speak with the Town of Chatham about using their radar machine as well as call Columbia County Sheriff's Department.

#### Public Comment

Penny Rubin: As the Town reworks the current Road Law, she feels it would be advisable to take the size of roads in subdivisions into account. These need to be smaller than the current specs call for. P. Rubin also believes the Town should consider having the sub-divider re-vegetate the sides of roads once the subdivision is complete. Member Lee agrees that the Town needs to encourage planting after the fact. Discussion on what mechanisms in place to deal with this issue. Further discussion on road issues, developers, subdivisions, and that the Town used to be an agricultural community with many open fields, etc. Attorney Baker advised the Town Board on what areas can be included in the Zoning documents. Supervisor Jahn noted that the Town needs to remember the long view is needed for environmental issues.

Steve Somlo: Questioned the Town Board on the type of materials given in advance of a meeting. He specifically questioned pre-meeting agendas and reference material for items to be discussed. As a Planning Board Member, S. Somlo feels it is important for the Planning Board to function as the Town Board does having an agenda and reference materials in advance of a meeting. He feels it is frustrating going into a meeting cold. S. Somlo asks Planning Board Chairman T. Stalker and the Town Board to address this issue.

S. Somlo also asks that he be included in discussion concerning updates for the Road Law.

A motion to adjourn was made by P. Bernstein and seconded by R. Pinto.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Meeting adjourned at 8:01 p.m.

Respectfully Submitted,  
Susan A. Haag



Town of Austerlitz  
Regular Town Board Meeting  
August 9, 2007

Present: George Jahn, Supervisor, Robert Pinto, Paul Bernstein, Mary Anne Lee, and Charles Vander Weit, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent, Tim Stalker, Planning Board Chairman

Meeting called to order 7:01 p.m.

Moment of silence in memory of Kurt Nuss, remembering his wife Paula, followed by the pledge of allegiance.

Roll call. Board Member Lee arrived at 7:05 p.m.

Minutes

A motion to approve the July 12, 2007 Public Hearing/Regular Town Board Meeting minutes was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Town Board Member Pinto wanted to clarify his comments last month concerning his nay vote on the moratorium. He feels that there have been no changes in any of the circumstances that led to the moratorium and the Town is putting out additional money for attorney fees to extend this law when it is unnecessary.

Auditing of Accounts and Claims

A motion to pay General Funds #207-253 and Highway Fund #126-136 was made by R. Pinto seconded by C. Vander Weit.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Reports

Cash Disbursement Journal for the month of July 2007 submitted. Supervisor Jahn reported the Town has received sales tax for the latest quarter. He has rolled over a CD at a 4.6% interest rate. This rate is cut back because the Town did not move any accounts over to First Niagara. He will check competitive rates. On the County level the Supervisors are dealing with an issue in the Office of the Aging. The Office did not put through the necessary paperwork to receive monies due the County from Federal and State sources. The County was in jeopardy of losing the money all together was well. The paperwork has since been completed by Art Baer, Supervisor for the Town of Hillsdale. An audit has been ordered and the head of the Department is on administrative leave.

Town Clerk Report for the month of July 2007 submitted.

Highway Superintendent Meehan reported they are blacktopping, filling pot holes, and all the CHIPs money should be draw down by year end.

Planning Board Report for the month of July 2007 submitted. Road Committee did not meet. Chairman T. Stalker reported that the Planning Board is working on the zoning document.

No Comprehensive Plan Oversight Committee Report for the month of July 2007 submitted.

Zoning Commission report for the month of July 2007 submitted. Town Board Member Lee noted that even with the Committee meeting two times a week, they are not hitting time tables. The revised draft will be available at the end of August, beginning of September. Mid-September is the target for a Public Hearing on the second draft.

A motion to accept the above reports was made by R. Pinto and seconded by M. Lee.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

#### Correspondence

Letter from Spencertown Academy. Thanks Town for donation and praising Summer Recreation Program Director S. Fischer and staff for an outstanding job.

There will be Talent show on August 17, 2007 for the children in the Summer Recreation Program. Supervisor Jahn asks all too please support this event for the children.

#### Unfinished Business

None

#### New Business

#### Budget Amendment

General Fund: Youth Programs A7310.4 increase by \$2500.00

Park and Recreation Fees 2001 increase by \$2500.00

Highway Fund: Brush and Weeds DA5140.4 increase by \$2000.00

Unemployment DA9050.8 increase by \$4500.00

General Repairs DA5110.4 decrease by \$6500.00

A motion to approve Budget Amendment #2-2007 was made by R. Pinto and seconded by C. Vander Weit.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Letter from Lisa Wenk representing the Tower Club and the Spencertown Fire Co.: Ms. Wenk asks for volunteers for the restaurant at the Chatham Fair. Supervisor Jahn urges those who can volunteer to do so.

The Town Clerk has sent a letter to all residents asking that anyone who has an unlicensed dog to please come in and licensed it. Town Board Member Lee would like to have some additional correspondence for other Town issues go out to residents as well, especially dealing with businesses in Town. The Town should encourage residents to abide with current Town Laws, as well as, the new zoning regulations that will be adopted. Further discussion as to what to notify residents about, when, how, etc.

Town Board Member Lee wants to keep the Road Law rewrite alive. There are some additional issues that need to be addressed such as road cuts, tree cutting, timber harvesting and the like. Road Law Committee Chairman T. Stalker's understanding was that this rewrite didn't need to be hurried and notes that the Road Law originally was meant for road construction issues, not environmental ones. Attorney Barker advises that the Road Law should deal with construction issues and the other issues need to be

addressed in the Zoning Ordinance. Town Board Member Lee feels the Town needs to develop some sort of a standard to work around. There is confusion as to where the Town wants to go. Town Board Member Bernstein advises that he knows a gentlemen who will come before any town or committee to talk about timber harvesting, road cuts, and the like.

