

Town of Austerlitz
Organizational/Regular Town Board Meeting
January 10, 2008

John Wapner, President of the Board of Education, Dave O'Connor, Board of Education Member and Ann Flanagan, Secretary to the Superintendent from the Chatham Central School District presented a forum for residents to discuss the upcoming capital project-proposition 1 and 2 that will be voted on January 22, 2008. Presentation began at 6:30 p.m.

Regular Town Board Meeting

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

Meeting called to order at 7:15 p.m.

Roll call.

Moment of silence remembering former Town Board Member R. Pinto who underwent surgery yesterday, but is doing fine. Followed by the pledge of allegiance.

Minutes

A motion was made by P. Bernstein and seconded by M. Lee to approve the December 19, 2007 Regular Town Board Meeting minutes.

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

B. Geel: abstain

Motion carried 4:1.

A motion to approve the December 27, 2007 Public Hearing and Special Town Board Meeting minutes was made by C. Vander Weit and seconded by G. Jahn.

G. Jahn: yes

P. Bernstein: yes

M. Lee: abstain

C. Vander Weit: yes

B. Geel: abstain

Motion carried 3:1.

Auditing of Accounts and Claims

A motion to pay general fund #407-423:2007 and highway fund #208-222:2007 and general fund #1-15:2008 and highway fun #1:2008 was made by M. Lee and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried.

Monthly Reports

Monthly cash disbursements for the month of December 2007 submitted. Supervisor Jahn noted that the Town has received Mortgage tax and C.H.I.P.S. money. All expenditures running within budgetary confines with small exceptions.

Town Clerk Report for the month of December 2007 submitted.

Supervisor Jahn reported that the Organizational Meeting for the County was this past week. Hillsdale Town Supervisor, Art Baer, was named Chairman of the County Board of Supervisors, and he will have 2 deputies, Linda Shear, Town Supervisor from Gallatin and Phil Williams, Town Supervisor from Livingston. Of the 17 committees, 12 committee chairs are filled by Republicans and 5 Democrats, moving the County Board more towards bipartisanship.

Association of Town Annual Meeting in the City: Supervisor Jahn noted the issues and Resolutions on the table that will be dealt with. Supervisor Jahn will not be attending this year.

Highway Superintendent Meehan reported that there has been ice, then mud, then snow which has made for an interesting situation. The roads are not in that bad of shape all things considered. He is trying to keep heavy trucks off the roads when they are muddy because of the damage they do. Quite a bit of sand has been used already. The sand issue from last month has been taken care of.

Planning Board Report for the month of December 2007 submitted.

Barbara Smith, Chairman of the Comprehensive Plan Oversight Committee noted that over the last month the Committee met with the Zoning Commission and made recommendations.

Zoning Commission Report for the month of December 2007 submitted.

Building Inspector Report for 2007 submitted.

Animal Control Semi-Annual Report submitted. Arrangement with Woodhill is very good for us.

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

B. Geel: yes

Motion unanimously carried.

Correspondence

Supervisor Jahn noted the Third Annual Hudson Valley Regional Economic Summit on March 18, 2008 at the SUNY Rockland Community College focusing on transportation in the region.

Town Board Member Vander Weit will be registering with Grants.gov, a streamlined process of finding and applying for federal grant opportunities.

Supervisor Jahn alerted the Board that Frank and Jeanette Fizzinoglia have filed a lawsuit against the Town of Austerlitz.

Unfinished Business

Supervisor Jahn presented the organizational resolutions for the 2008 year. He noted that they are the same as last year with only a few changes. No Planning Board appointments because of the recent law decreasing the number of members. Supervisor Jahn noted the other appointments.

RESOLUTION 1-2008

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 2008.

RESOLUTION 2-2008

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 2008.

RESOLUTION 3-2008

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.

RESOLUTION 4-2008

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.

RESOLUTION 5-2008

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 2008. 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.

RESOLUTION 6-2008

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.

RESOLUTION 7-2008

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.

RESOLUTION 8-2008

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

- T. Stalker: 2009
- C. Pinto: 2010
- C. Lawson: 2011
- S. Fischer: 2012
- B. Puccio: 2013
- C. Knauss: 2014

RESOLUTION 9-2008

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 Charles Knauss, a member of the Planning Board, is hereby designated as Deputy Chairman of the Town of Austerlitz Planning Board.

RESOLUTION 10-2008

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, 2008.

Barbara Smith
Edwin Barden
Gail Cashen
Jean Corigliano
Howard Reznikoff
Stuart Scheer
Shawn Hancock

RESOLUTION 11-2008

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.

RESOLUTION 12-2008

Be it resolved that the 2008 salaries for the following elected officials and appointees, and the schedule of payment of such salaries, shall be as follows:

Supervisor	\$ 7075.00 per year payable monthly
Budget officer	\$ 00.00 per year payable annually
Councilpersons (4 each)	\$ 2317.50 per year payable monthly
Town Clerk/Tax Collector	\$ 24565.00 per year payable bi-weekly
Registrar of Vital Stats	\$ 250.00 per year payable annually
Deputy Town Clerk	\$ 13.11 per hour payable biweekly
Superintendent of Highways	\$ 44866.00 per year payable bi-weekly
Highway Superintendent Clerk	\$ 13.11 per hour payable bi-weekly
Justices (2 each)	\$ 10610.00 per year payable monthly
Justice's Clerk	\$ 7917.00 per year payable monthly
Justice's Deputy Clerk	\$ 13.11 per hour payable monthly
Town Assessor	\$ 17220.00 per hour payable monthly
Assessor Assistant	\$ 13.11 per hour payable monthly
Town Accountant	\$ 10550.00 per year payable monthly
Code Enforcement Officer	\$ 20000.00 per year payable monthly
Custodian	\$ 2000.00 per year payable bi-weekly
Historian	\$ 1800.00 per year payable monthly
Planning Board Chairman	\$ 2800.00 per year payable monthly
Planning Board Members (5 each)	\$ 915.00 per year payable monthly
Planning Board Clerk	\$ 1200.00 per year payable monthly
Animal Control	\$ 1600.00 per year payable monthly
Comp Plan Oversight Cmt Clerk	\$ 13.11 per hour payable monthly
Zoning Commission Clerk	\$ 13.11 per hour payable monthly
Planning Bd CI/Integrated Property CI	\$ 13.11 per hour payable bi-weekly
Data Entry Part Time Clerk	\$ 10.00 per hour payable bi-weekly

RESOLUTION 13-2008

Be it resolved that the wage scale and fringe benefits for highway employees for the year 2008 shall be as follows: An increase of three (3) percent shall be added to all current Highway Employees wages for the year 2007)

Motor Equipment Operator	\$13.00 per hour payable bi-weekly
Skilled Laborer #2	12.00 per hour payable bi-weekly
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 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.

RESOLUTION 14-2008

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, 2008 and ending December 31, 2008.

RESOLUTION 15-2008

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

RESOLUTION 16-2008

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

RESOLUTION 17-2008

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, 2008 and ending December 31, 2008. It is agreed that heating oil products will be provided at a rate equal to Columbia County's competitive bid price or less.

RESOLUTION 18-2008

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.

RESOLUTION 19-2008

Be it resolved that the Town Board of the Town of Austerlitz hereby appoints Deborah Welch as Assessor Assistant for a period of one year beginning January 1, 2008 and ending December 31, 2008.

RESOLUTION 20-2008

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

RESOLUTION 21-2008

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

RESOLUTION 22-2008

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

RESOLUTION 23-2008

Be it resolved that the Town Board of the Town of Austerlitz hereby appoints Mary Davis as Planning Board/Integrated Property System Clerk for a term ending December 31, 2008

Supervisors Appointments

The Supervisor hereby appoints **Paul Bernstein** to serve as Deputy Supervisor without pay for a period of one year beginning January 1, 2008 and ending December 31, 2008. 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, 2008 and ending with the organizational meeting in January 2009.

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, 2008 and ending December 31, 2008.

The Town hereby appoints **Mark Fitzgerald** as Accountant to perform accounting services for a period of one year beginning January 1, 2008 and ending December 31, 2008.

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, 2008 and ending December 31, 2008.

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, 2008 and ending December 31, 2008, and **George Jahn** as the Deputy Animal Control Officer without compensation.

The Town hereby appoints **Glenn Smith**, as the Code Enforcement Officer, beginning at the organizational meeting in January of 2008 and ending with the organizational meeting in January 2009.

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, 2008 and ending December 31, 2008. 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, 2008 and ending with the organizational meeting in January 2008 and **Arlene Newton**, as Deputy Court Clerk for a 1 year period beginning January 1, 2008, and ending December 31, 2008.

A motion to approve organization Resolutions #1-23, 2008 and appointments was made by C. Vander Weit and seconded by P. Bernstein

Town Board Member Geel states that the most important thing a Town Board does is to make appointments. In the past, there have been people who applied for positions and were never interviewed. Here again with the Building Inspector/Code Enforcement Officer position there were two other applicants who were never interviewed. Member Geel does not have a problem putting Glenn Smith in this position, he just feels like all applicants should be interviewed. Town Board Member Vander Weit agrees. Member Geel asks what is the process for hiring. The Town Board should interview all applicants and do this as a combined board, not individually. Supervisor Jahn noted that the interview process was done one at a time to conform to open meeting issues. He advises that the Town Board will try to adhere to a more stricter hiring process in the future.

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried.

Supervisor Jahn noted that since previous Town Board member R. Pinto did not run again he needed to be replaced as a representative on the Road Committee. Supervisor Jahn would like to have new Town Board member Bryan Geel take his place. Road Committee currently reports to the Town Board. Discussion on the direction of this committee and functional and structural issues. The feeling of the Board is that this committee should fall under the jurisdiction of the Comprehensive Plan Oversight Committee and the Town Board should give clear instructions as to the direction this committee should take. Chair Stalker advised that the Town really needs an official road map.

A motion to replace previous Town Board Member R. Pinto on the Road Committee with new Town Board Member B. Geel was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes
C. Vander Weit: yes
B. Geel: abstain
Motion carried 4:1.

Policies and Procedures

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.

INVESTMENT POLICY

2008

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 Depositaries

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 Mater 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 great 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 2008 was made by M. Lee and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried.

New Business

Budget Amendment #4-2007

General Fund

Justice Clerk A1110.11 increase by \$166.00

Highway Superintendent A5010.4 increase by \$75.00

Bond Principal A9710.6 increase by \$5000.00

Hospitalization A9060.8 decrease by \$5241.00

Highway Fund

General Repairs DA5110.1 increase by \$268.00

Machinery DA5130.4 increase by \$6263.00

Snow Removal DA5142.1 increase by \$3214.00

Social Security DA9030.8 increase by \$618.00

Snow Removal DA5142.4 decrease by \$3214.00

Hospitalization DA9060.8 decrease by \$7149.00

A motion to approve the above budget amendment was made by M. Lee and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried.

Supervisor Jahn gave a Certificate of Appreciation to Steve Somlo:

In recognition of his long and tireless service as a member of the Planning Board of the Town of Austerlitz. Steve's profound understanding of land use laws, and concepts and the intersection among them made him invaluable to the Planning Board, and to the Town. Among his myriad contributions have been the drafting of many of our current Town Laws. Steve will be missed by many. The Town Board wishes Steve many more productive years of service.

Supervisor Jahn gave a Certificate of Appreciation to Fred Oleynek:

In recognition of his dependable and reliable service to the Town for over the past thirty-five years. Fred has served in a variety of positions in the town beginning in the fire company and most recently as Code Enforcement Officer. Between these assignments, he has served as Town Assessor, a member of the Board of Assessment Review as well as other functions. His trademark consistency is the attribute which will be most remembered long after his town service is over. The Town Board expresses its sincere appreciation to Fred for the loyal steadfast service.

Public Comments

Steve Somlo advises that through looking at the waiver request for the Oleynek Subdivision one thing that has come to light is that a couple of our laws are boiler plate, and are putting us in a quagmire. He suggests that the Town Board gives a copy of Attorney Baker's memo on the waiver request and his own analytical to the Zoning Commission which should help to shape the Zoning Ordinance dealing with issues that are currently problem areas.

S. Somlo also suggests that policy and procedures be put in place for the Planning Board. Reference material in packets for each member should be given out before meetings. Supervisor Jahn advises that the Town is addressing these issues with the appointment of an Integrated Property System Clerk. Discussion on how this will work. Planning Board Stalker offers that his job as Chairman is a part time job as if many Town positions. T. Stalker does his best to get information to the Planning Board members as soon as possible.

S. Somlo also thanks the Town Board for their words and certificate. He will remain involved with land use issues in the private sector and offers his help in any area that the Town may need him.

Supervisor Jahn introduces Deputy Scott Leggett, the Town's resident deputy.

Connie Mondel said she was pleased with speed machine the Town used and inquired if there was any benefit derived from a very valuable tool. Supervisor Jahn advised that the Town borrowed this from the Town of Copake for 2 weeks. It was moved around to different areas and was effective in some places although not in others. Town Board Member Vander Weit can look at this kind of purchase when looking through grant opportunities. Town Board Member Lee noted that on a broader point, there is still a problem with speed in the Hamlet of Spencertown and the Town Board will explore this type of device or others to help control the speed.

Abi Mesick urges the Town Board to take Assemblyman Molinari's suggestion to put pressure on Albany for tax decreasing purposes by adopting the resolution he proposed. Something must be done because the taxes are way too high.

Sue Geel stated she remembered when Frank Fizzinoglia came to a Town Board meeting and complained about the situation up on his property. She inquires why the Town Board didn't work with him at that time and instead has opened the Town up to a lawsuit spending unnecessary money. At that time F. Fizzinoglia offered to settle without going to court. Supervisor Jahn noted that multiple parties are involved in this litigation, not just the Town. A lot of players in this area. At that time, F. Fizzinoglia's solution was unacceptable and the Town opted out. F. Fizzinoglia was basically offering nothing. Attorney Baker noted that the Town is currently in litigation and the Town will respond in course.

Alan Silvernale inquired why the December Town Board meeting was rescheduled at noon. Supervisor Jahn noted that there was a snow storm on the regularly scheduled night and there was problems raising a quorum except during the day. He apologizes for the inconvenience.

Michael Walters raised an issue with current Animal Control Officer Matt Torrey not investigating all reports and following up with stray dogs. A particular incident was discussed and found that M. Torrey was on vacation and Supervisor Jahn should have followed up better.

Executive Session

A motion to enter executive session to discuss the law suit brought against the Town by Frank and Jeanette Fizzinoglia was made by C. Vander Weit and seconded by M. Lee

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried. Executive session entered at 8:09 p.m.

A motion to end executive session was made by C. Vander Weit and seconded by B. Geel

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried. Executive session ended at 8:55 p.m.

A motion was made by G. Jahn and seconded by C. Vander Weit to authorize Supervisor Jahn to inform the Town insurance company, and to authorize Attorney Baker to initiate the necessary actions to defend the Town in the lawsuit brought by the Fizzinoglias.

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried.

A motion to adjourn was made by B. Geel and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried. Meeting adjourned at 8:56 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Regular Town Board Meeting
February 14, 2008

Present: Paul Bernstein, Deputy Supervisor, Charles Vander Weit, Mary Anne Lee, Bryan Geel, 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. Deputy Supervisor P. Bernstein noted that Supervisor Jahn will be late due to medical issues with his wife.

Roll call.

Moment of silence followed by the pledge of allegiance.

Minutes

A motion was made by C. Vander Weit and seconded by M. Lee to approve the January 10, 2008 Organizational/Regular Town Board Meeting minutes.

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes
B. Geel: yes
Motion unanimously carried.

Auditing of Accounts and Claims

A motion to pay general fund #16-64:2008 and highway fun #2-21:2008 was made by C. Vander Weit and seconded by B. Geel.

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

Monthly Reports

Monthly cash disbursements for the month of January 2008 submitted.

Town Clerk Report/Tax Collector Report for the month of January 2008 submitted.

Highway Superintendent Meehan reported that during the icy road conditions yesterday, the new Highway Crew Member had an accident with one of the snow plow trucks. He was tested for drugs and alcohol for insurance purposes and nothing was found. The truck isn't in that bad of condition all things considered. Speeds Garage pulled out the plow and the Sheriff's Department was notified. No damage estimate yet, but R. Meehan probably won't put it through insurance.

During the last month, the Town has dealt with ice, snow, mud, etc. Sand supply should hold up. Sand barn is about half full. All the Towns are using quite a bit.

R. Meehan would like to go out to bid for the new truck before the next meeting. Discussed State bids, what is available, and current inventory.

Planning Board Report for the month of January 2008 submitted. Road Commission Report for the month of January 2008 submitted. Town Board Member Lee questioned Chair Stalker on the TJB project. Chair Stalker noted that TJB put in a driveway last summer, and has now appeared before the Planning Board with a minor 2 lot subdivision application. During the Planning Board meeting, a boundary line issue was raised. After discussion it became apparent that this was really an abandon road boundary issue. This project has land within the Town of Hillsdale. T. Stalker reported that at this time it is TJB's intention to merchandise the back parcel. Further discussion on this project. Chair Stalker would like the record to state that an abandon Town road reverts back to private property and residents must respect that.

Supervisor Jahn arrived at 7:08 p.m.

Supervisor Jahn reported that on the County level they are actually working for a living. Department heads are required to meet quarterly with respective Board of Supervisor Committee Chairs. G. Jahn is the Chair of the Insurance Committee. They are going to do a comprehensive survey of current services. Medical malpractice coverage recently looked at and ways to save money was found. The County is looking for a new head for the Office of the Aging.

Supervisor Jahn also expresses his gratitude to our Town's first responders as they tended to his wife Karen. She came home tonight and is doing much better. Thanks everyone very much for all their help.

Comprehensive Plan Oversight Committee Report for the month of January 2008 submitted.

Zoning Commission Report for the month of January 2008 submitted.

Building Inspector Report for month of January 2008 submitted.

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

G. Jahn: yes
P. Bernstein: yes
M. Lee: yes
C. Vander Weit: yes
B. Geel: yes
Motion unanimously carried.

Correspondence

Columbia County Office of Fire Coordinator, James Van Deusen: Praises the Austerlitz and Spencertown Fire Companies for their quick response, containment and extinguishing the fire on December 19, 2007 in a safe and timely manner.

Unfinished Business

None

New Business

New York State Unified Court System has audited the facilities used by the Town of Austerlitz' Justice system. Findings Report filed. Town of Austerlitz Justices Lagonia and Roberts came before the Town Board to request Town Board approval for the Justice Court to apply for a grant. Justice Roberts discussed areas within the audit that have been addressed already. The outstanding issues center on security for the justices, and an attorney/client conference area. Discussion on particulars.

Supervisor Jahn has looked into the possibility of holding Court outside the Town, but that isn't allowed. What about rental properties? Grant funds probably won't put money into rental property.

Town Board Member Vander Weit explains that he has spent over 3 months investigating court related issues. He has spoken to all parties concerned and the Town of Austerlitz has the most non-conforming and unsecure court situation in the entire County.

Discussion on how to apply for the grant and what to apply for. Town Board Member B. Geel would like to look at a long term plan. Town Board Member Lee agrees that although the Town can put some temporary fixes in place, there is a bigger issue that needs to be addressed. For the short term, Supervisor Jahn asks Town Board Members P. Bernstein and C. Vander Weit to work with the 2 justices on the remediation. Justice Roberts will draft a resolution for grant approval.

Supervisor Jahn introduces resident Deputy, Scott Leggett.

Supervisor Jahn has met with a NYS Deffered Compensation Representative. Deferred Compensation is a suppliment to New York State retirement, but costs the Town nothing, with very little additional work for our accountant. Discussion on particulars.

Resolution #24-2008, Deferred Compensation

WHEREAS the New York State Deferred Compensation Plan is available as a benefit to Town employees; and

WHEREAS that is a benefit to Town employees without cost to the Town;

NOW THEREFORE BE IT RESOLVED that the Town shall be authorized to participate in the New York State Deferred Compensation Plan.

A motion to adopt Resolution #24, 2008, Deferred Compensation, was made by P. Bernstein and seconded by M. Lee.

G. Jahn: yes
P. Bernstein: yes
M. Lee: yes
C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried.

The Town of Austerlitz has been cited by NYS Ag and Markets for not having a current contract in place with a shelter providing stray dog sheltering services for the Town. Supervisor Jahn has contacted Wood Hill Veterinarian Clinic, with whom we have a contract already, it just doesn't have an expiration date, to update this contract by putting in an expiration date.

A motion to authorize Supervisor Jahn to update the current contract with Wood Hill Veterinarian Clinic and sign this contract with an expiration date of December 31, 2009, was made by C. Vander Weit and seconded by B. Geel.

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried.

Attorney Baker brought the Town Board up to speed on the current litigation with the Fizzinoglias discussing the insurance company's stance and that he will be representing the Town in this case. Attorney Baker advised that Supervisor Jahn wants the Town to help facilitate resolution. It is up to the Fizzinoglias to prosecute the case at this point.

Public Comments

Planning Board Chairman T. Stalker discussed a new Planning Board application that is also on the border of the Town of Hillsdale. The engineering for this application will need to be handled by the Town's other engineer, Mark Millspaugh, since Pat Prendergast is involved. There will be environmental issues. Chair Stalker will work with Town Attorney Jeff Baker on this application.

T. Stalker also advised the Town Board of a subdivision application in the Town of Hillsdale. Access to this Hillsdale property will be through the Town of Austerlitz using the Upper Hollow Road Bridge. Heavy equipment will be going over this bridge. Discussion on the condition of this County bridge and notifications that need to be made.

A motion to adjourn was made by G. Jahn and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried. Meeting adjourned at 8:04 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Regular Town Board Meeting
March 13, 2008

Present: George Jahn, Supervisor, Paul Bernstein, Charles Vander Weit, Mary Anne Lee, Bryan Geel, 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 Bar Davis, followed by the pledge of allegiance.

Minutes

A motion was made by P. Bernstein and seconded by M. Lee to approve the February 14, 2008 Regular Town Board Meeting minutes.

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to pay general fund #65-95:2008 and highway fund #21-46:2008 was made by C. Vander Weit and seconded by M. Lee.

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried.

Monthly Reports

Monthly cash disbursements for the month of February 2008 submitted. Supervisor Jahn advised that there is an issue with some of the figures shown. This is mainly due to a timing issue from when the material was imputed into our account and when reports were done. There are some inaccuracies that are being worked out. Supervisor Jahn will clean this up and get a revised copy out to the Board members.

Town Clerk Report/Tax Collector Report for the month of February 2008 submitted.

Supervisor Jahn addressed the Town wide reassessment issue. This is being supervised by State, County and local departments. The Town's equalization rate continues to drop which skews tax rates. To achieve equitable apportionment of shared services, towns must strive to be at 100% equalization. Although assessments are increasing, this does not mean taxes are going up. When looking at the impact notice, residents should try to remember that the Town is attempting to equal out the tax burden. Our Assessor, Pam Cook, is setting up times to see individuals.

On the County level, Chairman of the Board of Supervisors, Art Baer, is bringing new thinking to County Government. He is bringing management discipline to the County departments. Chair Baer is looking for outside reimbursements and grants, trying to keep the tax levy down. The County just re-bid the medical malpractice package saving some money. The County is trying to cut costs, yet maintain service.

Highway Superintendent Meehan reported that roads are muddy, but not too bad for this time of year. The Highway Crew has been grading some roads and they are drying out. Flooding is an issue in places. Some ditches need to be cleaned up as well. There are many projects scheduled for this summer, but the Highway Department may run out of money due to the rising diesel fuel costs before they can get all the projects done. Grading this summer and new culverts needed. This summer a lot of C.H.I.P.S. money will be put towards the area up at Strawberry Hill replacing the culverts and bridge areas. Stever Hill may not get done this summer.

Planning Board Report for the month of February 2008 submitted. The Road Committee met and discussed possible language. They are waiting for the updated zoning law to incorporate that language into the road law.

Comprehensive Plan Oversight Committee Report for the month of February 2008 submitted.
Zoning Commission Report for the month of February 2008 submitted.

Building Inspector Report for month of February 2008 submitted. Annual Code Enforcement Report for 2007 filed. We may be able to get some money back from the State.

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

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried.

Correspondence

A letter from St. Peter's Presbyterian Church requesting permission to use a portion of the Village Green on Saturday, July 12, 2008 for their annual St. Peter's Trash and Treasure Sale between 8:00-2:00 p.m.

A motion to allow St. Peter's Presbyterian Church to use a portion of the Village Green on Saturday, July 12, 2008 from 8:00-2:00 p.m. was made by C. Vander Weit and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried.

Unfinished Business

Resolution #25-2008 Court Facilities Improvement

Town Board Member Vander Weit reiterated the need for certain new court arrangements due to security issues. The Justice Court would like to apply for a grant to purchase the necessary furniture and equipment to fix this problem. If the grant will allow the Town to purchase items ahead of time, the Town would proceed forward. M. Lee clarifies that for the time being the Court and rest of the offices will be at the Town Hall. Future needs will be addressed as the Town moves forward.

A motion to approve Resolution #25-2008 Court Facilities Improvement was made by C. Vander Weit and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried.

Resolution #25-2008 Court Facilities Improvement

WHEREAS by letter dated January 9, 2008, the New York State Unified Court System, Office of Court Administration (OCA), provided to Town Justices Robert Lagonia and Cheryl Roberts the results of an audit conducted by OCA of the Court facilities located in the Town Hall; and

WHEREAS the results of the audit disclosed serious deficiencies in the Court facilities which place the public and Court personnel at serious risk of injury; and

WHEREAS among other recommendations, the OCA audit recommended incorporation of a raised bench for dispensing justice, construction of Court office space, and the institution of measures to control public access to the restrooms and Court personnel; and

WHEREAS, an Ad Hoc Committee of the Town Board constituted to implement the recommendations of the OCA audit has recommended that a permanent raised bench and

additional wall be added to the Town Hall to comply, in part, with recommendations made in the OCA audit; and

WHEREAS, the Ad Hoc Committee further recommended that improvements to the Town Hall records storage room could result in additional conference or office space to conduct Court business; and

WHEREAS, the Austerlitz Town Court is desirous of applying for a 2008 Justice Court Assistance Program Grant (JCAP) grant for up to \$30,000.00 to defray the financial costs associated with construction of a bench and wall in Town Hall and improvements to the records storage room.

NOW THEREFORE LET IT BE RESOLVED that the Town Board of Austerlitz hereby authorizes the Austerlitz Town Court to apply for a 2008 JCAP grant to implement the OCA audit recommendations as set forth above.

New Business

Edouard Vaval and Eve Zatt came before the Board addressing flooding issues to their property. E. Vaval submitted a letter stating that each Spring and Fall his backyard on the corner of Elm Street and Rte 203 has about 500 cubic feet of water that sits there each rain fall. Although the water sits in the backyard, it does seep into his basement. He states that the water is coming from the overflow channel of the pond that the Fire Company put in on the Newton property. Water is also coming from the playground area up behind the Academy, down Rte 203, and other areas. Discussed direction of water from different sources, and how the flow comes together.

Fred Meyers, a next door neighbor of E. Vaval, also is dealing with the same water issues caused by the same water flow. He advises that his well and septic system have been changed already due to the excess water and are in danger of being ruined again. This is also a health problem.

Highway Superintendent Meehan went and looked at the situation. There may be some things he can do, but honestly, the whole issue must be looked at for all the properties in the area. Supervisor Jahn will look into how much the Town can do, and what other agencies can help, remembering this is on private property. Different options were discussed. R. Meehan will shoot elevations; maybe the pond can be pumped down from time to time by the Fire Company, etc.

Eventually this water makes it way into the Punsit. Steve Somlo suggested at the Town involve the NYSDOT.

Town Board Member Lee proposed that the Town Board draft a resolution to show support for the State initiative Assemblyman Molinari spoke about concerning tax relief. She will draft the resolution for the next Town Board meeting.

Public Comments

Abi Mesick thanks Supervisor Jahn for his kind words about her father and commends Town Board Member Lee for following up with the tax relief initiative.

Mark Shepard, thanks Member Lee for her effort as well. Although the State has its part in the assessing process, the Town also has its part. He asks the Town to control what properties are being assessed at. He feels that since the market is down, assessments should reflect this. Supervisor Jahn explains more of how the assessing process works. He notes that next year's assessment should be reduced if market continues to fall. M. Shepard notes that in order to fight the assessment hike, residents must spend money on appraisals and the like. The figures that are being used are unfair and unjustified. He asked the Town Board to please speak with the Assessor.

J. Burger asks Supervisor Jahn to please explain how the assessor arrives at the percentage of increase for properties. He feels that different properties are unequally assessed. Supervisor Jahn explains.

Fred Meyers asks further questions to clarify process.

R. Meehan stated that the Town must help this issue because people can't afford to live here.

Supervisor Jahn advised that being an assessor is not an easy job. He recognizes that this is a major issue. M. Shepard notes that the Town Board runs the Town. He asks that the Board talk to the Assessor. Town Board Member Lee would like the assessment process monitored, and have a report when completed showing the percentages reduced.

A. Mesick noted that the rising housing costs are changing our community so drastically. Children are disappearing, and this is just another blow to young families. People can't afford to live here. She asks the Town Board to please do what they can. Supervisor Jahn will meet with Assessor Pam Cook.

Cathy Grier asks if Assessor Pam Cook reports back to the Town Board in any fashion. George explains how the assessing process and the grievance process works.

C. Grier asks for clarification on the security issue for the court. Board Member Bernstein explains different security issues that may occur and what is needed to fix these problems.

Planning Board Chair Tim Stalker asked whether the Town of Austerlitz has an inter-municipal agreement with Hillsdale. Supervisor Jahn stated yes and it requires an annual re-valuation every 3 years. The residents of the Town of Hillsdale are in the same shock as our Town.

Chair Stalker advised the Town Board that updated census information has been given to the County by our Planning Board Clerk Mary Davis. He speaks of the improved work flow, and how more work is getting done due to the change in structure and the hiring of Mary Davis.

Executive Session

A motion to enter executive session for an ongoing legal issue was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried. Entered executive session at 8:15 p.m.

A motion to exit executive session was made by P. Bernstein and seconded by C. Vander Weit

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried. Executive session exited at 9:04 p.m.

A motion to adjourn was made G. Jahn and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried. Meeting adjourned at 9:04 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz

Bid Opening
April 8, 2008

Present: Robert Meehan, Highway Superintendent, George Jahn, Supervisor, Charles Vander Weit, Town Board Member, Susan Haag, Town Clerk

Opening began at 12:04 p.m.

Highway Bids: Trucking:

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: Average loads 35 tons or 22 yards. Tri-axle average load 22 ton or 16 yards

Trailer: \$120.00 per hour, Steel trailer: \$140.00 per hour, Tri-axle: \$100.00 per hour.

The horse power rating for the Tractor is 600 and 550. The horse power rating for the Tri-axle is 430. Overweight permit number: 87116. All rates are for delivery to town yard.

Boll Pit: \$4.00 per ton (Tri-axle only)

Colarusso Quarry: \$4.30 per ton

Colarusso Sand: \$4.90 per ton

Rifenburg West Sand Lake: \$7.00 per ton

With the ever increasing cost of fuel, should the fuel rise above \$4.30 per gallon, 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 7, 2008 is \$4.121 per gallon. As much as the cost increases, it will decrease as fuel comes down to the base price.

Thank You,

Marcey Bemiss, President

Filli's Contracting Inc.: Submitted bid late. Received 4/9/08

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 .98 per gallon delivered, 32% calcium 68% water
Summer Calcium .98 per gallon delivered and applied, 35% calcium, 65% water

Very Truly Yours,

James Reed Sales,

Gary Cooper, Asst Secretary

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

Bank Run: \$5.65 per ton FOB

Processed Gravel: 1" \$8.65 per ton FOB

Item #4 2" minus: \$8.65 per ton FOB

Cobbles: \$9.15 per ton FOB

#3 Stone: \$10.15 per ton FOB

Shale: \$6.65 per ton FOB

6" 2 Foot Rocks: \$15.00 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

Item	Description	FOB	Delivered	Location
Crush Stone	Item 4 Crusher Run	\$7.95	\$12.50	91 Newman Rd, Huds
"	Screen Fill	\$6.95	\$11.50	"
Gravel	Bank Run Gravel	\$4.75	\$10.15	Cty Rte 31, Hudson
"	Sand (snow)	\$10.25	\$15.65	"

Crush Stone	Crusher Run 2" Minus	\$7.95	\$12.50	91 Newman Rd. Huds
"	Gabion	\$10.30	\$14.85	"
"	Medium Stone Fill	\$11.00	\$15.55	"
"	Heavy Stone Fill	\$11.00	\$15.55	"
Gravel	Processed 1" minus	\$7.50	\$12.90	Cty Rte 31, Hudson
"	Item #4	\$7.50	\$12.90	"
"	Cobbles	\$6.00	\$11.40	"
Crush Stone	Shale	\$6.00	\$10.55	91 Newman Rd, Huds
Asphalt	Base	\$48.00	---	"
Asphalt	Binder	\$48.50	---	"
Asphalt	Top	\$50.85	---	"
Asphalt	Type 7F	\$52.50	---	"

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. Asphalt Producers Price Index is \$398.00 per US ton.

Thank You,

J.R. Heffner, Sales Representative

Culverts

Chemung Supply Corporation, Route 14, Post Office Box 527, Elmira, NY 14902, (607)-733-5506, FAX (607) 732-5379.

Please note that all prices include delivery

	<u>Aluminized (per foot)</u>
12 inch	\$8.99
15 inch	\$11.28
24 inch	\$18.31
30 inch	\$28.15
36 inch	\$34.36
48 inch	\$60.51

95"x 67" 12 ga. Aluminized (7' round) \$172.51 (band cost = \$343.43)

62" x 81" Galvanized CMP \$121.20 (band cost = \$242.40)

Respectfully submitted, Daniel Poley

2008 Truck with Dump Body and Plow with a GVW of 17950

Marchese Ford, PO Box 300, Rte 22, Lebanon Springs, NY 12125, 518-766-5000, 518-794-6083
Fax

PKG: Air Condition-CFC Free, Trans Power Take-Off Proves, 40Gal AFT of Axle Fuel Tank, Extra Heavy Duty, Alternator, 40/20/40 vinyl Bench Seat, Integral Pull Tarp, Class 111 Hitch Receiver, Trailer Plug, Back Alarm, Body Up Buzzer

Dump Body Specs: PTO Driven Pump, All 10 Gauge Construction, 3" Structural Steel Cross Sills on 12" Centers, 5" Structural Steel Long Sills, Vertical Braces, Sides & Tailgate, ¼ Cab Shield with Screen Window, Boxed Top Rails, Exclusive 'Quick Latch' Tailgate Mechanism, Scissors Style Hoist-Electric/Hydraulic Power Down APPR, Painted to Match Color of Cab (1 Year Warranty on Paint)

Total Vehicle and Options, Destination and Delivery with 9' MC Snow Plow: \$46, 120.00 Jon Marchese

Equipment: 11' Side Dump

NYSOGS: Price Package \$85482.00, less 10% discount MSRP Contract options \$2548.70, DAS allowance \$230.00, Total Delivered Price \$83163.30

Zwack, Rte 22, Stephantown, NY 12168, 518-733-5135, 518-733-6135 fax

Everest SDS11G3039 Stainless Steel All Season Body, Screen Package, Poly Spinner, RHS132TML3654, Vortex Plow , Under Body Scrapper (17"), Power Tilt Hitch, Bolt on Spread Apron, Coal Door, Body Ladder, Pioneer EDD1500 ASP Tarp, Rexroth Pressure Compensated Hydraulic System, LED/DOT Light System, Del Cab Air Controls, Halogen Plow Lights, 24 Ton Pintle Hitch, 34P Epoxy Paint on Rear Chassis, 2 Spinner Lights, Body Central Grease System, Center Belly Flap, Frame Mounted Tool Box, Rear Cab Intersection Lights. Total \$ 70,995.00

T & T Body King, Inc. 409-411 Old Niskayuna Rd., Latham, NY, 518-785-5716, 518-785-5591
Viking: Power tilt custom hitch, 4 x 10 DA cylinder, disconnects for lift cylinder, Model 114654FE heavy duty reverse front plow, pair of 25 degree moldboard shoes, pair of curb shoes, 12" adjustable mushroom shoes, VC11120UB-11 underbody scraper, belly flap, force hydraulic 4.67 CDI pressure compensated pump, low oil shut down, six (6) section valve, six (6) cable controls, pressure compensated variable valve, 30 gallon frame mounted reservoir tank.

Tarco: Tarco 10' Model SS dump body 27 x 39, 20 ton mounting kit, body prop, coal door, top screens, central lube system, two (2) sliding ladders, 12" bolt on spread apron, two (2) spinner lights, LED lights and flaps, four (4) LED lights in cab shield, Model EDD1500D tarp system, tool box with mounting bracket, painted and installed.

Price: \$80, 520.00

Option: Model MG 10' 24 x 32 dump body, 20 ton mounting kit, CS290-4-2 cylinder, body prop, coal door (centered in gate), central lubricating system, grease in central lube system, two (2) sliding ladders, two (2) spinner lights, four (4) LED lights in cab shield, LED lights in rear corner post, front and rear mud flaps, Model EDD1500D Pioneer tarp system, tool box with mounting bracket, 25 ton pintle hook with plate, painted and installed.

Price....DEDUCT.....\$17334.00

Respectfully, T & T Sales, Inc., Bernard F. Radtke III

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 \$40.00 per hr.
3. Garden maintenance \$40.00 per hr plus cost of materials.
4. Trash removal \$35.00 per week.

TNT Enterprises, 72 Herrick Road, Valatie, NY 12184, 518-708-0119

Lawn Care and Landscape Management Proposal

1.) Lawn Mowing and Trimming: Cost \$220.00

Lawn areas will be mowed approximately 26 times (spring through fall) or as needed, during the 2008, mowing season. Height of cut will depend on type of grass and local conditions. If it rains heavily or we experience extended dry periods, we experience extended dry periods, we may mow more or less than usual. With each mowing, we will trim around all buildings, and other obstacles within the area. All debris (small twigs, limbs, trash, etc.) will be removed from the grass areas prior to mowing. Excess grass clippings will be raked or bagged as needed to maintain a neat appearance.

2.) Grounds Maintenance from spring to fall: Cost: Clean-up and bee extermination services will be billed at \$25.00 per man-hour. Spring and Fall clean-up will include removal of all ground debris, damage caused by storms, and bee extermination as needed.

3.) Maintenance of the Green: Cost: All maintenance services will be billed at \$25.00 per man-hour. Maintenance of the Green will include, mulching, edging, fertilizing, tree trimming, trimming of hedges, and weeding of perennial beds as needed.

Material Cost: Mulch: \$45.00 per yard, Fertilizing: \$30.00 per application.

4.) Trash and broken glass removal: Cost: \$40.00 per week. Trash and broken glass will be removed and disposed of twice a week from the following locations: Town Park, ball field, land adjoining the Austerlitz Fire House and recreational areas.

Thank you for allowing TNT Enterprises to submit this proposal. Respectfully, Timothy S. Stever

Bid opening ended at 12:40 p.m.

Respectfully Submitted
Susan A. Haag, Town Clerk

Town of Austerlitz
Regular Town Board Meeting
April 10, 2008

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

Town Board Member Lee absent due to attendance at a Conference.

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

Roll call.

Moment of silence, followed by the pledge of allegiance.

Minutes

A motion was made by P. Bernstein and seconded by C. Vander Weit to approve the March 13, 2008 Regular Town Board Meeting minutes.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to pay general fund #96-127:2008 and highway fund #47-65:2008 was made by C. Vander Weit and seconded P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried.

Monthly Reports

Monthly cash disbursements for the month of March 2008 submitted. Supervisor Jahn noted that there was nothing out of the ordinary. Tracking appropriately on the financial side.

Town Clerk Report/Tax Collector Report for the month of March 2008 submitted.

Supervisor Jahn reported that on the County level the Board discussed at length the purchase of the old Taconic Hills High School building, moving the Social Services Department from Hudson to Claverack. There are pros and cons, but a non-binding letter of intent has been issued until the Board can decide on all issues involved.

Highway Superintendent Meehan reported that the roads are drying out and pot holes are being filled on the dirt roads. Ditching some roads and the pot holes on paved roads will be filled beginning next week. There is a culvert issue on Reed Road that needs to be addressed. Major repairs will have to be done next year.

Planning Board Report for the month of March 2008 submitted. Discussed one of the Planning Board projects.

No Comprehensive Plan Oversight Committee Report for the month of March 2008 submitted. Chairman Smith was in attendance and reported that the sub-committees have met. The CPOC was also updated on grants being applied for the purpose of planning out the Hamlet in Spencertown. CPOC Member Jean Corigliano agreed to work with Town Board Member Lee on a grant to the Berkshire Taconic Foundation. This smaller scale grant is being applied for to pay for a planner to draw up plans for the bigger Hamlet project. The Members of the Comprehensive Plan Oversight Committee will write Senator Saland individually concerning real property tax relief. This month the full CPOC will deal with the Zoning document. Chair Smith asks for the public hearing on the Zoning document to be postponed so there is time for it to be reviewed.

Zoning Commission Report for the month of March 2008 submitted. Public Hearing date will be addressed with Chair Carney and possibly postponed.

Building Inspector Report for month of March 2008 submitted.

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

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried.

Correspondence

A letter from St. Peter's Presbyterian Church requesting permission to use a portion of the Village Green on Saturday, May 28, 2008 for their Welcome Spring event which will be a fundraiser for the Friends of St. Peter's Church, between 8:00-5:00 p.m. They are also asking to block off the street between the Church and Route 203.

A motion to allow St. Peter's Presbyterian Church to use a portion of the Village Green on Saturday, May 28, 2008 from 8:00-5:00 p.m. and to close a portion of County Route 7 was made by G. Jahn and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried.

Unfinished Business

Resolution #26-2008 Property Tax Relief

WHEREAS, the citizens of the Town of Austerlitz and the Town Board of the Town of Austerlitz are concerned about the ever-increasing cost of primary and secondary public education and its sole reliance on property taxes; and

WHEREAS, the increasing fiscal burden of public education on real property taxpayers is putting an extreme strain on the ability of the Town's residents to continue to afford to live in the Town and impacts the ability to provide adequate revenues to fund important town services and programs that ensure the well-being of our communities;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Austerlitz calls upon the Governor, the New York State Legislature, and other State officials to develop a solution that will provide adequate State funding for public education thereby lessening or eliminating dependence on local real property taxes without reducing funding to other local governments and local government programs.

A motion was made by C. Vander Weit and seconded by P. Bernstein to adopt Resolution 26-2008, Property Tax Relief

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried.

New Business

Resolution 27-2008, in the Matter of the Establishment of the Proposed Street Improvement for Bryarcliffe Road.

Attorney Baker walked the Town Board through the ins and outs of the process of taking over the private roads in Bryarcliffe. Only the residents affected will be responsible for the payment of a bond that the Town will take for payment of upgrading these roads and other costs incurred. Once the roads are upgraded, the Town will take ownership. This resolution starts the process with the scheduling of a public hearing on this matter.

Gil Perlman spoke on behalf of the residents in Bryarcliffe and stated that the residents have no other alternative. They have no other legal recourse. They don't want to spend the money, but feel this is the only way for the roads to be upgraded and maintained. Homeowner Associations were discussed.

Planning Board Chairman Stalker noted that the original agreement of the Planning Board stated that the roads were always supposed to be turned over to the Town once they were completed and brought up to Town specs. Therefore, this is a great solution to the problem. This subdivision was always supposed to be part of the Town and now that will happen.

Town Board Member Vander Weit questioned the bidding process for the work on the roads in Bryarcliffe and the disclosure of possible numbers ahead of time. Attorney Baker stated that the Town has to set a number ahead of time.