Attorney Baker hands out a redraft of the Road Law for the Town Board to look at. He also has a model law for timber harvesting which is pretty simple and straight forward. The town can regulate these issues such as timber harvesting with a stand alone law or in the Zoning Ordinance. These issues can also be addressed by the SEQRA process. Planning Board Chairman Stalker has taken Attorney Baker to sites in Town that are of concern. Other questions were raised surrounding agricultural issues with timber harvesting and A. Mesick wanted the record to be clear that there is a difference between timber harvesting and clear cutting.

The Road Committee will get back together and go over new draft.

Discussed date of next month's Town Board Meeting because it falls on Rosh Hashanah. Date will remain the same.

Supervisor Jahn noted the Town will be posting two BAR positions to be voted on next month. He encourages people to submit a letter of interest. Position and duties explained.

#### Public Comment

Cathy Grier advised that the Zoning Commission sent a letter to T. Stalker with recommendations concerning the Road Law.

#### Adjournment

A motion to adjourn was made by P. Bernstein and seconded by R. Pinto.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Meeting adjourned at 7:44 p.m.

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Regular Town Board Meeting  
September 13, 2007

Present: George Jahn, Supervisor, Robert Pinto, Paul Bernstein, Mary Anne Lee, and Charles Vander Weit, Town Board Members, Susan Haag, Town Clerk, Tim Stalker, Planning Board Chairman

Highway Superintendent Meehan absent.

Meeting called to order 7:00 p.m.

Moment of silence, followed by the pledge of allegiance.

Roll call.

Minutes

A motion to approve the August 9, 2007 Regular Town Board Meeting minutes was made by R. Pinto and seconded by P. Bernstein.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to pay General Funds #254-292 and Highway Fund #137-156 was made by C. Vander Weit seconded by R. Pinto.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Reports

Cash Disbursement Journal for the month of August 2007 submitted. Supervisor Jahn reported that on the County level there is now an additional real estate transfer tax of \$2.00 per \$1000.00 above \$150,000.00. This provision will sunset in 2 years and was designed to help fill the revenue gap, minimizing the effect on affordable housing.

Town Clerk Report for the month of August 2007 submitted. Town Clerk noted that the Town has added around 35 new dogs to date. These were added as a result of the letter that was sent out requesting licensing of dogs.

Highway Superintendent report for August 2007 submitted.

Planning Board Report for the month of August 2007 submitted. Road Committee did not meet but has scheduled a meeting for October 18, 2007.

Comprehensive Plan Oversight Committee Report for the month of August 2007 submitted.

Zoning Commission report for the month of August 2007 submitted.

Annual Summer Recreation Program Report for 2007 submitted.

A motion to accept the above reports was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion unanimously carried.

#### Correspondence

Albany Law School Conference on NYS Shared Municipal Services Incentive Grant Program on October 4, 2007. Supervisor Jahn can not make this. If anyone is interested in going, please let him know.

The *Columbia County Planning Board (CCPB) and the Greene County Planning Board*, in conjunction with the New York State Department of State (NYS DOS) Division of Local Government, are pleased to announce the following technical land use training sessions.

#### Monday, September 17, 2007 Greene County

7:00 PM – 8:00 PM “Working With Applicants”

8:00 PM – 9:00 PM “Conducting Effective Meetings & Hearings”

*Emergency Operations and Training Center College, 25 Volunteer Drive, Cairo, NY*

#### Monday, September 24, 2007 Columbia County

5:00 – 6:30 PM: “Conservation Subdivision”

7:00 – 8:30 PM: “Open Space Planning”

*Columbia Greene Community College Room 20, Hudson, NY*

Planning Board Chairman T. Stalker advised the Town Board that Planning Board Clerk R. Parow is unable to make either of these sessions and she is still short 1 hour of the required 4 hours per year of training. The only additional training coming up is the Planning Federation Conference, but there is a cost involved with participation. Chair Stalker is asking the Town Board for consideration from the Board; either to allow Clerk Parow to attend the Planning Federation Conference or to waive the additional hour needed. There may be a possibility that Clerk Parow could make the September 17<sup>th</sup> training in Greene County. Discussion on options. The Town Board decided not to make a decision at this time, but will deal with this issue if it becomes a problem.

#### Unfinished Business

None

#### New Business

B.A.R. Appointments: Two candidates have submitted letters, Gerald DeBona and Pat Williams. P. Williams just submitted hers today. Both have served on the B.A.R. in the past with terms ending in 2006. With staggering the terms of these two appointments, the Town will be back in compliance with NYSORPS term regulations.

A motion to appoint Gerald DeBona to the Board of Assessment Review for the term 10/01/2007 to 9/30/2012 was made by P. Bernstein and seconded by R. Pinto.

G. Jahn: yes  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion unanimously carried.

A motion to appoint Pat Williams to the Board of Assessment Review for the term of 10/01/2007 to 9/30/2009 was made by P. Bernstein and seconded by R. Pinto.

G. Jahn: yes  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion unanimously carried.

Assessor Appointment: Current Acting Assessor Pam Cook has finished the necessary schooling in order to be appointed the Sole Assessor and has been certified by the State as of 8/15/2007. Her current term as Acting Assessor expires 9/30/2007. P. Cook is also the assessor in Hillsdale and Peter Ostrander is available should we need him.

A motion to appoint Pam Cook as Sole Assessor for the term of 10/01/2007 to 9/30/13 was made by P. Bernstein and seconded by M. Lee.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Budget Workshop Dates: Budget season is upon us. Supervisor Jahn would like to set October 20, 2007 at 9:00 a.m. and October 25, 2007 at 7:00 p.m., for budget workshop meetings after the September 22, 2007 meeting giving the 2007 tentative budget to the Town Board.