Town Board Member Geel is bothered by the process by which this solution has come about. B. Geel was unaware of negotiations until last month. But more importantly, there are many of the land owners in Bryarcliffe that do not know anything about this either. B. Geel thinks that all the homeowners need to be involved in the process. Gil Perlman advised the Town Board on what has occurred on the resident's side. He feels that the resolution is the start of the process, it starts the solution. Once the option is put on the table, the residents will be involved and can voice their opinions. Gil has been involved in countless phone calls, discussion, etc over the last three years. There has to be some sort of closure.

Discussion over the list of property owners and parcels listed in the resolution. The Town Board will double check the correctness of this list.

A motion to set up a special meeting on April 17, 2008 at 7:00 p.m. to pass Resolution 27-2008 was made by G. Jahn and seconded by C. Vander Weit

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried.

Lawn Care Bids

A motion to accept the Howes Horticulture bid for lawn care for the 2008 season was made by B. Geel and seconded by G. Jahn.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried.

Truck Bids

A motion to accept the Marchese Ford bid for a 2008 truck with dump body and plow was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes
C. Vander Weit: yes
B. Geel: yes
Motion unanimously carried.

This will be bonded or on a municipal lease. No budget impact this year.

Equipment: 11' Side Dump

A motion to accept the Zwack bid for an Everest SDS11G3039 was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes
P. Bernstein: yes
C. Vander Weit: yes
B. Geel: yes
Motion unanimously carried.

This will be Bonded or on a municipal lease. No budget impact this year.

Highway Bids

Trucking:

A motion to accept the Bemiss Trucking Service bid was made by B. Geel and seconded by P. Bernstein.

G. Jahn: yes
P. Bernstein: yes
C. Vander Weit: yes
B. Geel: yes
Motion unanimously carried.

Liquid Calcium:

A motion to accept the James Reed Sales, Inc. bid was made by P. Bernstein and seconded by G. Jahn.

G. Jahn: yes
P. Bernstein: yes
C. Vander Weit: yes
B. Geel: yes
Motion unanimously carried.

Sand and Gravel:

A motion to accept both the Bob Boll Excavating and the A. Colarusso & Sons, Inc. sand and gravel 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
P. Bernstein: yes
C. Vander Weit: yes
B. Geel: yes
Motion unanimously carried.

Culverts:

A motion to accept the Chemung Supply Corporation bid was made by P. Bernstein and seconded by B. Geel.

G. Jahn: yes
P. Bernstein: yes
C. Vander Weit: yes
B. Geel: yes
Motion unanimously carried.

Budget Amendment

General Fund

Zoning A8010.4 increase by \$15000.00

Appropriated Fund Balance increase by \$15000.00

Supervisor Jahn advised that this was unspent money from last year that was supposed to be carried forward on this year's budget, but was not. This budget amendment will correct that.

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

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried.

Fire House in Austerlitz

Town Board Member Geel spoke on behalf of the Fire Company in Austerlitz. The fire house there has been condemned. The company would like the Town to entertain the possibility of the Austerlitz Company purchasing 2 acres plus .6 separate acres. 2 separate parcels on West Hill and Rte 22 for a new firehouse, park area, etc. This land was a gift to the town for the purpose of a park. To alter that purpose, it requires legislature. Member Geel explained how County Fire Companies differ in structure and the structure of the Austerlitz Fire Company. The company would like to own the land and a building like the Spencertown Fire Company does.

Superimposed on this proposal is the issue that the Town needs a new Town Hall. Town Board Member Bernstein brought up the idea to put a new town hall on this parcel in Austerlitz as well and putting in additional playground space. This is really a new thought. Spencertown has always been the seat of Government and of the Town. Member Bernstein noted that this would save money for the fire company, and a new town hall would be made to look historical to fit in with the area. The land is owned by the Town currently.

Public Comments

Sue Geel questioned how the referendum issue will work concerning the Bryarcliffe issue.

Attorney Baker explained how petitions, voting etc works. S. Geel also asked what the average cost per mile of maintaining these roads was. Highway Superintendent R. Meehan noted that paved roads cost less than dirt, but he is not sure of a per mile figure. S. Geel asked what the annual budget increase would be by the Town taking over the roads in Bryarcliffe. S. Geel also notes that the Town owns the Spencertown Academy and can use this as a Town Hall.

Supervisor Jahn notes that there is a 99 year lease.

Town Board Member Bryan Geel advised that discussion concerning a new town hall are new to him. Therefore all options are on the table for him.

Carol Pinto, a Planning Board Member, asks the Town Board to delay the public hearing for the zoning document. She feels the public needs time to digest the document and formulate questions. Supervisor Jahn will try and get a later date.

Chuck Weinlein asks if the roads in Bryarcliffe must be paved. Supervisor Jahn advised they did and explained discussions held. Moto-paving is still on the table. Discussed the proposed solution and how to work it differently.

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

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

Motion unanimously carried. Meeting adjourned at 8:25 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Special Meeting
April 17, 2008

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

Meeting called to order 7:02 p.m.

Special meeting called for Bryarcliffe Estates Resolution.

Discussion surrounding number of parcels included. Attorney Baker explained how this process will work. Discussed ownership of Harrington Drive and Partridge Drive.

The Town Board scheduled an informational meeting for homeowners who Resolution #28-2008 will affect for May 3, 2008 at 10:00 a.m. to be held at the Town Hall. They also scheduled a Public Hearing for May 10, 2008 at 10:00 a.m. at the Town Hall for the Matter of the Establishment of the Proposed Street Improvement for Harrington Drive and Partridge Drive in the Town of Austerlitz.

Resolution 28-2008

At a Regular Meeting of the Town Board of the Town of Austerlitz held in and for the Town of Austerlitz at the Town Hall, in the Town of Austerlitz, on the 17th day of April, 2008.

In the Matter of the Establishment of the Proposed

Street Improvement for

HARRINGTON DRIVE and PARTRIDGE DRIVE,
TOWN OF AUSTERLITZ

**RESOLUTION
AND
ORDER
SCHEDULING
PUBLIC HEARING**

WHEREAS, a subdivision known as Bryarcliffe Estates was approved by the Austerlitz Planning Board on August 27, 1987. The subdivision includes two roads known as Harrington Drive and Partridge Drive. A copy of the approved final plat for Bryarcliffe Estates is on file at the Austerlitz Town Hall; and

WHEREAS, Harrington Drive and Partridge Drive provide access to approximately 57 lots shown on the final plat within the Bryarcliffe Estates subdivision; and

WHEREAS, the developer of the subdivision never completed the construction of Harrington Drive and Partridge Drive to meet the specifications of the Town of Austerlitz Road Law to permit the Town to accept the dedication of the roads; and

WHEREAS, property owners have requested that the Town proceed with the improvement of Harrington Drive and Partridge Drive as a special improvement area pursuant to Town Law § 200 to bring the roads to town road standards so the Town can accept dedication of the roads; and

WHEREAS, the roads to be improved are comprised of approximately 4.2 miles of Harrington Drive and Partridge Drive shown on the final subdivision plat and shall benefit the lots which have frontage on and are adjacent to one or both of the roads. A list of the affected lots and the property owners is on file with the Town Clerk. It is noted that some of the tax identification units may contain more than one lot shown on the final plat and may be assessed a benefit unit per subdivided lot, and

WHEREAS, the nature of the improvement will include the replacement of approximately 20 existing rusting culverts and the improvement and paving of approximately 4.2 miles of Harrington Drive and Partridge Drive to a 20 foot width consistent with the specifications set forth in the Town of Austerlitz Road Law, and

WHEREAS, cost of the foregoing capital improvements including engineering and legal fees are estimated to have a maximum not to exceed amount of One Million Four Hundred Thousand Dollars (\$1,400,000.00) to be charged to the benefitted properties adjacent to and which obtain access on Harrington Drive or Partridge Drive and not by the expenditure of any public funds; and

WHEREAS, the work is expected to be funded with municipal bonds over a ten-year period at an estimated interest rate of 5% per annum; and

WHEREAS, the improvement will result in one benefit unit per lot within Bryarcliffe Estates subdivision which has frontage on and access to Harrington Drive or Partridge Drive; and

WHEREAS, based upon the foregoing the first year annual charge per benefitted unit is estimated to be Three Thousand One Hundred Eighty-One Dollars (\$3,181.00).

NOW THEREFORE, LET IT BE RESOLVED, that based upon the foregoing the Town Board desires to proceed, upon its own motion, to consider the establishment of a special street improvement for Harrington Drive and Partridge Drive pursuant to Town Law § 200; and

NOW THEREFORE IT IS ORDERED that the Town Board of the Town of Austerlitz, will hold a public hearing at the Town Hall, 812 Route 203, Spencertown New York, on the 10th day of May, 2008, at 10:00 o'clock A.M., to consider said resolution and the proposed street improvement and hear all persons interested in the subject thereof, and it is further

ORDERED, that the Town Clerk of the Town of Austerlitz is hereby authorized and directed to publish a certified copy of this order in the official newspaper of the Town of Austerlitz, to post a copy of same on the sign-board of the Town of Austerlitz and to post copies of this Order conspicuously in five public places along each of Harrington Drive and Partridge Drive. Said notices shall be published and posted no less than 10 days and no more than 20 days before the date of the public hearing. The Town Clerk is further ordered to mail copies of this Order to each of the benefitted property owners on the list filed with the Town Clerk.

Dated: Austerlitz,, New York
April 17, 2008

A motion to adopt Resolution 28-2008, In the Matter of the Establishment of the Proposed Street Improvement for Harrington Drive and Partridge Drive, Town of Austerlitz was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

B. Geel: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Planning Board Chairman advised the Town Board that he now has a map of the property in

Austerlitz where the Fire Company is considering building a new fire house. He advised the Town Board that the Town of Austerlitz originally passed a resolution on the use of this property when it was donated. It is his understanding that in order to undo land use this resolution established, there needs to be formal, legal work done. Chair Stalker asked the Town Board to ask the Town Attorney Jeff Baker to pursue this issue. Attorney Baker noted that the legal work is not difficult. He advised that the Town Board should also reach out to Assemblyman Molinaro and Senator Saland. Where the difficulty lies is in a recent advisory decision by the DEC making this change of land use an act that needs SEQRA review. The Town Board will need to complete an Environmental form and file a negative SEQRA. Discussed process. Chair Stalker asked if he, Town Board Member Geel and Attorney Baker could work on this together and come back to the Town Board at the next meeting. Even if the Town Board takes this action it is not committed to any course of action.

A motion to adjourn was made by P. Bernstein and seconded by B. Geel.

G. Jahn: yes

B. Geel: yes

P. Bernstein: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Meeting adjourned at 7:34 p.m.

Respectfully Submitted

Susan A. Haag, Town Clerk

Town of Austerlitz
Regular Town Board Meeting
May 8, 2008

Present: George Jahn, Supervisor, Paul Bernstein, Charles Vander Weit, Bryan Geel, 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 Victoria Morss, followed by the pledge of allegiance.

Minutes

A motion was made by P. Bernstein and seconded by C. Vander Weit to approve the April 10, 2008 Regular Town Board Meeting minutes.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: Abstain due to absence at meeting

Motion carried 4:1.

A motion was made by C. Vander Weit and seconded by P. Bernstein to approve the April 17, 2008 Special Town Board Meeting minutes.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to pay general fund #128-169:2008 and highway fund #66-84:2008 was made by M. Lee and seconded C. Vander Weit.

G. Jahn: yes
P. Bernstein: yes
C. Vander Weit: yes
B. Geel: yes
M. Lee: yes
Motion unanimously carried.

Monthly Reports

Monthly cash disbursements for the month of April 2008 submitted. Supervisor Jahn noted that the Highway Garage number is troublesome because of gas prices. Discussed various income that is due to be received.

Town Clerk Report/Tax Collector Report for the month of April 2008 submitted.

Supervisor Jahn reported that there was a break-in on Beale Road a week or so ago. Just be careful how we leave our houses, watch for strange cars, watch out for neighbors' houses.

The Town Insurance Policy expires May 15, 2008. The Kleeber Agency, our current carrier, has scanned the market for other options and Selective is still the only option at this point. Their current quote is less than last year; \$21285.00 for the year. Pete Harvey, from Kleeber, explained that there will not be an increase due to the purchase of the new highway trucks. Supervisor Jahn thanked P. Harvey for the nice work.

A motion to renew Town Insurance Policy, same insurance, same carrier was made by P. Bernstein and seconded by B. Geel.

G. Jahn: yes
P. Bernstein: yes
C. Vander Weit: yes
B. Geel: yes
M. Lee: yes
Motion unanimously carried

Highway Superintendent Meehan reported that grading has been done, potholes filed, some blacktopping repaired. Calcium has been put down. Discussed the type of material used. Supervisor Jahn asked if we can be selective where calcium is placed due to the rising costs. Houses that are far off the road may not need anything in front of their house. Discussed putting calcium down dry verses wet.

Highway Superintendent Meehan has talked to Dean Knox from the County concerning the Upper Hollow Road bridge and advised the Town Board that the weight limit has been lowered. R. Meehan feels that the Town really needs to do something about this since the many of the trucks that go over this bridge are way over the weight limit. This is a County owned bridge that the Town maintains.

R. Meehan further noted that culvert work is being done on Tenbrook and Macedonia, but this is only a temporary fix. Some of this work will have to be done next year and there will be monetary issues to discuss.

Planning Board Report for the month of April 2008 submitted. Comments on Zoning Document by Planning Board also submitted.

Comprehensive Plan Oversight Committee Report for the month of April 2008 submitted.

No Zoning Commission Report for the month of April 2008 submitted. There is a public hearing set for May 17, 2008 for the final draft.

Building Inspector Report for month of April 2008 submitted.

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

G. Jahn: yes

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

Correspondence

Memorial Day Observance will be held on May 26, 2008 and the Town will again provide refreshments at the Town Hall immediately following services.

Friends of Historic St. Peter's will hold its annual Welcome to Summer Event on the Town Green on May 24, 2008. Craft sales, tables for rent, etc.

The dedication of the Morey-Devereaux House on Saturday, May 17, 2008, 3-5 pm in Austerlitz.

Unfinished Business

The Ford Truck bid by Marchese was approved, but without a warranty. This is the small truck. Supervisor Jahn would like to go ahead and execute the purchase of this truck out of fund reserves with the extended warranty. Then in October, when the Town purchases the large truck, he will wrap both together and bond.

A motion to approve the purchase of the extended warranty, 6 years, 100,000 miles at \$4020.00 and the authorization for Supervisor Jahn to purchase the Ford truck out of the fund balance was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes
P. Bernstein: yes
C. Vander Weit: yes
B. Geel: yes
M. Lee: yes
Motion unanimously carried.

New Business

Austerlitz Fire House: Spencer Hall, Dave Savage, and Pete Fitzpatrick came before the Town Board to request the Town Board approve the purchase of Town property by the Austerlitz Fire Company so they can put up a new firehouse. The style of the new firehouse will fit into the historical area. The Fire Company wants to build it as green, and they want to be part of Austerlitz as well. Discussion centered on the project as a whole, including better visibility coming out on Rte 22 instead of West Hill Road, and the possibility of using part of the property for a new Town Hall. The property the current fire house is on is owned by the Austerlitz Fire District. The Fire Commissioners will have to be part of this process.

Attorney Baker advised that since the land was donated to us and designated to be used for recreational purposes, there are certain steps that will need to take place in order to change the use of this land, such as a possible referendum and appeal to the State. Austerlitz is an incorporated fire company that wants to purchase its own land. The old building is owned by the Fire Commissioners and they will have to decide what they want to do with it. Eventually the fire company would like to purchase the land the current fire house is on as well.

Subject to site plan review. Attorney Baker will research the details.

Building Permit #07-47, Bill Stratton, Contractor, Overcharge: Town Building Inspector, Glenn Smith, investigated the possible overcharging of a building permit fee at the request of Contractor, Bill Stratton. After his investigation was complete, G. Smith found that there was indeed an overpayment and requests that the Town Board approve a refund of \$1625.00 to B. Stratton.

A motion to refund B. Stratton \$1625.00 for overpayment of building permit #07-47 was made by P. Bernstein and seconded by C. Vander Weit.
G. Jahn: yes

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

Town Board Member B. Geel questioned notification of the papers for the informational meeting for Bryarcliffe. Town Clerk S. Haag advised that no notification was done for the informational meeting, but formal notification was done for the public hearing to be held May 17, 2008. Individual letters containing both dates were sent to homeowners, and notification was posted on both Harrington Drive and Partridge Drive. Attorney Baker advised that no notification was necessary for the informational meeting because it was not an official meeting where any business was to be conducted.

Supervisor Jahn stated that Centerline Construction has put in a bid to do the work to bring the Court facilities compliant with a recent audit's recommendations. The grant for this work needs to be put in by the end of May. Member Lee notes that grant money typically can not be used for work already done. The Town will wait for the grant approval before proceeding with any work.

Public Comments

G. Batti questioned the type of highway equipment the Town has and what work can be performed on roads in the Town, specifically does the Town have equipment to blacktop roads. Highway Superintendent Meehan listed all Town Highway equipment noting the Town does not have blacktopping equipment. This has always been contracted out.

Steve Somlo spoke concerning the Austerlitz Fire Company proposal. He states that this is recognized and needed, but suggests that the Town put a 50 year horizon on this project. The Town needs to remember that the Hamlet of Austerlitz is undeveloped and this project would define how future development would go. S. Somlo is asking the Town to be proactive in its planning for this area.

Alan Silvernale is concerned about how the Town Board handled the Bryarcliffe informational meeting. He believes that there was a preconceived plan for this not to be a formal meeting with only 2 Town Board members present. A. Silvernale questions whether the other Town Board members were concerned about this issue or not. Town Board Member P. Bernstein advised that he had a prearranged event for his wife that he had been planning for the last year. Attorney Baker noted that last Saturday's time was an informational session where the Town Board was giving information. The Town Board is now going to go to a public hearing, a formal meeting, and listen to public comments. This formal public hearing was noticed.

Planning Board Chairman T. Stalker noted that the Town Board was originally only going to have a public hearing, but after his suggestion of a more informal gathering to help the Bryarcliffe residents to understand what was on the table, the Town Board took the time for an additional discussion.

A motion to adjourn was made G. Jahn seconded by C. Vander Weit .

G. Jahn: yes
P. Bernstein: yes
C. Vander Weit: yes
B. Geel: yes
M. Lee: yes
Motion unanimously carried. Meeting adjourned at 8:11 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Public Hearing Bryarcliffe Roads
May 10, 2008

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

Public Hearing called to order at 10:10 a.m.

Supervisor Jahn noted that this public hearing was called for the purpose of hearing concerns and issues concerning the Bryarcliffe Road Bond. He explained that a special assessment district would be set up if this plan was approved. Supervisor Jahn gave a short history of the project spanning the last 20 years noting that part of the Planning Board approval was for the Town of Austerlitz to take over the roads in the Bryarcliffe Subdivision and these roads were to be brought up to Town specs; paved. Around 10 years later, the Town agreed to moto-paving. The Town Engineer was asked to provide cost estimates to bring the current roads of Harrington Drive and Partridge Drive up to Town specs. Supervisor Jahn explained the figures and different options of paved, moto-paved and gravel; 20 feet wide vs 18 feet wide, etc. Third party involvement was mentioned.

Supervisor Jahn advised that the Town is prepared to talk about a road width of 18 feet with moto-pavement.

Town Board Member Bryan Geel: Taking over the Bryarcliffe roads as gravel roads is not an option for him. B. Geel feels the best solution for everyone in Bryarcliffe is to form an association and take care of this themselves. This would be best for them and the rest of the Town. He is not against the Town taking over these roads as moto-paved. There really isn't an easy solution, but the Town is here to help.

Town Board Member Paul Bernstein: He is sensitive to the need of the residents in Bryarcliffe, especially when discussing emergency services. P. Bernstein does not want the Town to take over the Bryarcliffe roads unless they are moto-paved, but he feels 18 feet wide is okay. The Town should not solicit to take over private roads. Residents who live on private road should come to the Town. The end solution for this particular situation is going to be costly.

Town Board Member Charles Vander Weit: Advised that he was on the Planning Board 11 years ago while this project was in process. The caveat was that the roads in Bryarcliffe were going to be paved in 3 time slots. Because of money issues, the Planning Board agreed to have the applicant apply for a variance to the Town Board; that variance was asking for moto-paved roads instead of paved roads. The Town Board agreed to honor the variance and dropped to moto-paving. Then the bond lapsed. Blame is not important, now is the time for the solution. The prime interest for C. Vander Weit when he was on the Planning Board was the safety issue of emergency vehicles having access to residents. He is in agreement with his collages that any applicant who want the Town to take over a private road, that road needs to be brought up to Town specs. The specs have already been softened for this project. C. Vander Weit is not in agreement to take over these roads as gravel. There is a much greater expense to maintain dirt roads over the life of these roads. He wants them moto-paved. The 18 feet width is an option, but that will be tight. He is here to figure out what can be achieved.

Town Board Member Mary Anne Lee: What board the is here to do is to resolve a problem we all inherited. Not here to talk about how we got here, but to find a solution. The Board wants to find a solution taking into consideration not only Bryarcliffe residents, but all residents in the Town. Let's stay focused to issues at hand that will resolve this circumstance. M. Lee applauds Supervisor Jahn for his courage to take this on and fix the Town's mistakes.

G. Jahn: Here to consider a resolution that puts in motion a process. We need to define the ultimate solution taking into consideration road width, the cross road of Partridge Road and third party involvement. Today's action is meaningful and important, but not the end all, be all, of the end process.

Town Attorney Jeff Baker: Defines process-Operation under a special provision of Town Law, not creating a formal district. This process is being done this way because there was never a formal homeowner's agreement in place. This is the only equitable way in all fairness to each property owner in the Bryarcliffe subdivision. The process was started by a Town Board resolution that set forth the 'do not exceed number' for the project. The Town Board will hear comments at this public hearing and decide whether or not to proceed. If they decide to go forward, they will ascertain concrete figures and if going forward from there, the project is subject to a permissive referendum. The Bryarcliffe property owners would have to petition the Town Board to get on the ballot. Only Bryarcliffe property owners are voters. Discussed how and who would be able to vote depending on ownership. The vote is decided by majority. If voted down, no action taken. If vote is in favor, the project is moved forward. Each lot gets charged an equal portion of the debt. If one resident owns multiple lots and they want to combine lots, they must go through the Planning Board subdivision application process. Attorney Baker feels that if residents combined lots just to avoid paying additional money, there would be a stipulation that they couldn't re-subdivide for a period of time.

Public Comment

Eileen Fusco: Do figures given in the resolution include interest? Yes.

Chuck Lawson: Thanks the Town Board for all their efforts. He has been an owner since 2002. The Bryarcliffe roads are currently in bad shape and something needs to be done. He notes that everyone is at a place where all concerned can come to an equitable solution. 14 lot owners have submitted their proposal to the Town Board.

Gerry Batti: Very disappointed in the direction the Town Board is going in relation to moto-paving. G. Batti felt that the outcome of the informational meeting was that the Town Board was open to different options. Due to this, he spent many hours preparing charts and did research concerning the difference between blacktop and gravel to maintain. According to his research, gravel is less to maintain than paving. It will cost the Town more money to maintain.

E. Fusco: Thought there was a good faith offer on the table to have gravel. She is disappointed that time and energy was spent discussing an option that is now not viable. E. Fusco accepts the responsibility of the bond, just wished that the roads could have been gravel. Discussed all the other town roads that are gravel and stated that it sounds like the Town wants to increase the amount of paved roads. E. Fusco thanks G. Batti for his hard work and study. She has done research as well and finds the same conclusions, gravel cost less to maintain. She wants a solution, at a lesser cost, keeping the bucolic atmosphere. 18 feet is sufficient. E. Fusco has been paying taxes all these years, and the Town as a whole has been getting benefit from this money because she is paying for the maintenance of other Town roads with no benefit to her personally. The Town let the Letter of Credit lapse, ultimately the Town's responsibility. By giving the Bryarcliffe residents the option of gravel, the Town will accept some responsibility for that lapse of responsibility. Discussed allocation methods. Bottom line, E. Fusco is disappointed in that the Town will not accept gravel, but she wants a solution.

Steve Somlo: Joined the Planning Board on the tail end of the Bryarcliffe subdivision. Discussed feelings at that time surrounding ground cover of Bryarcliffe roads. All those now involved have inherited this situation. S. Somlo discussed how the Town and residents came to this point. The preferred fix of this situation is a homeowners association, but he understands this is not an option. Therefore the town needs to be careful the precedent and situation it sets. Believes the history of this project should be noted in any resolution the Town Board adopts. S. Somlo does not agree with the Town Law section cited in consideration of this project. It does not deal with site control. In addition, this whole process presumes a dedication of the roads and the Town may not have a giver and may have to take these roads by emanate domain.

It was noted that the Bryarcliffe roads are on a separate tax parcel, and taxes are in arrears. This has been discussed and the County will move forward with foreclosure proceedings and give the Town the roads.

Discussed how to procure title of the roads.

S. Somlo further notes that the Town Board is contemplating other projects in Town, ie the new Austerlitz Firehouse, a new Town Hall. The Town Board might want to consider wrapping all these issues into one initiative. Discussed options out there.

Chuck Weinlein: Noted he has seen this type of issue before. The Town needs to remember that houses are still being built in this subdivision and construction traffic will continue on these road surfaces. Because of this, the Town may want to consider doing blacktopping in phases. Bervy is doing other developments in the area and close in Hillsdale. These roads may be used as a public thoroughfare.

Tim Whiffen: Paving is less expensive. Bryarcliffe residents were taken by the developer. Their beef is with him, not the Town.

Fred Meyer: He lives in the center of Spencertown. He asks who built the roads in question, how payment is being done and secured, and what happens if a responsible resident doesn't pay his portion. Explanation of the process. F. Meyer states that he believes the residents of Brycliffe knew there was a problem and yet they still bought the property. The study that has been referred to was done in Minnesota, not in New York and not in this area. Weather conditions are different.

Richard Culley: Asks how the money end of this will be working. Explanation of bonding was given.

Abi Mesick: States that at beginning of this conversation and at the end, all should keep in mind that the developer is the problem. Taking over private roads costs the Town a lot of money. Narrowing of these roads to 18 feet makes sense. A. Mesick questions the longevity of moto-paving. She doesn't believe it lasts.

Discussed how to maintain different types of roads.

B. Geel: Moto-paved roads are good, but the preparation is the important issue. The Town has a problem with prep work.

A. Mesick: Make some kind of provision for this special 'deal' so the Town is protected in the future due to any precedent setting.

Alan Silvernale: Agrees with Fred Meyers. States that there should be an Engineer's report on these roads on file. Planning Board Chairman Stalker advised that testing was done originally and our Town Engineer has results in his files. A. Silvernale believes that there needs to be a proper base on these roads before they are fixed.

Sue Geel: Her concerns are for all town residents. She questions how the process works if payment is not made by some residents in Bryarcliffe. How is the Town protected if people don't take care of their obligation. Attorney Baker explains his understanding of how this works, some of which he would defer to Bond Council, but the Town would go after legally those who do not pay.

S. Geel: Further states that the Town as a whole is hurt and must pick up the tab if some do not pay. Regarding timing and ownership of these roads: if these roads go up for auction, the Town buys them, at some point in time the Town will both own the road and the bond. Couldn't Bryarcliffe residents say, you own the road, you take care of it. Attorney Baker advised that basically all transactions will happen at the same time. The Town will only take ownership of the roads if the bond goes through. Time periods will have to pass for all stages before ownership goes forward. S. Geel asks for clarification asking that before any improvements are made, will the Town own the roads. Attorney

Baker advises yes and before the roads are brought up to Town specs. S. Geel notes that this concerns her because at this point the Bryarcliffe residents could tell the Town it owns the roads take care of them.

Annie Tirschwell: Life and safety issues are the major concerns for them, and they do contribute to the tax base. As a tax payer, this is a human issue. She supports the creation of the bond.

Craig Shalmi: Before he purchased his property he was told the roads in Bryarcliffe were private roads, but also that at some point the Town would take them over. He pays a lot of taxes here and at the very least, his roads should be taken care of. He has some minor differences as the end result, but this problem needs to be resolved. Harrington Drive is a mud road with challenging road conditions. Culverts are an issue and these need to be fixed before any roads are brought up to specs. Moto-paved roads will only be patched in the future and look terrible.

Charles Adelman: He only has a minor point. He feels uncomfortable excluding Partridge Drive from the project.

Kevin O'Rourke: If this project goes forward, and the roads are paved, it is common sense that once the roads are paved, the assessments will go up. Paving these roads, and leaving access roads unpaved, still presents an issue. He is concerned about the tax liability. Supervisor Jahn does not believe there will be an increase in the tax burden. In fact, he thinks that the assessment would decrease because of the additional tax burden.

K. O'Rourke: Asks the Town Board to lean on the developers when they come in for any future projects.

B. Geel: There is no benefit that the Town would gain from taking over the road. Taking over the roads does not benefit the Town, it benefits the residents.

K. O'Rourke: Notes that the Town would benefit by paved roads by accessibility and more houses, more of a tax base, increased revenues.

Fred Oleynek: As the Town Board talks about making concessions it needs to be careful that any concessions do not come back and bite them in 10-15 years in the future.

C. Fusco: If the resolution, as it now stands as approved by the Town Board, states 20 feet wide, how do all involved get to 18 foot roads? Attorney Baker advised that the Town Board must decide how to proceed, and then direct the appropriate professionals to come up with figures and then a final decision will be made. At this point, there could be a permissive referendum. Discussed when and how to petition.

The question was asked who decides how the Town's roads are fixed and what is put down.

C. Vander Weit: Explained that existing Town Roads are under the direction of the Highway Superintendent. Currently, R. Meehan takes troublesome areas and addresses these as he deems necessary.

Attorney Baker: Notes that this is true for existing Town roads. The roads surface of new roads must fall under the Town road law.

C. Fusco: Discussed studies done throughout the country comparing paved roads versus gravel roads.

G. Batti: The point is there are some numbers that indicate gravel roads are cheaper than paved.

Kim Ellner: Questioned voting procedures if there as a referendum. It was noted that this would be a majority vote.

P. Bernstein: Noted that we tend to forget we are a community. A small segment of our community is in need. There are a lot of semantics with good arguments on both sides, but he wants to resolved this issue. Let's get the ball in play and get this done.

R. Culley: Questions why residents in Bryarcliffe are involving the Town. Why don't they just pave it themselves. It was noted that no-one can get 100% participation for this.

Chuck Lawson: Current subdivision laws have a provision for a homeowners association.

T. Stalker: Noted that when Bryarcliffe was set up, there were a lot of issues; one being that there was not a community feel. Both the Town Board and the Planning Board wanted this area to be part of the community. That is why the Town agreed to take over the roads and why a homeowners association was not mentioned at that time. This area was always meant to be part of the community. T. Stalker has researched all other town road laws in the County. Interestingly enough, other Towns have used our law when crafting theirs. The Town has been working behind the scenes on this issue and the timing is good since now all players are at the table.

T. Whiffen: Reminds the Town Board that they represent the entire Town, not just a few.

S. Somlo: We are where we are in ths situation because of a technically. He asks the Town Board to get their facts on financing in order and answer questions and maybe look into other ways of protecting the Town from general liability.

Sue Geel: There seems to be a sense of entitlement concerning what one gets when paying taxes when living on a private road. It needs to be remembered that a lot of people in Town are in the same situation living on private roads.

Supervisor Jahn: 7% of the tax load is the Town tax in perspective. To deal with taxes on broader ways, look across a bigger perspective.

A. Silvernale: There is another vote in Town soon on zoning. In this, current road laws will be enforced and is this what the people who voted for zoning actually wanted. Now that zoning is affecting them, they are protesting.

C. Vander Weit: Yet to date, no one has ever addressed health issues with dust on gravel roads. Gravel presents many health issues if not maintained properly. Consider all the issues that gravel presents.

Attorney Baker: In the case of Friends of Hudson against St. Lawrence Cement, dust impacts were a consideration and it should be noted that dust carries a far greater impact than anything cement would.

E. Fusco: He does not feel a sense of entitlement. He did not intend for this situation to occur. If gravel roads present such a health issue, then the Town should look at all the Town roads.

C. Vander Weit: Noted that planning is for the future.

R. Puri: Questioned where the process is headed. He is looking for an action mode, not a debating mode.

M. Lee is available by email.

Attorney Baker: Noted that the next step is to close the public hearing and then the Town Board needs to decide if they want to go forward or not with this project. If going forward the Town Board needs to decide under what conditions.

Supervisor Jahn is aware of the urgency of this matter.

T. Whiffen: Questions who pays for all of these legal costs. Supervisor Jahn notes that all costs will be wrapped in the bond.

A motion to close the public hearing and to adjourn was made by B. Geel and seconded by P. Bernstein.

G Jahn: yes

B. Geel: yes

C. Vander Weit: yes

M. Lee: yes

P. Bernstein: yes

Motion unanimously carried. Meeting adjourned at 12:02 p.m.

Town of Austerlitz
Special Meeting
May 22, 2008

Present: George Jahn, Supervisor, 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.

Town Board Member Geel absent because he was out of Town.

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

Supervisor Jahn advised that the purpose of meeting to consider the following resolution:

Resolution 29-2008

At a Special Meeting of the Town Board of the Town of Austerlitz held in and for the Town of Austerlitz at the Town Hall, in the Town of Austerlitz, on the 22nd day of May, 2008.

In the Matter of the Establishment of the Proposed Street Improvement for

RESOLUTION

HARRINGTON DRIVE and PARTRIDGE DRIVE,
TOWN OF AUSTERLITZ

WHEREAS, on April 17, 2008 the Town Board of the Town of Austerlitz adopted a resolution and order pursuant to Town Law Sec. 200 proposing the improvement of 4.2 miles of Harrington Drive and Partridge Drive and set forth a maximum proposed expenditure of \$1,400,000.00 and scheduled a public hearing thereon for May 10, 2008; and

WHEREAS, public notice of the public hearing was duly published in the Hudson Register Star on April 24, 2008, and in The Independent on April 25, 2008 and was posted at the Austerlitz Town Hall and notices were also posted on at least five places along Harrington Drive and Partridge Drive; and

WHEREAS, the Town Board also decided to hold a public information meeting on the proposed improvement to be held at the Town Hall on May 3, 2008; and

WHEREAS, copies of the April 17, 2008 resolution and order as well as notice of the public information hearing were also sent by first-class mail to the all of the record property owners likely to be affected by the proposed road improvement and special assessment; and

WHEREAS, the public information meeting was held on May 3, 2008 and the public hearing was held on May 10, 2008. Both events were well attended and the Town Board received many useful comments at the public hearing.

NOW THEREFORE, LET IT BE RESOLVED that after consideration of the comments received at the public hearing the Town Board finds that the improvement of Harrington Drive and Partridge Drive is in the public interest as it will bring the roads up to town standards and allow for the Town to accept ownership and maintenance responsibilities for the roads to assure access to the properties served by those roads as well as the access for public safety and emergency vehicles.

LET IT BE FURTHER RESOLVED that based upon the comments received, the Town Board finds that improvement of the roads to a width of 18 feet and installation of hot mix asphalt will be sufficient to assure proper access and be protective of public health and safety while reducing the financial cost to the benefited properties.

LET IT BE FURTHER RESOLVED that the Town Engineer is directed to prepare definite plans and specifications for the project consistent with the foregoing and to make a careful estimate of the expense of the project and to prepare, with the assistance of the attorney for the Town, a proposed contract or contracts for the work. The Town Engineer and attorney for the Town shall also prepare an Environmental Assessment Form and a draft Determination of Significance as required by the State Environmental Quality Review Act. The attorney for the Town is also directed to undertake the necessary research and work required to obtain title to Harrington Drive and Partridge Drive should the Town Board decide to proceed to final approval of the project. The Town Engineer and the attorney for the Town shall provide final reports and proposed documents to the Town Board for its review and approval before any final decision on the project will be made.

Supervisor Jahn advised that the Town has landed on an 18 foot width number, but moto-paving vs blacktop may still be open for discussion. Due to annual maintenance fees, and because the Town Board is required to work within the parameters of the current road law, gravel roads will not be an option. This resolution still does not carve anything in stone at this point. At a meeting with the developer, it was determined that culvert issues and re-ditching will be done by the developer.

Discussion on repair issues on cold vs hot paving. Long term maintenance cheaper for blacktopping, hot paving.

A motion to approve Resolution #29-2008 was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

M. Lee: yes

Motion unanimously carried.

Public Comments

Supervisor Jahn reiterates the process to this point and explains again the adopted resolution.

C. Rowan asked about moto-paving verses blacktopping.

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

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes
M. Lee: yes
Motion unanimously carried. Meeting adjourned at 7:15 p.m.

Respectfully Submitted
Susan Haag, Town Clerk

Town of Austerlitz
Regular Town Board Meeting
June 12, 2008

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

Highway Superintendent Robert Meehan absent.

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

Roll call.

Moment of silence, followed by the pledge of allegiance.

Minutes

A motion was made by P. Bernstein and seconded by B. Geel to approve the May 8, 2008 Regular Town Board Meeting, May 10, 2008 Public Hearing, May 22, 2008 Special Town Board Meeting minutes.

G. Jahn: yes
P. Bernstein: yes
C. Vander Weit: yes
B. Geel: yes
M. Lee: yes
Motion unanimously carried.

Auditing of Accounts and Claims

A motion to pay general fund #170-210:2008 and highway fund #85-102:2008 was made by C. Vander Weit and seconded M. Lee.

G. Jahn: yes
P. Bernstein: yes
C. Vander Weit: yes
B. Geel: yes
M. Lee: yes
Motion unanimously carried.

Monthly Reports

Monthly cash disbursements for the month of May 2008 submitted. Supervisor Jahn noted cash outlays for the month, and discussed the part for the new highway truck which will be bonded with the other equipment when purchased.

Town Clerk Report/Tax Collector Report for the month of May 2008 submitted. Taxes have been turned over to the County.

Supervisor Jahn reported that on the County level talk revolved around the move of the Social Services Department. This has become a contentious issue due to where the majority of the clientele now lives. Direct deposit payroll options and insurance issues are also being looked at.

Highway Report for the month of May 2008 submitted.

Planning Board Report for the month of May 2008 submitted.

Bryarcliffe: The Town Board received a memo from Planning Board Chairman Tim Stalker requesting direction from the Town Board concerning residents of Bryarcliffe who want to combine their lots so that when the payment structuring of the bond is figured, they will only have to pay the amount for one parcel instead of multiple parcels. Town Attorney Jeff Baker had advised at a public hearing that the Town could put a time restriction for re-subdividing these parcels when the bond was paid. Chair Stalker wants to know what the Town's policy is going to be on this issue since the Planning Board is starting to see applications to combine property. Supervisor Jahn is thinking that 15 years is a good time frame. Discussion on how this would work with time frames and conditions if the road improvement project for Bryarcliffe does or does not go through.

Resolution 30-2008

It is a policy and opinion of the Town Board that should the Planning Board be considering the merger of lots in the Bryarcliffe Subdivision that a condition be imposed prohibiting further subdivision of those lots so merged for a period of 15 years to assure equity among all property owners and that the condition should only apply if the road project is approved.

A motion to approve Resolution 30-2008 was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Supervisor Jahn thanks Planning Board Robin Parow for her service to the Town. R. Parow has resigned due to time constraints.

No Comprehensive Plan Oversight Committee Report for the month of May 2008 submitted.

No Zoning Commission Report for the month of May 2008 submitted. Town Board Member Lee advised that the Zoning Commission is reworking the final draft in response to the comments made at the public hearing. Work done now is the legal work in order to present a document/recommendation to the Town Board. Transmittal of the document must happen before the end of June. Once this draft is turned over to the Town Board, one of the first things that needs to happen is a review by the Attorney for the Town to look at the legal implications. After a thorough review and by the August meeting, a report will be made by Attorney Baker to the Town Board.

Building Inspector Report for month of May 2008 submitted.

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

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Correspondence

NYSORPS notified the Town that the tentative equalization rate for the Town of Austerlitz is 100%.

Brad Buchan wrote a letter addressing road conditions on Reed Road. He and a few additional residents on this road would like to see it paved. Town Board Member Vander Weit noted that speed on Reed Road has not improved due to a gravel road verses a paved road. He has spoken to the Town's Resident Deputy Sheriff and if residents

provide license plate numbers of speeders to the Town Supervisor, a note can be sent to the resident by the Sheriff's Dept addressing the speed and hopefully this will make a difference. The speed limit on all Town Roads is 30 MPH, except Punsit Road which is 40 MPH. Supervisor Jahn can ask our Resident Deputy to sit on Reed, Dugway, etc. Town Board Member Lee noted that a concentration in one area by the Deputy is better to make people think that the Police will be there. Member Vander Weit advised that a neighbor to neighbor resolution works well.

Supervisor Jahn noted that our current Town Road Law suggests that ultimately all roads will be paved. Whether the Town budget allows this is an issue. Member Lee questioned what the Town policy is for priority of paving Town roads. Member Geel said there is no plan. Planning Board Chairman T. Stalker advised that working up a plan can be something that the Road Committee takes care of. Discussion on how choices are made to pave etc.

It was noted that the letter from Brad Buchan reverses a previous petition to not pave Reed Road. Member Lee feels there should be a plan in place, a standardized policy on how to make these decisions on what roads are paved, etc. Member Geel would like to see a long term plan as well.

Supervisor Jahn thanks Kathy Vander Weit and Sally Van Wagner for all their help and preparation for the Memorial Day observance.

Email from Cathy Grier announcing the second Stream Monitoring Workshop on June 26, 2008. Supervisor Jahn noted the particulars.

Unfinished Business

Supervisor Jahn advised that the Summer Recreation Program is set to begin July 7 and will run until August 15, 2008. The program will be the same as last year including tennis lessons. Residents will pay this year: \$20.00/child, \$35.00/family for 6 weeks. Non-residents will pay \$120.00/6 weeks.

Specs for the culvert work in Bryarcliffe have been given to Serge Bervy who has agreed to take this on. Timing is an issue that needs to be worked out. Discussion on the exact work to be done and when.

Further discussion on the entire bid package for work to be done on the Bryarcliffe roads: what is included, what is used to determine figures, and sequence of events that needs to take place.

Austerlitz Fire House: Attorney Baker has been researching how to change the title for this land. He needs to confirm that this park land was not bought with any State funds. Attorney Baker has spoken at length with the New York State Office of Parks, Recreation and Historic Preservation, an advisory council to the State, who advised that in order to use this property for something other than parkland, the Town would need to give something in kind-alternative parkland. At a minimum, the State would require the Town to be devoted to improvement of other parkland, or recreational improvement to the adjoining land. This process normally takes at least a year. In the meantime, the Fire Company can fund raise, etc because Attorney Baker doesn't think that the legislature will be opposed to this project.

The Austerlitz Fire Dept has to do its work, and decide what it wants. The Town Board has to do certain paperwork, SEQRA, and set the price of the land, etc. The NYSOPRHP needs a package that is complete to be sent up for approval. Firm plans need to be set in place.

Town Board Member Geel would like the entire Town Board to look at the land over the next month, then talk and make some decisions.

A motion was made by G. Jahn and seconded by P. Bernstein to form a committee with B. Geel and M. Lee as members to engage in the planning of what will happen on this 4

acre parcel in Austerlitz to include the new fire house, a new town hall and other improvements. This committee will be called the Long Range Plan Cmt.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

New Business

Tracy Schober requests use of the Town Ball Field. Her business, called Imaguration, is a party planning company.

A motion to allow Tracy Schober to use the Town ball field subject to proper insurance and clearing the calendar was made by G. Jahn and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Town Board Member Vander Weit asked what our email provider can do about the increasing amount of spam. The Town Clerk noted that filters have been put higher. Member Vander Weit also mentions that some emails have disappeared out of the backup without explanation. Fairpoint Communications have been having major issues with their system as of late. Technology 4 All has investigated this issue without a solution.

Public Comments

No public comment

A motion to enter executive session for litigation was made by C. Vander Weit and seconded by B. Geel.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried. Executive session entered at 8:16 p.m.

A motion to exit executive session was made by B. Geel and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried. Executive session exited at 8:37 p.m.