Mike Greason, a Senior Forester from the State of New York will also speak September 22, 2007.

Supervisor Jahn recognizes George Sheangshang for his donation to the Town for the repair of the tennis court up at the ball park.

Supervisor Jahn would also like mention Town Board Member Vander Weit's 'mail box' hanging on the Town Hall door. C. Vander Weit also fixed the front doors as well.

Speed Display Trailers: Supervisor Jahn asked Assemblyman Molinari for information concerning speed display trailers and types available because of the speed of traffic through Town. Assemblyman Molinari provided options which were given to the Town Board for consideration. Supervisor Jahn would like the authority to write Senator Saland for a member item for the next budget cycle for this type of item. Town Board Member Lee wonders if this is the best use of our member item. The Town may need the money for planning purposes. Member Lee believes this to be a perfect opportunity for inter-municipal cooperation. Supervisor Jahn has asked the Town of Chatham to use their display and unfortunately it is constantly in use. Town Board Member Pinto asked if the Town could rent or lease one of these machines. He has seen in the past that after a point in time these items tend to end up not in use and being stored somewhere. Supervisor Jahn noted that renting or leasing is not an option and asks Member Pinto to research different options.

Memorandum of Understanding between NYSORPS, the Town of Hillsdale and the Town of Austerlitz. This understanding enters the Town into an annual reassessment and reassessment aid program. Discussion as to the particulars of this agreement. This provides more cooperation between the State and the County. The State will have direct supervision over this project. The goal is toward greater centralization and data standardization, etc.

#### Resolution #28-2007: Memorandum of Understanding, Assessment Improvement Program

BE IT RESOLVED that the Town Board of the Town of Austerlitz authorizes the Town's participation in the Annual Reassessment and Reassessment Aid Program administered by New York State Office of Real Property Services. This program is designed to ensure assessment equity and maintenance of 100% equalization rate. Continued compliance with this guideline will result in continuation of awards from the New York State Office of Real Property Services.

A motion to adopt Resolution #28-2007: Memorandum of Understanding, Assessment Improvement Program was made by P. Bernstein and C. Vander Weit

G. Jahn: yes

R. Pinto: no, needs more time to understand the ramifications  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion carried 4:1.

2010 Census. Supervisor Jahn notes that training and data collection have already begun, but as we move closer to 2010 the Town will need more man power. There are several areas that profit from accurate data; State and federal aid is based on census counts. The count affects the County and State more than the local area. When the time comes, Supervisor Jahn would like to staff this need with able, excited, competent volunteers.

Supervisor Jahn attended a reception hosted by the Governor's Office of Small Cities. Grants through this organization are available for various things. The Town of Hillsdale was awarded a grant for their updated sewer program. Supervisor Jahn would like the Town to be more involved with this organization. The Town is a member of the Governor's Office of Small Cities.

#### Public Comment

Gerald DeBona thanks the Town Board for the appointment. Supervisor thanks G. DeBona in turn for service to Town.

Chuck Weinlein noted that Northeast Scaffold and United Ladder has traffic control signs as well.

#### Executive Session

A motion to enter executive session for personnel reasons was made by C. Vander Weit and seconded by R. Pinto.

G. Jahn: yes  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes

Motion unanimously carried. Executive session enter at 7:49 p.m.

A motion to exit executive session was made by C. Vander Weit and seconded by R. Pinto.

G. Jahn: yes  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes

Motion unanimously carried. Executive session exited at 8:13 p.m.

A motion to increase Arlene Newton's hourly wage to \$12.73/hour for a term ending December 31, 2007 was made by R. Pinto seconded by C. Vander Weit.

G. Jahn: yes  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes

Motion unanimously carried.

#### Adjournment

A motion to adjourn was made by M. Lee and seconded by C. Vander Weit.

G. Jahn: yes  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes

Motion unanimously carried. Meeting adjourned at 8:16 p.m.

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Special Town Board Meeting  
September 22, 2007

Present: George Jahn, Supervisor, Paul Bernstein, and Charles Vander Weit, Town Board Members, Susan Haag, Town Clerk

Robert Pinto and Mary Ann Lee absent.

Meeting called to order 9:03 a.m.

Special meeting called to give Town Board Members the 2008 Tentative Budget. Supervisor Jahn reminds the Town Board that budget workshops have been scheduled for October 20 and 25, 2007. There are some loose ends in the wage and salary lines, but these will be discussed at the workshops.

Supervisor Jahn would like to post for the Code Enforcement Officer position. Current Code Enforcement Officer is allowed to apply for the position.

A motion to post for the Code Enforcement Officer position was made by C. Vander Weit and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

Motion unanimously carried.

A motion to adjourn the meeting was made by C. Vander Weit and seconded by G. Jahn.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

Motion unanimously carried. Meeting adjourned at 9:04 a.m.

Town Board Member Lee arrived at 9:08 a.m.

Mike Greason, Forester, gave a presentation to the Town Board on available services, trends, tax laws and the like. M. Greason has worked in the field since he was 14 years old, serving 2 years in Ma. and 29 years for the State of New York. He is a member of the Association of American Foresters and was the Chair for New York State. In 1993 he was awarded Forester of the Year. M. Greason retired from the State in 1998. After leaving the D.E.C. he as served in the private sector. M. Greason was the first recipient of the National Society of Forester's President's Award for New York and New England.

Respectfully Submitted,  
Susan A. Haag, Town Clerk



Town of Austerlitz  
Regular Town Board Meeting  
October 11, 2007

Present: George Jahn, Supervisor, Robert Pinto, Paul Bernstein, Mary Anne Lee, and Charles Vander Weit, Town Board Members, Susan Haag, Town Clerk, Highway Superintendent, Robert Meehan, Tim Stalker, Planning Board Chairman

Meeting called to order 7:00 p.m.