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

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

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

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Regular Town Board Meeting
July 10, 2008

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

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

Roll call.

Moment of silence, followed by the pledge of allegiance.

Minutes

A motion was made by P. Bernstein and seconded by C. Vander Weit to approve the June 10, 2008 Regular Town Board Meeting minutes.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to pay general fund #211-247:2008 and highway fund #103-117:2008 was made by C. Vander Weit and seconded by M. Lee.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Monthly Reports

Monthly cash disbursements for the month of June 2008 submitted. Supervisor Jahn noted that the health insurance allocation may need to be amended.

Town Clerk Report for the month of June 2008 submitted.

Supervisor Jahn reported that on the County level the big item of the day is the acquisition of the old Taconic Hills School Building to move DSS out of the City of Hudson. The current building is obsolete. Explanation of particulars. Clientele issues are the major concern.

Highway Superintendent Meehan reported that ditching has been done and some blacktopping of roads, busy with heavy storms washing away dirt roads and culverts being cleaned. The Town may have to look into purchasing a leaf machine. Too much time being wasted in this area. Limbs in playground area trimmed and pea stone put down. Stever Hill is coming alone. Hopefully work will continue next week. NYSEG must be paid before they will move any poles. The new highway truck has been ordered.

Supervisor Jahn advised that the \$5000.00 deposit with the NYSDOT for work done on East Hill has been requested to be returned.

Planning Board Report for the month of June 2008 submitted. Planning Board Chairman Stalker advised that a public hearing has been set for August for 2 residents in Byrarcliffe asking for their parcels to be merged.

Comprehensive Plan Oversight Committee Report for the month of June 2008 submitted. Discussion on water testing for area streams, mainly the Punsit. Supervisor Jahn will get together with Brian Collins to discuss methods, and cost of water testing.

No Zoning Commission Report for the month of June 2008 submitted. The Zoning Commission has been dissolved. Final Zoning Draft given to the Town Board. Thanks Zoning Commission for heroic work in the face of adversity at times. Attorney Baker currently has the draft for review.

Building Inspector Report for month of June 2008 submitted.

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

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Correspondence

No correspondence

Unfinished Business

Bryarcliffe: Supervisor Jahn updated the Town Board as to the status of the Bryarcliffe Bond project. Engineer Prendergast has almost completed his work on the bid package. A special meeting will need to be scheduled in the next couple of weeks to finalize details for this project. Meeting for 7/29/08 at 7:00 p.m. scheduled.

New Business

Columbia County Historical Society Contract: The Town of Austerlitz has had a contract with the CC Historical Society to house the Town's Proprietor's Book. The contract comes due in June of each year.

A motion to approve the renewal of the Columbia County Historical Society contract was made by M. Lee and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Charter Communication has a franchise agreement with the Town of Austerlitz to provide cable services to the Town. This franchise agreement expires on March 15, 2009. Discussion of services provided and whether or not the Town wanted to spend much time in the renewal effort.

A motion was made by M Lee and seconded by P. Bernstein to extend this contract and to enter into negotiations in an effort to provide cable services to the Town.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Resolution 27-2008, Acceptance of Zoning draft

WHEREAS the Town of Austerlitz Zoning Commission has completed its task and submitted a final draft of a Zoning Ordinance and their report to the Town Board of the Town of Austerlitz,

NOW BE IT RESOLVED that the Town Board of the Town of Austerlitz hereby thanks the Zoning Commission for their dedication, hard work and service to the Town, and accepts their Zoning Ordinance draft and report, and

BE IT FURTHER RESOLVED that the Town Board of the Town of Austerlitz hereby recognizes that the Zoning Commission is no longer in existence, and

BE IT FURTHER RESOLVED that the Town Board of the Town of Austerlitz has forwarded the Zoning Ordinance draft and report to the Attorney for the Town for review, and

BE IT FURTHER RESOLVED that the Town Board of the Town of Austerlitz will begin its review of the Zoning draft and report.

A motion to adopt Resolution 27-2008 was made by M. Lee and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Flag Issues: Town Board Member Vander Weit advised the Town Board that our Town flag flies continually. Flag etiquette requires the flag to be illuminated at night. There is currently an issue with the lighting system on the green and Member Vander Weit would like permission from the Board to purchase a new light and fixtures and he will install the new equipment.

A motion to allow C. Vander Weit to purchase the equipment and install was made by B. Geel and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Town Hall Phone System: Supervisor Jahn has received a quote to install a new phone system for the Town Hall. Code Enforcement Officer Smith suggested updating this system. In order to cut the cost, G. Smith believes he can purchase a system for around \$650.00 and he will install. Discussion of particulars. G. Smith will tighten up a figure and get back to the Town Board.

Resolution 31-2008, Road Law Variance for Fred Oleynek, Major Subdivision off Bloody Hollow Road

WHEREAS, Mr. Oleynek has submitted an application for a 5-lot major subdivision off of Bloody Hollow Road, and

WHEREAS, on March 1, 2007 the Planning Board granted Conditional Final Plat approval conditioned upon the Town Engineer's approval of the subdivision's private road; and

WHEREAS, there have been extensive discussions with Mr. Oleynek, the Town Engineer and the Planning Board regarding the ability of the road to meet the minimum road width requirements for a private road under the Town's Road Law; and

WHEREAS, a small portion of the road has a width of less than 18 feet and is encroached in part by a utility pole; and

WHEREAS, Mr. Oleynek has undertaken efforts to improve the drainage on the road and has presented evidence that widening the road and relocating the utility pole will present a significant financial hardship and that the road width and utility pole do not present a threat to public health and safety.

NOW THEREFORE, LET IT BE RESOLVED that the Town Board grants a variance from Section I(B)(2) of the Town Road Law to the extent of approving a width of the road at less than the required 18' for that portion highlighted on the subdivision plat and permitting the utility pole at the location shown on the plat.

Consistent with the recommendations of the Town Engineer, the Town Highway Superintendent and the Planning Board Resolution, the Town Board finds that the road has limited traffic use and granting the variance is the minimum required to alleviate the hardship to the applicant and that the variance will not present a threat to public health or safety.

The Town Board agrees that the Planning Board's approval of the final plat and the granting of the variance is conditioned upon a recognition that any further subdivision of the parcels on the plat will require an upgrading of the road to Town Road standards, as may apply at the time of the future subdivision, and any future subdivider will be responsible for the upgrade and widening of the road including widening of that section and relocation of the utility pole.

A motion to adopt Resolution 31-2008 was made by P. Bernstein and seconded by M. Lee.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: abstain due to family involvement

M. Lee: yes

Motion carried 4:1.

Supervisor Jahn noted that the Planning Board clerk resigned and the Town can't find anyone to replace her in taking minutes. G. Jahn suggests that Sandra Fischer take the minutes and be paid \$50.00 per month until the Town can find someone.

A motion was made by B. Geel and seconded by P. Bernstein to have Sandra Fischer take Planning Board minutes and pay her \$50.00 per month.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Environmental Report July 10, 2008 submitted by Cathy Grier. C. Grier's term is up in September and she would prefer not to be re-appointed. The Environmental Council is a County advisory board reporting to the Columbia County Board of Supervisors.

Public Comments

Planning Board Chairman T. Stalker met with the Austerlitz Fire Company Building Committee. The Committee is having problems with NYSDOT getting access to Route 22. Town Board Members B. Geel and M. Lee have talked with Dave Savage as well. Discussion of meeting noting access problems to Rte 22 and how this problem can be solved. Town Board Member Lee feels there are two issues: alienation of park land and broader issue is what parcel does the Town want to sell. There needs to be some negotiations. Members Geel and Lee will meet with the Fire Company and work out the details and bring back a report.

Cathy Grier asked about glare issues for the flag lighting in the green.

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

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried. Meeting adjourned at 7:48 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Special Town Board Meeting
For Bryarcliffe Roads
July 29, 2008

Present: George Jahn, Supervisor, Charles Vander Weit, Bryan Geel, 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, Pat Prendergast, Engineer for the Town.

Charles Lawson was in attendance representing a group of residents from Bryarcliffe.

Town Board member P. Bernstein absent due to recovery from surgery.

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

Roll call.

Town Engineer Pat Prendergast walked the Town Board through the Bryarcliffe Subdivision Road Improvement bid package with explanation and discussion.

After minor changes to the bid package, the Town Board agreed by general consent to put the road work for the Bryarcliffe subdivision out to bid, placing a formal public notice. Bidders will be able to pick up a bid package from the Town Clerk starting August 1, 2008.

A negative declaration under SEQRA was declared through the following resolution.

Resolution 32-2008

At a Special Meeting of the Town Board of the Town of Austerlitz held in and for the Town of Austerlitz at the Town Hall, in the Town of Austerlitz, on the 29th day of July, 2008.

In the Matter of the Establishment of the Proposed Street Improvement for

RESOLUTION

HARRINGTON DRIVE and PARTRIDGE DRIVE,
TOWN OF AUSTERLITZ

WHEREAS, on April 17, 2008 the Town Board of the Town of Austerlitz adopted a resolution and order pursuant to Town Law Sec. 200 proposing the improvement of 4.2 miles of Harrington Drive and Partridge Drive and set forth a maximum proposed expenditure of \$1,400,000.00 and scheduled a public hearing thereon for May 10, 2008; and

WHEREAS, public notice of the public hearing was duly published in the Hudson Register Star on April 24, 2008 and The Independent on April 25, 2008 and was posted at

the Austerlitz Town Hall and notices were also posted on at least five places along Harrington Drive and Partridge Drive; and

WHEREAS, the Town Board also decided to hold a public information meeting on the proposed improvement to be held at the Town Hall on May 3, 2008; and

WHEREAS, copies of the April 17, 2008 resolution and order as well as notice of the public information hearing were also sent by first-class mail to the all of the record property owners likely to be affected by the proposed road improvement and special assessment; and

WHEREAS, the public information meeting was held on May 3, 2008 and the public hearing was held on May 10, 2008. Both events were well attended and the Town Board received many useful comments at the public hearing; and

WHEREAS, on May 22, 2008 the Town Board adopted a resolution determining that the project was in the public interest and directing the Town Engineer to prepare more definitive plans and estimate for the project; and

WHEREAS, the Town Engineer has prepared a more definitive estimate that indicates that the project can be completed for less than \$1,400,000.00

NOW THEREFORE, LET IT BE RESOLVED, that the construction of the road improvements will only involved the paving of roads previously identified for paving by the Planning Board during the subdivision approval process and will improve public health and safety without impacting any undeveloped areas and therefore will not have an adverse impact on the environment. A Negative Declaration under the State Environmental Quality Review Act is hereby adopted.

NOW THEREFORE, LET IT BE FURTHER RESOLVED, that the Town Board finds that the improvement of the roads are in the public interest and shall proceed to finalize the contract documents and put the project out to public bidding in accordance with applicable law. Pursuant to Town Law Sec. 200, this resolution shall not be final and binding until thirty days has passed providing an opportunity for a petition to be filed demanding a permissive referendum. If a valid petition is not filed, then the Town shall proceed with the necessary steps to commence and complete the project.

A motion to adopt Resolution #32-2008 was made by M. Lee and seconded by G. Jahn.

G. Jahn: yes

M. Lee: yes

B. Geel: yes

C. Vander Weit: yes

Motion carried 4:0.

A public notice will be place as notification that the Town has adopted this final resolution and it is subject to a permissive referendum provided a legally sufficient petition is submitted to the Town. Copies of the petitions will be available with the Town Clerk.

A motion to adjourn was made by C. Vander Weit and seconded by B. Geel.

G. Jahn: yes

M. Lee: yes

B. Geel: yes

C. Vander Weit: yes

Motion carried 4:0. Meeting adjournment at 8:06 p.m.

Respectfully Submitted

Susan A. Haag, Town Clerk

Town of Austerlitz
Public Hearing/Regular Town Board Meeting
August 14, 2008

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

Public Hearing called to order at 7:05 p.m.

Public hearing called for Local Law #1-2008: A Local Law Amending Local Law #2-2000 Which Established Standards for the Design and Construction of Town Roads, Private Roads and Driveways in the Town of Austerlitz.

Supervisor Jahn explained that the revisions to the original law are minor. He explained that this will give the Town Board the right to grant variances for town road specifications.

Public Comment

Mark Feinberg: Questions the authority this gives the Town Board for other types of roads. He asks how the waiver work. Attorney Baker advises that the Town Board already has the right to grant variances for other road specifications such as private roads or driveways, this just gives the Town Board the authority to waive standards for Town Roads. He further explains how the variance process works.

Town Board Member Lee notes that the whole road law is currently being reviewed. This is a very specific change.

Abi Mesick: Questions what can be waived. She is concerned with given blanket waiver provisions. Attorney Baker advised that the Town Board will have the right to waive the town road standards as listed in local law #2-2000. Supervisor Jahn noted that this change of law is shooting to create a way to waive standards as the Town Board sees fit under different situations where it deems feasible. Further discussion on blanket waiver provisions.

Alan Silvernale: Asks if this law is being changed for flexibility for Bryarcliffe. Supervisor Jahn answered yes. A. Silvernale feels that once a waiver is granted for one town road Pandora's box is then opened.

Eileen Fusco: During the public hearings for Bryarcliffe, E. Fusco thought she was told that the Town didn't have the ability to give waivers for road specifications. Now the Town Board is changing the law to change specifications for Bryarcliffe. Attorney Baker advised that the Town cannot take over the roads in Bryarcliffe at the agreed width of 18 feet without this law. As far as hot asphalt verses moto-paved or gravel, Attorney Baker recalls that the Town Board considered different paving requirements and found hot asphalt more cost effective.

Tim Stalker: Questioned whether or not a public hearing should be required before any waivers are granted.

Sue Geel: Questions why this change in law just sticks to width issues. Attorney Baker advised that it is best to give the town board broad authority to do its business.

Mark Feinberg: A public hearing is good for waivers; a public notice to neighbors, etc. is good.

Supervisor Jahn noted that all these comments will be taken into consideration when finishing the new road law.

Conno Fusco: Questioned if there is any provision under any other town law that gives the Town Board the right to grant waivers. Supervisor Jahn noted that the subdivision law and the site plan law do.

A motion to close the public hearing was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried. Public hearing closed 7:20 p.m.

Regular meeting called to order at 7:21 p.m.

Roll call.

Moment of silence in remembrance of Fran Houser who died recently of lung cancer, followed by the pledge of allegiance.

Minutes

A motion was made by C. Vander Weit and seconded by M. Lee to approve the July 10, 2008 Regular Town Board Meeting minutes and the July 29, 2008 Special Town Board Meeting.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to pay general fund #248-294:2008 in the amount of \$16332.27 and highway fund #118-135:2008 in the amount of \$25430.91 was made by P. Bernstein and seconded by B. Geel.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Monthly Reports

Monthly cash disbursements for the month of July 2008 submitted.

Town Clerk Report for the month of July 2008 submitted.

Supervisor Jahn reported that the Town received NYS and Local Retirement System payment information and that figure is about \$2000.00 above what was budgeted. A budget transfer will have to be done. Continued anguish revolves around the DSS move to the old Ockawamick school building on a County level. There are two separate issues: the movement of DSS and the purchase of the Ockawamick Building. These are not necessarily one and the same and the Board of Supervisors is working on these both.

Highway Superintendent Meehan reported that a week or so ago there was a terrible wind storm with tree damage. It took a week to clean everything up. Rain storms as well that did quite a bit of damage on Rigor Hill and Pratt Hill. It damaged a number of ditches and culverts. The new truck is supposed to be built 8/27, 9/27 to dealer and Town will see it early November. This is a replacement for an old truck. The Town is trying to get back into a replacement cycle for trucks.

Planning Board Report for the month of July 2008 submitted. Discussion of a cut off date for parcel mergers Bryarcliffe.

Comprehensive Plan Oversight Committee Report for the month of July 2008 submitted.

Building Inspector Report for month of July 2008 submitted.

A motion to accept the above reports was made by B. Geel and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Public Comment

A. Mesick: Asks what the status is of the current road law and when the next meeting is. It was noted that there is no meeting scheduled, the draft is with the attorney. The goal is for the new road law and the zoning ordinance to mesh.

E. Fusco: When and what roads in Town are going to be paved? The Highway Superintendent has the intention to pave steeper parts of West Hill Road depending on money flow.

Robert Hoyt: Comes before the Town Board to voice his complaint about a motorcycle track on the Rigor Hill Diner property. R. Hoyt has called the Columbia County Health Department and they directed him to the Town. The dirt, dust and noise are unbearable. What can the Town do.

Supervisor Jahn noted that the Town has been made aware of the dirt bike racing track right outside the Hoyt's window.

John Pindt: Stated that he has been making complaints to the Town since May about this issue. It is a dusty, dangerous situation. One turn in the track is only 10 feet from Rigor Hill Road. Discussion on what has transpired over the last couple of months both with his experience with the owner of the diner and with the Town. He understands that this situation is supposed to go before the planning board for approval. If this is the case, why doesn't the Town stop this until approval is given?

Supervisor Jahn notes that the Town has gone to the NYSDEC with a violation found, and to the NYSDOT who said there was nothing they can do. The land owned by the NYSDOT is no longer being used.

Mark Feinberg: Questioned whether this could be handled by a nuisance law.

Estelle Hawkins: Stated that the noise is unbelievable. This is a motocross track.

Supervisor Jahn realizes this is a serious issue and advised contacting the County.

J. Pindt advised that he contacted the County concerning a number of issues within the diner and without. The County did investigate the business and found it to be sufficient.

Town Board Member Bernstein noted that he was there a week ago. This is a serious problem and the Town Board is cognoscente of this issue, but the Town Board has to act within the laws that the Town has.

Supervisor Jahn advised that the Town Code Enforcement Officer Glenn Smith will be issuing a cease and desist order and making this use go through site plan review.

Attorney Baker noted that this may not give the neighbors the relief they want. The Town can consider bringing a public nuisance action if the board decides to do this.

Discussion on the options available to remedy this situation. Supervisor Jahn asked the Town Board if they would like to enact a noise ordinance.

A. Mesick asked the Town Board to be careful not impede certain activities. Attorney Baker advised that it is better to look at restriction of off road vehicles and where and when they can be used.

Town Board Member Lee noted that all agree and the Town Board will look to all avenues to find relief for this issue.

Town Board Member Vander Weit suggests that neighbors notify the State Police and the Sheriff's Department that their officers may not be acting in the public safety and ask them to obey the laws. This was suggested since officers have been seen eating at the diner. Supervisor Jahn will make this call.

C. Fusco hopes there will be relief for this situation. It is incumbent on the Town Board to draft some kind of law to handle these types of situations.

Cathy Grier sympathizes with the neighbors and notes that the draft zoning law has tried to be considerate of land owners being able to do what they want with their land. But there should be something that can be done for situations like this.

Correspondence

Eric Spiegel, Speed on Route 203 in Spencertown Hamlet: E. Spiegel emailed the Town Board addressing the speeding of traffic through the hamlet of Spencertown on Route 203. He requests that the Town Board take measures to reduce the speed on this State Highway. Supervisor Jahn noted that the Town hears this type of complaint often. G. Jahn noted that the resident deputy does sit in the hamlet for speed, and so does the enhanced patrol officer. Town Board Member talked with both justices and they have never had a summons for a Town resident in Town court. C. Vander Weit would like to see tickets written for Town residents. He has also contacted the State DOT and they will send someone up to look over the entire situation from possible speed reduction, speed calming effects, etc.

Member Lee notes that this is a perennial issue. There are some types of structural issues that can be done. Plus, the Town needs to train people not to speed and if that means more police presence then so be it. The hamlet can be made a priority. Discussion on how to fix this. Town Board Member Geel stated that speed signs that can be used in different areas for different issues.

C. Fusco: An environment of noncompliance can be created and in order to fix this the Town needs to change that environment through strict compliance.

E. Hawkins: The Town needs 'reduced speed limit ahead' signs.

Member Lee noted that the Town Board can do much more with planning issues. Supervisor Jahn will discuss the speed with the Sheriff's Department and with the State Police. The Resident Deputy needs to understand to write tickets to residents, and the Town will look into purchasing a speed sign.

NYSORPS: The Town received notification from the State that the Town of Austerlitz achieved its goal in reaching 100% equalization. They commended the excellent work done by our Assessor, Pam Cook and recognized her efforts. Also commended Peter Ostrander for his help. The Town has an 100% equalization rate.

Petition: Residents on Harvey Mountain Road have petitioned the Town Board to take action against a resident who harbors a vicious pit bull dog. Supervisor Jahn advised the Board that Animal Control Officer Matt Torrey has issued a ticket to the owner of this dog for an unlicensed animal. Quicker disposition of situation can be made if a resident files a formal complaint with the Animal Control Officer.

Letter from Roland Vosburgh: The County Environmental Management Council needs a representative from the Town. This member would replace Cathy Grier. Karl Gabosh has come forward. He has some environmental background.

A motion was made by G. Jahn and seconded by P. Bernstein to recommend Karl Gabosh to represent the Town of Austerlitz on the Columbia County Environmental Management Council.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Historical Reenactment: Erik Gram emailed the Town Board concerning a historical Napoleonic reenactment. He is looking for interest in this project. Supervisor Jahn noted that he has discussed this with our Historian, Sally Light and she is following up with E. Gram and the Austerlitz Historical Society.

Attorney Baker noted there are some legal, permitting issues.

Unfinished Business

Bryarcliffe: About 10 bid specs have gone out. No petitions given out. Contractors met today with Highway Superintendent R. Meehan and Engineer for the Town, Pat Prendergast. The meeting was in Bryarcliffe. The bid opening is scheduled for the 28th of August.

Discussion concerning parcel mergers done in Bryarcliffe and cut off dates for when these will be allowed.

Extension of term: Nancy Kern, Zoning Commission Clerk, term expired as of June 30, 2008. She still has some minor issues to finish up.

A motion to extend the Zoning Commission Clerk position of Nancy Kern for one month expiring September 15, 2008 for a maximum time of 15 hours at the previous rate of compensation was made by G. Jahn and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

New Fire House in Austerlitz: Town Board Member Geel gave the Town Board a revised map of the area in question in Austerlitz. He explains the new set up. Discussion on Town access to back property. Member Vander Weit advised the Town Board that he has spoken to the abutting property owner concerning acquiring additional property.

Member Geel noted that the issue at hand is to give Attorney Baker the authority for the land transfer. Discussion of park land issues, and land transfer. Members Lee and Geel will put together a plan for the park and recreation for the State level and bring to the Town Board by next meeting.

Zoning: Attorney Baker issued the Town Board a memo concerning his findings on the proposed Zoning document. Supervisor Jahn would like to see the Town Board meet at least 2x a month to work on the zoning document until all the issues are fleshed out. Discussion on procedure to go forward with finalizing the zoning law and SEQRA.

Workshops were scheduled for 8/28, 9/25, 8/11 Town Board meeting to start at 6:00 and budget workshop on 9/18.

New Business

Resolution #33-2008, Justice Court Grant

WHEREAS by letter dated January 9, 2008, the New York State Unified Court System, Office of Court Administration (OCA), provided to Town Justices Robert Lagonia and Cheryl Roberts the results of an audit conducted by OCA of the Court facilities located in the Town Hall; and

WHEREAS the results of the audit disclosed serious deficiencies in the Court facilities which place the public and Court personnel at serious risk of injury; and

WHEREAS among other recommendations, the OCA audit recommended incorporation of a raised bench for dispensing justice, construction of Court office space, and the institution of measures to control public access to the restrooms and Court personnel; and

WHEREAS, an Ad Hoc Committee of the Town Board constituted to implement the recommendations of the OCA audit has recommended that a permanent raised bench and additional wall be added to the Town Hall to comply, in part, with recommendations made in the OCA audit; and

WHEREAS, the Ad Hoc Committee further recommended that improvements to the Town Hall communication system and the records storage room could result in additional conference or office space to conduct Court business; and

WHEREAS, the Austerlitz Town Court is desirous of applying for a 2008 Justice Court Assistance Program Grant (JCAP) grant for up to \$30,000.00 to defray the financial costs associated with construction of a bench and wall in Town Hall and improvements to the communications system and the records storage room.

NOW THEREFORE LET IT BE RESOLVED that the Town Board of Austerlitz hereby authorizes the Austerlitz Town Court to apply for a 2008 JCAP grant to implement the OCA audit recommendations as set forth above.

A motion to adopt Resolution #33-2008, Justice Court Grant was made by C. Vander Weit and seconded by G. Jahn.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Local Law #1-2008: A Local Law Amending Local Law #2-2000 Which Established Standards for the Design and Construction of Town Roads, Private Roads and Driveways in the Town of Austerlitz.

Section 1. Authority

This local law is adopted pursuant to the New York State Municipal Home Rule Law and the New York State Town Law and Highway Law.

Section 2. Purpose and Findings

The purpose of this local law is to amend the Austerlitz Road Law (Local Law No. 2 of 2000) to provide the Town Board with authority to grant waivers from the design and construction standards for town roads. The existing Road Law grants the Town Board authority to issue waivers for private roads and driveways only and the Town Board has found that the law is too restrictive and the Town Board should have the authority to grant waivers for Town Roads where the circumstances warrant such waivers.

Section 3.

Section I(C)(5) of Local Law No. 2 of 2000 is hereby deleted and replaced by the following language:

“The Planning Board upon specific request and by specific resolution including a statement of findings may waive and/or vary any portion of Section 1A relative to Town Roads, Section 1B relative to Private Roads and Section 1C relative to Single Driveways subject to the approval of the Town Board and the Highway Superintendent. The Town Board upon specific request and by specific resolution including a statement of findings may, without resolution from the Planning Board, waive and/or vary any portion of Section 1A relative to Town Roads. The statement of findings shall include, but not be limited to, written recommendations from the Town Engineer and Highway Superintendent. Waivers and variances may be subject to appropriate conditions and guarantees. Waivers and variances shall be specific to particular applications, shall be consistent with the intent of this law, and shall be made only upon a finding of the Town Board that the interests of justice will thereby be served without impairing the public health, safety and general welfare. Waivers and variances shall not nullify the intent of this law and shall only be given when, in the judgment of the Town Board, sections of this law are deemed inappropriate, and when the interests of the public health, safety and general welfare of the Town are not served by strict compliance with the standards in this law.”

A motion to adopt Local Law #1-2008, Local Law Amending Local Law #2-2000 Which Established Standards for the Design and Construction of Town Roads, Private Roads and Driveways in the Town of Austerlitz, was made by G. Jahn and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Public Comments

C. Fusco: Asked about the bridge on Dugway Road as you approach Route 22. Is this in the Town of Austerlitz, because it is in desperate need of repair. Highway Superintendent Meehan advised that this bridge is in the Town of Hillsdale. This is owned by the County and is on the drawing table to be replaced by County.

T. Stalker noted that the center of the Spencertown Hamlet is a very dangerous place to drive on ADA nights with the parking. Is there something that can be done? Discussion.

A motion to adjourn was made by P. Bernstein and seconded by G. Jahn.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried. Meeting adjourned at 9:02 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Bid Opening Bryarcliffe Subdivision
August 28, 2008

Present: George Jahn, Supervisor, Paul Bernstein, Charles Vander Weit, Mary Anne Lee, Town Board Members, Susan Haag, Town Clerk, Pat Prendergast, Engineer for the Town.

Bid opening called to order at 12:05 p.m.

Bids received: Wm J. Keller & Sons Construction Corp.

Part A: \$149,000.00
Part B: \$1,142,000.00
Total: \$1,291,000.00

A. Colarusso & Son, Inc.
Part A: \$170,000.00
Part B: \$1,180,000.00
Total: \$1,350,000.00

HMA Contracting Corp.
Part A: \$178,283.00
Part B: \$1,018,737.00
Total: \$1,197,020.00

Arold Construction Co., Inc.
Part A: \$199,000.00
Part B: \$1,320,000.00
Total: \$1,519,000.00

Callanan Industries, Inc.
Part A: \$135,000.00
Part B: \$1,314,000.00
Total: \$1,449,000.00

Discussion on qualifications of bidders. Paperwork will be checked for correctness, completeness and black lists for the State checked.

Closed at 12:15 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Special Meeting
Zoning Law Workshop
August 28, 2008

Present: George Jahn, Supervisor, Bryan Geel, Paul Bernstein, Charles Vander Weit and Mary Anne Lee, Town Board Members, Susan Haag, Town Clerk

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

Supervisor Jahn stated that this was a workshop to go over the zoning document. Public input is not sought tonight. Town Board Member Lee will moderate the meeting.

Members noted what each was concerned about and what they wanted to work on.

Member Vander Weit noted that as a whole the document was not bad. He commends the Zoning Commission for their hard work. A lot of the changes already made were areas he was concerned with. Concerns from the Attorney are sections he is concerned about as well. The penal section is an issue.

Supervisor Jahn noted that after spending hours going over this document, and after items have already been pulled out, he is appreciative of what the Zoning Commission has done. G. Jahn feels that cluster zoning is good, but needs to be toned up a bit, and it needs to be decided what can be done with the remaining open space. The minimum lot size in a cluster situation doesn't really provide for attached housing for active seniors, etc. Some commercial uses within the hamlet should not be there, ie: things that would damage wells, water tables, etc. Auto repair shops can be an issue.

Member Geel feels that the original intent of zoning was to regulate land density and usage, but he feels this document takes this too far. This document has an aesthetic feel to it and it is too strong in this area. B. Geel is not totally against a ridge line protection overlay, but he does have some concern over the extend of this overlay area. He has some concerns with land clearing. Open land areas are becoming a thing of the past. Extensive special use permit area is an issue. In the timber harvesting section, B. Geel feels that if there is a problem, the DEC can step in and regulates. He understands the concept, but doesn't believe it belongs in a zoning law. B. Geel feels this document over regulates. Feasibility of enforcement is also a concern.

Member Bernstein agrees with a lot of what B. Geel stated as does C. Vander Weit. P. Bernstein feels that he doesn't want to get bogged down and drag this out. There are simple things that can be done to this document to fix the major areas. Less is better.

For P. Bernstein timber harvesting is an issue. People have no idea how much they are cutting and this is not enforceable. Specimen trees are also an issue. Special use permits and permits for other areas will be putting a burden on the compliance officer. Too much reliance on the Planning Board. Some things are invasion of the private right. Tickle the ridge line protection area and the steep slopes area. At some point in the future the Town should look at outdoor wood furnaces.

Member Lee notes that her overall comments echo what has already been said. A lot of work went into this. Timber harvesting, ridgeline protection and specimen trees are areas that she has concerns with.

Discussion then centered on how to proceed and work through each issue. Member Geel will be the liaison with the County Planning Board. The Comprehensive Plan Oversight Commission is at the Town Board's disposal for research and whatever else the Town Board needs.

Discussion on Attorney Baker's memo concerning his review of the Zoning document. Concentration on ridgeline protection overlay map is going to be the starting point. Only ridgelines that the Town is legally able to regulate will be included and each will be looked at to reach individually. Each Town Board member will drive throughout the Town and mark what ridges they feel need to be protected.

Member Bernstein will report back to the Board at the next meeting concerning specimen trees.

Supervisor Jahn will speak with Attorney Baker on enforcement issues and grasp a better understanding of enforcement in general and report back to the Town Board at the next meeting.

Workshop adjourned at 8:30 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Workshop/Regular Town Board Meeting
September 11, 2008

Present: George Jahn, Supervisor, Paul Bernstein, Charles Vander Weit, Bryan Geel, Mary Anne Lee, Town Board Members, Susan Haag, Town Clerk, Jeff Baker, Attorney for the Town.

Workshop called to order at 6:04 p.m. Workshop called to work on the zoning document.

Supervisor Jahn opened by explaining what the assignment was for each of the Town Board members, namely choosing ridge lines that each felt needed to be protected. Choices needed to be made that protect the public needs and this is what has to be kept in mind. This is difficult because this is an aesthetic issue. Discussion centered on ways to

accomplish simple regulation to cover areas that all agree upon and how this will be enforced and by whom. A common map will be kept at the Town Hall for each Town Board Member to mark areas of concern.

Specimen trees: Town Board Member Bernstein feels that there is no legal right for a town to regulate trees in this way. There are liability issues. Attorney Baker generally agrees. He does note however that there are some ways to regulate this type of issue through the SEQRA process in the Subdivision Regulations for development projects. Logging permits usually allow any and all trees to be cut. Discussion on ways to regulate clear cutting issues. The regulation of specimen trees will be removed from the zoning document by general consensus.

Workshop ends at 7:00 p.m.

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

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

Moment of silence in remembrance of Miriam Hoyt, Robert Hawkins, and Miles Ludvigsen, all who have recently passed away and also for those who have perished or have had their lives disrupted due to the tragic events of September 11, 2001. Pledge of allegiance.

Minutes

A motion was made by P. Bernstein and seconded by M. Lee to approve the Public Hearing/Regular Town Board Meeting minutes of August 14, 2008 and the Bid Opening for Bryarcliffe Subdivision Roads minutes of August 28, 2008.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Budget Amendment #2

General Fund

Engineer A1440.4 increase by \$4000.00

Appropriated Fund Balance decreased by \$4000.00

A motion to approve the above budget transfer was made by B. Geel and seconded by C. Vander Weit carried.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to pay general fund #295-325:2008 in the amount of \$11135.10 and highway fund #136-149:2008 in the amount of \$23150.62 was made by P. Bernstein and seconded by G. Jahn.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Monthly Reports

Monthly cash disbursements for the month of August 2008 submitted. Supervisor Jahn noted that all the accounts are in decent shape except hospitalization. A budget transfer will have to be made in the future.

Town Clerk Report for the month of August 2008 submitted.

Supervisor Jahn reported that on a county level the County Board of Supervisors is working very hard. More demands have been placed on each supervisor and on the committee chairs. Budgeting is being tackled differently this year. The other major issue is economic development with the combining of the County Planning Department and the Columbia Economic Development Council. A call has been put out for someone to run this new area. This change is budget neutral.

Highway Superintendent Meehan reported that work has been done on Stever Hill, Fern Hill, and Taylor Hollow roads. The culvert above the pheasant farm on Dugway will be replaced this fall. This is a big project. The guardrail on Strawberry Hill bridge needs to be replaced. Highway Superintendent Meehan believes the funds will be available for this through C.H.I.P.S. The new truck will be here in a month. Supervisor Jahn advised that funding for this truck will be approved at the next meeting.

Planning Board Report for the month of August 2008 submitted. Discussion of projects.

No Comprehensive Plan Oversight Committee Report for the month of August 2008 submitted.

Building Inspector Report for month of August 2008 submitted.

A motion to accept the above reports was made by M. Lee and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Correspondence

Chet Davis-Speed limit for State Route 203 near Reed Road/Fox Hill Camp Grounds: Town Board Member Vander Weit has scheduled a meeting James Rapoli from NYSDOT concerning traffic calming for State Route 203. Supervisor Jahn, Member Vander Weit and a representative from the Comprehensive Plan Oversight Committee will be in attendance. Discussion on ideas on how to fix the speed issue on Route 203.

The Laberge Group announces that the NYS Department of State has been authorized to fund another round of shared service grants-2008-2009 Local Government Efficiency Grants.

The United States Senate announces that the U.S. Environmental Protection Agency is currently accepting applications for funding under the Brownfields Assessment and Cleanup Cooperative Agreements Program.

CEG-Local Government Council Meeting Notice: September 30, 2008, at The Crossings of Colonie, Colonie, NY starting at 1:30 a.m.

The Tenth Annual State Purchasing Forum and Contractor Trade Show: May 20-21, 2009, Empire State Plaza, Albany, NY

Unfinished Business

Bryarcliffe: Supervisor Jahn advised that the lowest responsible bidder for road work in the Bryarcliffe subdivision was HMA Contracting Corp. bidding: Part A: \$178,283.00, Part B: \$1,018,737.00, Total: \$1,197,020.00. Supervisor Jahn further advised that representatives from HMA met with himself, Serge Bervy and others to work out the

details concerning who would do certain sections of work for this project or money possibly given by the developer towards the project. There is no agreement at this point. Member Vander Weit noted a letter from Engineer for the Town, Pat Prendergast concerning HMA stating he is familiar with them and they do good work. Highway Superintendent Meehan also spoke with Colarusso who agreed that HMA does good work.

A motion to award the Bryarcliffe Road Project bid to HMA Contracting Corp for a total of \$1,197,020.00 was made by G. Jahn and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Resolution #34-2008, Bryarcliffe Bond

Supervisor Jahn explained each of the sections in the resolution.

A motion was made by M. Lee and seconded by P. Bernstein to adopt Resolution #34-2008, Bryarcliffe Bond

Town Board Member Lee questions where the Bryarcliffe project is in terms of timing. Attorney Baker notes that the Town is in the process of transferring the title of the roads. There will be a notice placed as soon as possible and there are 20 days from the day of the notice publication for anyone to challenge the bonding process. Then the BANs are issued. Term sheets will go out to various banks next week. After this, an assessment hearing will take place. Town Board Member Geel asks when work can begin. Supervisor Jahn noted that contracts need to be signed and Attorney Baker advised that the transfer of the roads will be done by quick claim deed. The contractor is ready to start, the Town just needs to firm up the numbers. Attorney Baker realizes the need to begin is important, but he advises the Town to wait the 20 days for challenge. Discussed possible reasons for challenging this project.

G. Batti: He believes that the critical issue is getting the roads in shape for winter and for emergency services. Discussion on logistical issues concerning title, work start dates, 20 day challenge time frame, etc.

The Town Board will wait the 20 days for challenge before authorizing the work to begin.

BOND RESOLUTION DATED SEPTEMBER 11, 2008

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF AUSTERLITZ, COLUMBIA COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,400,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE A STREET IMPROVEMENT PURSUANT TO TOWN LAW SECTION 200 FOR HARRINGTON DRIVE AND PARTRIDGE DRIVE IN THE TOWN OF AUSTERLITZ, COLUMBIA COUNTY, NEW YORK, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR

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

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the improvement of Harrington Drive and Partridge Drive in the Town of Austerlitz pursuant to Town Law Section 200 and the Resolution of the Town Board dated July 29, 2008. The aggregate estimated maximum cost of said purpose is \$1,400,000 and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 20(b) of

paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is ten years.

SECTION 2. It is hereby determined that the aforesaid purpose constitutes an unlisted action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which the Town has determined under SEQRA not to have a significant impact on the environment.

SECTION 3. The proposed maturity of the serial bonds authorized hereby is in excess of five years.

SECTION 4. The Town Board plans to finance the total cost of said purpose by the issuance of serial bonds of the Town in an amount not to exceed \$1,400,000, hereby authorized to be issued therefore pursuant to the Local Finance Law.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 6. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations.

SECTION 7. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. To the extent not paid from the collection of assessments against benefited property, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds (including statutory installment bonds), and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of the Town to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with; and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 11. Following the effective date of this resolution, the Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Register Star and The Independent, being the newspapers having a general circulation in the Town and hereby designated as the official newspapers of the Town for such publication.

SECTION 12. This resolution shall take effect immediately.

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Clerk of the Town of Austerlitz, Columbia County, New York (hereinafter called the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Town Board held on the 11th day of September, 2008 and entitled:

BOND RESOLUTION DATED SEPTEMBER 11, 2008

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF AUSTERLITZ, COLUMBIA COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,400,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE A STREET IMPROVEMENT PURSUANT TO TOWN LAW SECTION 200 FOR HARRINGTON DRIVE AND PARTRIDGE DRIVE IN THE TOWN OF AUSTERLITZ, COLUMBIA COUNTY, NEW YORK, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Town Board was present throughout said meeting, and a legally sufficient number of members (two-thirds of the Town Board) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

Vote on resolution:

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes
Motion unanimously carried.

A motion to amend the motion of accepting the bid of HMA Contracting Corp. to include that the Supervisor is authorized to sign a contract, but the work will not begin until 20 days after public notice of bonding was made by M. Lee and seconded by C. Vander Weit.

G. Jahn: yes
P. Bernstein: yes
C. Vander Weit: yes
B. Geel: yes
M. Lee: yes
Motion unanimously carried.

Release LOC Bald Mountain (Damanik Realty Trust): A letter from the Engineer for the Town, Pat Prendergast, concerning his final report on the dry hydrant issue for the Bald Mountain Subdivision was referred too noting that P. Prendergast found all to be in order for completion.

A motion to release the remaining funds in the Damanik Realty Trust Letter of Credit was made by C. Vander Weit and seconded by B. Geel.

G. Jahn: yes
P. Bernstein: yes
C. Vander Weit: yes
B. Geel: yes
M. Lee: yes
Motion unanimously carried.

Resolution #35-2008, Adoption of Hazard Mitigation Plan

Supervisor Jahn explain the contents of this plan and the County's work behind it.

Pursuant to Resolution #37-2006:

WHEREAS, the President signed the Disaster Mitigation Act of 2000 into effect on October 30, 2001 to improve the planning and set standards for mitigation throughout the nation; and

WHEREAS, the Act requires an approved pre-disaster Hazard Mitigation Plan (HMP) in order to be eligible for mitigation project funding; and

WHEREAS, the development of this plan fulfills other Federal Emergency Management Agency (FEMA) planning requirements making the County and its constituent towns eligible for further mitigation funding; and

WHEREAS, the County of Columbia and its constituent towns undertook an extensive Hazard Mitigation Planning process, the details of which are outlined in the attached HMP, to develop this multi-jurisdictional HMP (attached hereto); and

WHEREAS, the policies and mitigation measures designated by this HMP are intended to cost effectively reduce the impacts from hazards identified as the most prevalent in Columbia County; and

WHEREAS, by implementing this plan, Columbia County and participating jurisdictions seek to reduce the loss of life, injury, property damage, economic impact, direct cost and community impact resulting from disaster and

WHEREAS, that the Columbia County Board of Supervisors adopted the Multi-Jurisdictional HMP as a means that will guide cost effective mitigation of hazards threatening damage to property and loss of life.

NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Austerlitz hereby authorizes the submission of this plan to FEMA for final consideration and approval, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the State Emergency Management Office (SEMO), the Regional Emergency Management Office (REMO), the Emergency Management Office, the Department of State, the County Clerk, the Columbia County Attorney, and the Columbia County Treasurer.

A motion was made by C. Vander Weit and seconded by P. Bernstein to adopt Resolution #35-2008.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Animal Control Officer Matt Torrey is finding it more and more difficult to do the job. This position will be posted for a replacement, but for the immediate future the Town needs a replacement. Supervisor Jahn advises that the Town has received a letter of interest from Wes Powell. G. Jahn explains Wes Powell's experience and background.

A motion for to appoint Wes Powell as provisional Animal Control Officer was made by B. Geel and seconded by C. Vander Weit, term until the end of the year and this position will be posted for yearly appoint in January.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Public Comment

G. Batti: Asks the Town Board to please look now into having someone snow plow the Bryarcliffe roads for the winter because it sounds like there is a good possibility that the road project will not be done before winter sets in. Supervisor Jahn will look into this and work something out if the work cannot be completed by winter.

Sue Geel: She understands that waiting the 20 days for any challenges before starting the Bryarcliffe project minimizes the risk, but what about the 4 month time frame to file an Article 78. Shouldn't the Town wait 4 months before they start this project to truly minimize the risk? Attorney Baker advises that at that point there is really minimal risk because the bonding cannot be challenged, only the project. Discussion of possible scenarios.

John Pindt: Asks the Town Board if there is any solution on Otto Maier's race track. He has heard that O. Maier plans on expanding, as well as having winter activities. Attorney Baker advises that the Town has started the process to prosecute because O. Maier has violated the cease and desist order, and he is scheduled to appear in court next Wednesday. The Town is taking efforts to stop him. Attorney Baker's office will assist Code Enforcement Officer G. Smith in the prosecution of this case. This case is pretty much cut and dry, straight forward.

Gerry DeBona: Asks the status of the zoning process. Supervisor Jahn noted that the zoning document has been given to the Town Board and the Board has had 2 workshops, 2 more coming. Once the Town Board's review is finished, there will be a public hearing, waiting period, and the Town Board will vote. Hopefully all will be in place by the end of the year.