Moment of silence, followed by the pledge of allegiance.

Roll call.

Minutes

A motion to approve the September 13, 2007 Regular Town Board Meeting and September 22, 2007 Special Town Board Meeting minutes was made by C. Vander Weit and seconded by R. Pinto.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to pay General Funds #293-319 and Highway Fund #157-166 was made by M. Lee and seconded by C. Vander Weit.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Reports

Cash Disbursement Journal for the month of September 2007 submitted. Supervisor Jahn noted the Town is looking for a couple revenue items. Supervisor Jahn has moved the Town accounts to First Niagara from Kinderhook Bank. Interest rates on short term investments will be favorable because of this move. Nothing significant on the County level.

Town Clerk Report for the month of September 2007 submitted.

Highway Superintendent Meehan reported that the East Hill Road intersection is now open. Still need to seed certain areas around the old entrance. The Highway Crew will be heading back to Stever Hill Road next week. Also taking care of dead trees and standard maintenance on a few roads. R. Meehan is looking at paperwork for a small 1 ton truck to replace an aging vehicle. Supervisor Jahn notes that there is a scheduled Road Committee meeting on Oct 18, 2007.

Planning Board Report for the month of September 2007 submitted. Road Committee did not meet but has scheduled a meeting for October 18, 2007. T. Stalker asks for comments on variance issues and the like for the Committee to address.

Comprehensive Plan Oversight Committee Report for the month of September 2007 submitted.

Zoning Commission report for the month of September 2007 submitted. Town Board Member Lee noted that the public listening session for the revised zoning document is in conflict with the Town Board budget workshop meeting. October 20, 2007 budget workshop will be rescheduled to October 27, 2007 at 9:00 a.m.

A motion to accept the above reports was made by R. Pinto and seconded by M. Lee.  
G. Jahn: yes  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion unanimously carried.

#### Correspondence

Wes Powell: Interest in the Dog Control Officer Position. Supervisor Jahn noted that Mr. Powell letter will be filed for consideration at the end of the year. Current Dog Control Officer is doing a fine job and is still interested in continuing.

David Chapman, Executive Secretary for the Columbia County Traffic Safety Board: Responded concerning an email from Supervisor Jahn surrounding an incident on Route 203 near the Taconic Parkway exits. G. Jahn requested the placement of certain road signs. D. Chapman forwarded Supervisor Jahn's email onto the NYSDOT for consideration.

#### Unfinished Business

Town Board Member Pinto researched options for speed display trailers. Supervisor Jahn noted that one of the options was for the Town to use the Town of Copake's, or there are leasing options out there.

#### New Business

Assemblyman Marc Molinaro will be visiting the Town of Austerlitz on November 13, 2007 at 7:00 p.m. to discuss legislative agenda in Albany and illicit concerns and comments from the Town's residents. As of now, this will be at the Town Hall.

Assemblyman Molinaro will also be speaking on the impact that agriculture has on our community on October 16, 2007 from 10:00-1:00 p.m. at Willow Brook Farm on Rte 22 in Millerton, NY.

Columbia County Historical Society 2007 Annual Meeting, Saturday, October 20, 2007, from 10:00-11:30 a.m. at the Columbia County Museum in Kinderhook, NY.

Columbia County Soil and Water Conservation District Workshop for Contractors, Engineers, and Municipal Officials, Friday, November 9, 2007, from 9:00-3:30 p.m. This workshop will speak on Phase II storm water regulations for construction projects and the requirements for sediment and erosion control.

Columbia Building Green announces it's second in a series of seminars: Green Building Materials, The Options, The Imperatives, October 13, 2007, from 10:00-12:00 p.m. at the Tracy Memorial in Chatham.

NYS Dept of Ag and Markets announces the availability of grants for municipalities to develop Agricultural and Farmland Protection Plans.

Town Board Member Lee asks if there is a new draft of the road law available. The Committee is still working on the draft that Attorney Baker previously handed out.

#### Public Comment

T. Stalker wished more people from the Town of Austerlitz would have attended the training session held in September sponsored by the Columbia County Planning Board.

Alan Silvernale remembers that a year ago the Town discussed the possibility of splitting up the terms of the justices so both justices would not be running for election at the same time. Current State law prohibits a random change. The only time the term is changed is if a justice retires early or resigns. Attorney Baker will inquire on the State level as to the possibility of a legislative change in State law.

#### Adjournment

A motion to adjourn was made by M. Lee and seconded by R. Pinto.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Meeting adjourned at 7:27 p.m.

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Budget Workshop  
October 24, 2007

Present: George Jahn, Supervisor, Robert Pinto, Paul Bernstein, and Mary Anne Lee, Town Board Members, Susan Haag, Town Clerk, Highway Superintendent, Robert Meehan

Workshop called to order 7:00 p.m.

Supervisor Jahn advised that generally there should not be any increase in Town taxes. Assessables have increased from 306 million to 321 million with a slight budget decrease. Mill rate should remain flat.

Town Board went over each line item.

The next workshop will be Saturday, October 27, 2007 to go over revised figures. Public hearing will be held at 6:30 p.m. preceding the next regular Town Board meeting on November 8, 2007.

Meeting adjourned at 8:00 p.m.

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Budget Workshop  
October 27, 2007

Present: George Jahn, Supervisor, Paul Bernstein, and Mary Anne Lee, Town Board Members, Susan Haag, Town Clerk

Workshop called to order 9:05 a.m.

Supervisor Jahn changed figures as reflected by Wednesday night's workshop discussion, and tweaked a couple additional areas.

The Town Board discussed those changed line items.

Again, with assessables increasing and the budget decreasing, the mill rate should decrease by 6%.