G. Batti: What is the next step in finding out who will be included in the payment of the Bryarcliffe bond? Attorney Baker states that the process includes the notice of assessment, and public hearing where objections can be made. This will probably happen sometime in November.

Conno Fusco: Asks for clarification on items in the process. Attorney Baker explained that the method, inclusion or amount of assessment can be contested at the public hearing.

S. Geel: Two different types of bonds could have been talked about, which one did the Town go with? And, what if someone does not pay their part of the obligation?

Supervisor Jahn explained the difference and general obligation bonds. The Town has the recourse to go after the person who doesn't pay.

E. Fusco: The Town was considering potential revisions to the road law. Are any standards going to be reduced and were any of those taken into consideration for the Bryarcliffe project. Supervisor Jahn advised that a variance for the width of the road was approved for the Bryarcliffe project.

A motion to enter executive session was made by C. Vander Weit and seconded by B. Geel for updates to current litigation and for personnel issues.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

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

A motion to exit executive session was made by M. Lee and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried. Executive session ended at 8:58 p.m.

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

B. Geel: yes

M. Lee: yes

Motion unanimously carried. Meeting adjourned at 8:58 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Budget Workshop
September 18, 2008

Present: George Jahn, Supervisor, Paul Bernstein, Charles Vander Weit, Bryan Geel, Town Board Members, Susan Haag, Town Clerk

Workshop called to order at 7:00 p.m. Workshop called to work on the 2009 budget.

Supervisor Jahn explained that this is the first attempt at this year's upcoming budget. He explains each line item making some adjustments in certain areas.

The anticipated tax levy is larger this year than in the past two years at this point, but Supervisor Jahn will rework some of the numbers and get an updated budget out for review next week.

Workshop ended at 8:27 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Zoning Special Meeting
September 25, 2008

Present: Mary Anne Lee, Paul Bernstein, Bryan Geel, Charles Vander Weit, Town Board Members, Susan Haag, Town Clerk

Supervisor George Jahn absent due to vacation. Town Board Member Vander Weit arrived at 7:20 p.m.

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

Town Board Member Lee opened explaining that the place to start tonight was to walk through each section of the document seeing where consensus could be made and where work needed to be done.

Article 1 will stay in its entirety without changes.

Article 2 may see some changes in each of the sections as they deal with timber harvesting and the BMP sections.

Article 3 will see no changes, other than the definition of the RPO will be reviewed and defined. The general language will stay intact.

Article 4 will see review in the number and types of projects that need special use permits. Possible review in the definition of what requires site plan review for the RPO district and land clearing and/or excavation. Threshold requirements are one of the issues.

Each Town Board Member will look at the use chart in Article 4 and compile an acceptable use list and bring to the next board meeting.

Continuing in Article 4 section 2 A and B the board is questioning the difference in size of buildings.

Sections C, and D1 will be striked. Under the title of section D, lite industries will be taken out of this and permissive anywhere in Town.

Section E will add automotive towing service with no more than 4 unlicensed vehicles parked in the exterior of the building.

Section F will see a change in hours now reading 7:00 a.m.-6:00 p.m.

Section G 2 will be taken out completely.

Article 5,6,7 will be skipped for tonight because of their complexity.

Article 8 Section 1A6 language will be changed to 2 businesses.

Town Board will meet again 1 hour before the regularly scheduled Town Board meeting on October 9, 2008.

Meeting adjourned at 8:30 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Tentative Budget Special Meeting
October 6, 2008

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

Special Meeting called to order at 6:35 p.m. Town Clerk Susan Haag presented the Town Board with the 2009 Tentative Budget.

Supervisor Jahn advised that this budget is still a work in progress. Bryarcliffe debt figures still need to be inserted as does the income side of this project.

The Town Board discussed possible places to decrease projected figures.

Meeting adjourned at 6:40 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Workshop/Regular Town Board Meeting
October 9, 2008

Present: George Jahn, Supervisor, Paul Bernstein, Charles Vander Weit, Bryan Geel, Mary Anne Lee, Town Board Members, Susan Haag, Town Clerk, Jeff Baker, Attorney for the Town.

Workshop called to order at 6:00 p.m. Workshop called to work on the zoning document.

Town Board Member Lee advised that the Board would be working on the Allowable Use Groups Chart tonight. Discussed chart as a whole and the Planning Board's part in the process. Discussed individual listings in the chart, and definitions.

Mining regulation was discussed. Mining will be allowed by special use permit in the Hamlet of Austerlitz. Artist Studio/Craft Workshop, Camp Grounds were discussed. Adult uses was discussed. The Town cannot prohibit adult uses in a Town. Rather a Town needs to address this in the zoning document in some fashion and there are different ways to tackle this. Attorney Baker will provide this section.

Next workshop will be held October 23, 2008 at 7:00 p.m. and October 30, 2008 at 7:00 p.m.

Workshop ends at 7:00 p.m.

Regular meeting called to order at 7:03 p.m.

Roll Call: George Jahn, Supervisor, Paul Bernstein, Charles Vander Weit, Bryan Geel, Mary Anne Lee, Town Board Members, Susan Haag, Town Clerk, Tim Stalker, Planning Board Chairman, Robert Meehan, Highway Superintendent, Barbara Smith, Comprehensive Plan Oversight Committee Chair, Jeff Baker, Attorney for the Town.

Moment of silence in remembrance of Warren Braley who is one of the patriarchs for the Town of Austerlitz who gave council readily and who serve in many capacities throughout his life. Pledge of allegiance.

Minutes

A motion was made by M. Lee and seconded by P. Bernstein to approve the Special Meeting Zoning Law Workshop minutes of August, 28, 2008, Zoning Workshop/Regular Town Board Meeting minutes of September 11, 2008, Budget Workshop minutes of

September 18, 2008, Zoning Special Meeting minutes of September 25, 2008 and the Special Town Board Meeting minutes for the Tentative Budget of October 6, 2008.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Supervisor Jahn explain the bonding for the Bryarcliffe road issue and talked about bonding for the highway trucks. The town will have some issues if no permanent bonding can be done, but for now Supervisor Jahn has taken out a BAN and this can be rolled over for 5 years. Other options were discussed as it was noted that we are living in uncertain times.

Auditing of Accounts and Claims

A motion to pay general fund #326-357:2008 in the amount of \$9502.66 and highway fund #150-166:2008 in the amount of \$119892.24 was made by C. Vander Weit and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Monthly Reports

Monthly cash disbursements for the month of September 2008 submitted. Supervisor Jahn noted that finances appear to be in line. Some savings at year end on the general account. The Town receipts under the mortgage recording tax will be lower this year than last year. This is a reflection in the slowdown in housing sales and slow down in mortgage refinancing and a Countywide phenomenon. Sales tax seems to be holding.

Town Clerk Report for the month of September 2008 submitted.

Supervisor Jahn reported that on a county level the County Board of Supervisors approved the purchase of the Ockawamick school building. This issue has been split making the process into 2 sections—decision to purchase, then decision to move which county services. Purchase is 1.5 million with 11-12 million for restoration. The County will not incur a debt service cost next year.

Highway Superintendent Meehan reported that the crew is working on potholes and ditching. Work on Dugway just about done. When the work is complete, the State will send C.H.I.P.S. reimbursement. There was a Highway crew member hurt on this project, but he is well and will be out for about a month. Some of the needed material is in for the Strawberry Hill Bridge project and Superintendent Meehan hopes to start this in a couple of weeks. The bridge will be closed during the day and open at night. C.H.I.P.S. money will cover this as well. Discussion on new and old highway equipment.

Planning Board Report for the month of September 2008 submitted.

Comprehensive Plan Oversight Committee Report for the month of September 2008 submitted.

Building Inspector Report for month of September 2008 submitted.

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

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes
Motion unanimously carried.

Correspondence

Austerlitz Historical Society Use of the Green: The Society has asked permission to use the Town Green on October 18, 2008 starting at 4:30 p.m. for refreshments before a cemetery walk.

A motion for the Austerlitz Historical Society to use the Spencertown Green on October 18, 2008, starting at 4:30 p.m. was made by P. Bernstein and seconded by B. Geel.

G. Jahn: yes
P. Bernstein: yes
C. Vander Weit: yes
B. Geel: yes
M. Lee: yes
Motion unanimously carried.

Unfinished Business

Resolution #37-2008 A RESOLUTION AUTHORIZING THE ACQUISITION OF TWO HIGHWAY MAINTENANCE TRUCKS AND ISSUANCE OF SERIAL BONDS OF THE TOWN OF AUSTERLITZ, COLUMBIA COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$209,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR.

Discussed options on payment of these trucks.

A motion to adopt Resolution #37-2008 was made by B. Geel and seconded by M. Lee.

G. Jahn: yes
P. Bernstein: yes
C. Vander Weit: yes
B. Geel: yes
M. Lee: yes
Motion unanimously carried.

BOND RESOLUTION DATED OCTOBER 9, 2008

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

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the acquisition of a 2008 International model 7500 4 x 2 truck and a pickup truck with plows and associated accessories, both for highway maintenance purposes. The aggregate estimated maximum cost of said purpose is \$209,000 and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen years.

SECTION 2. It is hereby determined that the aforesaid purpose constitutes a Type II action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQRA not to have a significant impact on the environment.

SECTION 3. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will not be in excess of five years from the original date of issuance of such obligation.

SECTION 4. The Town Board plans to finance the total cost of said purpose by the issuance of serial bonds of the Town in an amount not to exceed \$209,000, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 6. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations.

SECTION 7. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds (including statutory installment bonds), and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of the Town to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or
- (2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with; and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or
- (3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 11. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form

provided by Section 81.00 of the Local Finance Law, in the Register Star and The Independent, being a newspapers having a general circulation in the Town and hereby designated as the official newspapers of the Town for such publication.

SECTION 12. This resolution shall take effect immediately.

NYSDOT Traffic issues Update: Town Board Member Vander Weit advised that he has made several calls to the appropriate people and no one has returned his calls. This is historical for NYSDOT.

Sheriff Deputy Scott Leggett was present. He has been working to slow the speeding down in the Spencertown Hamlet. He did talk with the State DOT about ways to accomplish this. Speeding tickets have also been written with the hopes that this will send a message.

The Bryarcliffe roads project has been started with work on the culverts and ditches. Supervisor Jahn has executed a 1.4 million dollar BAN with an interest rate of 3.47. Supervisor Jahn explained how this funding will be working with the eventual purchasing of a bond.

New Business

Columbia County Retired Senior Volunteer Program R.I.D.E. Donation: The R.I.D.E. program has asked the Town for a \$200.00 donation for their 'Adopt-A-Driver Program.'

A motion to adopt a driver for \$200.00 was made by P. Bernstein and seconded by M. Lee.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Town Board Member Vander Weit noted that other Towns compensate drivers for mileage for their Meals-On-Wheels program because drivers use their own cars, own gas and own insurance. C. Vander Weit would like the Town of Austerlitz to consider doing the same. Member Bernstein agrees. Supervisor Jahn will get some numbers on this and the Town Board will talk more about it at the next budget workshop.

Resolution #36-2008 Amendment to Resolution #27-2006 Policy and Procedures

Town Board Member Vander Weit explained the amendment to Resolution of #27-2006

A motion to adopt Resolution #36-2008 was made by C. Vander Weit and seconded by G. Jahn in order to discuss the resolution.

Town Board Member Bernstein discussed the original intent of this policy. P. Bernstein personally feels like this policy was put in place to move forward with new blood, new ideas. No person is irreplaceable. This has nothing to do with personalities. It is not personal. Town Board Member Vander Weit noted that this policy was just adopted 2 years ago, and feels that part of this is a point of embarrassment to the Town. C. Vander Weit isn't saying that someone whose term is up on a board has to be reappointed, just that this resolution allows the Town Board to reconsider this applicant along with others who apply. Experience has to count for something. A pool of willing and able people to fill these positions is limited. Town Board Member Lee is firmly in favor of term limits. This is purposeful. Town Board Member Geel likes term limits as it forces the Town Board to look for new blood and keep things moving.

Planning Board Chairman Tim Stalker noted that the education requirements for Planning Board members that the Town Board instituted are at this point mute. The consequences of a planning board member not fulfilling these requirements is non-reappointment. If a

planning board member cannot be reappointed anyway, why should they fulfill the education requirement.

G. Jahn: no
P. Bernstein: no
C. Vander Weit: yes
B. Geel: no
M. Lee: no
Motion denied 4:1.

WHEREAS the Town of Austerlitz has adopted Resolution #27-2006, Policies and Procedures, at its organizational meeting held on January 7, 2006; and

WHEREAS it is within the purview of the Supervisor and the Town Board to appoint members to the long term seats held on the Planning Board and any other various boards upon the opening of such seats through creation, expiration of term, retirement, resignation, etc; and

WHEREAS it is non-purposeful and unnecessary to lose the participation, expertise, knowledge and abilities of well qualified, well versed, willing, and here-to-fore, actively seated members of said board and committees by requiring them to be revoked from said seat for a period of not less than one year simply due to the expiration of their current term;

NOW THEREFORE LET IT BE RESOLVED that Section 8, subsections (d) and (e) of Resolution #27-2006, Policies and Procedures, be stricken and removed; and

BE IT FURTHER RESOLVED that any member of the Planning Board, or any other board or committee whose current term is due to expire, be granted every right and opportunity for re-application, with equal review, towards filling the expired position and continuing their service in an uninterrupted, consecutive term.

Budget Amendment #3

General Fund

Town Clerk A1410.2 increase by \$511.00
Engineer A1440.4 increase by \$5000.00
Debt-principal A9710.6 increase by \$5000.00
Debt-Interest A9710.7 increase by \$6344.00
Appropriated Fund Balance decreased by \$16855.00

Highway Fund

General Repairs DA5110.4 increase by \$15000.00
Machinery DA4130.2 increase by \$83655.00
Machinery DA5130.4 increase by \$5000.00
Machinery DA5130.1 decrease by \$10000.00
Brush & Weeds DA5140.1 decrease by \$5000.00
Hospitalization DA9060.8 increase by \$6200.00
Snow Renewal DA5142.4 decrease by \$10000.00

A motion to approve the above budget transfer #3 was made by C. Vander Weit and seconded by M. Lee.

G. Jahn: yes
P. Bernstein: yes
C. Vander Weit: yes
B. Geel: yes
M. Lee: yes
Motion unanimously carried.

Resolution #38-2008 A RESOLUTION ACCEPTING HARRINGTON DRIVE AND PARTRIDGE DRIVE AS TOWN ROADS

Attorney Baker discussed this process and the legal issues involved. Town Board Member Vander Weit asked about the timing of the Town talking over the roads in Bryarcliffe. The issue being the time difference between the Town taking title of the roads before they are brought up to Town specs and if something happens between now and the completion of the project. What is the Town's liability? Attorney Baker advised that there is some liability, but The Town doesn't have any choice at this point. The contract is in place, insurance on contractors is in place, the BAN is in place, etc. The Town is covered as best as possible. All waiting periods are basically up and if someone wants to take legal steps for any reason they will.

A motion was made by G. Jahn and seconded by M. Lee to adopt Resolution #38-2008

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

WHEREAS, the Town of Austerlitz Planning Board approved a subdivision known as "Bryarcliffe Estates" as shown on a map filed in the Columbia County Clerk's Office as Map No. 93-291 most recently amended by map prepared by Alvin B. Huehnel, NYSLS Lic. 48356 dated September 30, 2001 and approved by the Planning Board on November 11, 2001 and filed in the Columbia County Clerk's Office as Map No. 01-254; and

WHEREAS, said subdivision includes Harrington Drive and Partridge Drive for which the owner provided an Offer of Cession to the Town pursuant to Town Law Sec. 279(4); and

WHEREAS, the Town Board, pursuant to Town Law Sec. 200 has acted to provide for the improvement of Harrington Drive and Partridge Drive to meet the standards for town roads.

NOW THEREFORE LET IT BE RESOLVED that the Town of Austerlitz hereby accepts the Offer of Cession and hereby accepts Harrington Drive and Partridge Drive as shown on the map dated September 30, 2001. This acceptance specifically excludes any and all private roads, easements and rights-of-way shown on said map providing access from Harrington Drive or Partridge Drive to any lots or parcels shown on said map.

Public Comment

Planning Board Chairman T. Stalker asks the Town Board for a determination on a time limit for mergers to be considered in Bryarcliffe. Discussion on assessment dates, hypothetical situations that could occur, the next steps and procedures. A public hearing for inclusion in assessment will take place soon. Attorney Baker noted that the Town cannot prohibit merger applications or place time limits for this issue. If a property owner wants to merge their parcels in Bryarcliffe after the assessment has been completed, they wait for the following year for a new assessment.

G. Batti asks if the roads in Bryarcliffe will be plowed by the Town this winter. Supervisor Jahn advised they would be. G. Batti asks if the assessment notice will go out to everyone before the public hearing. Attorney Baker advised it would and explained what will be included in the notice. G. Batti questioned if it was at that point that any objection for inclusion in this project would be considered. Attorney Baker advised yes.

S. Somlo questioned whether the Town Board received the paperwork he filed with the Town Clerk and the Planning Board concerning Otto Maier's planning board application. Mr. Maier has submitted a request to the Planning Board for a determination as to whether or not site plan approval is necessary. S. Somlo also stated he does not believe that Attorney for the Town Baker should be involved with this project. It is a conflict of interest. Attorney Baker advised that the Town Board is not in the position to make a decision on a Planning Board application. This is a Planning Board decision to make. Attorney Baker disagrees with S. Somlo's conflict of interest determination. S. Somlo questioned the intent of the Town Board for entering executive session. Attorney Baker

explained the legitimate nature of their intent. Attorney Baker advised S. Somlo that he would look at any case law for his objections to the Otto Maier project which to date S. Somlo has not provided. He has only given his opinion.

S. Somlo applauds the action of the Town Board on the ownership of the Bryarcliffe Roads. He does advise however that the original Planning Board resolution for the Bryarcliffe subdivision approval, as well as the Town's Road Law state that the Town cannot take possession of the roads until they are paved. S. Somlo asks the Town Board to fix this timing problem. S. Somlo gives his opinion on the current bonding situation, BAN issuance, and options out there.

G. Batti formally requests the Town Board to authorized the Highway Department to put up a guardrail on Dugway Road past the pheasant farm. This is a dangerous area and his wife almost went off the road.

Sue Geel questioned the Town Board as to when the Zoning draft would be complete. Supervisor Jahn advised that the board is working on it, but it will be a while.

Executive Session

A motion to enter executive session was made by C. Vander Weit and seconded by P. Bernstein for updates on current litigation.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried. Executive session entered at 8:14 p.m.

A motion to exit executive session was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried. Executive session ended at 8:33 p.m.

Discussion on adopting zoning, SEQRA and EAS requirements and having the Comprehensive Plan Oversight Committee keep this document living and moving in the future.

Attorney Baker asked the Town Board if it had any reservations concerning his involvement in the Otto Maier's Planning Board project. Town Board Members Lee stated that she has full confidence in Attorney Baker to which the Town Board agreed.

Adjournment

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

B. Geel: yes

M. Lee: yes

Motion unanimously carried. Meeting adjourned at 8:43 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Zoning Special Meeting
October 23, 2008

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

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

Town Board signed a corrected budget amendment form for Budget Amendment #3 approved at the October Town Board Member. Addition figures were incorrect.

Town Board Member Bernstein feels that the Town Board is putting too much time into reviewing this document. He feels that the Zoning Commission had bright, intelligent people put this together with much thought and deliberation.

Town Board Member Lee agrees.

Town Board Member Vander Weit agrees and suggests again that the Board votes this into law and tweak it after the fact.

Town Board Member Geel disagrees and does have a problem with areas in the document that he would like to work on.

Supervisor Jahn would like to work on a couple areas, not the entire document.

Discussion on how to move forward, what areas in the document are going to be points of contention.

Town Board Member Geel spelled out his concerns on ridge lines. He only has 2 ridges that he would like to protect, namely the ridge in the Spencertown and the ridge on Route 22 in Austerlitz. B. Geel is very concerned about individual property owner's rights. Member Bernstein would like to just limit where on any given ridge line a house can be built, not breaking the ridge line.

Supervisor Jahn notes that decisions are weighed between private property rights and public good.

Section 2.3 Article D will change line 6 to read... "in an amount of 125% of the estimated cost..."

Allowable Use Groups Chart was revisited. Junk yards, automotive repair shops, and recreational businesses discussed. Lengthy discussion on how to permit appropriate land/business uses and to decline inappropriate uses. Further discussion on how the Planning Board would be able approve/disapprove projects.

Language will be written into section 4.2 to provide specific guidance to the Planning Board with respect to certain businesses which create noxious odors, effluent or excessive noise.

Discussion of the size of the Spencertown Hamlet. The Hamlet of Spencertown will be extended to include all property on both sides of State Route 203 up to the center line of Beale Road with a depth to be determined.

On County Route 7 the Hamlet will be extended to include all property on both sides up to the center line of Pratt Hill Road and to the center line of Cross Roads with a depth to be determined.

Section 5.1 Town Dimension Tables were discussed. Table A-maximum building height will be 40 feet throughout the Town. Maximum building height in ridgeline area will be removed completely.

Section 5.1 Table A Set backs in both hamlets will be increase to 15 feet.

Preliminary Budget will be in the Town Board mailboxes Friday, October 24, 2008. Public Hearing for the budget will be at 6:00 p.m. November 11, 2008. Assessment hearing for Bryarcliffe will be November 15, 2008, 9:00 a.m.

Meeting adjourned at 9:05 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Zoning Special Meeting
October 30, 2008

Present: Charles Vander Weit, Mary Anne Lee, Paul Bernstein and Bryan Geel, Town Board Members, Susan Haag, Town Clerk

Meeting called to order at 7:00 p.m. Meeting called to continue to work on the zoning document.

Member Lee summarized to the audience where the Town Board is at this point.