A motion was made by G. Jahn and seconded by P. Bernstein to make the tentative budget with the changes discussed the 2008 preliminary budget.

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

Motion unanimously carried.

Meeting adjourned at 9:25 a.m.

Respectfully submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Public Hearing/Regular Town Board Meeting  
November 8, 2007

Public Hearing opened at 6:30 p.m.

Public Hearing called for the 2008 Budget. Public Hearing notice read.

Supervisor Jahn summarized the budget figures. The mill rate for 2008 should decrease to roughly 6% overall.

Public Comment

None.

All those wishing to be heard were heard.

A motion to close public hearing was made by G. Jahn and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Public Hearing closed at 6:56 p.m.

Regular monthly meeting called to order at 7:02 p.m.

Present: George Jahn, Supervisor, Paul Bernstein, Mary Anne Lee, and Charles Vander Weit, Town Board Members, Susan Haag, Town Clerk, Highway Superintendent, Robert Meehan, Tim Stalker, Planning Board Chairman.

Town Board Member Robert Pinto absent due to illness.

Moment of silence, followed by the pledge of allegiance.

Roll call.

Minutes

A motion to approve the October 11, 2007 Regular Town Board Meeting and October 24, 2007 and October 27, 2007 Budget Workshop Meeting minutes was made by C. Vander Weit and seconded by M. Lee.

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to pay General Funds #320-359 and Highway Fund #167-181 was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Reports

Cash Disbursement Journal for the month of October 2007 submitted. Supervisor Jahn noted that the revenue lines look good. Quarterly sales tax installment in. Mortgage tax

should be in shortly. Justice Court system is back on track. Building permits are surprisingly up. No County Board meeting last night. It will be next week. Congratulation to Brian Geel and Paul Bernstein for their wins in the election. Town Board Member Bernstein feels this was a great election. Everyone was cordial and wonderful. No one was a loser. Everyone did a wonderful job. A positive experience. Supervisor Jahn noted that Tim Stalker did a great job as a third party candidate.

Town Clerk Report for the month of October 2007 submitted.

Highway Superintendent Meehan reported that the East Hill Road project is basically done. Town Board Member Vander Weit noted the beautiful job done. Stever Hill Road is still being worked on. Member Lee noted the extra care taken at the end of the project to restore the landscape.

Planning Board Report for the month of October 2007 submitted. Road Committee meeting cancelled due to Supervisor's request.

No Comprehensive Plan Oversight Committee Report for the month of October 2007 submitted. They reviewed the Zoning document.

Zoning Commission report for the month of October 2007 submitted.

A motion to accept the above reports was made by C. Vander Weit and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

#### Correspondence

NYSORPS: Town of Austerlitz' STAR Administrative Aid payment will be \$580.48.

Tiffany Zezula, P.A.C.E.: The Land Use Law Center of Pace Law School will conduct training for zoning and planning board members and members of local legislative bodies. The one-day training program will be held on December 8, 2007 at the Columbia Greene Community College from 9:00-4:00.

Marc Molinaro will be here November 13, 2008 at 7:00 p.m. for a Town Hall Meeting. Topics include legislative issues in Albany: tax burden, land planning for future growth, etc.

#### Unfinished Business

2008 Budget: No changes were made to the Preliminary Budget.

A motion to make the 2008 Preliminary Budget the 2008 Final Budget was made by M. Lee and seconded by C. Vander Weit .

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

#### New Business

Moskowitz' Subdivision private road, Deer Ridge Lane: The Moskowitz' have withdrawn their subdivision application and never put in the private road, Deer Ridge Lane. The Town Board approved this name and the proper authorities have already been notified. The Town Board needs to officially withdrawn this road and name.

A motion to remove Deer Ridge Lane as a private road and private road name was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion unanimously carried.

A motion that the application fee for the Deer Ridge Lane road sign not be returned to the applicant since the sign has already been purchased and that the sign be given to the applicant was made by C. Vander Weit and seconded by M. Lee.

G. Jahn: yes  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion unanimously carried.

#### Budget Amendment #3-2007

##### General Fund

Assessor Clerk A1355.1 increase by \$1000.00  
Traffic Control A3310.4 increase by \$400.00  
Youth Programs A7310.1 increase by \$3258.00  
Youth Programs A7310.4 increase by \$3000.00  
Assessor A1355.2 decrease by \$400.00  
Buildings A1620.4 decrease by \$2258.00  
Contingent A1990.4 decrease by \$5000.00

##### Highway Fund

Repairs DA5110.1 increase by \$1857.00  
Repairs DA5110.4 decrease by \$1857.00

Highway Superintendent Meehan is concerned about where we are taking the money from. He doesn't want to get caught with no money in repairs. Supervisor Jahn assures R. Meehan that there is enough money.

A motion to approve the above budget amendment was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes  
P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion unanimously carried.

#### Public Comments

Planning Board Chair T. Stalker questioned Town Board Member Lee about a meeting she had with Zoning Consultant Mike Welti; specifically about the money needed to complete the zoning ordinance. He advises that there is money available in planning board budget.

Highway Superintendent Meehan asked if anyone has heard feedback on the speed sign in town. There have been some distance issues which have affected the speed readout. This speed sign is being borrowed from the Town of Copake, but the price tag is roughly \$10,000.00. Grant money out there should the Town want to invest in one of these signs. There are different styles. Brian Geel noted that the fire district may want access to a sign and noted different scenarios.

Fred Oleynek asked Supervisor Jahn if the Town Board was going to make a determination on his subdivision based on his request as noted in his letter. Supervisor Jahn would like an updated road law in place before the Town Board makes a decision. F. Oleynek asked the Town Board to make the Planning Board aware of this because his subdivision application is due to expire. Supervisor Jahn advised Planning Board Chair T. Stalker of decision.

A motion to adjourn was made by P. Bernstein and seconded by C. Vander Weit.  
G. Jahn: yes

P. Bernstein: yes  
M. Lee: yes  
C. Vander Weit: yes  
Motion unanimously carried. Meeting adjourned at 7:32 p.m.

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Regular Town Board Meeting  
December 19, 2007

Present: George Jahn, Supervisor, Paul Bernstein, Mary Anne Lee, and Robert Pinto  
Town Board Members, Susan Haag, Town Clerk, Tim Stalker, Planning Board  
Chairman.

Town Board Member Charles Vander Weit on vacation, and Highway Superintendent  
Robert Meehan absent due to work.

Meeting called to order at 12:00 p.m. Supervisor Jahn noted that the December 13, 2007  
scheduled Town Board meeting was cancelled due to weather.

Moment of silence in memory of Mary Maynard, R. Pinto's mother-in-law and Edwin  
Barden, Sr., words fail to how much he meant to us. Pledge of allegiance.

Roll call.

Minutes

A motion to approve the Public Hearing/Regular Town Board Meeting of November 8,  
2007 minutes was made by P. Bernstein and seconded by R. Pinto.

G. Jahn: yes  
R. Pinto: yes  
P. Bernstein: yes  
M. Lee: yes  
Motion unanimously carried.

Auditing of Accounts and Claims

A motion to pay General Funds #360-406 and Highway Fund #182-207 was made by R.  
Pinto and seconded by P. Bernstein.

G. Jahn: yes  
P. Bernstein: yes  
M. Lee: yes  
R. Pinto: yes  
Motion unanimously carried.

Reports

Cash Disbursement Journal for the month of November 2007 submitted. Supervisor Jahn  
noted the figure for the Highway garage was high. \$80000.00 in C.H.I.P.S. money has  
come in, as well as, \$58,000.00 mortgage tax money. County Board meeting was last  
week, and there were no unusual items. Town of Hillsdale Supervisor, Art Baer, is the  
new Chair, with Phil Williams of Livingston and Linda Shear of Stuyvesant, Deputies.

Town Clerk Report for the month of November 2007 submitted.

Highway Superintendent Meehan is out working today. He is doing a great job with the  
roads this year. R. Meehan did want mentioned that there is an issue with residents using  
sand from the Highway Garage site. There have been some who are using the sand for  
commercial use, sanding entire roads and then billing the residents. The sand is for  
personal use only. Discussion on how to correct this problem.

Planning Board Report for the month of November 2007 submitted. Road Committee met on December 10, 2007. T. Stalker noted M. Bower's letter. He is asking the Town Board to address her request to put apartments in the barn on the property. T. Stalker feels apartments are necessary, but this may fall under the moratorium. Discussion on the proposed project. Town Board Member Bernstein noted that when the moratorium was put in place, the Town Board said that they would look at individual projects and make decisions accordingly. Supervisor Jahn believes that the Town Board would view this as a positive project. Attorney Baker advised that he will look into the issue and report back to the Town Board. There are different ways to handle issues like this. The consensus of the Town Board is to let this happen. Attorney Baker will write up an interpretation and give it to Supervisor Jahn for his signature. He does not believe that this falls under the moratorium.

Discussed Cervone subdivision in the Town of Hillsdale, boarding on land in the Town of Austerlitz. Mr. Cervone has met with the County Planning Board.

Comprehensive Plan Oversight Committee Report for the month of November 2007 submitted.

Zoning Commission report for the month of November 2007 submitted.

A motion to accept the above reports was made by P. Bernstein seconded by M. Lee.

G. Jahn: yes

R. Pinto: on phone

P. Bernstein: yes

M. Lee: yes

Motion carried 3:1.

#### Correspondence

Chatham Central Schools, Superintendent G. Scott Hunter: Invitation for Towns to hold informational meeting to update residents on Referendum Proposition 1 and 2 to be voted on January 22, 2008. January 10, 2008, a half an hour before next board meeting, will be set aside for this meeting. R. Pinto feels the school is soliciting residents to approve budget, etc. He feels this will be looked at as an implied endorsement. M. Lee feels that this is a time that residents can ask questions as well. Attorney Baker advised this is an education session and the Town Board can make available a time and place for this.

Fred Oleynek: F. Oleynek has requested the Town Board issue him a waiver on his driveway in his subdivision. Subdivision drainage is still the bottom line issue which will not go away. Attorney Baker advises this is a Planning Board issue and suggests that a drainage study be done. He summarizes the project to date and noted that most of the road issues have been or will be settled. Highway Superintendent Meehan needs to approve the road as well. The drainage issue is fundamental and the Planning Board has jurisdiction in this area. Subdivision owner, Fred Oleynek, has not met hardship levels when addressing his request to forego private road stipulations under law. If he ever goes forward with future subdivisions, this must be settled. Several state laws and town laws now handle these types of situations. Town Engineer P. Prendergast does not feel the road is adequate. Town Board Member M. Lee asked why has this been taking so long and what can the Town Board do to expedite this application. Member R. Pinto feels the same way. He has looked at the road and feels the road is adequate, as does Supervisor Jahn, but G. Jahn notes he can not decide whether or not drainage issues are satisfactory. Member M. Lee stated that a qualified engineer needs to be the one advising the Town Board. It was noted that F. Oleynek has not complied with the basic requirements of the subdivision law and has not even provided necessary drawings of the road and culverts etc. Discussion on options. Attorney Baker notes that if the Planning Board issues a waiver for drainage concerns, the project will then come before the Town Board. No waiver has been requested of the Planning Board by F. Oleynek. Planning Board Chairman T. Stalker advised that this project was scheduled to be on the Planning Board agenda, but F. Oleynek asked for it to be pulled and be dealt with by the Town Board. Chair Stalker noted that there are several required pieces yet to be provided by F. Oleynek to the Planning Board concerning erosion and drainage issues. Discussion of SEQRA, procedural issues, extension periods, etc. Waivers need to be rational



determinations, based on hardship, and no information has been provided by F. Oleynek for hardship clauses.

A motion was made by M. Lee and seconded by G. Jahn to deny, without prejudice, Fred Oleynek's request for a waiver and to refer the application back to the Planning Board for further consideration. The Town Board also finds that a drainage report is appropriate and supports the efforts by the planning Board to resolve any outstanding issues for the design of the road. Attorney Baker will draft a letter.

G. Jahn: yes

R. Pinto: no

P. Bernstein: yes

M. Lee: yes

Motion carried 3:1

#### Unfinished Business

Supervisor Jahn gave a Certificate of Appreciation to Councilman Robert Pinto for his years of service to the Town of Austerlitz.

In recognition of his many years of service which have been marked by exemplary dedication and loyalty to the Community and the constituents he represents. Robert has worked tirelessly for alternatives to land use development which would protect the Town, yet protect the rights of its citizens. Through serving as Councilman, Deputy Town Supervisor, and sitting on many committees through the years, Robert has generously given his time and talents to the Town he loves. He should be especially commended and appreciated for taking on the responsibilities of Town Supervisor when a former Supervisor passed away.

Supervisor Jahn stated that it has been fun working with R. Pinto. Member Pinto noted that it has been his great pleasure to work for the Town. He hopes to see some younger people come along and get involved.

#### New Business

Chazen: Chazen has requested a TSO supplemental agreement, to cover 4 additional meetings, and hours for an additional draft. This will be done for \$14500.00 and uses the rest of money in zoning contractual line. This is not an anticipated fee. SEQRA is taken care of once the Town Board receives the draft ordinance.

A motion to approve the additional monies and to approve the supplemental agreement with Chazen was made by M. Lee and seconded by P. Bernstein.

G. Jahn: yes

R. Pinto: no

P. Bernstein: yes

M. Lee: yes

Motion carried 3:1

#### Budget Amendment #4-2007

##### General Fund

Justice Clerk A1110.11 increase by \$1200.00

Assessor A1355.4 increase by \$600.00

Attorney A1420.4 decrease by \$1800.00

A motion to approve the above budget amendment was made by R. Pinto and seconded by M. Lee.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

Motion unanimously carried.

#### Resolution 29-2007 In Support of Taconic Hills Central School District, Columbia County Emergency Sheltering Improvement Project

This community is pleased to offer enthusiastic support for the Taconic Hills Central School District's application to the Department of State's 2007-2008 Shared municipal Services Incentive Grant Program to plan and implement the Taconic Hills Central School District-Columbia County Emergency Sheltering Improvement Project. We understand that if received, funds from this program will be used to improve the emergency sheltering and service capability of the school district which serves as a Red Cross designated emergency location for the county.

Specifically, this grant will allow the school district to upgrade its generator to provide safe and reliable shelter extending beyond its current capacity of several hours. We are one of nine municipalities that will be able to share the facility and consider it a vital part of our emergency response system. The project is being planned in cooperation with the Columbia County Office of Emergency Management, a co-applicant, and will be completed during the summer and fall of 2008.

In light of the wide range of potential disasters that threaten our communities today, we applaud the school district's initiative in taking this proactive step on our behalf.

A motion to approve Resolution 29-2007 In Support of Taconic Hills Central School District, Columbia County Emergency Sheltering Improvement Project was made by M. Lee and seconded by P. Bernstein.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

Motion unanimously carried.

Verizon Cell Tower Co-Location: The Planning Board has sent this request to the Town Board for an interpretation in consideration of the moratorium. The Town Board would like to promote cell tower co-location, using the same footprint, to prevent new ones. Planning Board Chairman T. Stalker noted that the original tower did not have site plan approval because it was not a requirement at that time. Attorney Baker advised this does not fall under the moratorium. The sense of the Town Board is to allow.

#### Local Law 6-2007, Reducing the Number of Members of the Town of Austerlitz Planning Board

Supervisor Jahn presented Local Law 6-2007 and would like to hold a Public Hearing for this December 27, 2007. Planning Board Chairman T. Stalker noted this is the first time he has seen law. He is concerned about how the terms are presented in the proposed law because the terms expire at organizational meeting, not the end of the year. T. Stalker would also like to see an alternate member. Local Law 6-2007 changed with new term expiration dates put in.

A motion to schedule a public hearing at 7:00 p.m. on Local Law 6-2007 with changes was made by G. Jahn and seconded by P. Bernstein.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

Motion unanimously carried.

Zoning Commission Chairman R. Carney noted that Zoning Commission member's terms expire December 31, 2007.

A motion to extend the term of the Zoning Commission members from January 1, 2008 to June 30, 2008 was made by M. Lee and seconded by P. Bernstein.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

Motion unanimously carried.

Members include: Roy Carney, Hilary Dunne Ferrone, Cathy Grier, Stephen Langer, Abi Mesick, Constance Mondel, and John Spitzer.

Public Comments

Sue Geel asked the Town Board to explain why her father, F. Oleynek, was not being considered for re-appointment to the Code Enforcement Officer position. Discussion.

Sue Geel asked the Town Board what happened to the simple, common sense zoning platform certain current Town Board members ran on. Supervisor Jahn stated that the current zoning document does have some sophisticated items, but is simple to understand. Town Board Member R. Pinto asks Zoning Commission Chairman R. Carney if he feels that the current zoning document is common sense zoning. Chair Carney notes that the current version is more complex than he thought it would ever be when he signed up for the job. The problem the Zoning Commission has is to keep it simple and yet implement the goals of Comprehensive Plan. These were not easy to implement and why the process is taking much longer than expected. More revisions are being made. Town Board Member P. Bernstein doesn't think the current document is simple. Discussion on time frames and procedural issues.

Sue Geel stated that her understanding is that these complex issues were implemented when Chairman Carney was away. Chair Carney advised that each Zoning Commission Member will have a time to make recommendations and changes before the document is handed over to the Town Board.

Sue Geel advised that at the A.C.T. presentation of the current Zoning Ordinance, she heard on many occasions, and from many people, that they were upset the turn the document has taken, and would not have voted for this had they known.

A motion to adjourn was made by P. Bernstein and seconded by M. Lee.

G. Jahn: yes

R. Pinto: yes

P. Bernstein: yes

M. Lee: yes

Motion unanimously carried. Meeting adjourned at 1:21 p.m.

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Public Hearing/Special Town Board Meeting  
December 27, 2007

Present: George Jahn, Supervisor, Charles Vander Weit and Paul Bernstein, Town Board Members, Susan Haag, Town Clerk.

Town Board Member M. Lee absent, Member R. Pinto absent due to illness.

Public Hearing opened at 7:00 p.m.

Public Hearing called for the Local Law 6-2007 Reducing the Number of Members of the Town of Austerlitz Planning Board. Public Hearing notice read.

Public Comment

Steve Somlo noted that this new law will not affect him since his term is up, but advises that this will create an even number of members for a year. Possible deadlock. S. Somlo also states that the Town Board needs to remember that it takes a long time to learn the job of a planning board member. Instead of preventing this, or limiting unused potential, the Town Board should consider appointing people to serve on the planning board who would then serve on the zoning board. Service on the Planning board is very valuable. S. Somlo doesn't feel the Town Board should eliminate seats, but instead create transitional

seats. Rotate from planning board to zoning board of appeals, etc. He is not convinced the timing of this law is right.

Supervisor Jahn noted that the Town has people 'in inventory' to put on the zoning board of appeals. The down side of this is that the current planning board is frozen in time for 2 years without new members who would be picked by the current board.

Town Board Member Vander Weit notes that if one member is absent, still obliged to have 4 of 6 votes in order for there to be an approval. That is the majority regardless of whether or not the Planning Board has 6 or 7 members.

Supervisor Jahn noted that it has been suggested that an alternate member would be a good idea and would help to train someone.

S. Somlo stated he is most interested in the idea that there is a huge learning curve, a good deal of training needed. The Town Board will be looking for a good number of seats coming up.

Supervisor Jahn advised that the need for people to serve in different areas is what drove this decision.

Discussion on training of members.

Town Board Member Bernstein would like to go forward and bring the numbers down to a manageable amount. Member Vander Weit agrees. There is a lot to learn, but he does not feel this reduction is going to hurt that in any way.

Each Town Board Member thank S. Somlo for his comments.

The Town Board would possibly consider an alternate in the future.

All those wishing to be heard were heard.

A motion to close public hearing was made by C. Vander Weit and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

Motion unanimously carried. Public Hearing closed at 7:10 p.m.

Regular meeting called to order at 7:10 p.m.

### Local Law 6-2007 Reducing the Number of Members of the Town of Austerlitz Planning Board

Section 1. This Local law shall be known as Local Law #6 for the year 2007.

### Section 2. LEGISLATIVE INTENT

In the late 1960's the Town Board of the Town of Austerlitz created a seven member Town Planning Board pursuant to the provisions of Section 271 of the Town Law of the State of New York. Currently the Town is in the process of adopting a zoning law and will be creating a Zoning Board of Appeals. The Town Board is concerned that it will have difficulty finding enough willing and capable town residents to serve on both boards and therefore finds that it is in the interest of the town to reduce the membership of the Planning Board from seven to five members.

### Section 3. STATEMENT OF AUTHORITY

This Local Law is authorized by Section 271(7) of the Town Law of the State of New York.

#### Section 4. TOWN OF AUSTERLITZ PLANNING BOARD

As provided herein the Town of Austerlitz Planning Board shall consist of five members as provided for in Section 271 of the Town Law of the State of New York. The current membership of the Planning Board shall be reduced upon the expiration of the terms of the members whose terms expire at the organizational meetings in January 2008 and January 2009. The terms of the remaining members shall be reduced to a period of five years. No current members of the Planning Board shall be removed before their terms expire as a result of the reduction in membership of the Planning Board. The reduction shall be accomplished by not appointing any person to succeed the members whose terms expire at the organizational meetings in January 2008 and January 2009.

#### Section 5. SUPERSESSION

Pursuant to Sections 10 and 11 of the Municipal Home Rule Law of the State of New York, this Local Law is intended to supersede any inconsistent provisions of Section 271 of the Town Law of the State of New York and also repeals and supercedes any inconsistent provisions of any Resolution or Local Law heretofore adopted by the Town Board of the Town of Austerlitz.

#### Section 6. EFFECTIVE DATE

This Local Law shall be effective immediately.

A motion to adopt Local Law 6-2007 Reducing the Number of Members of the Town of Austerlitz Planning Board was made by C. Vander Weit and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

Motion unanimously carried.

Supervisor Jahn noted that at the last meeting the Town Board extended the terms of the Zoning Commission Members, but didn't extend the clerk or appoint a chairman.

A motion to appoint Roy Carney as Chairman of the Zoning Commission, Hilary Dunne Ferrone, as Deputy Chairman, and Nancy Kern as Clerk, for a term beginning January 1, 2008 and ending June 30, 2008, was made by G. Jahn and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

Motion unanimously carried.

A motion to adjourn was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

Motion unanimously carried. Meeting adjourned at 7:12 p.m.

Respectfully Submitted,  
Susan A. Haag, Town Clerk