Ridge line overlay protection area is once again on the table. The Town Board is trying to conceptually come up with a concept to give to Attorney for the Town Jeff Baker who will come up with the language. The Board looked over and discussed two other ordinances; one from the Town of Hillsdale and the other from the Town of Lagrange. They also discussed the two options on the table; protecting identified ridges or being comprehensive and protecting all ridges by protecting crests and viewscapes and allowing building below these areas. This issue must be resolved before further restrictions and guidelines can be discussed and decided. The clear sense of the majority of the Board is to protect the highest, forested ridge lines through a comprehensive plan. Member Geel prefers to only protect the ridgelines in the two hamlets.

No notching out of trees on the ridgelines, no clear cutting on a ridgeline, building height will be changed to 40 feet from 30 feet, height of building cannot break ridgeline. Article 6, Section 6.1B Item 3 paragraph will end after first 5 lines after, "...shall be kept at a minimum." Strike beginning with selective pruning.

The Board continued by discussing steep slopes, and how the updated road law will address these issues. Member Lee will ask for clarification on Attorney Baker's recommendations in this area.

Next item discussed was specimen trees which was struck in all places, some already at a previous meeting.

Language will be looked at concerning Section 7.4 A. The Town Board wants to look to add specific language to address driveways and roads.

Meeting adjourned at 8:32 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Public Hearing/Regular Town Board Meeting
November 13, 2008

Present: George Jahn, Supervisor, Paul Bernstein, Charles Vander Weit, Bryan Geel, Mary Anne Lee, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent.

Public Hearing for the 2009 Town Budget called to order at 6:03 p.m. Supervisor Jahn explains the numbers, increases, mill rate, etc. The Preliminary Budget figures were changed by increasing Uniforms DA9090.8 by \$3000.00. This figure was inadvertently left of. Retirement DA9010.8 and Hospitalization DA9060.8 will both decrease by \$1500.00. Sales Tax under revenues on the highway side will decrease by \$10000.00 and increase unexpended balance by \$10000.00.

Public Comment

No comments at this time.

The Town Board discussed the move of the justice court to the Academy: cost involved and logistics.

Public Hearing closed at 6:38 p.m.

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

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

Moment of silence in remembrance of Robert Miller's father who died unexpectedly this past week. Robert is one of the Town's Highway employees. Supervisor Jahn further recognized former Town Supervisor Jeff Braley who underwent surgery on his leg this past week. He is recovering. Pledge of allegiance.

Minutes

A motion was made by P. Bernstein and seconded by M. Lee to approve Zoning Workshop/Regular Town Board Meeting minutes of October 9, 2008, the Zoning Special Meeting minutes of October 23, 2008, and the Zoning Special Meeting minutes of October 30, 2008.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Budget Amendment #4

General Fund

Town Board A1010.4 increase by \$100.00

Attorney A1420.4 increase by \$5000.00

Engineer A1440.4 increase by \$2500.00

Highway Superintendent increase by \$150.00

Senior Programs A6772.4 increase by \$200.00

Planning Clerk A8020.1 increase by \$700.00

Police A3120.4 decreased by \$3550.00

Highway Fund

General Repairs DA5110.4 increase by \$16928.00

Machinery DA5130.4 increase by \$6259.00

General Repairs DA5110.1 decrease by \$981.00

Bridges DA5120.1 decrease by \$1100.00

Machinery DA5130.1 decrease by \$6290.00
Brush & Weeds DA5140.1 decrease by \$1110.00
Brush & Weeds DA 5140.4 decrease by \$1334.00
Unemployment DA9055.8 decrease by \$5500.00
Uniforms DA9090.8 decrease by \$3000.00
Snow Renewal DA5142.4 decrease by \$3872.00

A motion to approve the above budget transfer #4 was made by C. Vander Weit and seconded by M. Lee.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to pay general fund #358-398:2008 in the amount of \$11730.13, highway fund #167-189:2008 in the amount of \$130386.14, and capital fund #1-4:2008 in the amount of \$416759.73 was made by M. Lee and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Monthly Reports

Monthly cash disbursements for the month of October 2008 submitted.

Town Clerk Report for the month of October 2008 submitted.

Supervisor Jahn reported that on the County level the Supervisors are working on the County budget. A committee is working with all department heads to justify each line item, a 'zero budget' process. The State continues to remove money that has been given in the past. The Supervisors are trying to hold to a 3.5 increase in the County budget. Self insurance for the drug program was discussed. Also on the County level an audit was done on the Columbia Greene Community College. There were some negative issues raised that will be dealt with.

Highway Superintendent Meehan reported that the bridge rail on the Strawberry Hill Bridge was worked on and the project is just about complete. Some concrete work still needs to be done. The County assisted with this project. Discussion on Town owned bridges verses County owned bridges.

Planning Board Report for the month of October 2008 submitted. The workshop for this Saturday is cancelled.

Comprehensive Plan Oversight Committee Report for the month of October 2008 submitted. A public notice will be filed asking for applicants for the new year for this committee. Three of the members will not be returning.

Building Inspector Report for month of October 2008 submitted.

A motion to accept the above reports was made by B. Geel and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Correspondence

No correspondence.

Unfinished Business

2009 Town Budget

A motion to make the 2009 Preliminary Budget the 2009 Final Town Budget with noted changes was made by P. Bernstein and seconded by B. Geel.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

NYSDOT Update: Councilman Vander Weit gave the Town Board members a report sent by email to him today. After many phone calls, C. Vander Weit finally touched base with the NYSDOT. Three traffic data collectors were placed in various spots on Route 203. Discussion on the report. The report will be given to our Resident Deputy Sheriff for review. Member Vander Weit suggests that the Town Board continues to work on this issue. Signage and speed reduction is handled under a different NYSDOT department than who we are currently working with. Town Board agrees that C. Vander Weit will continue to work on this project.

New Business

BAR Appointment: Supervisor Jahn noted that the term of a member of the Board of Assessment Review has ended and the Town needs to fill this replacement. Two applicants have applied, Karen Kellogg, a previous member and Ted Howes, a previous assessor. B. Geel nominates Karen Kellogg and G. Jahn nominates Ted Howes. M. Lee was thinking that maybe Karen would like to serve on the CPOC committee.

A motion to appoint Ted Howes as a BAR member for a 5 year term beginning October 1, 2008 and ending September 30, 2013 was made by G. Jahn and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

HEAP Assistance Information Session: The Columbia County Office for the Aging is offering HEAP application assistance on November 18, 2008, from 10:30-1:00 at the St. Peter's Presbyterian Church. Supervisor Jahn explained the program for those interested in attending.

Charter Communications: Supervisor Jahn explained that Charter Communication has a cable franchise with the Town which expires in March 2009. This is a 5 year extension with the same terms. M. Lee noted that the CPOC looked into this and the recommendation was to renew this franchise.

A public hearing will also have to take place on this issue. A motion to hold a public hearing on December 11, 2008, starting at 6:45 p.m. before the regular Town Board meeting was made by G. Jahn and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Town Board Member Vander Weit would again like the Town Board to think about compensation for the Meals-on-Wheels program. Supervisor Jahn will check on available funds on the County level.

Public Comment

Rich Nesbitt noted that he has a house in Bryarcliffe and questions who is overseeing the road improvement project. Supervisor Jahn noted that the Engineer for the Town, Pat Prendergast, oversees the process. Supervisor Jahn does goes up weekly. R. Nesbitt does have concerns on the gravel used. Per Engineer's report, the gravel used has been tested by an outside industry both offsite and onsite. All found to be in order. Discussion on situation. This project has a 2 year warrantee. Highway Superintendent Meehan does have some concerns on the gravel used although the State specs are different from what the Town normally uses and what R. Meehan feels is a better product.

Attorney Baker advised that the Town can test some of these areas. R. Nesbitt has had some independent testing done and the results show that the gravel failed. He will bring in the test results and share with the Town. G. Jahn will give the results to Engineer for the Town, Pat Prendergast.

Discussion on bringing in Sterling Engineering to look over the situation. Sterling is also an Engineer for the Town.

Adjournment

A motion to adjourn was made by P. Bernstein and seconded by B. Geel.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried. Meeting adjourned at 7:51 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
November 15, 2008
Special Meeting Bryarcliffe Assessment

Present: George Jahn, Supervisor, Bryan Geel, Charles Vander Weit, Town Board Members, Susan Haag, Town Clerk, Tim Stalker, Planning Board Chairman, Jeff Baker, Attorney for the Town.

Member Mary Ann Lee absent due to conflicting meetings. Paul Bernstein absent.

Public Hearing called to order at 9:15 a.m. Public Hearing called for the purpose of determining inclusion within the assessed special tax unit.

Supervisor Jahn summarized the project to date noting that there are 43 benefiting property owners being assessed in this special unit. G. Jahn discussed the methodology in determining which properties were included noting that the Town Board finalized inclusion based on a method which was easily understood and the fairest. G. Jahn advised that the Town took out a BAN in the amount of 1.4 million, an estimated total cost for the project. The road upgrade will cost 1.197 million to which engineering and attorney's fees will be added for an estimated total of 1.247 million. Supervisor Jahn gave further break down figures noting that the first year BAN payment to the taxpayer will be \$3700.00. After the initial year when the Town finalizes permanent financing, the estimated first year Bond payment per parcel will be \$3862.00, decreasing each remaining year. Interest on current bank account could benefit in future.

Public Comment

Steve Somlo: Questioned the Town Board on the 2009 Town Budget noting he did not see any budgeted debt service, or capital expenditure line item for Bryarcliffe.

Supervisor Jahn assured S. Somlo that this project funding was indeed taken into consideration in the budget.

S. Somlo further questioned the offer of cession for this project and the Town's acceptance of cession. He believes this should have been handled differently. Attorney for the Town Baker advised that the offer of cession is within the original subdivision approval and a matter of law. The Town Board adopted a resolution which contained the acceptance of cession. S. Somlo reiterated he advised the Town Board to handle this situation differently and cautioned that the Town should not take over the roads in Bryarcliffe until they were brought up to Town specs. Attorney Baker disagrees with S. Somlo's conclusions and explained the different roles of the Planning Board as compared to the Town Board's in this situation. A Town Board has the right and the authority to take further action beyond that of the Planning Board.

Attorney Andy Howard, representing Gerald and Phyllis Batti: Attorney Howard presented the Town Board with a memorandum outlining his legal opinion as to the Batti's inclusion in the Bryarcliffe special assessment. Attorney Howard's case includes arguments based on Section 200 of Town Law which authorizes a Town to undertake street or highway improvements, noting individually Section 202(2) which addresses expenses incurred for these improvements and who bears the burden for them emphasizing that the Town Board shall determine and specify who would be especially benefited by the improvement. A. Howard provides opinions from the NYS Comptroller and Attorney General emphasizing that inclusion in special districts should fall only to those properties that abut or front the improvement. A. Howard argues that Gerard and Phyllis Batti's property do not fit either of these categories.

Attorney Howard contends that the Batti's are precluded under law from any remedy as it pertains to petition requirements and the like.

Attorney Howard further notes that certain properties in the Bryarcliffe subdivision were not included in this district and there is a conservation easement and highway buffer above Harrington Drive with floating access for adjoining properties to be determined by the Town. This is also a parcel that was not included in the special district. Several exhibits were included within A. Howard's memorandum.

All those wishing to be heard were heard.

A motion to close the public hearing was made by C. Vander Weit and seconded by B. Geel.

A. Jahn: yes

B. Geel: yes

C. Vander Weit: yes

Motion unanimously carried.

Attorney for the Town Baker advises the Town Board that the issues of law presented by Attorney Howard are not as easily settled as presented. Discretion is given to a Town Board to determine who is included in these types of situations. This project was initiated by residents within the Bryarcliffe subdivision who had complaints concerning road conditions and the lack of maintenance on Harrington Drive and Partridge Drive. The Town took the steps as prescribe by law including required notifications, permissive referendums, etc. and at each of these thresholds the Batti's were always individually included and given the same rights and privileges as every other resident whose parcels are included in this special district. Attorney Baker further notes that the Batti's primary access to their property is by Harrington Drive. Although there is another access to his property, no driveway or road has been constructed for that access. It is further noted that Gerard Batti has been quite vocal over the years asking the Town to take over Harrington Drive, and to maintain this road. J. Baker advises that Attorney Howard relies on a 1994 opinion of the State Comptroller that does not deal directly with the particular issue at hand.

Supervisor Jahn feels his approach to inclusion in the assessment area is one of equity. G. Batti uses Harrington Drive, has requested in the past that the Town maintain

Harrington Drive, and has also advocated that the Town should take over Harrington Drive.

Town Board Member B. Geel can not speak to the legal issues being raised, but believes the Batti property should be included in the assessment because they use Harrington Drive and this is clearly the only access to the Batti property.

Attorney Howard disagrees with Attorney Baker's conclusions and opinions. Discussion.

G. Batti advises the Town Board that he will proceed with a law suit contesting his inclusion in the assessment area and that will cost the Town money. Supervisor Jahn respects G. Batti's decision and expected this lawsuit. G. Jahn feels that the Town is on firm ground for equity purposes. Inclusion in this project was not based solely on the parcels in the Bryarcliffe subdivision, but rather on use of the roads.

Further discussion on the floating DEC easement. Planning Board Chairman Stalker advised that no one quite understands this access; neither Jim Monahan from the title company or the land surveyor. There is no other access to this parcel from other roads.

Resolution #39-2008 ADOPTING THE 2009 ASSESSMENT ROLL
FOR THE HARRINGTON DRIVE AND PARTRIDGE DRIVE
SPECIAL ROAD IMPROVEMENT

A motion to accept Resolution #39-2009 was made by G. Jahn and seconded by B. Geel.
G. Jahn: yes
B. Geel: yes
C. Vander Weit: yes
Motion unanimously carried.

WHEREAS, on October 9, 2008 the Town Board of the Town of Austerlitz prepared a preliminary assessment roll for the special road improvement for Harrington Drive and Partridge Drive and posted and published notice of said roll and the date of the public hearing and mailed the same to each owner of a parcel to be benefitted and assessed as on record with the Town, and

WHEREAS, the Town Board determined that each parcel that either has a home on it or is capable of having a home built on it without subdivision approval and either fronts or abuts on either Harrington Drive or Partridge Drive and which has its only entrance from either road is deemed benefitted in an equal amount; and

WHEREAS, all owners of said benefitted parcels were provided individual notice of the consideration and adoption of the special road improvement resolutions pursuant to Town Law Sec. 200 and were provided an opportunity to petition the Town Board pursuant to Sec. 200; and

WHEREAS, the Town Board held a hearing on the assessment roll on November 15, 2008 and received comments thereon.

NOW THEREFORE LET IT BE RESOLVED, that after considering the comments at the public hearing the Town Board finds that each existing parcel of land having a house or on which a house can be built and which fronts or abuts on Harrington Drive and Partridge Drive will be equally benefitted by the improvement and will be charged an equal assessment for the cost of the improvement. Benefitted parcels include that parcel whose sole access is over a private road that abuts upon Harrington Drive.

Town Board Member C. Vander Weit noted that for him, he is concerned about the equity issue, and like Member Geel, the Attorney will handle the legal issues.

A motion to adjourn was made by B. Geel and seconded by G. Jahn.
G. Jahn: yes
B. Geel: yes
C. Vander Weit: yes

Motion unanimously carried. Meeting adjourned at 9:50 a.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Public Hearing/Regular Town Board Meeting
December 16, 2008

Present: George Jahn, Supervisor, Paul Bernstein, Charles Vander Weit, Town Board Members, Susan Haag, Town Clerk.

Mary Anne Lee had a previously scheduled appointment and Bryan Geel is out helping with storm damage.

Public Hearing for the proposed 2009 franchise agreement renewal between the Town of Austerlitz and Charter Communication. This agreement is in place to provide cable television service to the residents of the Town of Austerlitz. Public Hearing called to order at 6:45 p.m.

Charter has been providing service for the past 10 years and this is a required service. Supervisor Jahn explained the particulars.

Public Comment

Steve Somlo noted that in the contract there is a public access possibility. Supervisor Jahn is looking into this as well. There is no internet possibility due to low volume of use.

Constance Mondel noted that there are blackout periods.

A motion to adjourn the 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 6:50 p.m.

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

Roll Call: George Jahn, Supervisor, Paul Bernstein, Charles Vander Weit, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent, Jeffrey Baker, Attorney for the Town.

Moment of silence in remembrance of Jeff Prack's father who died unexpectedly this past week. Also remembered is Mrs. Kenefick who lost her house in a fire this past week. Pledge of allegiance.

Minutes

A motion was made by C. Vander Weit and seconded by P. Bernstein to approve the November 13, 2008 Public Hearing/Regular Town Board Meeting minutes and the November 15, 2008 Bryarcliffe Assessment Special Meeting.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to pay general fund #399-430:2008 in the amount of \$10715.00, highway fund #190-209:2008 in the amount of \$14695.65, and capital fund #5-7:2008 in the amount of \$328474.62, was made by P. Bernstein and seconded by G. Jahn.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

Motion unanimously carried.

Monthly Reports

Monthly cash disbursements for the month of November 2008 submitted. Supervisor Jahn briefly noted the numbers.

Town Clerk Report for the month of November 2008 submitted.

Supervisor Jahn reported that on the County level a state of emergency for the County was put in effect as of Friday. Supervisor Jahn put the Town in a state of emergency as well. This storm has pointed out that the emergency plan in place on the County level is geared towards terrorism, not natural occurrences. This will be corrected in the future. Supervisor Jahn went over the roads still out of power in Town and noted that if anyone knows anyone that needs assistance we should reach out to those people. The Town learned some lessons this time around such as getting the word out as to where shelters are.

Highway Superintendent Meehan reported that due to the ice storm the highway crew has been extremely busy. All Town roads are open and they are trying to clean up all the sides of the roads. Pratt Hill is the worst with uprooted trees. There are still wires hanging on trees. Snow is coming tomorrow. Supervisor Jahn noted a memo from County Supervisor Baer, who is looking for estimates for damages resulting from this recent storm. Supervisor Jahn and the entire Town Board thanked the highway crew for all their hard work.

Planning Board Report for the month of November 2008 submitted. Planning Board Chairman T. Stalker wrote a note thanking the Town of Austerlitz Highway Department for the outstanding job they did on Friday December 12th clearing trees and debris from the road to make it safe and passable for the residents and repair crews. He is sorry he could not attend the meeting, but the Columbia County Planning Board meeting, which he chairs, is also tonight. Happy Holidays to all.

Comprehensive Plan Oversight Committee Report for the month of November 2008 submitted.

Building Inspector Report for month of November 2008 submitted. Code Enforcement Officer G. Smith also submitted a proposed fee schedule change to go into effect in 2009.

Historian Report for 2007 submitted. 2008 report to be submitted in January 2009.

A motion to accept the above reports was made by P. Bernstein and seconded by G. Jahn.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

Motion unanimously carried.

Correspondence

Unified Court System Grant Award notification stating that the Town of Austerlitz will receive \$9502.61 divided into \$620.00 in equipment provided and a check for \$8882.61. Clarification needs to be made if money can be used at the Academy.

Unfinished Business

NYSDOT Update: Councilman Vander Weit reported that he received a call from Lisa Mondelo from Jim Rapoli's office. The NYSDOT has reviewed and studied the data collected and have developed a recommended action and have forwarded same to Regional Traffic and Safety. This department has the final say on any possible action.

David Savage, Captain of the Austerlitz Fire District, sent the Town Board a letter outlining the Austerlitz Fire District's proposal for the purchase of the parcel of Town owned land at the intersection of Route 22 and West Hill Road in Austerlitz, New York. Some of the points will need to be negotiated. The Town Board will need to agree on these points and then solicit the legislature for permission to go further due to the land being designated as recreational. The current fire house will come down at some point in the process. Further discussion.

New Business

Resolution #40-2008, Charter Communications

WHEREAS Charter Communications has been providing cable service to certain residents of the Town of Austerlitz since 2001; and

WHEREAS the aforesaid agreement will expire on March 15, 2009; and

WHEREAS the parties to the aforesaid agreement desire to continue the service so provided;

NOW THEREFORE BE RESOLVED that the Board of the Town of Austerlitz approves the renewal of the franchise agreement for a period of five (5) years from March 16, 2009. This approval is subject to approval of the NYS Public Service Commission. It is further approved subject to Charter Communications during the term of this contract providing a range and variety of services to Town residents comparable to services made available to other towns in Columbia County.

A motion to adopt Resolution #40-2008, Charter Communications, was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

Motion unanimously carried.

Resolution #41-2008, National Incident Management System

Supervisor Jahn advised the Town Board of the history behind this resolution. The Town needs to join the NIMs system and a NIMs Point of Contact, namely Town Board Member B. Geel

WHEREAS the Town of Austerlitz participated in the County Hazard Mitigation Plan in order to continue to be eligible for FEMA reimbursements, and

WHEREAS Columbia County has adopted the National Incident Management System in order to coordinate responses to major incidents,

NOW THEREFORE BE IT RESOLVED that the Town of Austerlitz hereby adopts the National Incident Management System and the principles thereof.

A motion to adopt Resolution #41-2008, National Incident Management System, and to appoint B. Geel as the NIMs Point of Contact was made by P. Bernstein and seconded by C. Vander Weit

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

Motion unanimously carried.

Red Rock Volunteer Fire Company, Inc. Fire Protection Agreement. This agreement is for the furnishing of fire protection for designated areas in the Town of Austerlitz, Canaan and Chatham. Supervisor Jahn went over the particulars.

A motion to authorize Supervisor Jahn to enter into the Fire Protection Agreement with the Red Rock Volunteer Fire Company, Inc 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 Comment

Steve Somlo: Urges the Town Board in its review of the zoning document to de-criminalized the penalty section or option. He further asks the Town Board to deal affirmatively with motorized sports in the Town when dealing with this issue in the zoning document. S. Somlo doesn't agree with Attorney Bakers opinion on entering executive session and then with dialog that happens based on advise given. He particularly references an executive session for the Planning Board. Any deliberations etc. should be handled in public. Much of what goes on in executive session should not. He urges the board to take a more open minded approach.

Chuck Weinlein: Questions where the Town Board is in the zoning process. Supervisor Jahn advises that the Town Board is a meeting or two away from getting a document ready to vote on. For scheduling purposes for all involved, the Town Board is shooting to have a public hearing on the zoning draft on March 21, 2009 at 9:00 a.m. at the Fire House.

Adjournment

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 7:45 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk