

Town of Austerlitz
Organizational/Regular Town Board Meeting
January 8, 2009

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

Moment of Silence, followed by the Pledge of Allegiance.

Roll call. Present: George Jahn, Supervisor, Paul Bernstein, 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.

Absent: Charles Vander Weit is on vacation.

Minutes

A motion to accept the December 16, 2008 Public Hearing/Regular Town Board Meeting minutes was made by P. Bernstein and seconded by G. Jahn.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Budget Amendment

Budget Amendment #5-2008

General Fund

Justice Clerk A1110.0 increase by \$500.00

Assessor A1355.4 increase by \$200.00

Building Inspector A3620.4 increase by \$250.00

Planning Clerk A8020.1 increase by \$1300.00

Retirement A9010.5 increase by \$1978.00

Bond Interest A9710.7 increase by \$1135.00

Buildings A1620.4 decrease by \$5363.00

Highway Fund

General Repairs DA5110.1 increase by \$1208.00

General Repairs DA5110.4 increase by \$ 800.00

Chips DA5112.2 increase by \$6055.00

Machinery DA5130.1 increase by \$2111.00

Machinery DA5130.4 increase by \$5000.00

Snow Removal DA5142.1 increase by \$17054.00

Social Security DA9030.8 increase by \$458.00

Uniforms DA9090.8 increase by \$2352.00

Machinery DA5130.2 decrease by \$70995.00

BAN Interest DA9730.7 decrease by \$5243.00

Fund Balance increase by \$41200.00

A motion to approve budget amendment #5-2008 was made by M. Lee and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #1-21 in the amount of \$9177.28, Highway Fund #1-17 in the amount of \$14331.79, and Capital Fund #1 in the amount of \$392.00 was made by M. Lee and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Reports

Monthly cash disbursements for the month of December 2008 were presented. Supervisor Jahn reported that the Columbia County Board of Supervisor's Organizational meeting, Art Baer was renamed as Chairman and Phil Williams and Linda Scheer were named Co-deputy Chair. There has been some reshuffling of County committees, creating a new committee called Planning and Economic Development to which Supervisor Jahn was made Deputy Chair.

Town Clerk Report for the month of December 2008 submitted.

Highway Superintendent Meehan reported that this has been a tough winter already. There has been some minor breakdown in equipment, but nothing major. Due to the amount of storms already this season, the Town has gone through a lot of sand, maybe more than all of last year combined. Ice storms really use a lot of sand. The Highway Crew is still down a worker. The topcoat on the Bryarcliffe roads seems to be holding so far, but R. Meehan will know better when the weather turns. Currently he is only sending the smaller trucks up there and trying to keep the big trucks off to preserve the surface for blacktopping this spring. The Highway crew is also working on brush control. Supervisor Jahn thought that the crew really did a good job on these past storms. Highway Superintendent Meehan noted there is still some areas to clean up.

Supervisor Jahn questioned how many people in Town are shut ins or elderly or in need of help in situations such as these storms create. The Town needs to put together a plan that would include an inventory of emergency services that would be available in emergencies. The St. Peter's Presbyterian Church and the Spencertown Fire House were open. The Spencertown Fire House is a Red Cross designated area that can be activated at any time. Discussion on possible disaster plans for the future. The Town Board will work on this. This may be something that the Comprehensive Plan Oversight Committee could work on.

Planning Board Report for the month of December 2008 submitted. Chairman Stalker's term is now over. The Planning Board passed a resolution in support of the Hudson River Valley Greenway. There is some concern that Governor David Paterson is going to eliminate this Committee. Supervisor Jahn considered also putting forth a resolution in support of the Greenway, but pulled it so more research could be done before committing.

Comprehensive Plan Oversight Committee for the month of December 2008 submitted.

Building Inspector/Code Enforcement Report for the month of December 2008 submitted.

Animal Control Officer Quarterly Report submitted.

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

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Correspondence

Letter from Grace Silvernale: G. Silvernale wrote the Town Board concerning the Christmas Tree lights in the Green and asked for a different set up next year. The tree will be trimmed as well.

Letter from the Columbia County Office of Fire Coordinator: James VanDeusen commended the Spencertown and Austerlitz Fire Companies for their hard work and dedication of December 11, 2008.

Unfinished Business

A new building fee schedule was distributed last month and Supervisor Jahn would like the Town Board to adopt this new schedule. G. Jahn explained the new computations that would have serious impacts on higher end homes, with basically no change in fee for smaller scale homes. Discussed reasoning behind this change and how total cost of construction is derived.

A motion to approve Resolution #25-2009, Building Fee Schedule was made by P. Bernstein and seconded by M. Lee.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes
M. Lee: yes
Motion unanimously carried.

Resolution #23-2009 Building Fee Schedule

WHEREAS the Town of Austerlitz wishes to conform with all applicable Federal, State, and other legal requirements, and

WHEREAS the Town of Austerlitz wishes to comply with all uniform operating standards, and

BE IT RESOLVED that the Town of Austerlitz acknowledges the following Building Department Fee Schedule, and

BE IT RESOLVED that this Resolution replaces Resolution #31-2004.

Building Permit Fees (all construction): \$4.00 per \$1,000.00 of construction (minimum of \$30.00)

Certificates of Compliance/Occupancy: Residential-\$25.00, Commercial-0-\$100K:\$50.00, \$100.01-\$150,000.00: \$100.00, \$150.01-plus: \$150.00

Certificate of Inspection: \$75.00

Certificate of Occupancy/Compliance (for expired building permit): \$75.00 plus 50% of original permit fee (less than 5 years)

Certificate of Compliance-order to remedy: \$75.00

Temporary Certificate of Occupancy: \$20.00 for 3 months \$25.00

Demolition Permits: Accessory use building per building-\$25.00, Residential Building per building-\$50.00, Commercial building per building-\$100.00

C/O Search/Records search (per property): \$35.00

Building Permit Renewal Fee (if current): \$50% of original fee, \$25.00 minimum (for 1 additional year)

Town Board Member Lee noted that this is a example of the kind of good work our new Code Enforcement Officer Glenn Smith is doing.

New Business

2009 Organizational Resolutions #1-22-2009 and Yearly Appointments

Brief discussion on resolutions.

A motion to approve Organizational Resolutions #1-22, 2009 was made by B. Geel and seconded by P. Bernstein.

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

RESOLUTION 1-2009

Be it resolved that, First Niagara and the Kinderhook Bank are hereby designated as the official depositories for all town funds for the year 2009.

RESOLUTION 2-2009

Be it resolved that the Hudson Valley Newspapers, having circulation in the Town of Austerlitz, are hereby designated as the official newspapers for the Town of Austerlitz for the year 2009.

RESOLUTION 3-2009

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 4-2009

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 5-2009

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 2009. 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 6-2009

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 7-2009

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 8-2009

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:

C. Pinto: 2010
C. Lawson: 2011
S. Fischer: 2012
B. Puccio: 2013
C. Knauss: 2014

RESOLUTION 9-2009

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, 2009.

Barbara Smith
Edwin Barden
Jean Corigliano
Shawn Hancock
Karen Kellogg
Mark Feinberg
Timothy Stalker

RESOLUTION 10-2009

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 11-2009

Be it resolved that the 2009 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	\$ 25500.00 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	\$ 46200.00 per year payable bi-weekly
Highway Superintendent Clerk	\$ 13.50 per hour payable bi-weekly
Justices (2 each)	\$ 10928.00 per year payable monthly
Justice's Clerk	\$ 8500.00 per year payable monthly
Justice's Deputy Clerk	\$ 13.50 per hour payable monthly
Town Assessor	\$ 17220.00 per year payable monthly
Assessor Assistant	\$ 13.50 per hour payable monthly
Town Accountant	\$ 10920.00 per year payable monthly
Code Enforcement Officer	\$ 20600.00 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 Minute Taker	\$ 50.00 per meeting payable monthly
Animal Control	\$ 1800.00 per year payable monthly
Comp Plan Oversight Cmt Clerk	\$ 13.50 per hour payable monthly
Zoning Board of Appeals Clerk	\$ 13.50 per hour payable monthly
Integrated Property Clerk	\$ 13.50 per hour payable bi-weekly
Date Entry Part Time Clerk	\$ 10.00 per hour payable bi-weekly

RESOLUTION 12-2009

Be it resolved that the wage scale and fringe benefits for highway employees for the year 2009 shall be as follows: An increase of three (3) percent shall be added to all current Highway Employees wages for the year 2009)

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 13-2009

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, 2009.

RESOLUTION 14-2009

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

RESOLUTION 15-2009

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

RESOLUTION 16-2009

Be it resolved that **Main Brothers Energy** is hereby awarded the contract to provide heating oil and furnace maintenance service for a period of one year beginning January 1, 2009 and ending December 31, 2009. It is agreed that heating oil products will be provided at a rate equal to Columbia County's competitive bid price or less.

RESOLUTION 17-2009

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 18-2009

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, 2009 and ending December 31, 2009.

RESOLUTION 19-2009

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

RESOLUTION 20-2009

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 21-2009

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

RESOLUTION 22-2009

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 one year period beginning January 1, 2009 and ending December 31, 2009.

Supervisors Appointments

The Supervisor hereby appoints **Paul Bernstein** to serve as Deputy Supervisor without pay for a period of one year beginning January 1, 2009 and ending December 31, 2009. 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, 2009 and ending with the organizational meeting in January 2010.

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, 2009 and ending December 31, 2009.

The Town hereby appoints **Mark Fitzgerald, Inc.** as Accountant to perform accounting services on a temporary basis.

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, 2009 and ending December 31, 2009.

The Town hereby appoints **Wes Powell**, 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, 2009 and ending December 31, 2009, 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 2009 and ending with the organizational meeting in January 2010.

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, 2009 and ending December 31, 2009. 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, 2009 and ending with the organizational meeting in January 2010 and **Arlene Newton**, as Deputy Court Clerk for a 1 year period beginning January 1, 2009, and ending December 31, 2009.

2009 Policies and Procedures:

A motion to approve the following 2009 policies and procedures was made by P. Bernstein and seconded by M. Lee.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Cellular Phone/Phone Card/Telephone/Fax Policy

2009

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

2009

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.

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.

INVESTMENT POLICY
2009

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.

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).

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.

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.

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.

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.

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	\$3,000,000.00	Town Clerk
National Union Bank of Kinderhook	\$ 30,000.00	Court
First Niagara	\$1,000,000.00	Supervisor
Bank of America	\$1,000,000.00	Supervisor

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.

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:

- Directly, including through a repurchase agreement, from an authorized trading partner.
- 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.
- By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

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

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

XIII. Repurchase Agreements

Repurchase agreements are authorized subject to the following restrictions:

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

Appendix A

Schedule of Eligible Securities

___ (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States 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 Bank, 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."

Procurement Policy

2009

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:

Acquisition of professional services;

Emergencies;

Sole source situations;

Goods purchased from agencies for the blind or severely handicapped;

Goods purchased from correctional facilities;

Goods purchased from another governmental agency;

Good purchased under County or State contracts;

Goods purchased at auction;

Goods purchased for less than \$500.00.

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.

POLICY ON SEXUAL HARASSMENT

2009

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 of all allegations and investigations.

Policy for Waiver of 30 Day Liquor License Notification 2009

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.

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,

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.

The Supervisor will conduct each regular meeting of the Board according to the following order of business:

call to order;

moment of silence and pledge of allegiance;

acceptance of minutes of previous meeting;

auditing of account and claims;

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;

reception of petitions and other communications addressed to the Town board including written and electronic communications (e-mail);

report of Town Supervisor which will include the report of monthly cash disbursements;

reports of the Town Clerk/Tax Collector and the Highway Superintendent;

report of other town officers and officials (building inspector, town historian, etc)as may be required

reports from the Planning Board, the Comprehensive Plan Oversight Committee, and the Zoning Commission by committee chair or board liaison;

reports from Town Board sub-committees;

consideration of outstanding old business;

consideration of new business;

adjournment.

This order of business may be revised at any meeting by a majority vote of the Board.

Any member may present a resolution or motion for consideration by the Board.

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.

The Supervisor may offer or second a resolution or motion and need not relinquish the chair for such purpose.

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.

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.

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.

No motion shall be made to offer any amendment to an amendment already before the Board on any proposition.

A majority vote of all the members of the Board shall be required to suspend these rules of order.

A majority of the board shall constitute a quorum.

If the above stated rules are or become at any time in conflict with the statutory law, the statutory law shall take precedent.

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.

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.

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. Anyone 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.

Anyone 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.

Comments will be directed to members of the Board and not to any individual or group in attendance at the meeting.

Each speaker will limit their initial remarks to three minutes.

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.

Speakers may address the meeting further only with the consent of the majority of the Board.

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.

Speakers and Board Members will, at all times, maintain a courteous and respectful tone and avoid shouting, profanity and comments of a personal nature.

Should a speaker's behavior become disruptive, they will be asked to leave the meeting.

FOR APPOINTMENTS TO CITIZEN COMMITTEES

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

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

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

The Supervisor will name an Appointments sub-committee of the Town Board. This sub-committee will be charged with making recommendations to the full Board regarding appointments to those boards and committees which are subject to appointment by the Town Board.

Members of the Appointments sub-committee and the chair of each committee will actively solicit the participation of citizens for the Town Planning Board, the Comprehensive Oversight Committee and the Zoning Commission whenever a vacancy arises or is anticipated.

This will include, but is not limited to, posting a notice of the position(s) in the newspaper of record and on the official Town Website.

Applicants will be requested to submit letter of interest to the town clerk by a date specified in the notice of vacancy. This may be delivered in-person, via post or e-mail.

The Appointments sub-committee will review the qualifications of all candidates including a personal interview if appropriate.

Upon completion of the review, the Appointments sub-committee will then make a recommendation to the full Board.

Appointments will be made by a majority vote of the Board.

In making recommendations the Appointments sub-committee will be guided by the following policies.

An individual should serve on only one committee each term.

Only one member of a household should be appointed to serve in the same term.

An effort should be made to have members of both major political parties represented on each major committee in the Town.

It will be the responsibility of each Board or Committee chair to solicit, review and appoint members of such subcommittees and task forces as deemed necessary for the committee to discharge its responsibilities. Board and Committee chairs are encouraged to employ the principles of openness and inclusiveness in making such appointments.

Association of Towns Certificate of Designation

A motion to designate Supervisor George Jahn to attend the Annual Business Session of the Association of Towns of the State of New York, to be held in New York City, on February 18, 2009, and to cast the vote for the Town of Austerlitz was made by M. Lee and seconded by P. Jahn.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Town Clerk Susan Haag noted that a listing of all contracts, escrow accounts, and bonding was given to the Town Board.

Town Board Member Geel noted the updated email concerning the building of the new Austerlitz Fire House. Minor discussion ending with a notation that the Fire Company needs to decide exactly what it wants. Attorney Baker noted that this proposal needs to start moving through the legislature. There are time considerations.

Supervisor Jahn advised that the Town Board is committed to a public hearing on the proposed Zoning Law in March. Attorney Baker agrees to have a draft of the law ready by the end of January. The Town Board scheduled a workshop for this draft on February 10, 2009 at 7:00p.m. at the Town Hall.

Public Comments

Howard Reznikoff noted that in the latest power outage many people used generators. He questions what roll the Town could possible play in educating residents on how to correctly use generators since they can be dangerous if not used right. Discussion on requirements, permitting, etc. for generator use in the surrounding townships. Board Member Geel can supply information. Discussed options on who would do training and how this could work. It was decided that this could possible be handled on a County level.

Carol Pinto asked Highway Superintendent Meehan if Firehill Road could possible be plowed sooner. She leaves very early for work now. R. Meehan will see what he can do, but he is down a truck and a man. Generally he makes sure that the bus routes are down first.

Ellen Melnick asks if there is anything added to the dirt the Highway Crew uses on the roads. Highway Superintendent Meehan notes a small amount of salt is added for freezing. He explained how this is mixed. E. Melnick as what environmental impact this has. R. Meehan advised that there may be some, but small in comparison to the what the State uses.

Tim Stalker asked how new truck worked out. R. Meehan felt it worked great, but the Crew is still getting used to it. The attached blade is better for blacktop.

Adjournment

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

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried. Meeting adjourned at 7:49 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Regular Town Board Meeting
February 12, 2009

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

Moment of Silence in memory of Jack Doyle, friend, farmer and neighbor, followed by the Pledge of Allegiance.

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

Minutes

A motion to approve the January 8, 2009 Organizational/Regular Town Board Meeting minutes was made by M. Lee and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: abstained due to absence

Motion carried 4:1.

Auditing of Accounts and Claims

A motion to approve General Fund #22-74:2009 in the amount of \$12434.86, Highway Fund #18-42:2009 in the amount of \$27238.11, and Capital Fund #2-2009 in the amount of \$40782.00 was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Reports

Monthly cash disbursements for the month of January 2009 were presented.

Town Clerk Report for the month of January 2009 submitted.

Tax Collector Report for the month of January 2009 submitted.

Highway Superintendent Meehan reported that the mud season is early this year. Good news that it will be cold again to help. As far as winter supplies are concerned, the Town will make the winter. FEMA is being worked on.

Supervisor Jahn reported that at the County Board meeting Okawamic is still a big issue as to which departments will be moving out there. A presentation was made for the world oceans project being

started in Greenport. Technology will be used where circular, closed ponds will be created to grow certain breeds of salt water fish. This will create upwards of 60-70 jobs.

Planning Board Report for the month of January 2009 submitted.

Comprehensive Plan Oversight Committee for the month of January 2009 submitted. Discussed having the CPOC Committee work up a future emergency preparedness plan for the Town. Chairman Smith noted that she has already started to look into these issues and what is available. Monday, February 16, 2009 at 7:00 p.m., Steven Winkley of the Rural Water Association will attend the CPOC meeting as a speaker.

Building Inspector/Code Enforcement Report for the month of January 2009 submitted.

2008 Historian Report submitted.

A motion to accept the above reports was made by B. Geel and seconded by M. Lee.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Correspondence

HMA Retainage Reduction to 5%. Bryarcliffe road contractor HMA has asked the Town to drop their retainage from 10% to 5%. Supervisor Jahn explains this request and Attorney Baker notes that under law we can only retain 5% if a performance bond is put up. A performance bond has been put up. Warranties and performance bond issues discussed.

A motion to release 5% retainage on payments already made was made by P. Bernstein and seconded by M. Lee

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

NYS Office of Parks, Recreation and Historic Preservation notified the Town that consideration is being given to place the Pratt Homestead on the State and National Historic Registers. This home is currently owned by Lynn O'Connell on Route 203 in the Spencertown Hamlet. Attorney Baker notes that the only impact to the Town would be if a surrounding property owner wanted to put in certain types of businesses, etc., then the impact on this particular property would be taken into special consideration.

Unfinished Business

At the organizational meeting Accountant Mark Fitzgerald was given a provisional appointment because he was considering changing to a contract based relationship. He has since changed his mind and the Town needs to finalize his appointment.

A motion to appoint Mark Fitzgerald as Town Accountant for a term to end December 31, 2009 was made by G. Jahn and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

No appointments for Planning Board Chair and Planning Board Deputy Chairman were made at the Organizational meeting. Planning Board Member Charles Knauss temporarily filled these shoes for the February meeting.

A motion to appoint Charles Knauss as Chairman and Charles Lawson as Deputy Chairman of the Planning Board for a term to end at the organization meeting in January 2010 was made by B. Geel and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Austerlitz Fire House Committee: T. Stalker noted that the committee met with Town Board Member Lee and with an engineer, and it was noted that a subdivision needed to be done. Since the property is currently owned by the Town, the Town needs to initiate the subdivision. T. Stalker would like to represent the Town before the Planning Board on this matter. The Town Board looks at a map showing the subdivision that is being considered. Perk tests need to be done, site plan for entrance needs to be done. Attorney Baker and the Town Board discuss the project and steps that needed to happen and in what sequence, including the involvement of the NYS Parks Department. Issues may arise with the NYSDOT as to where access is granted. A package for the State Legislature will be ready by the next Town Board meeting.

A motion authorizing the Austerlitz Fire Company to submit the necessary application for subdivision to the Planning Board on behalf of the town to facilitate the construction of the new fire house was made by G. Jahn and seconded by M. Lee.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

New Business

NYSEG has asked the Town to choose which type of street lights it would like NYSEG to use.

A motion to notify NYSEG that the Town has chosen to use high pressure sodium in its street lights was made by G. Jahn and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Supervisor Jahn would like the Town Board to consider enacting a cold war veterans exemption law. This was approved on a County level. Covers all veterans that did not participate in a war. This would impact Town taxes, not school. Attorney Baker will have a draft and a public hearing will take place at the next Town Board meeting to begin at 6:45p.m.

Supervisor Jahn handed out a form from the County Planning Board dealing with stimulus projects asking the Town Board to think of possible project to undertake on the Town level. Supervisor Jahn put some road paving projects on the list and the Austerlitz Fire House.

Attorney Baker brought the Town Board up-to-date on the Enzer tax matter. This is a tax challenge by Ms. Enzer challenging her assessment. The original assessment was \$830,000. Mrs. Enzer provided an appraisal which came in at \$550,00.00. After negotiation with Town Assessor Pam Cook, and the attorney for Mrs. Enzer, the end result would come in at \$651,000.00. The Town Board needs to stipulate an agreement by resolution to resolve this matter. Discussion.

A motion authorizing the stipulation of settlement in the Susan Enzer v. Cook Article 7 proceeding was made by P. Bernstein and seconded by G. Jahn.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Attorney Baker also noted that a response to summary motion is being prepared in the Morrow tax case. He expects to be successful in this laws suit.

Attorney baker notes that the zoning draft should be to the Town Board next week. Tuesday, February 24th 7:00 p.m., will be a Town Board workshop. Supervisor Jahn notes that there may need to be another workshop, but this will discussed at the March Town Board meeting. A public Hearing will take place on April 18, 2009. SEQRA time frames and county involvement discussed.

Public Comment

None

Adjournment

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

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried. Meeting adjourned at 8:10 p.m.

Respectfully submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Special Meeting
February 24, 2009

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

Bryan Geel absent due to work emergency.

Meeting called to order at 7:05 p.m.

Supervisor Jahn explained that this is a workshop type meeting therefore no public comment will be solicited by the board. The meeting was called to work on the Zoning Draft.

Updated zoning document presented to the Town Board. Attorney Baker explained to the board the changes he made to the draft presented by the Zoning Commission and his reasons behind these changes. Changes made by Town Board review were also incorporated.

Major areas of change and/or discussion were the ridgeline overlay district, allowable use charts, mining, Article V: 2 charts were combined, clustered subdivisions, land clearing and commercial timber harvesting: enforcement sections have been removed, special use permit and the curtailing of certain types of businesses within the hamlet areas, non-conforming uses and structures.

Some redacted mining sections will be restored, namely a 100 yard threshold, and the section will be now include standards for noise, dust, restoration, surface water flow, and hours of operation.

A list of prohibited business uses within the hamlet areas will be presented at the next meeting to be incorporated into the zoning document.

Under Non-conforming Uses, 25% expansion will be allowed and if a building or structure was destroy by 50% or less, use may be reinstated.

5 member board for ZBA.

Some definitions will be tweaked for the ridgeline sections.

Boundaries for the Spencertown Hamlet will be changed as previously decided, but now with depths of 1000 feet.

An additional workshop is scheduled for March 10, 2009 for 7:00 p.m. at the Town Hall.

Meeting adjourned at 8:39 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Workshop Meeting
March 10, 2009

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

Workshop called to order at 7:05 p.m. Called to work on the zoning document.

The public is welcome to listen and observe. No comment unless specifically asked by the Board.

Attorney Baker explained the changes he made. Discussion on solid waste areas with this being prohibited throughout the Town, but mulching and the like will be permitted. Telecommunication towers prohibited in hamlets and by special permit in the rural residential area. Mining areas discussed. Recommendations on driveway and private road specs from Town Fire Companies for site plan review discussed. A provision for this will be added. Non-conforming use issues discussed. Enforcement fines and imprisonment discussed. Recreation definitions discussed.

Next steps will be the Town Board will get a new clean version for Thursday night. Put it out for public comment, schedule a public hearing, get County recommendations, an EAF will be here Thursday night. April 18, 2009 at 9:00 a.m. at the Spencertown Fire House will be the public hearing.

Meeting adjourned at 8:20 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Public Hearing/Regular Town Board Meeting
March 12, 2009

Public hearing called to order at 6:45 p.m. Public Hearing for Local Law #1-2009 Enacting a Tax Exemption for Cold War Veterans. Public Hearing property noticed. Supervisor Jahn explained the exemption and how it will work. The County has adopted this exemption as well. Exemption is for Town and County taxes, not school.

Public Comment

No comment.

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.

G. Jahn: yes

B. Geel: yes

M. Lee: 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.

Moment of Silence, followed by the Pledge of Allegiance.

Roll call. Present: George Jahn, Supervisor, Bryan Geel, Charles Vander Weit, Mary Anne Lee, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent, Jeff Baker, Attorney for the Town.

Paul Bernstein absent due to illness.

Minutes

A motion to approve the February 12, 2009 Regular Town Board Meeting minutes, The February 24, 2009 and March 10, 2009 Workshop Meeting minutes was made by C. Vander Weit and seconded by M. Lee.

G. Jahn: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #75-109:2009 in the amount of \$9815.97, Highway Fund #43-61:2009 in the amount of \$15628.49, and Capital Fund #3-2009 in the amount of \$98.00 was made by M. Lee and seconded by B. Geel.

G. Jahn: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Reports

Monthly cash disbursements for the month of February 2009 were presented. Supervisor Jahn noted though that revenues are hurting. Mortgage tax is tracking poorly compared to last year. There may be some budget transfers coming up.

Town Clerk Report for the month of February 2009 submitted.

Tax Collector Report for the month of February 2009 submitted.

Highway Superintendent Meehan reported that mud season is here already! A couple of roads are nearly impassable; a part of Dugway has been closed. The Highway Crew has been out working on the roads. There are a couple of residents who are unhappy. Stever Hill has been worked on in the last week. Some money will be coming back from F.E.M.A. The roads in Bryarcliffe are holding up for the most part.

Supervisor Jahn reported that at the County Board meeting last night there were protesters against the move of DDS from Hudson to Ockawamick. This is also very unpopular with Hudson leadership due to cost of the transportation issue. Supervisor Jahn was absent from this meeting, but would have voted against this move.

Planning Board Report for the month of February 2009 submitted.

Comprehensive Plan Oversight Committee for the month of February 2009 submitted.

Building Inspector/Code Enforcement Report for the month of February 2009 submitted.

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

G. Jahn: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Correspondence

NYSORPS notification that the Town of Austerlitz' residential assessment ratio is 100.62.

NYSORPS notification that the Town of Austerlitz will be receiving \$10,269.42 in Consolidation Incentive Aid.

NYSORPS notification that the Town of Austerlitz will be receiving \$7095.20 in Triennial Aid.

Supervisor Jahn commends Assessor Pam Cook for a job well done.

Unfinished Business

Austerlitz Fire House Update: Town Board Member Lee advised that Dave Savage is in negotiations with the owner of the surrounding land, Dave Stallman. He is discussing the terms of a land purchase or possible swapping land. Until the Town knows the exact proposal, it cannot move forward going to the State, etc. Member Lee will follow-up making sure the Austerlitz Fire House Committee understands this. Options on how to make this whole proposal work was discussed.

Zoning Update: The Town Board, with the assistance of counsel has been reviewing the report from the Town Zoning Commission, including the draft zoning law prepared by the Zoning Commission. The Town Board felt that the Zoning Commission did a very commendable job and sought to preserve the primary intent and scope of the draft zoning law, but sought to make changes with the primary intent of simplifying the law and making its administration easier. Supervisor Jahn explained the changes made to the Draft Zoning Law being distributed for public comment in hard and electronic copy and on the web page.

Attorney Baker noted additional changes made at the direction of the Town Board at the March 10, 2009 meeting. Discussion on provisions to provide a fire company review in certain planning board application scenarios.

EAF was presented and explained by Attorney Baker. Only part 1 is filled out currently. Part 2 and 3 will be filled out accordingly. A full assessment will be completed after the public hearing. This is a type 1 action under SEQRA. The Town Board is the lead agency.

Resolution #24-2009, Adoption of Zoning Law

WHEREAS, the Town Board has been reviewing and considering the draft zoning law prepared by the Zoning Commission and made changes thereto; and

WHEREAS, the adoption of zoning for the first time is a Type I action under SEQRA; and

WHEREAS, a long form EAF has been prepared recognizing that most of the form questions are irrelevant to this action which will not change any of the existing land uses or commit the town to any particular action; and

WHEREAS, the Town Board is the only involved agency for the approval of this action.

NOW THEREFORE, LET IT BE RESOLVED as follows:

The Town Board hereby declares itself Lead Agency under SEQRA and authorizes the Town Supervisor to sign the EAF.

Directs referral of the draft zoning law to the County Planning Board pursuant to GML Sec. 239-m

Directs that a public hearing be held Saturday, April 18, 2009 at 9:00 AM at the Spencertown Fire House to receive comments on the draft zoning law and that notice of said hearing be duly posted and published.

A motion to adopt Resolution #24-2009, Adoption of Zoning Law was made by C. Vander Weit and seconded by M. Lee.

G. Jahn: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Court Relocation: Town Justices Roberts and Lagonia brought the Town Board up to date on the Court relocation process. Judge Roberts reported that as Town Board Member C. Vander Weit observed a year and a half ago, there are security issues with the current setup of Court. The process was audited by the Office of Court Administration and found to be unsafe as well. The Justice Court secured grant funds to update the current facility, or to use at the Spencertown Academy after the court relocated there. After seriously considering both options, and due to lack of support by some Town Board Members, it was determined that neither would work. Therefore, at this point, the majority of the grant

money will be forfeited and returned to the State and the Justice Court is in the same security position as it has been in. There is the possibility of adding a room for Court facilities at the new Austerlitz Fire House, but this remedy is not viable for at least a couple of years.

Discussion on ways to make the Town Hall work and solve security issues were discussed. DA nights are a problems with the amount of people that are present. Judge Roberts advised the Town Board that at this point there is the possibility that the NYS Office of the State Comptroller will probably come in and audit the Court facilities as well. Town Board Member Vander Weit urges the Town Board not to procrastinate about this issue; this is a serious situation and needs to be addressed appropriately in a timely fashion.

Town Hall Kiosk: Town Board Member Vander Weit updated the Town Board that Building Inspector G. Smith submitted plans for a Town Hall Kiosk to Herringtons for pricing at the request of Supervisor Jahn. The material pricing came in quite high, and although the material used can be adjusted, the price is still too high. Member Vander Weit would like to purchase a prefabricated unit. He will look into this and also work with G. Smith on the building of the unit.

New Business

Local Law #1-2009 Enacting a Tax Exemption for Cold War Veterans

A motion to approve Local Law #1-2009 Enacting a Tax Exemption for Cold War Veterans was made by C. Vander Weit and seconded by B. Geel.

Town Board Member Vander Weit noted that this exemption is so minimal, and it's more of a gratuity or recognition for these veterans.

G. Jahn: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Section 1. Purpose

It is the intent of this Local Law to:

- (a) Authorize a limited exemption from real property taxes for residential real property owned by veterans who rendered military service to the United States during the "Cold War" and their surviving spouses pursuant to Section 458-b of the Real Property Tax Law; and
- (b) To establish a maximum exemption amounts there under.

Section 2. Title

The Local Law shall be entitled, "A Local Law Providing for Tax Exemptions for Town of Austerlitz Cold War Veterans Pursuant to §458-b of the Real Property Tax Law."

Section 3. Definitions.

(a) "Cold War veteran" means a person, male or female, who served on active duty in the United States armed forces, during the time period from September 2, 1945 to December 26, 1991, and was discharged or released there from under honorable conditions.

(b) "Armed forces" means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard.

(c) "Active duty" means full-time duty in the United States armed forces, other than active duty for training.

(d) "Service connected" means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty on active military, naval or air service.

(e) "Qualified owner" means a Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

(f) "Qualified residential real property" means property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this section. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War veteran, unless the Cold War

veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization.

(g) "Latest state equalization rate" means the latest final equalization rate established by the state board. Section 4. Exemption.

(a) A qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of \$ 12,000, or the product of \$ 2,000 multiplied by the latest state equalization rate for the Town of Austerlitz.

(b) In addition to the exemption provided by paragraph (a) of this section, where the Cold War veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed the lesser of \$40,000, or the product of \$40,000 multiplied by the latest state equalization rate for the Town of Austerlitz.

Section 5. Limitations

(a) The exemption from taxation provided by this subdivision shall be applicable to town taxation only and shall not be applicable to taxes levied for school purposes, special ad valorem levies or special assessments.

(b) If a Cold War veteran receives the exemption under any other section of the Real Property Tax Law, the Cold War veteran shall not be eligible to receive the exemption under this section.

(c) The exemption provided by paragraph (a) of this section shall be granted for a period of ten years. The commencement of such ten year period shall be governed pursuant to this section. Where a qualified owner owns qualifying residential real property on the effective date of this local law, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after the effective date of this local law. Where a qualified owner does not own qualifying residential real property on the effective date of this local law, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least sixty days after the date of purchase of qualifying residential real property; provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within sixty days after the date of purchase of residential real property, such ten year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of such ten year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to this local law for the unexpired portion of the ten year exemption period.

Section 6. Application Process.

Application for exemption shall be made by the owner, or all of the owners, of the property on a form prescribed by the state board. The owner or owners shall file the completed form in the assessor's office on or before the first appropriate taxable status date. The exemption shall continue in full force and effect for all appropriate subsequent tax years and the owner or owners of the property shall not be required to refile each year. Applicants shall be required to refile on or before the appropriate taxable status date if the percentage of disability percentage increases or decreases or may refile if other changes have occurred which affect qualification for an increased or decreased amount of exemption. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to the penalties prescribed in the penal law.

Section 7. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State, and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after such date.

Additional Business: Town Board Member Geel advised the Town Board that he is looking into replacing the Spruce tree on the Green. He will get a price, and Highway Superintendent Meehan will take down the old tree. At the same time, R. Meehan will take down the damaged tree on the side of the Town Hall. Supervisor Jahn has spoken with land owner Martin Parker who has given his consent to take down the tree.

Injured Highway Crewman Brian Morey is back to work full time.

Public Comment

Stever Hill Road resident Terry Conte addresses the Town Board concerning the disastrous conditions on Stever Hill. She read a prepared statement which stated that in November of 2003 a small group of

concerned residents of Stever Hill Road and the adjacent properties came before the Austerlitz Town Board to present concerns about the poor road conditions and safety concerns on Stever Hill Road. There was a subsequent letter dated December 8, 2003 signed by all the residents at that time. The residents again contacted the Town Board in a letter dated March 17, 2006 after waiting for 3 years for some permanent corrections to be made besides the pavement placed at the intersection of Stever Hill and Route 203 to eliminate some potholes. Since 2006 residents have made repeated phone calls to the Town Highway Department reporting dangerous road conditions. T. Conte noted that the Highway Crew have tried their best to improve the situation, but must be equally as frustrated as the residents with the constant need to re-do grading which only temporarily fixes the major problems. T. Conte continues noting work that was done over the last two summers including removal of trees from the upper areas along side Stever Hill Road which did not correct any drainage issues. Large rocks have been left dangerously close to the end of the road and have narrowed the roadway. T. Conte reiterates the safety concerns and notes specific cases of damaged vehicles and near misses. The residents on Stever Hill Road are asking the Town to pave this road.

Supervisor Jahn noted that it is a fact that dirt roads need to be taken care of every year. Highway Superintendent R. Meehan is working on Stever Hill each year; the road project is ongoing. Work that has been done to date is under drainage, tree lines taken down, stumps moved, grading, etc. Stever Hill is not yet ready for blacktop because R. Meehan is still working on water issues. He has a small budget to work with and using what funds he can. R. Meehan is also taking care of the rest of the Town roads. Supervisor Jahn notes that Stever Hill is on the top of the list and the Highway Department will continue to work on this project.

John Mesick noted that he has lived on this road for his entire life and wanted to state for the record that Stever Hill is in the best shape it has ever been in. Stever Hill has always been a dirt road and there is clay underneath. Residents who live on the road are creating some of the issues.

Earle Lawrence advised that he personally has talked with Supervisor Jahn when he took office and Supervisor Jahn agreed to help. At this point, E. Lawrence asks the Town if the road could be partially fixed; just the really bad areas. E. Lawrence has personally driven people up the road because they have been unable to navigate the road themselves.

Supervisor Jahn advised that the Town is doing what it can and is slowly making progress. The Highway Crew is taking care of all the roads in Town as well. Discussion of cost and taxing issues if all the Town roads were paved. G. Jahn noted that the Town is doing what it can with the resources it has, and Highway Superintendent Meehan is doing what he can with the manpower and time he has.

Town Board Member Geel noted that he is not making excuses, but the roads in Town are getting better even though it is slow going. The Highway Crew is doing what they can.

Lynn O'Leary wanted the Town Board to hear the human side of the issue. She knows the Highway Crew work hard and appreciates it, but she has 2 small granddaughters that she transports each day to the bus stop and back. The road is so dangerous and nearly impossible to navigate. She slides and one day just about lost control of her vehicle. Not only her, but the kids were scared to death. This is how it is constantly with real people, real children, real fear everyday. L. O'Leary thanks R. Meehan for what he does, but needs everyone to understand the dangerous road conditions.

Supervisor Jahn again states that Stever Hill is the first priority when time permits. T. Conte asks if there is a road plan. Supervisor Jahn will work with R. Meehan to see what can be done.

Tim Stalker: Asks the Town Board to draft a resolution or letter addressed to the Columbia County DA asking that the DA comes out to the Town 2 times a month instead of one to help with people traffic.

A motion made by C. Vander Weit and seconded by M Lee to authorize Supervisor Jahn to draft a letter to Columbia County DA to come 2 times a month.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Adjournment

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

G. Jahn: yes
 P. Bernstein: yes
 B. Geel: yes
 M. Lee: yes
 C. Vander Weit: yes
 Motion unanimously carried. Meeting adjourned at 8:20 p.m.

Respectfully submitted,
 Susan A. Haag, Town Clerk

Town of Austerlitz
 Bid Opening/Regular Town Board Meeting
 April 9, 2009

Bid opening called to order at 6:30 p.m. The Town Board opened bids for highway material and lawn care services for the 2009 year.

Lawn Care: It was noted that the only lawn care bid submitted was submitted late. Howes Horticultural
 153 Stonewall Road, Chatham, NY 12037

Bid for lawn cutting and ground maintenance: 2009 season

1. Price per lawn mowing \$195.00 estimate 27 mowings in the season
2. Ground Maintenance Spring and Fall cleanup \$40.00 per hour.
3. Garden Maintenance \$40.00 per hour
4. Trash Removal \$35.00 per week.
5. Cost of materials-Mulch \$45.00 per yard, perennials if needed between \$12.00 and \$30.00 depending on size. Trees and shrubs-estimate will be given before installation.

Numbers are the same as last year.

Sand and Gravel

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

Town of Austerlitz Bid for Gravel

Bank Run: \$5.75 per ton FOB

Processed Gravel: 1" minus \$8.75 per ton FOB

Item #4 2" minus: \$8.75 per ton FOB

Cobbles: \$9.15 per ton FOB

#3 Stone: \$10.25 per ton FOB

Shale: \$6.65 per ton FOB

6" minus shale: \$8.00 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., Crushed Stone, Sand and Gravel, Blacktop, PO Box 302, Hudson, NY 12534,
 Phone: (518) 828-3218, Fax: (518) 828-0546 (all Quantities are as requested and unit quoted are per ton)

Item	Description	FOB	Delivered	Location
Crush Stone	Item 4 Crusher Run	\$8.55	\$13.55	91 Newman Rd, Huds
"	Screen Fill	\$7.35	\$12.35	"
Gravel	Bank Run Gravel	\$5.25	\$11.00	Cty Rte 31, Hudson
"	Sand (snow)	\$10.50	\$16.25	"
Crush Stone	Crusher Run 2" Minus	\$8.55	\$13.55	91 Newman Rd. Huds
"	Gabion	\$10.90	\$15.90	"
"	Medium Stone Fill	\$12.25	\$19.00	"
"	Heavy Stone Fill	\$12.25	\$19.00	"
Gravel	Processed 1" minus	\$8.00	\$13.75	Cty Rte 31, Hudson
"	Item #4	\$8.00	\$13.75	"
"	Cobbles	\$7.00	\$12.75	"
Crush Stone	Shale	\$6.50	\$11.50	91 Newman Rd, Huds
Asphalt Base		\$54.90	---	"
Asphalt Binder		\$54.90	---	"
Asphalt Top		\$59.10	---	"
Asphalt Type 7F		\$63.25	---	"

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 \$406.00 per US ton.

Thank You,
J.R. Heffner, Operations Manager

Trucking

Tommy Faxon Excavation 45 Church Street, Chatham, NY 12037, 518-392-7652

Trucking for the Town of Austerlitz Highway Department 2009 Bid

A. Tractor Truck #171-04 Kenworth, 550 horsepower, average load size of 34 ton. Permitted for 107,000 lbs.

Truck #223-02 Kenworth, 550 horsepower, average load size of 35 ton. Permitted for 107,000 lbs .

HOURLY RATE FOR TRACTOR TRAILER WILL BE \$115.00 PER HOUR

B. Triaxle Truck #224-06 Sterling, 455 horsepower, average load size of 21 ton. Permitted for 70,640 lbs.

Truck #225-05 Western Star, 455 horsepower, average load size of 22 ton. Permitted for 71, 250 lbs.

HOURLY RATE FOR TRIAXLE WILL BE \$90.00 PER HOUR

Macfarlane Contracting 39 Percy Hill Road, Old Chatham, NY 12136

Trucking: Material hauling for the Town of Austerlitz Highway Department

Tri-axle-Dump Truck price per hour \$90.00

Average 21 ton per load/15 yd per load

350 HP motor

Thank You,
Corey Macfarlane, Owner

Calcium Chloride

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

Liquid Mag Choride: .98 per gallon delivered and applied, 29% mag, 71% water

Very Truly Yours

James Reed Sales, Inc.

Gary Cooper, Asst. Secretary

Guide Rail

Town and County Bridge and Rail, PO Box 16395, Albany, NY 12212, Cell 518-577-1008

Sir, In response to your request for bids on guide rail and installation, we are pleased to offer the following:

<u>Item Description</u>	<u>Unit Price</u>
Used w-beam guide rail	\$3.75/ft
New w-beam guide rail	\$7.75/ft
Used 3" I posts	\$18.00/ea
New 3" I posts	\$54.00/ea
New radius w-beam rail	\$10.00/ft
Single buffer ends	\$60.00/ea
New box beam rail	\$34.00/ft
New Type I ends	\$325.00/ea
New radius box beam rail	\$37.00/ft

Above prices include delivery and all assembly hardware. In addition w-beam guide rail complete layout and installation @ \$5.25/ft, Box beam guide rail layout and installation @ \$6.25/ft, Layout and installation of posts only @ \$225.00/hr., Installation prices include mobilization, truck-mounted pounder w/ operator and service truck w/ laborer. Traffic control by others.

Thank you for the opportunity of bidding, and we look forward to working with the Town on their guide rail needs.

Sincerely, Christopher D. Hart

Pipe

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

To Whom it May Concern, Following please find Chemung Supply Corporation’s bid on the culverts called out in the specifications.

Please note that all prices include delivery.

	<u>N-12 HDPE with bands</u>	<u>Aluminized (per foot)</u>
12 inch	\$4.25	\$9.39
15 inch	\$5.53	\$11.78
24 inch	\$12.75	\$19.09
30 inch	\$19.62	\$29.33
36 inch	\$25.13	\$35.76
48 inch	\$42.72	\$63.03

Respectfully submitted, Marc P. Stermerman, President

Updated discussion on Stever Hill Road, Town Engineer Pat Prendergast has looked at the Road and Highway Superintendent Meehan is waiting for his evaluation. West Hill Road was worked on and Bryarcliffe roads will not be finished probably until May.

Town Board Member Lee noted that the Town really needs a comprehensive road plan for future planning and budgetary purposes. Supervisor Jahn would not like any Town road paved.

No competitive bids were received.

Bid opening closed at 6:57 p.m.

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

Moment of Silence, followed by the Pledge of Allegiance.

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

Minutes

A motion to approve the March 12, 2009 Public Hearing/Regular Town Board Meeting minutes, was made by M. Lee and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #110-143:2009 in the amount of \$13583.88, Highway Fund #62-77:2009 in the amount of \$13343.29, and Capital Fund #4-2009 in the amount of \$147.00 was made by M. Lee and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Reports

Monthly cash disbursements for the month of March 2009 were presented. Supervisor Jahn noted that the Highway hospitalization number is slightly off. He will check into it. On a County level the big issue today is the move of DDS to Claverack and moving Pine Haven from Philmont to Kinderhook. He has received letters from a number of residents in Philmont against the move. He will take these into consideration. No County vote yet on the Pine Haven move.

Town Clerk Report for the month of March 2009 submitted.

Tax Collector Report for the month of March 2009 submitted.

Highway Superintendent Meehan reported that they have been working with FEMA trying to get the ice storm issues cleaned up. Discussed what FEMA is going to pay. Clean up will be completed by May. Working on pot holes in Town which is tough since it keeps raining. Stever Hill has been looked at and the engineer for the Town Pat Prendergast is evaluating as well. West Hill Road has been worked on and the finishing of Bryarcliffe roads was discussed.

Discussed individual residents dumping of debris on private property.

Planning Board Report for the month of March 2009 submitted.

Comprehensive Plan Oversight Committee for the month of March 2009 submitted. Discussed length of time to keep open the public hearing for the zoning law.

Building Inspector/Code Enforcement Report for the month of March 2009 submitted.

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

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Correspondence

Housing Resources of Columbia County, Inc. is currently applying for funding through the NYS HOME Program through the NYS Division of Housing and Community Renewal to assist First Time Home Buyers in purchasing homes in Columbia County. The program will provide down payment and closing cost assistance to low to moderate income households who have completed Home Buyer Education and have engaged in intensive one on one credit and budget counseling. HRCC will also assist the clients in the application process with local reputable lenders to ensure they receive the best possible mortgage product. HRCC is requesting that the Town of Austerlitz send a letter to the Commissioner of the NYS Division of Housing and Community Renewal expressing support of HRCC's efforts to assist Columbia County First Time Home Buyers and those in need of home repairs to improve the quality of their lives and make their homes safe and habitable for as long as possible.

Town Board Member Vander Weit is aware of this project and it is a wholesome project.

A motion to authorized Supervisor Jahn to send a letter of support was made by C. Vander Weit and seconded by B. Geel.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

E. Fusco: Email concerning the status of Bryarcliffe roads and the roads leading into Bryarcliffe. West Hill Road was worked on today and the steep portion of Dugway Road will be worked on as well. This does not mean that either of these Town roads will be paved. New guardrails will be placed in steeper areas.

Town Board Member Lee feels like a more formalized plan needs to be in place for future objectives, priorities and budgetary purposes. Discussed roads that need repair and how to go about budgeting and choosing what roads will be worked on when. Supervisor Jahn wants to put perspective on this discussion. This type of plan would really put a strain on the tax levy, maybe as much as 30% a year. Member Lee feels taking care of the roads is a responsibility of the Town. Board Member Geel agrees with M. Lee and feels that we should have a plan. Further discussion on how to resolve this issue. Town Board Member Bernstein agrees with M. Lee and wants to catalog which roads need to be taken care of in a priority list. M. Lee is not necessarily saying we spend additional monies; she would just like to see a prioritized plan for road maintenance. Supervisor Jahn noted that with available money, the Town roads are being taken care of as time allows.

Attorney for the Town Jeff Baker noted that an official Town Road map still needs to be formalized. Supervisor Jahn agreed that it is a good idea to come up with a prioritized road plan and advised that during budget time he will incorporate a small increase in the highway budget for road maintenance.

Unfinished Business

Austerlitz Fire House Update: Town Board Member Lee summarized the building project of a new fire house in Austerlitz. Member Lee advised that last Saturday representative of the Town Board and the Austerlitz Volunteer Fire Company met with Steve Stollman, owner of the property adjacent to the town owned land in Austerlitz. Mr. Stollman is very supportive of the proposed project and indicated his willingness to sell the Town of Austerlitz the acreage required to equal \$40000.00 appraised fair market value of the 2.2 acres the Town will see to the Austerlitz Volunteer Fire Company. Because the land fronting Route 22 has a higher per acre value the Town will need to acquire 3+ acres of replacement land to equal the fair market value of the land being alienated.

Assemblyman Molinaro and Senator Saland offices have been contacted.

Member Lee also advised that she has had a conversation with Ron Rader at NYSORHPS detailing the proposed alienation and replacement land. M. Lee updated him with the Town's process and intentions. R. Rader congratulated the Town of Austerlitz on the thoroughness of preparation and indicated that he agreed in principle with the plan that is being proposed. He will make a site visit once the alienation bill is introduced in the legislature.

Therefore, the Town needs to adopt the Municipal Home Message and needs to make a decision as to what land the Town would purchase from S. Stollman.

In looking at which land would be purchased, Town Board Member Lee noted that according to the Comprehensive Plan, rustic areas, trail areas are what the Town would prefer to keep. But, land behind the historical areas would provide a protective area. The Town Board feels a right-away for the Town to the back parcel from Route 22 is crucial. Member Lee outlined the next steps that need to happen to move this project along. Decisions need to happen tonight.

Attorney Baker noted that the Town needs a letter from S. Stollman as to what he agrees too, a survey of the land. He further outlined the steps that will take place next.

The Town Board agreed to choose the land behind the historical buildings going south on Route 22 attached to the current property owned.

Supervisor Jahn noted that timing is an issue. A Town Justice noted that additional court space is needed and it was supposed to be at the new facility. Dave Savage noted that the fire company is in favor of this in principal. The Town and the fire company will negotiate this.

A motion was made by M. Lee and seconded by B. Geel that the attorney for the Town, Jeff Baker, is authorized to move forward and prepare a Municipal Home Rule message to the NYS Legislature to alienate Town-owned land in the Hamlet of Austerlitz to sell to the Austerlitz Fire Company for the construction of a new fire house. The sale will involve approximately two acres valued at \$40000.00 which will be used to purchase land of equivalent value from Steve Stollman. The land to be purchased will, subject to an appraisal, comprise approximately 3 acres and will be adjacent to the existing and remaining Town land.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Town Board Member Geel provided specs for the purchase of a new tree on the Greene. The members of the Comprehensive Plan Oversight Committee protested the taking down of the tree that is currently. An 8 foot Colorado blue spruce is recommended because it is slow growing. The Town could purchase the tree and Board Member Geel will plant it after the Highway Crew takes down the old one and B. Geel will grind up the stump.

A motion to purchase a Colorado blue spruce to replace the current tree was made by G. Jahn and seconded by C. Vander Weit.

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

New Business

Resolution #25-2009, Tobacco-Free Zones: The Rip Van Winkle Tobacco-Free Coalition of Columbia and Greene Counties has asked the Town of Austerlitz make some or all of the Town's parks or recreation areas tobacco free to protect children's health, reduce exposure to the example of adult smokers and decrease cigarette liter.

Resolution #25-2009, Tobacco-Free Zones

WHEREAS smoking is responsible for the premature deaths of over 430,000 Americans each year from lung cancer, heart disease, respiratory illness and other diseases; and

WHEREAS children exposed to secondhand smoke are more likely to have reduced lung function and symptoms of respiratory irritation, like coughing, excess phlegm and wheezing; and

WHEREAS children with asthma who are exposed to secondhand smoke are especially at risk for having their condition worsened by secondhand smoke; and

WHERE secondhand smoke is responsible for over 50,000 deaths among nonsmokers each year; and

WHEREAS TOBACO KILLS MORE Americans each year than alcohol, cocaine, crack, heroin, homicide, suicide, accidents, fires, and AIDS combined; and

WHEREAS 80% of smokers started smoking before the age of 18, and the average initiation age is 12 years old; and

WHEREAS everyday an estimated 3,900 young people under the age of 18 try their first cigarette and one-third of these children will die prematurely from tobacco related illnesses; and

WHEREAS to help role model non-smoking behavior to children and youth; to provide children, youth and their families with a safe, smoke-free environment;

THEREFORE BE IT RESOLVED that the Town of Austerlitz will post appropriate signage designating tobacco-free zones in the park areas where children play.

A motion to adopt Resolution #25-2009, Tobacco-Free Zones was made by C. Vander Weit and seconded by P. Bernstein.

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

Public Comment

Conno Fusco: Would like to see an established plan prioritizing road maintenance. He also liked R. Meehan's comment that road usage makes a difference. C. Fusco noted a study he passed along to the Town Board and Highway Superintendent comparing the difference between paved and gravel roads. He again encourages that all read the study and use it in choosing the roads to be paved. C. Fusco asks if the Town gets any aid for highway help.

Supervisor Jahn noted the Town receives C.H.I.P.S. money from the State, but this money cannot be counted on it in the coming years with budgeting constrains by the State Government. C. Fusco would like to see a formalized priority plan for road maintenance. Supervisor Jahn advised that the Highway department is an independent department that is not controlled by the Town Board, but the Town Board does control the purse. Discussed how the budget process works. Supervisor Jahn advised that he and Highway Superintendent Meehan do sit down and talk about which highway projects are out there and how much the budget can tolerate. This is probably not as disciplined as some would like.

Supervisor Jahn would like to state for the record that R. Meehan is highly regarded in the County as a Highway Superintendent.

Discussed project funding on Bryarcliffe roads. Supervisor Jahn noted that the project is partially paid, bonded, and the project will probably not be started again until May. Assessment will be done as to state of current roads, correct problem areas, and lay the final top coat. Supervisor Jahn noted that by the end of the year the Town will probably have about \$150000.00 left to retire some of the BAN, leaving about \$1250000.00 to bond. Discussed funding options.

Ellen Melnick states that she is bothered by the discussion concerning taking down of the tree on the Greene. She is very disturbed with the discussion. Town Board Member Geel reiterated the reasoning behind replacing this tree. Supervisor Jahn gave the history of the tree saga, and ending noting that the state of tree is not good and the best option is to replace the tree. Member Bernstein explained the stress of this tree from an environmental standpoint. This tree is not being taken down randomly. Member Lee pointed out that this is a landscaped area; it is not a wild area.

Howard Pike lives on the line of Ghent, Chatham and Austerlitz collectively. He is at the Town Board meeting at the suggestion of the Town's Assessor Pam Cook to discuss his increased tax amount. It appears to him that the Town of Austerlitz' residents are paying 35% more than the other 2 towns. Supervisor Jahn explained his understanding of tax law and equalization rates. He would like to see the data Mr. Pike used. G. Jahn advised Mr. Pike that the remedies are the BAR and SCAR. G. Jan further notes that our assessment process was supervised by the State. Supervisor Jahn will also talk to the County Real Property Supervisor, Suzette Booy.

Cheryl Roberts questions the Town Board's decision to sell Town land on Route 22 to the Austerlitz Fire Company. She is concerned that this is valuable land to the town because of expansion issues. This is the only parcel that the town has to use if they want to expand, especially in light of the fact that there is talk of a new Town Hall and the current Court space issues. C. Roberts understand the economy at this time, but the future should be kept in mind. Although C. Roberts is very appreciative of the work the Austerlitz Fire Company does, they need to understand that the Court needs more than just shared space. Due to security and logistical issues, the Court will need its own space in the new fire house. She again cautions the Town Board concerning the sale of Town property thinking that this land can be sued in the future for both a new Town Hall and a new Fire House.

Town Board Member Bernstein states that the use of space for the Court in the new fire house is only a temporary stop gap. He would like to see the Town buy property in the future. Supervisor Jahn would like this to be a permanent move and feels this is a win, win situation for all involved. Austerlitz Fire Company representative, Dave Savage, notes that the Fire Company is in the early stages of planning, room layout, designation, etc. The committee will take the needs of the Court into consideration.

Further discussion on what land to be purchase, the purpose for which it will be used in the future, and plans for the future. C. Roberts again urges the Town to think long term. Supervisor Jahn would not anticipate a town hall on that side of town. Member Geel agrees. Supervisor Jahn notes that right now a new fire house is needed and must be taken care of.

Discussion on available parcels to put a new fire house on, and requirements of the State Park Department.

Executive Session

A motion to enter executive session for possible legal action in regards to Otto Maier was made by G. Jahn and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Executive session entered at 8:40 p.m.

A motion to exit executive session was made by C. Vander Weit and seconded by M. Lee.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Executive session exited at 9:06 p.m.

A motion to accept the Howes Horticulture bid for lawn care for the 2009 season, and 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, with Highway Superintendent using his discretion, and to accept both the Tommy Faxon Excavating and Macfarlane Contracting trucking bids based on availability and versatility of service, with Highway Superintendent to use his discretion, and to accept the James Reed Sales, Inc Calcium Chloride bid and to accept the Town and County Bridge and Rail guide rail bid and to accept the Chemung Supply Corporation pipe bid was made by G. Jahn and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Adjournment

A motion to adjourn was made by M. Lee and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Meeting adjourned at 9:07 p.m.

Respectfully submitted,

Susan A. Haag, Town Clerk

Town of Austerlitz
Public Hearing
Local Law #2-2009, Zoning Law
April 18, 2009

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

Public Hearing opened at 9:00 a.m. for Local Law #2-2009, Zoning Law

Supervisor Jahn welcomed everyone and gave a history of the process that is culminating today. He believes this draft has some interesting initiatives in land use regulations. Public hearings in the past have stripped the document of far reaching sections showing that the commission listened. Supervisor Jahn thanks the Zoning Commission for their hard work and responsible process. The Town Board conducted another 6 workshops and the end result is a common sense approach to zoning. Supervisor Jahn is happy with the result which is easy to understand.

Supervisor Jahn lays out the ground rules for the public hearing: Those wishing to speak should sign in, and will be called in order of sign in, each having 3 minutes to speak. After all who have signed in have spoken, then others may comment. Please stand when speaking, and introduce yourself. Comments will be accepted, without dialog or debates, only clarification.

Supervisor Jahn Introduces the Attorney for the Town Jeff Baker who has been very instrumental in this process.

Attorney Baker thanks everyone for coming. Explained briefly how the zoning code will work and the changes that were made by the Town Board, i.e.: the Spencertown Hamlet was increased, simplified the law keeping the spirit of the Zoning Commission with ease of incorporation, all the other land use laws which the Town currently has were into the zoning document, timber harvesting section changed to ministerial implemented by the code enforcement officer, protection was given without additional burden, clear cutting in the rural residential zone over 2 acres has to come in for site plan, explained environmental issues, spoke to use rules as to single family homes with long driveways, noting that this was put in to capture those who clear cut major areas. Further sections alluded to were ridgeline

stipulations to protect publicly viewed vistas looking to language that refers to crests, and roof tops. Attorney Baker explained that this was a difficult section for the Town Board in determining which ridgelines to protect and how.

Attorney Baker again reviewed the ground rules and advised how the adoption process will move forward.

Public Comment

Carl Gabosh: Zoning is an imperfect science, but it does protect a Town, especially from outsiders who try to change the Town from the outside in. C. Gabosh would like to address the enacting clause and purpose paragraph to read 'natural rural character of the town.' C. Gabosh further discusses the recreational use section noting that the Town of Taghkanic is currently is facing an issue with a race track. This needs to be addressed more definitely in our document to protect our Town. The Town Board did not cover this under the business section, but rather under a special permitted use. The Town of Taghkanic has this type of provision also, but it did not protect the Town.

Michael Singer: In general the party is over. We are not living in a time when individual responsibility is going to take care of social problems. He is disturbed that certain activities can take place without regulation. He is not interested in minor details being handled by the government, but times are changing.

Susan Geel: Speaking for A.C.T. (Austerlitz Citizens Together, Inc.), she notes that A.C.T. has been actively tracking the various drafts of the zoning law over the last few years. The current draft has been examined by retained council Richard Olson, Esq. and also by Arthur Brod of Planners East, Inc. They have put together objections and concerns and are presenting them to the town board. The points made range from technical planning and/or legal concerns about specific proposed land use. S. Geel notes sliding scale density, subjectivity of ridgeline, service businesses and mobile home restrictions. She also notes compliance with S.E.Q.R.A.

A.C.T. is not opposed to zoning, just the current document. The law that is ultimately adopted should be firmly grounded within the Town's Comprehensive Plan, all property owners should be treated equally.

Joel Dyslin: Notices that the town itself is exempt from regulation. J. Dyslin sees this as a problem sighting the NYS salt shed that was built by the Taconic Parkway. This project could have been done in a more amiable way if site plan review was included.

J. Dyslin also asks concerning the fee structure for various projects. Are these self sustaining or on tax payers back. He questions whether this will create the need for additional town employees and speaks to the importance of record keeping and paperwork. J. Dyslin believes zoning is a good thing, but wants the Town to be prepared to deal with the additional expenses associated with it.

Supervisor Jahn noted that J. Dyslin was the Supervisor for the Town of Austerlitz when the first zoning commission was created.

Howard Reznikoff stated that the Comprehensive Plan was created from the results of the survey that Town residents responded to on how they would like the town to look. The Zoning Commission worked long and hard to create a document and it is time we have zoning.

Bill Simons: In his experience with community living, it is hard to keep a balance between all involved when we are trying to protect things. He thanks all involved and appreciates the enormous effort. There are some sections though that he feels calls for subjective decisions. This is always dangerous. B. Simons notes Section 7- no more than 2 employees-trying to define an entity by employees is not a solution to this problem. Section 8 makes it so difficult for anyone to begin any business. B. Simons feels this is to deter people from starting any business, which should be encouraged instead of discouraged.

Attorney Baker advised that Section 8 is an existing law already. The Site Plan Review Law was incorporated into the zoning law. The only addition being a use area.

Al Hyde: Noted that he was a member of the town board when the first zoning order came down from Albany. They advised Towns at that time not to zone, but rather handle issues with the creation of a planning board. They were trying to deceive people. A. Hyde hopes that zoning will be passed in the Town, this way people will really see zoning for what it is. The subject of zoning has come up many

times over the years. Zoning is not the cream of the cake. A. Hyde doesn't want anyone to tell him how he can use his land.

Roy Carney: Questions why the Spencertown Hamlet's size was increased. R. Carney notes that sewer and water issues will come into play on one acre parcels in a bigger area.

Supervisor Jahn advises that R. Carney was the Chairman of the Zoning Commission and also sat on the original Zoning Commission many years ago.

Don Schriver: Questions the restriction of mobile homes and wonders if they are allowed in any part of Town. What has been built into the document for low cost housing.

Attorney Baker advises that the zoning document does not ban mobile homes. They are permitted as a residential use. There is currently a mobile home law already in town. The document attempts to address affordable housing by the increased Spencertown Hamlet and increased density.

Claire Verenazi: Questions whether or not the pamphlet that was sent from A.C.T. was correct. Namely ridgeline issues, service use businesses, and certain driveways permitted with site plan review only.

Attorney Baker advised that there needs to be some tweaking because some of the issues raised are problems and some are not.

Cheryl Roberts: She is a land use attorney, and has a degree in land use planning. Although she believes in zoning, she feels there are some issues with the draft that she has spelled out in a letter submitted to Supervisor Jahn. Areas include special uses allowed in hamlet which will not protect public health or the environment. C. Roberts notes that water is an issue in the hamlet and the business allowed could contaminate the ground water. Discusses types of wells in the hamlet.

Another issue is mining allowed in the hamlet with a discussion on what the State allows and how the control a town can have over this issue. C. Roberts feels mining should be prohibited in the hamlet.

C. Roberts further notes issues with conservation subdivisions stating that what is written in the document will not work. C. Roberts advises she will work with Attorney Baker on the definitions.

Cindy Puccio: Strong support of the zoning document. A concern noted was allowing race tracks and she asks the Town Board to please protect the residents from this. C. Puccio states that this document has been developed over a period of time and it seems to protect all involved. Although it is not perfect, it is good. She believes the majority of people in time will support this document and please pass zoning quickly.

Barbara Smith: Chairman of the Comprehensive Plan Oversight Committee. B. Smith advised that the committee is currently reviewing the zoning draft and questions if the Town Board has a time frame in which to submit comments to. Supervisor Jahn will hold the public hearing open for five (5) additional days and will continue to take comments during that time.

Mike Fabiano: Notes that Pat contradicts C. Roberts. People need dirt during the muddy season to fix roads and that comes from mining. He requests that the Town not put an all out ban on mining.

Jean Corigliano: The Town Board needs to pass zoning without further delay. Current proposal is good. J. Corigliano thanks the Zoning Commission and notes that the current document was not arrived at lightly. Proposal has compromises and helps all in the community. There will never be a document to please everyone, and some will use objections to stall the process. J. Corigliano accepts this document and notes it will protect her and the Town. It is consistent with the Comprehensive Plan. She again asks the Town Board to pass zoning now.

Chet Stark: It is time to pass a zoning document.

Roberta Reynes applauds this document and wants it passed. She further applauds the Zoning Commission. Although there are problems in the document, such as lack of noise pollution control, environmental issues and sawmills, it is still a good document. She asks that on page 11 in the mining section, the Town Board could add language concerning sawmills here. Page 27 under excessive noise, the definition does not explain what is excessive. R. Reyes then questions whether noise is controlled anywhere in the draft.

Attorney Baker advises that the draft is not inclusive of noise control. Some towns have noise control ordinances. Certain noise issues can be controlled through the site plan process.

Florence and Bernie Mehl are for the proposal.

Constance Mondel: Supports zoning and was a member of the Zoning Commission. C. Mondel advises that as the commission worked on zoning document, they went over everything, there were arguments between the members, and not everyone was always in agreement. C. Mondel notes that some issues are subjective. Her feelings all along were that she wanted to keep the Town as it is, and wanted to keep developers from changing this. There can always be amendments, a zoning board of appeals, so there are outlets. It is time to pass zoning.

Steve Somlo: Congratulates the Town on getting to this point. In Section 2.2 S. Somlo is not sure what that means. When consultants are hired, money is involved, and applicants should not pay for a board or a consultant's learning experience. S. Somlo has language that he is offering for this. Dimension tables are an issue. A vision for the Hamlet of Austerlitz needs to be completed. Please take this into consideration in the future. S. Somlo understands this is currently beyond the scope. One acre minimum lot size helps sprawl.

S. Somlo suggests adding a road maintenance agreement section in the site plan review section. He notes language in the site plan review section that uses 'revoked' and advises it should read 'repeal' instead. There needs to be transition language and grandfathering language in the document for project currently in the site plan review process.

S. Somlo further asks the Town Board to look at the cell tower definitions and how they are handled. Everyone wants service in Town and there are options out there today for where these can be placed, even in the hamlets.

Kate Cohen: Is a realtor, knows the County, and sees where the land values have been decreased due to problematic issues. It is now time for the Town to protect itself and for the Town Board to make a decision. K. Cohen is pleased that this public hearing is not as contentious as those in the past. Everyone cares deeply about this Town and wants to stay here and live in harmony. K. Cohen stresses that residents need to listen to each other. She appreciates everything the Town Board has been done, but it is time to pass zoning.

Cathy Greer: C. Greer was a member of the Zoning Commission and agrees with K. Cohen's statements. She feels that it is time and this law needs to exist. C. Greer asks the Town Board to pass the law then let it live and changes can be made in the future.

Carolyn Shepard: Has one of the few working farms still in Town and is not for some of the aspects of zoning. C. Shepard is disturbed about some of the regulations as they pertain to the agricultural sections. She thought the State controls agriculture. In giving some examples, C. Shepard notes that when additional buildings need to be put up to run the farm, she will have to pay a lot of money in fees to get approval for these buildings. She doesn't have the money to pay for all the fees the Town wants to impose. Where is the town supporting people like her who are trying to keep her land. C. Shepard then speaks to the noise restriction issues that were raised by others. Noises on a farm are numerous and are part of her farm's survival. She asks people in Town to be less selfish. Help her keep her farm.

Shawn Hancock: Please speak to agriculture issues. She applauds the Zoning Commission and the Town Board for the great deal of time and attention that has been given to this law. S. Hancock supports zoning and this draft is a common-sense plan. This law protects the rural land, each citizen and provides for the broadest freedoms and implements the Comprehensive Plan in a fair and balanced way. S. Hancock urges the Town Board to pass zoning as soon as possible.

Dale Hartka: Appreciates all the work that went into this document. It is important to get right and to see that everyone's views are listened to and there is compromise. D. Hartka would like to address lot development and the slope issue. There are slopes throughout the entire Town. D. Hartka questions why there are prohibitions for slopes that are as little as 15%. This type of regulation that will devalue property value because it cannot be developed in any way. D. Hartka feels that the ridgelines need to be defined. It is very subjective the way this is currently set up. There are sections in this document that he feels are arbitrary and the numbers used are arbitrary. For the record, D. Hartka has not seen anything happen in Town that he didn't like.

Susan Newton: Registers her support of zoning noting that it is the best chance to meet everyone's needs. This document is not perfect, but it has come a long way from the start. Please pass zoning.

Wendy Noyes: Is in favor of zoning, but she does have a couple of concerns. W. Noyes wants this law passed, but she urges the Town Board to think about the comments heard today. She is concerned that outsiders will come in and change things. Pass the document now and build in a periodic review time to change sections.

Chuck Lawson; Supports zoning, and congratulates the Zoning Commission stating that there will never be perfection. Refine the document at a later point. The Town of Austerlitz will be a better place because of this document.

Carol Pinto: She is not opposed to laws or regulations. The reason C. Pinto is in opposition to zoning is that it can become so overwhelming. C. Pinto reads the results from Comprehensive Plan survey conducted a number of years ago and notes that this is where zoning needs to start. She believes zoning should be kept simple. C. Pinto believes that there are steps in the process that have not been done that should such as compiling environmentally sensitive areas, and setting up guidelines for citizens and planning boards to use. For these reasons and others, many decisions made will be subjective. In the future, no one will understand the original intent behind some of the sections. Driveways should be addressed through the road law and needs to be clarified. C. Pinto is concerned for those service businesses which are not allowed such as lawn care, small engine repair, etc. These will become nonconforming and no new businesses of this type will be allowed. She sees the sliding scale as a problem. When a large land owner gives land to their children or sells off smaller sections, future subdivisions are not allowed on these parcels. This is treating large land owners differently than small land owners. C. Pinto thinks all want to protect the Town. Contentions have led people to being more amenable. Finally, ridgelines need to be more defined.

Jack Shear: Generally he is for zoning, but he feels the needs of the agricultural community really should to be addressed. Smells and noises are something people have to deal with. Generally he is in support of the draft.

Steve Perlman: He feels like the Town has listened to the concerns that arose in previous public hearings noting that the Town has come a long way. Please pass zoning and make it work.

Mike Walters: Advises that the reason he bought a home in the Town of Austerlitz was because there was no zoning. He loves the fact that people like to buy houses here, but not the fact that they then want to keep it like a park. There are people who want to buy homes, raise children, and have business. This draft is restrictive. His children may want to live next to their parents someday, but as the draft is written, they won't be able too. The document is subjective, make the law clear cut.

Steve Wilber: Notes that everything in this zoning draft is by special permit through the planning board. This draft is also very subjective and if two people are doing the same thing, what will happen if one is approved, and one disapproved. Could there be a lawsuit.

Attorney Baker notes that if decisions are made incorrectly, there will be a lawsuit. Abuse of power cannot be built into a law.

Bob Pinto: Notes that he was a Councilman for the Town and he does not want zoning. There are State laws to protect the Town and it is up to the Town Board to enforce these State laws. But, he sees that times are changing. There are businesses and activities that are a part of our lives that make noise, that takes gravel from land in Town. R. Pinto questions what he will have to do if his oldest son wants to build on his land and takes out 900 yards of gravel. Attorney Baker explains when permits are needed. R. Pinto further questions lumber cutting on a property and when a permit is needed. Attorney Baker noted that logging is allowed by permit issued by building inspector. There are thresholds built into the zoning document.

Sue Redding: Question the timber harvesting section in relationship to assessment exemptions namely the forestry exemption. Will this law make her get a permit when she has to follow what the NYSDEC says and what if there is a conflict between the two. Attorney Baker advises that the permitting process is for the future. First the Town will permit timber harvesting. Then the exemption will kick in. S. Redding asks that the document complies with the State regulations.

Norma Edsall: Is in favor of the plan and feels that it is very well thought out. She is concerned with allowing mining in the Austerlitz Hamlet. N. Edsall thanks all for their time and thinking.

Kiah Pinto: Stated that he has lived in numerous places and have always watched the value of his property because it was an investment. He understands investments in property, but does not like people using the environment as a tool for regulation. It takes a lot to maintain the land on the property he now owns. K. Pinto questions what will happen if someday he wants to cut timber for a vineyard. He was brought up to love the land and listen to it and he knows more about the land than someone who has gone to school. In the document, a gravel bank is being turned into mining and timber harvesting is being turned into clear cutting and both are being restricted.

John Orloff: Works on his property, but he doesn't think someone's property is an island, it is a community. If some of the rules need to be changed, they can be. J. Orloff is in support of the zoning document.

Roger Dwolski: The definition for agriculture needs to be worked on and he feels that he should be able to cut trees down on his own property if he wants too. R. Dwolski wants the right to do what he wants on his property.

Harry Newton: Section 12.2.A page 48 add 'reasonable' because a code enforcement officer can send someone to jail otherwise.

Nancy Doyle: Notes that there will be changes on their farm due to Jack's death, but there are no plans to sell for development. If agriculture is going to survive in Town, the Town needs to support farmers. In the future, N. Doyle advises that they will need to subdivide the land to build houses for their kids. She also questions why they can't use the resources on their land to support their lives.

Supervisor Jahn advises that due to a wedding booked at the firehouse, the public hearing will need to end for the day. Written comments will still be collected for 5 days.

Public Hearing ended at 11:00 a.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Zoning Workshop
April 30, 2009

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

Work shop called to order at 7:02 p.m. Workshop called to review the comments from the public hearing for Local Law #2-2009, Zoning Law.

General philosophies of how to proceed were discussed.

Review of Columbia County Planning Board comments.

Amendment in section 2.1 adding site plan review as part of process.

Discussed certain types of businesses that have inadvertently been prohibited. These would include lawn care, excavating, light construction, etc. type businesses. Definitions will be drawn up to address these service businesses and personal service businesses. Where permitted and which types allowed and/or allowed by special permits were determined.

Section 4.1.B amended to include provisions for agricultural uses.

Mining: None in the Spencertown Hamlet, under the State threshold in the Austerlitz Hamlet and in the rural residential district. Mining over the State threshold is prohibited throughout the Town.

Agricultural business will be taken out of the business use group and placed in a separate use chart for agricultural uses with own parameters.

The sliding scale chart for minimum lot size will be researched for legality.

Section 5.4 New accessory structures will be subject to site plan review and also required to comply with special use conditions of primary structure.

Language will be added to clarify how ridgelines are defined. B. Geel disagrees with the rest of the board as to what will be protected. He only wants to see the historical ridgelines protected. He feels there is too much subjectivity in the decision process as to what is a protected ridgeline.

Telecommunication towers will be exempted from the ridgeline preclusions.

Minor clarification to Article V adding a notation and modify the allowable use groups charts when the proposed access is a 500' or longer driveway.

Language change to Article 5.7 so the planning board will look to road clearing on parcels with long driveways.

Review of Comprehensive Plan Oversight Committee comments. For the most part, these comments have been discussed above.

The exception of further discussion being levels of home occupations and when and where site plan review is needed. Certification requirements for level 2 home businesses will be created. Home occupation 2 moved to residential uses and no longer requires a special use permit.

Miscellaneous comments reviewed.

The Spencertown Hamlet boundaries will be returned to the Zoning Commission recommendations.

Single family homes include mobile homes.

Review of A.C.T. comments. Again, for the most part, these comments have been discussed above.

Costs to the Town of Austerlitz through the enacting of a Zoning Law was discussed, both on an administrative level and for the individual resident.

Will clarify that timber harvesting permits do not require site plan review.

Discussed the exemption of municipal use. This will stay the same.

Due to the lateness of the hour, the Town Board will adjourn and set up another workshop on May 5, 2009 at 6:00 p.m. at the Town Hall.

Workshop adjourned at 10:26 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Zoning Workshop
May 5, 2009

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

Work shop called to order at 6:10 p.m. Workshop called to continue review of the comments from the public hearing for Local Law #2-2009, Zoning Law.

Attorney Baker presented the Town Board with an updated draft incorporating the changes made at the April 30, 2009 workshop and some additional changes he made. He very quickly went over the changes.

Changes to: Agricultural use on use chart, different definitions for construction and lawn care business, small changes to timber harvest section, mining section, sliding scale section which will now add an additional comment noting that table B will be mandatory and only in the RR district. Accessory structures section changed, ridgeline protection section tweaked.

The Town Board picked up reviewing comments with the A.C.T. memorandum. Minimum set back requirements discussed. Setbacks in the Austerlitz Hamlet will be changed 30 feet. Discussion on the creation of flag lots due to stipulated setbacks. Minimum lot road frontage in the RR district will be change 75 feet. Width of lots was discussed as well. Width of lots will stay the same. Open space section reviewed. Under Section 5.5B open porches and verandas taken out.

Discussed large lot development and long driveways, telecommunication section, consistent terms in the mobile home section will be used, land clearing section in regard to agricultural uses will stay the same.

Under the land clearing section new wording will be incorporated to allow clearing on property with an existing house or business up to 4 acres, to some extent. Site plan review will still apply for clearing over 1 acre of vacant land in all districts.

Clearing for construction of a single family home is not addressed under this provision.

P. Bernstein left at 7:23 p.m.

Some changes to home occupations still need to be made per what was discussed at the last workshop.

Under section 8.1.B.1. will add "and subject to any road maintenance agreements."

Enforcements issues were discussed. Language used here is standard provision language used in most zoning codes. Attorney Baker will look at this language and see if changes can be made.

The cemetery definition will be left as is. No farm definition will be added. The definition of warehouse will be changed to include self-storage. Use Chart will be changed from Wind Energy Conservation System to Wind Turbine.

A language change will be made in the subdivision section concerning parent parcels and the amount of further subdivisions allowed and how.

Further A.C.T. comments were noted with no changes made or Attorney Baker will research and make changes as necessary.

The Town Board reviewed comments by Steve Somlo.

All concerns were discussed. Section 2.2.A.4 will be removed. In Section 8.3.D language will be corrected. Will change 14.5 to read 'repealed.' Self-storage will be added as a separate use permitted everywhere by special permit.

Attorney Baker advised the Town Board that they have very carefully considered all aspects of the comments put before them, both from a broad perspective and very specific concerns.

Discussed public hearing rules and how to handle comments. A full redline version will be made available to the public as well as a summary of the changes.

C. Vander Weit left at 8:50 p.m.

A motion to hold the public hearing on Local Law #2, 2009, Zoning Law, on June 11, 2009 at 6:00 p.m. and the revised draft will be available May 12, 2009 for public review was made by M. Lee and seconded by C. Vander Weit.

G. Jahn: yes

B. Geel: yes

C. Vander Weit: yes

M. Lee: yes

Motion carried 4:0.

Workshop adjourned 8:55 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Regular Town Board Meeting
May 14, 2009

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

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

Moment of Silence, followed by the Pledge of Allegiance.

Minutes

A motion to approve the April 9, 2009 Bid Opening/Regular Town Board Meeting minutes, April 18, 2009 Public Hearing minutes, April 30, 2009 Zoning Workshop minutes and May 5, 2009 Zoning Workshop minutes was made by P. Bernstein and seconded by B. Geel.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Auditing of Accounts and Claims

Budget Amendment #1-2009

Highway Fund

Brush and Weeds DA5140.1 increase by \$8000.00

General Repairs DA5110.1 decrease by \$8000.00

A motion to approve the budget amendment #1-2009 was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

A motion to approve General Fund #144-176:2009 in the amount of \$10244.33, Highway Fund #78-96:2009 in the amount of \$17079.61, and Capital Fund #5-2009 in the amount of \$539.00 was made by P. Bernstein and seconded by M. Lee.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Reports

Monthly cash disbursements for the month of April 2009 were presented. Supervisor Jahn noted that cash flow is down. Some of the revenues coming in are lower than expected. On the County level they continue to discuss the move of Pine Haven and the moving of DSS to Claverack. The protestors are still protesting.

Town Clerk Report for the month of April 2009 submitted.

Tax Collector Report for the month of April 2009 submitted.

Highway Superintendent Meehan reported that grading is being done, as well as filling of potholes. He is still working with F.E.M.A. on storm clean-up. The Town will also be getting some money back for last December as well. In total, the Town is looking at about \$60,000.00. Discussed clean up efforts and what portions F.E.M.A. will pay for.

Supervisor Jahn noted that some residents from Stever Hill Road have called to thank the Town for the grading that was recently done. Superintendent Meehan advised that additional work will be done, including placing of guardrails. Discussion of the recommendation by Engineer for the Town, Pat Prendergast.

Supervisor Jahn discussed money available through grants for this project on Stever Hill Road. He believes that at least 80% will be covered.

Superintendent Meehan advised that he and Town Board Member Geel took care of placing the new tree on the green. R. Meehan and Engineer Prendergast rode around Bryarcliffe and identified areas that need repair. Work has begun again to finish up this project. About 20 road signs have been stolen and people are dumping garbage on roads.

Planning Board Report for the month of April 2009 submitted.

No Comprehensive Plan Oversight Committee for the month of April 2009 submitted.

Building Inspector/Code Enforcement Report for the month of April 2009 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

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Correspondence

Terri Conte, Stever Hill Road: Request that the Town Board follow-up with the decisions made at the March 12, 2009 Town Board meeting concerning Stever Hill Road. She thought she would be in receipt of some sort of plan or determination of how and when the many necessary improvements on Stever Hill Road would proceed. As of the date of the letter, she has not received anything. T. Conte continues advising the Town Board that the dangerous conditions on Stever Hill Road still exist. Supervisor Jahn wrote back and R. Meehan did some grading.

Unfinished Business

Austerlitz Fire House Update: Town Board Member Lee advised that G. Jahn and B. Geel have met with Mr. Stollman, as well as herself. Mr. Stollman is having an outside agency do an independent appraisal of his property. He is selling 3.4 acres. Dave Savage advised that the Firehouse Committee hired Tony Conkra to appraise the 2 parcels included in this project as well. A survey on these 2 parcels will be done as well. The Firehouse Committee and the Town are waiting on all these pieces in order to put a package together that will be given to the legislature. Supervisor Jahn is meeting with the Town's 2 Justices on Monday to discuss design needs for the court. It was reiterated that time is of the essence in getting the needed material to the legislature so a decision can be made before they recess for the summer.

New Business

Resolution #26-2009, Speed Zone Spencertown Hamlet: Town Board Member Vander Weit has been working with the NYSDOT on the reduction of speed in the Spencertown Hamlet. After many phone calls and a speed study done by the State, they have agreed to drop the allowable speed in the hamlet from 40 MPH to 30 MPH. In order for the State to move forward, the Town Board must pass the following resolution.

WHEREAS, the Austerlitz Town Board has received a traffic calming request from its' Comprehensive Plan Oversight Committee, together with many residents residing along this corridor, and

WHEREAS, the Austerlitz Town Board seeks to further enhance and protect the health, welfare, and safety of its residents and all whom traverse this section of State Highway Route 203, and

WHEREAS, a Traffic Study has been recently conducted by NYSDOT, and the collected data reviewed by same, and

WHEREAS, the Austerlitz Town Board is now requesting a speed limit reduction from 40 MPH to 30 MPH, with the inclusion of appropriate signage, on that section of State Highway Route 203, which passes through the residential hamlet of SPENCERTOWN,

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Austerlitz, New York does hereby request that the New York State Department of Transportation, Region 8, following their conclusion and review of the Traffic Study data previously collected, offer a decision and take the appropriate actions necessary in reducing the maximum speed limit within the zone to be established on New York State Highway Route 203, from 40 MPH TO 30 MPH.

A motion to adopt Resolution #26-2009, Speed Zone Spencertown Hamlet was made by C. Vander Weit and seconded by B. Geel.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Many thanks out to Town Board Member Vander Weit for sticking with this and getting it done.

Supervisor Jahn advised that the Town's municipal insurance policy comes due this month and needs to be renewed. Two companies have submitted quotes to the Town; Selective, handled through the Kleeber Agency, and NYMIR, handled through The Johnnie Walker Insurance Agency.

Discussed packages. NYMIRs quote is about \$2500.00 less. Buy in is included in the premiums.

A motion to purchase insurance coverage with NYMIR, through Johnnie Walker Insurance Agency was made by G. Jahn and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Mary Anne Davis is requesting use of the Spencertown Green on May 23, 2009, from 10:00-3:00 p.m., for the annual "Welcome to Summer in Spencertown." This will benefit the St. Peter's Presbyterian Church through the Friends of Historic St. Peters.

A motion to allow the use of the Spencertown Green for 'Welcome to Summer in Spencertown' on May 23, 2009, from 10:00-3:00 p.m. was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Elaine Van Alstyne, representing the Tower Club, is requesting use of the Spencertown Green on July 11, 2009, from 8:00-2:00 p.m., to sell baked goods and refreshments during the Trash and Treasurer Sale at St. Peters coordinated by the Woman's Guild.

A motion to allow the Tower Club use the Spencertown Green on July 11, 2009, from 8:00-2:00 p.m. was made by P. Bernstein and seconded by B. Geel.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Supervisor Jahn explains that he would like to submit a grant to pay for work on Stever Hill Road. This will be done through Congressman Scott Murphy's office.

A motion to allow G. Jahn write a grant for the Stever Hill Road project was made by B. Geel and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Supervisor Jahn would like to have the Town Books audited by our Accountant Mark Fitzgerald. This would include the Town Clerk/Tax Collector and the Court. Supervisor Jahn has done the auditing in the past, but would now like it farmed out.

A motion to hire Accountant Mark Fitzgerald for \$500.00 to audit the books of the Town Clerk/Tax Collector and the Justice Court was made by C. Vander Weit and seconded by B. Geel.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Supervisor Jahn would like to hire Victor Cornelius, Endeavor, Inc. to handle grant writing for Town. V. Cornelius has gotten a grant for us in the past. The State has no money for funding grants but there is stimulus money available from the Federal Government. Scott Murphy and our State Senators have some of this money. Town Board Member Lee does not want to hire V. Cornelius based on past experience with his company when writing grants for the Academy. Ed Wachsberger noted that the Friends of Historic St. Peter's also had issues with V. Cornelius when he was hired to write for them. M. Lee is in favor of the concept of writing grants for the Town, but would like to hire someone else to do the job.

Public Comment

Steve Somlo wanted the Board to understand that it was he who steered Town Board Member Vander Weit in the right direction in the NYSDOT to get the results he did. The Town Board thanks Steve.

S. Somlo asks the Town Board to explain the Planning Board's decision in the Otto Maier application. He feels that the decision was arbitrary, capricious and adversarial. He believes this decision says, 'sue me,' and it changes the tone and tenor of the Town. It is an unfortunate decision. Steve lays out his opinions as can be read in a letter written to the planning board earlier in the year. He believes the decision is bad public policy and regrets that the Town Board has sanctioned the action.

S. Somlo further discusses his opinion that should Mr. Maier need a site plan review for his charity events, then so should the charity events that were just approved for the Green. This is discrimination.

Judith Choate questioned the work to be completed in Bryarcliffe, specifically whether or not grading a long property lines and seeding would be done. She also had some large rocks on her lawn near culverts that were removed and she would like them replaced. There are also some areas that now have standing water that didn't have it before. Highway Superintendent Meehan noted that grading and seeding will be done. He will discuss the finishing work with Engineer Pat Prendergast. Supervisor Jahn will look into having the rocks replaced.

Otto Maier commented that it was interesting that the Town Board approved use of the Spencertown Green for charity events and yet the Town is giving him a hard time concerning his charity event. He feels that there is a prejudice against him. What he is doing is the same thing that is happening on the Green. The Town has never been harmed by his actions. Is the Planning Board just making decisions so they can generate more revenue? Why is his charity event frowned upon? Supervisor Jahn noted that no comparison can be made between O. Maier's charity event and what is happening on the Green.

Attorney Baker advises Supervisor Jahn to refrain from speaking since the Town is in litigation with Mr. Maier and may commence another action.

Attorney Baker advised the Town Board that the revised draft on zoning and a summary of changes is available. He spoke with the A.C.T. attorney concerning the open ended questions and was waiting for

some answers which he didn't receive in time for the completion of the draft and has not yet to date received anything.

Adjournment

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

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Meeting adjourned at 8:05 p.m.

Respectfully submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Special Board Meeting
June 4, 2009

Present: George Jahn, Supervisor, C. Vander Weit, B. Geel, M. Lee and P. Bernstein, Town Board Members, Susan Haag, Town Clerk and Jeff Baker, Attorney for the Town.

Meeting called to order at 6:37 p.m. to finalize paperwork that must go to the State Legislature for approval before the current session ends. Paperwork deals with the mediation of parkland and land purchase for the new Austerlitz Fire House.

Discussed progress and procedure, and SEQRA issues. The new zoning law is an unlisted action so the short SEQRA form can be used.

A motion was made by B. Geel and seconded by M. Lee to adopt Resolution #28-2009, Discontinuance of Park Land Home Rule Resolution.

G. Jahn: yes

B. Geel: yes

C. Vander Weit: yes

M. Lee: yes

P. Bernstein: yes

Motion unanimously carried.

Resolution #28-2009, Discontinuance of Park Land Home Rule Resolution

WHEREAS, the Town of Austerlitz owns approximately 4.39 acres of land in the Hamlet of Austerlitz at the intersections of Route 22 and West Hill Road which it acquired in 1979 for park purposes; and

WHEREAS, surrounded on three sides by the Town parcel is a 0.63 acre parcel owned by Fire District No. 1 of Austerlitz on which is located its fire station and pavilion; and

WHEREAS, the fire station is in a deteriorated condition and is undersized and inadequate to meet the needs of the Fire District and to meet the fire safety needs of that area of the town and the Fire District requires additional land for a the construction of a modern fire house; and

WHEREAS, the Austerlitz Volunteer Fire Company has requested the Towns assistance in providing additional land for the fire station and has identified 3.0 acres of land immediately adjacent to the town park land that can be acquired to offset the loss of land for the fire house; and

WHEREAS, the Town has requested the assistance of Senator Saland and Assemblyman Molinaro to obtain the necessary legislation to permit the discontinuance of 1.88 acres of parkland for the fire station; and

WHEREAS, the lands affected are shown on the survey dated May 18, 2009 prepared by Daniel J. Russell wherein Parcel 2 is the parkland to be discontinued and transferred to the Fire District and Parcel 4 is the 3.0 acre parcel to be obtained from 49 East Houston Street Corporation as replacement parkland.

NOW THEREFORE, LET IT BE RESOLVED that the Town Board has considered a short form EAF prepared for the discontinuance of the parkland and finds that discontinuance of the park on Parcel 2 with the acquisition of substitute park land on Parcel 4 will not have a significant impact on the environment and pursuant to SEQRA, ECL Article 8, a Negative Declaration can be issued. The Negative Declaration is based upon the following the reasons:

1. The corner of Routes 22 and West Hill Road already host a fire house and a pavilion and the construction of a new larger fire house on Parcel 2 will not change the character of the neighborhood.
2. Parcel 2 is already an open field and does not contain any special environmental characteristics.
3. Parcel 4 which will be acquired as substitute parkland is nearly twice as large as Parcel 2 thus significantly increasing the available parkland and is already largely cleared and consists of open field and can be adapted to park purposes with little or no active measures for the town,.

NOW THEREFORE, LET IT BE FURTHER RESOLVED, that the Town Board has reviewed S5735/A8661, an Act to authorize the Town of Austerlitz to discontinue the use of certain lands as parklands, and the Town approves of those bills and affirmatively states that the bills accurately reflect the desires of the Town and urges the legislature to pass the bills.

Attorney Baker discussed moving forward, logistics, and land procurement issues. A contract with Steve Stollman needs to be drafted.

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

G. Jahn: yes

B. Geel: yes

C. Vander Weit: yes

M. Lee: yes

P. Bernstein: yes

Motion unanimously carried. Meeting adjourned at 6:50 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Public Hearing/Regular Town Board Meeting
June 11, 2009

Public Hearing Called to Order at 6:00 p.m. Public Hearing called for Local Law 2-2009, Zoning Law.

Supervisor Jahn explained the ground rules; only comments on the new changes made from last draft will be heard. Please sign in to speak, there will be a 2 minute time limit. Please identify yourself for the records, and Town Board Member Vander Weit will be the time keeper.

Public Comment:

Mike Fabiano is concerned that by decreasing the allowing amount to be mined, the Town is hurting itself by increasing costs to travel to get materials. He believes that the Town Highway Department uses dirt, gravel etc. from these areas in its duties. This is not the case.

Carol Pinto: Ag use section as compared to definitions is not clear as to what a farmer would have to come before the Planning Board for. She believes the Town should encourage agriculture. Farmers work their farms, work long hours, and should not have to come before the Planning Board.

Attorney baker noted that the only section that would affect a farmer is the land use clearing section and this would require site plan review, but that review is expedited. C. Pinto noted that this is beyond what is recommended by NYS Ag and Markets and can be expensive for the farmer. She also notes that the ridge line protection area is still not clear, and still subjective.

Supervisor Jahn noted that the Town Board did take C. Pinto advice and returned the Spencertown Hamlet's size to its original boundaries.

Carolyn Shepard reiterates what C. Pinto said. She also questions building on a farm. What types of structures built on a on farm would she need to come before the Planning Board for. Attorney Baker

advised that for an existing farm, she would just come to get a building permit for new structures. This is already the case though.

Fred Leserowitz of 56 Jilroy Lane advised that this is the first meeting he has been able to get to. He feels that a zoning law should be structured in such a way so the Town is not opened to law suits and he feels that the current verbiage does not do that. He discusses establishment of zoning districts, and concerns with the definitions of level one and level two home occupations. Town Board Members Geel and Lee explain what the difference is between level one and level two home occupations, and where this is addressed within the zoning document.

F. Leserowitz continues concerning building permits, plans, etc., and the costs involved with providing these, speaking from an affordable housing standpoint. Supervisor Jahn advised that this is already current State Law, and Town Law. Town Board Member Lee advises that the zoning document is not changing what already exists and in some cases, incorporates what exists into the zoning document.

Dale Hartka questions what has been changed since last draft. Questions lawn care businesses and what is required to have them, as well as heavy equipment businesses are by special permit. Attorney Baker stated that the Town Board just clarified what businesses were permitted in the town and what someone had to do to start business. The Town Board further clarified lawn care and heavy equipment businesses and under what conditions they could function because these were inadvertently left out of previous drafts and were always intended to be allowed.

Rich Nesbitt questioned if it is considered a business if he mows his neighbor's lawn and gets paid for it. Attorney Baker said this is not a business. Town Board Member Lee explains again level one and level two home occupation definitions and how this scenario falls into this.

Sue Geel noted that the definition of lawn care does not say anything; in fact, the entire document does not say anything about intentions. There is no provision or preamble to the use tables and is confusing if a business could fall into either of the categories. The entire zoning document is full of this. Attorney baker advised that sections need to be read together. Explains how the document is laid out. The Town Board tried to deal with the issue S. Geel raised specifically. The intent was not to make this burdensome, but to protect the Town. S. Geel noted the subjectivity of the Planning Board. Town Board Member Geel feels that the zoning document is clear in this area of level one and level two home occupations. He is not that he is trying to defend document. Member Lee feels this section is handled adequately.

Penny Rubin stated that this is a legal document and the Town Board did the best they could to make it understandable. In the next couple of years, let's see how it is working; fix what needs to be fixed in the future.

Sue Geel stated that for those of the Town Board Members who vote to approve this document as it is, ignoring advice from experts, will be opening the Town up to untold legal ramifications.

Attorney Baker advised that all comments were addressed by the Town Board. In addition, Attorney Baker tried to follow-up with A.C.T.'s attorney specifically concerning their comments asking him to provide citations for his positions. A.C.T. attorney never provided Attorney Baker with any authority. The Town Board did due diligence. Attorney Baker is confident that legality is fine. There is just a difference of opinion on policy.

Jean Corigliano notes that she is speaking for herself, not for the Comprehensive Plan Oversight Committee, but they did prepare comments on the draft and thanks the Town Board for responding to their comment. She personally worked on the home occupation section and notes that they are vastly improved. This section is clear. J. Corigliano notes that under the current Site Plan Review Law, every business in town has to go through site plan review. The home occupation list is intended to eliminate some small businesses from going through site plan review. The zoning law diminishes hardships. The Town Board did a good job.

Steve Somlo asks what the process is for appointments to the Zoning Board of Appeals. Supervisor Jahn advised that the Town will be advertising for interest and will deal with appointments next month.

F. Leserowitz speaks concerning non-conforming business structures, Section 11.2. He notes the number of businesses in the Spencertown Hamlet that are currently non-conforming and questions if this includes the St. Peter's Presbyterian Church and the Academy. The Town could lose both if not

rebuilt in 3 years if something happened to them like a fire. It was advised that non-conforming uses would need a variance.

Town Board Member Bernstein advised that there is historical protection on St. Peter's already, as well as, the Academy per Member Lee. Town Board Member Geel noted there was a lot of contention with this area as well. He would like to see people be able to rebuild if there is a fire, and they probably will not be able too. Further discussion on site parking.

All those wishing to be heard were heard.

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

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Public Hearing closed at 6:33 p.m.

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

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

Moment of Silence, followed by the Pledge of Allegiance.

Minutes

A motion to approve the May 14, 2009 Regular Town Board Meeting minutes and the June 4, 2009 Special Town Board Meeting minutes was made by M. Lee and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve sharing the cost for an appraisal and a survey for the land swap with the Austerlitz' Volunteer Fire Company for the new fire house was made by B. Geel and seconded by M. Lee.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Budget Amendment #2-2009

General Fund

Town Board A1010.4 increase by \$250.00

Buildings A1620.4 decrease by \$250.00

Highway Fund

Brush and Weeds DA5140.1 increase by \$19000.00

General Repairs DA5110.1 increase by \$8000.00

Revenue

S/A – Sema 3089 increase by \$3850.00

F/A – Fema 4089 increase \$23150.00

A motion to approve the budget amendment #2-2009 was made by P. Bernstein and seconded by M. Lee.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

A motion to approve General Fund #G177-205 in the amount of \$31854.74, Highway Fund #H97-107 in the amount of \$11450.72 and Capital Fund #6-7 in the amount of 308371.88 was made by C. Vander Weit and seconded by P. Bernstein.

Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Reports

The Town Board discussed Pat Prendergast's bill dealing with Bryarcliffe. Town Board Member Geel asked if the bill could be further broken down.

Monthly cash disbursements for the month of May 2009 were presented. Supervisor Jahn noted that he hopes FEMA money will bail us out since revenues are down. On the county level a lot is going on. Columbia County Discount Prescription program, Pro Act, is new and everyone in the County will be getting a mailer. Supervisor Jahn explains how this program will work. The Pine Haven move from Philmont to Kinderhook and the move of personnel from DSS to Ockawamick is taking up the rest of the time. There is a variety of opinions on how to move Pine Haven, although Supervisor Jahn's opinion is not to move Pine Haven at all. G. Jahn is willing to hear comments from the Board and residences. Supervisor Jahn explains where the Ockawamick School project is at this point concerning the building, needs, etc. Supervisor Jahn is opposed to moving economics out of the City of Hudson. The County Board is struggling with acquisition and cost to renovate and then which departments will move. Supervisor Jahn would like to keep DSS in Hudson and move other departments out there. He would like to hear from the Town Board and residents as well on this issue.

Town Clerk Report for the month of May 2009 submitted.

Tax Collector Report for the month of May 2009 submitted. Tax records have been turned over to the county.

Highway Superintendent Meehan reported that the Highway Crew is just about finished with clean-up for FEMA. R. Meehan advised that street signs are disappearing. The kids are making the rounds. Supervisor Jahn has been asked when the signs will be replaced. Emergency service providers are concerned about finding areas. Superintendent Meehan noted there are about 20 missing and it costs more to replace with the new signs that are required to be put up now. Supervisor Jahn also noted that some folks are complaining about speed on Dugway and speed signs need to be put up on Harrington Drive. Speed bumps were discussed.

Planning Board Report for the month of May 2009 submitted.

Comprehensive Plan Oversight Committee for the month of May 2009 submitted.

Building Inspector/Code Enforcement Report for the month of May 2009 submitted. Revenues up due to new fee structure.

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

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Correspondence

NYMIR sent a letter thanking the Town for joining. Supervisor Jahn noted that premiums are down from last year.

Phil Persinger: Letter thanking Zoning Commission and Town Board for work on the Zoning Law. Although P. Persinger has some reservations concerning the current draft, he is pleased that the Town

will have a zoning law and feels that work can be done in the future to fine tune different areas. P. Persinger suggests that the Town Board sponsor presentations or panel discussions.

NYS Office of Parks, Recreation and Historic Preservation: Concerning rehabilitation of the St. Peter's Presbyterian Church, the OPRHP unfortunately determined that the project is not eligible for Recovery Act funding since these funds were targeted for other projects. However, there is the possibility that the project may qualify for funding through the Environmental Protection Fund grant programs. Information for applying is given.

Unfinished Business

The home rule message paperwork for land acquisition for the new Austerlitz Volunteer Fire House is completed and at Senator Saland's office. Because of the upheaval in the legislature, these have been stalled for the moment, but we are promised that these types of issues are top priority to the legislature. Attorney Baler advised that the NYS Office of Parks, Recreation and Historic Preservation does not seem to have any objections.

Town Board Member Vander Weit noted that the Town has received a letter from the NYSDOT concerning the speed limit on State Route 203. Member Vander Weit advised that after the Town did everything the NYSDOT asked to have done, they are rejecting the request. Verbally the reason given was a problem with noncompliance and enforcement issues and the failure to show pedestrians safety issues. These are not the formal, written reasons, which are vague. Member Vander Weit is now taking pictures at bus stops, court nights, etc. The Town is going to continue to put pressure on the NYSDOT. Residents are willing to write letters and so will The Columbia County Sheriff. Supervisor Jahn advised that the Town will find the pressure point, the senior decision maker, and flood him with letters, etc. Town Board Member Bernstein asks what could be accomplished if the Town compromised and asked for the speed to be dropped to 35 mph instead of 30 mph. Attorney Baker advised that the Town should solicit help from Assemblyman Molinaro and Senator Saland.

Supervisor Jahn advised that Charter Communications has filed bankruptcy as the Town is aware. They have restructured debt through a pre-structured plan. There will be no change in services or fees. G. Jahn feels that no action on the Town's part is necessary.

Supervisor Jahn asked what was next in adopting Local Law #2-2009. Attorney Baker explained the process.

Attorney Baker walked the Town Board through the long form of SEQRA. A negative declaration was made, therefore no environmental impact statement.

Resolution #29-2009 SEQRA Zoning Law

A motion to adopt Resolution #29-2009, SEQRA Zoning Law was made by P. Bernstein seconded by M. Lee.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

WHEREAS, the Town Board is considering the adoption of the first zoning law for the Town of Austerlitz; and

WHEREAS, the Town has prepared a long form EAF under SEQRA.

NOW THEREFORE, FOR THE REASONS SET FORTH BELOW, IT IS HEREBY RESOLVED that the adoption of the Zoning Law for the Town of Austerlitz will not have an adverse impact on the environment and a Negative Declaration under SEQRA can be accepted.

Reasons supporting the Negative Declaration:

The Town of Austerlitz remains a primarily rural town characterized by rolling hills, some steep slopes, forested areas and working farms. There are two hamlets in the town, Spencertown and Austerlitz with Spencertown constituting the more densely populated and commercial center.

Up until the present the Town has not had zoning and although it has adopted a Comprehensive Plan it has relied primarily upon a subdivision law and a site plan review law to control development. As development pressures have increased in the town and as the town has been faced with potentially noxious land uses, the deficiencies of those laws became evident as not providing sufficient tools to manage development. For instance there has been no classification of permitted uses, no density restrictions and no performance standards.

The Town determined to adopt a zoning law that preserves the character of the town by maintaining the type of residential and commercial development that has always been relied upon and accepted by town residents while at the same time avoiding an overly regulated or burdensome land use management program.

The zoning law as drafted places most of the Town in the Rural Residential District and establishes zones for each of the hamlets. The zoning law does not permit as of right any activity that is not currently allowed as-of-right. It maintains site plan approval for all commercial activities and requires a special use permit for most activities that have a potential impact on the environment and surrounding properties. It provides minimum lot sizes and a sliding density scale for larger scale development that will prevent small lot highly dense suburban style developments that are out of character with the town. Measures are provided to reduce impacts to construction on ridgelines to protect the aesthetic resources in the town and measures are included to prevent clear-cutting of parcels without site plan approval. Certain potentially noxious activities such as large-scale mining subject to State jurisdiction and solid waste management facilities are prohibited.

The zoning law provides certainty to landowners and potential businesses and developers regarding the types of activities that can occur in the town. Taken as a whole, the zoning code protects the environment of the Town and does not have the potential to cause significant adverse impact on the environment.

Local Law #2-2009 Town of Austerlitz Zoning Law

A motion to adopt Local Law #2-2009, Town of Austerlitz Zoning Law, through Resolution #30-2009, Town of Austerlitz Zoning Law, was made by M. Lee and seconded by C. Vander Weit.

Town Board Member Geel stated that the zoning draft came to town board a year ago. B. Geel was pleasantly surprised by the back and forth discussion on the Town Board as they worked together on this document. B. Geel thanked the Town Board for listening to him and his concerns. Member Geel is not anti-zoning, but there are areas this current zoning document that he can't get passed. Member Geel does not think zoning is the end all in this town, and he understands this will be changed in time. He wishes he could be onboard, but he can't because of a couple of the sections. He has due respect for all involved, and for the future, this is a good opportunity for the Town Board to appoint all sides to the Zoning Board of Appeals.

Supervisor Jahn thanks B. Geel and thinks his thoughts were good throughout the process.

Town Board Member Bernstein has been proud of the Town Board and feels that B. Geel has been a great asset. He notes that the zoning law is a living document and will be changed and altered as the Town works through issues.

Town Board Member Lee would like to say that the process of developing this zoning law has been in the center of Town issues through the decades. The people in the room, whether in favor or not, really gave of themselves engaging in the process. She is very proud of those who worked on this project. M. Lee thanks all and hopes all will take the good faith of the Town Board who tried to balance divergent voices within the Town.

G. Jahn: yes

P. Bernstein: yes

B. Geel: no

M. Lee: yes

C. Vander Weit: yes

Motion carried 4:1. See Zoning Law for content.

Resolution #30-2009, Town of Austerlitz Zoning Law

WHEREAS, the Town of Austerlitz has been reviewing a proposed zoning law for the Town; and

WHEREAS, in July 2008, the Town Board received a report from the Zoning Commission with a draft zoning law; and

WHEREAS, the Town Board spent considerable time reviewing and revising that draft law based upon the numerous comments the Zoning Commission received; and

WHEREAS, the Town Board published a revised draft of the zoning law and held public hearing on the law and received written comments from the public and the Columbia County Planning Board; and

WHEREAS, the Town Board carefully considered those comments and made revisions to the zoning law based upon those comments and published a revised draft of the zoning law and held a public hearing on June 11, 2009; and

WHEREAS, the Town Board has considered the comments it has received on the draft zoning law and recognizes that there can always be changes to the law as experience provides, but that it is in the interest of the town to provide certainty and move forward with a zoning law.

NOW THEREFORE, LET IT BE RESOLVED that the Town Board finds that the proposed zoning law is consistent with the Town of Austerlitz Comprehensive Plan and is necessary to protect the health, safety and welfare of the town residents and hereby adopts and approves the zoning law as Local Law 2 of 2009 and directs that it be filed with the Secretary of State.

LET IT BE FURTHER RESOLVED that this Local Law shall take effect immediately,

Supervisor Jahn will start advertising for members to a 5 person Zoning Board Appeals.

New Business

Do to the nature of this month's meeting, the presentation by the Austerlitz' Historical Society concerning the upcoming reenactment will be done at the July meeting. The reenactment will be held in Austerlitz on August 15th and 16th.

Columbia County Historical Society contract for the preservation of the Town's Proprietors Book needs to be approved for the year.

A motion to continue storage of the Town of Austerlitz' Proprietor's Book with the Columbia County Historical Society was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

A motion to adopt Resolution #27-2009 Commending the Hudson River Valley Greenway for its tremendous role during the 2009 Hudson-Fulton-Champlain Quadricentennial events in the great State of New York was made by C. Vander Weit and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Resolution #27-2009 Commending the Hudson River Valley Greenway for its tremendous role during the 2009 Hudson-Fulton-Champlain Quadricentennial events in the great State of New York.

WHEREAS it is the sense of the Town of Austerlitz to commend those illustrious organizations whose focus and intent have made a substantial impact on the quality of life in their communities and the great State of New York; and

WHEREAS attendant to such concern, The Town Board of the Town of Austerlitz is justly proud to commend the Hudson River Valley Greenway for its tremendous role during the 2009 Hudson-Fulton-Champlain Quadricentennial events in the great State of New York; and

WHEREAS in preparation for this historical event, the Hudson River Valley Greenway, along with the Hudson River Valley National Heritage Area program, distributed funding to Hudson Valley communities to develop programs and events that celebrate the legacies of Henry Hudson, Robert Fulton and Samuel de Champlain and showcase the region; and

WHEREAS the Hudson River valley Greenway is an innovative state sponsored program created to facilitate the development of a voluntary regional strategy for preserving scenic, natural, historic, cultural and recreational resources while encouraging compatible economic development and maintaining the tradition of home rule for land use decision-making; and

WHEREAS through voluntary participation in the Hudson River Valley Greenway community planning program, the Town of Austerlitz has received technical assistance and funding for our local land use planning; and

WHEREAS the Hudson River Valley Greenway supports local and regional planning efforts that address natural and cultural resource protection; economic development, including tourism, agriculture and the redevelopment of our urban areas and commercial waterfronts; public access; regional planning; and heritage and environmental education; and

WHEREAS in light of its commitment, dedication, and successful efforts, it is the sense of this Legislative Body to extend its highest commendation to the Hudson River Valley Greenway;

NOW THEREFORE BE IT RESOLVED that the Board of The Town of Austerlitz pause in its deliberations to commend the Hudson River Valley Greenway for its tremendous role during the 2009 Hudson-Fulton-Champlain Quadricentennial events in the great State of New York; and

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the Hudson River Valley Greenway.

Attorney Ted Guterman sent over an inter-municipal highway agreement for road services between the Town of Austerlitz and the Town of Ghent. Highway Superintendent Meehan explained what services each Town performs for the other. All the Towns work together.

A motion to approve the Inter-municipal Agreement between the Town of Austerlitz and the Town of Ghent was made by B. Geel and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Attorney Baker alerted the Town Board to a new bill in the legislature concerning the Homebuilders Associations to change vested rights of applicants. If someone has put in an application with all the bells and whistles, a Town must change its law within 6 months or the applicants are vested as long as project is done in 6 years. Although this type of bill has been floating around in the past, it now has more sponsors. J. Baker is not sure what the Association of Towns stand on this issue is, but advises that it is bad policy to take authority away from a Town to deal with its own issues. Contact Senator Saland and Assemblyman Molinaro. Copies of the bill will be given to the Town Board to look over and decide if they want to do anything.

Public Comment

Penny Rubin: Agrees with Supervisor Jahn that Pine Haven should not be moved for economic reasons and DSS services should not be moved to the Ockawamick building. P. Rubin questioned how the County bought a building they didn't know how to use. In the future, Supervisor Jahn should hold public informational sessions for County issues so Town residents can stay informed. Supervisor Jahn feels there will be more opportunities for this in the future.

Steve Somlo agrees with P. Rubin's suggestion. The Town Supervisor could put out an electronic news letter.

Sue Geel questions when the BANs will be converted to Bonds. Supervisor Jahn advised that the bond market is still struggling. There is some light, but the Town needs to find a bigger bank because the

amount of money of our BANs is not enough to go to auction. It would be cost prohibited. The truck bond will probably just be rolled over for 5 years.

F. Leserowitz notes that in speaking economics concerning Pine Haven, consider that reimbursement for Medicaid is changing and also construction costs. F. Leserowitz gave organizations for Supervisor Jahn to call to provide where the State is going for reimbursement. Transportation cost for workers to move is very expensive. Discussed traffic data collectors.

John Pindt asked the status of the motor cross track and Otto Maier. Attorney Baker advised that O. Maier has been issued a notice of violation for the fence. Most of the track has been taken down, still checking on track in the back. If the fence is not taken down by Friday, further action will be taken. J. Pindt noted that he believes Mr. Maier is trespassing on property behind his house. Attorney Baker advised that trespassing must be taken up by the police, not the Town.

Adjournment

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

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Meeting adjourned at 8:03 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Public Hearing/Regular Town Board Meeting
July 09, 2009

Public Hearing called to order at 6:45 p.m. 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. This public hearing is called for a second time due to an error in the original public notice.

Public Comment:

No comment.

All those wishing to be heard were heard.

A motion to close public hearing was made by G. Jahn and seconded P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Public Hearing closed at 6:48 p.m.

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

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

Moment of Silence, followed by the Pledge of Allegiance. Supervisor Jahn would like all to remember Fred Oleynek who is very ill. F. Oleynek spent time on Town Board, was the Town's Building Inspector, is active in the Spencertown Fire Department and is loved by many in the community.

Minutes

A motion to approve the June 11, 2009 Public Hearing/Regular Town Board Meeting minutes was made by C. Vander Weit and seconded by M. Lee.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

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

Auditing of Accounts and Claims

A motion to approve General Fund #G206-241, in the amount of \$14847.15, Highway Fund #H108-120, in the amount of \$16110.41, and Capital Fund #8, in the amount of \$392.00, was made by P. Bernstein and seconded by B. Geel.

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

Reports

Monthly cash disbursements for the month of June 2009 were presented. Supervisor Jahn noted that budget time is right around the corner and budget requests have been prepared and given out. The Town in general is running behind in most of the revenue accounts with the exception of Town Clerk and the Building Inspector. Town Board Member Vander Weit questioned the police fund noting that nothing has been used to date. Supervisor Jahn explained that the Enhanced Patrol has just started again. The police presence at Court is taken out of the Court contractual line.

Supervisor Jahn advised that he has been named to a joint County and City (Hudson) Committee to reach agreement in regards to the growing homeless population. The committee will decide where to house and how to house these people. This population has doubled in the last 2 years due to job loss and the economy.

Town Clerk Report for the month of June 2009 submitted.

Highway Superintendent Meehan reported that Briarcliff is just about done. The road shoulders are to be completed this week. Mowing is being done. Pot holes are being filled, but the rain keeps bringing them back. Signs are still being stolen with about 30 signs missing in all. This is just in the Town of Austerlitz. Road side dumping is also becoming a problem. Culverts are being replaced this year. F.E.M.A. final count is about \$100000.00

Planning Board Report for the month of June 2009 submitted.

No Comprehensive Plan Oversight Committee for the month of June 2009 submitted.

Building Inspector/Code Enforcement Report for the month of June 2009 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
B. Geel: yes
M. Lee: yes
C. Vander Weit: yes
Motion unanimously carried.

Correspondence

Attorney Ted Guterman, representing Joyce Griffin, notifies the Town of Austerlitz' Building Inspector Glenn Smith, that significant damages have occurred to her property due to the construction on the adjoining property owned by John and Mary Grayzel. The natural flow of water on the Grayzel property has been diverted through the use of culverts and piping onto the Griffin property. Attorney Guterman is requesting the Town to revoke the building permit for the Grayzels until they properly address this issue.

Supervisor Jahn has spoken with Building Inspector Glenn Smith who has inspected the property and advised that the contractor has mitigated the problem by installing a series of silt fencing and hay bales to prevent further erosion of the hillside. At this time G. Smith does not see a need to revoke the permit or issue a stop work order. G. Smith will advise Attorney Guterman.

Supervisor Jahn advises that the Town has been served papers in new litigation. TJB Land Corp, Bervy Excavation, Inc and Bervy Excavation, Inc has filed a petition against the Town of Austerlitz, The Town of Austerlitz Planning Board, the Assessor of the Town of Austerlitz and the Board of Assessment Review of the Town of Austerlitz concerning a boundary line adjustment on parcels #105.-1-27 and #105.-1-30.

The Columbia County Planning Board is sponsoring a session entitled, Common Mistakes to Avoid in the SEQRA and Land Use Process, on Wednesday, July 29, 2009, from 6:00-8:00 p.m. at the Columbia-Greene Community College.

Unfinished Business

Austerlitz Fire House: Attorney Baker updated where the State Senate is in their stalled proceedings. No bills have been voted on at this point. When the Senate begins again to do business, this bill should be voted on.

Resolution #31-2009, 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 #31-2009, Charter Communications was made by P. Bernstein and seconded by M. Lee.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

New Business

The Austerlitz Historical Society will hold its annual Blueberry Festival on July 26, 2009, as well as a reenactment of the Napoleonic Wars Battle of Austerlitz in August.

Friends of Historic St. Peter's has been engaged in restoring the 250 year historic church. The project is approaching the point where upgrading will be done to the exterior woodwork and then painting the exterior. Prior to this, the committee is proposing to go underground with all existing electric and telephone lines. They have begun the approval process and are asking the Town for permission to dig a trench on the Green to bury some lines.

A motion to allow the digging of a trench of at least 36 inches in depth, with the proper insurance, on the Green, to bury electric and telephone lines was made by P. Bernstein and seconded by B. Geel.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Attorney Baker advised the Town Board that discussion needed to take place concerning fee schedules for the new zoning law. They would need to establish a fee for special use permit and use and area variances. The Town Board felt these fees should be \$ 100.00 each. A resolution will be done next month.

Zoning Board of Appeals: Letters of interest to sit on a 5 member zoning board of appeals have been received. Letters have been submitted by Steven Somlo, Steven Hay, Karl Gabosh, David Cassuto and Penny Rubin. An additional letter was received from Chris Ferrone. This letter was submitted at 6:25

p.m. missing the 12:00 p.m. deadline. Discussion was heard concerning extending the deadline to accept applications. The Town Board extended the time to receive letters of interest until July 31, 2009, and set August 3rd and 4th starting at 6:00 p.m. in 15 minute intervals for interviews.

Supervisor Jahn advised that Sandy Fischer, Program Director for the Summer Recreation Program, has some interesting ideas for speakers and activities for the kids. Also, the Spencertown Academy would like to provide the Friday Morning component again this year. In the past, the Town of Austerlitz has given the Academy \$1500.00 towards this and Supervisor Jahn asks the Town Board if they would like donate again this year.

A motion was made by P. Bernstein and seconded by C. Vander Weit to give the Spencertown Academy \$1500.00 to be used towards the Friday morning kids program.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: abstain because M. Lee is the Director of the Academy.

C. Vander Weit: yes

Motion carried 4:1.

Town Board Member Vander Weit advised that S. Fischer has talked about having a sandbox for the Summer Recreation Program. Discussed protection against the elements and animals, as well as insurance issues. Member Vander Weit asked if the S. Fischer and he could look for a commercial sandbox. The Town Board agreed that they could explore the issue. Member Vander Weit also noted that there are portions of land at the playground that is wet due to the rain, although certain sections are always that way. C. Vander Weit would like to see some pea stone in the play area.

Discussion turned to drainage. Highway Superintendent Meehan reminds the Town Board that there needs to be trenching work in this area. Town Board Member Lee advised that the Comprehensive Plan Oversight Committee has done an inventory on work needed in the parking and surrounding area of the ball field, and now the Town needs to formalize plans to complete what needs to be done. M. Lee would like to use the donated money to complete these plans. Member Vander Weit would like to have the minor work done now so the kids have a decent area to play in. R. Meehan will bring in some pea stone on Monday. Further discussion on park renovation issues noting that landscape architecture firms that are well respected and have experience have been contacted in the past. Designs have been compiled by the Comprehensive Plan Oversight Committee and the Hamlet Committee. It is the Conceptual Design work that needs to be done. Money will be moved to start working on this project with the Board drafting an RFP.

Town Board Member Vander Weit noted that there is nothing new on the speed limit reduction for Route 203. Member Vander Weit did go out and take pictures when the kids were getting on and off the bus. The kids are walking on lawns now, but in the winter, they will be walking in the road. Attorney Baker advised the Board to contact the regional administrator for the NYSDOT to be called in for a meeting. Assembly Molinaro's office can be called as well.

Supervisor Jahn noted that committees were disbanded in the past due to confusion concerning open meetings law. The Town Board discussed reorganizing some of these committees within the scope of current rules and regulations.

Public Comment

Carol Pinto question where the Ellsworth Kelly donation is. Supervisor Jahn advised that this is the money that the Town Board has decided to use for the above project.

John Pindt came before the Town Board and explained his weekly visits to our Code Enforcement Officer, Glenn Smith, concerning the property owner Otto Maier. Mr. Maier continues to have motorcycle riders on the Dinner property which continue to jump the bikes, put dirt and stones on Rigor Hill Road, rev-up the motors, etc. The fence Mr. Maier built blocking the Hoyt property and fruit stand is still up despite the understanding that it is illegal. And Mr. Maier continues to harass Mr. Pindt and the neighbors. Mr. Pindt is frustrated because it has been 19 months with motorcycles running 7 days a week and nothing is being settled. Mr. Pindt and the neighbors have contacted the State DOT who are doing very little. CEO Smith has told Mr. Pindt that he has done all he can do and it is now in the hands of the Attorney for the Town, Jeff Baker. Attorney Baker advises that he expects to file an action next week for the fence and the track and further advises Mr. Pindt that the Town has no jurisdiction over harassment issues. He must contact either the State Police or the Sheriff's office. There are measures that can be taken to protect Mr. Pindt, but these are handled by the police.

R. Hoyt advised that he will start to sell blueberries in a week and with the fence still up, no one can see his stand. He will be losing business.

Ron Mosher asked if the Town Highway Crew could go up Rigor Hill Road once or twice a week to clean the dirt and rocks off the road. Highway Superintendent Meehan advised that he has gone up, but hasn't seen anything. R. Meehan will take another look.

Supervisor Jahn advised that the Town Board will be going into executive session to figure out how to handle this. The Town Board is sorry.

A motion to enter executive session to discuss litigation with Otto Maier was made by P. Bernstein and seconded by B. Geel.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Executive session entered at 8:11 p.m.

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

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Executive ended at 8:30 p.m.

Adjournment

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

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Meeting adjourned at 8:31 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

The Town of Austerlitz
Special Meeting
August 3, 2009

Present: George Jahn, Supervisor, Charles Vander Weit, Mary Anne Lee, Town Board Members, Susan Haag, Town Clerk.

Absent: Paul Bernstein and Bryan Geel, Town Board Members.

Meeting called to conduct interviews for 5 open positions on the Zoning Board of Appeals. Called to order at 6:00 p.m.

The Town Board interviewed the following applicants.

First applicant: Karl Gabosh

Second applicant: Nancy Kern

Third applicant: Steven Hay

Meeting closed at 6:30 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

The Town of Austerlitz
Special Meeting
August 4, 2009

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

Absent: Bryan Geel, Town Board Member

Meeting called to conduct interviews for 5 open positions on the Zoning Board of Appeals. Called to order at 6:00 p.m.

The Town Board interviewed the following applicants.

First applicant: Mike Fabiano

Second applicant: Steve Somlo

Third applicant: Penny Rubin

Chris Ferrone had an emergency in the family and was unable to make his interview.

Meeting closed at 7:05 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Regular Town Board Meeting
August 13, 2009

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

Special meeting called to continue interviews for the Zoning Board of Appeals. Meeting called to order at 6:15 p.m.

First applicant: Christopher Ferrone

Town Board Member Mary Anne Lee arrived at 6:25 p.m.

Second applicant: David Cassuto

A motion to enter Executive session for Zoning Board of Appeals appointment deliberations was made by C. Vander Weit and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Executive session entered at 6:42 p.m.

A motion to exit Executive session was made by G. Jahn and seconded by B. Geel.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Executive session ended at 6:58 p.m.

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

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

Moment of Silence in memory of Chris Ferrone's mother who passed away Tuesday, followed by the Pledge of Allegiance.

Minutes

A motion to approve the July 9, 2009 Public Hearing/Regular Town Board Meeting minutes, August 3, 2009 the Special Meeting minutes, and the August 4, 2009 Special Meeting minutes was made by C. Vander Weit and seconded by M. Lee.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Budget Amendment #3

General Fund

Town Board A1010.4 increase by \$500.00

Buildings A1620.4 decrease by \$500.00

Highway Fund

Brush and Weeds DA5140.1 increase by \$5000.00

Revenue S/A-SEMA 3089 increase by \$5000.00

A motion to approve budget amendment #3 was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #G242-271, in the amount of \$8722.47, Highway Fund #H121-137, in the amount of \$24312.45, and Capital Fund #9-10, in the amount of \$18864.00, was made by M. Lee and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Reports

Monthly cash disbursements for the month of July 2009 were presented. Supervisor Jahn noted that Accountant for the Town, Mark Fitzgerald, has audited the 2008 records of the Town Clerk/Tax Collector and the two Town Justices, Cheryl Roberts and Robert Lagonia, in accordance with the guidelines of the New York State Comptroller. Based on his review, all records are in compliance and he detected no material errors.

Supervisor Jahn discussed cash flow for the Town. FEMA money has come in for the ice storm in December. The sales tax numbers have been recovering more quickly than anyone thought. If numbers hold, the Town will be over budget for this line item. Building fees are also over budget. The Town is in better shape than a lot of towns out there. More SEMA/FEMA money is expected to come in.

On the County level, the Board of Supervisors are still working on the same issues of homelessness, the DSS move, etc. There is also a contentious issue dealing with a County Road in the Town of Copake.

Supervisor Jahn would like to commend the Town of Austerlitz Highway Department for their heroic work in the rain storm with cleanup and handling the entire situation. He gave some specifics. The Town Board agrees. Town Board Member Lee noted that this was an extreme situation and she has had some Town residents commend the Highway Department to her.

Town Clerk Report for the month of July 2009 submitted.

Highway Superintendent Meehan reported that Cross Road is still out, but no-one lives on that road so the Highway Department has some time to fix it. Superintendent Meehan reported on the condition of other Town roads. Generally, residents in Town were good and understanding, but there is still work that needs to be done. There are some culverts that need to be replaced and some need to be upsized. R. Meehan and Engineer for the Town Pat Prendergast walked the roads in Bryarcliffe noting some damage from the rain, and the need to replace some rip rap in a couple of areas. There is also some standing water in places. Some work still needs to be done that the Town may end up taking care of. There are a couple of spots where the blacktop is broke, and this will be corrected. Overall, the roads in Bryarcliffe are in pretty good shape.

Supervisor Jahn advised that the Town Board has approved the final draw for payment, but Engineer Prendergast will hold this until certain work is completed.

Mark Millspaugh, from Sterling Engineering, came down and walked from the ball field down behind the Town Hall, over to Elm Street and ending down at Keegan's on Route 203 to assess the watershed issues and formulate of plan of action so continually flooding can be alleviated. The drainage at the ball field will be handled first, after which M. Millspaugh will come back with a plan for the rest of the project. Discussion on how the water may be directed.

Superintendent Meehan advised that new road signs have been ordered, and the Town is just waiting on delivery. Speed signs for Partridge and Harrington also ordered.

Planning Board Report for the month of July 2009 submitted.

Comprehensive Plan Oversight Committee for the month of July 2009 submitted.

Building Inspector/Code Enforcement Report for the month of July 2009 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

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Correspondence

New York State Office of Real Property: The Town of Austerlitz received a Certificate of the Final State Equalization Rate for the 2009 Assessment Roll and the Town of Austerlitz is at 100% equalization.

John Orloff letter concerning road damage issues.

Judith Choate letter concerning road issues in Bryarcliffe.

Unfinished Business

Supervisor Jahn explained Resolution #32-2009 and advised that this will authorize our Attorney to serve papers on O's Eatery. Inc.

Resolution #32-2009, Resolution Directing Commencement of Action on Behalf of Municipality

The Town Board of the Town of Austerlitz (the "Town Board"), duly convened in regular session, does hereby resolve as follows:

SECTION 1. The Town Board for the Town of Austerlitz hereby authorizes its attorneys Young, Sommer...LLC to commence a civil action in New York Supreme Court on behalf of the Town of Austerlitz (the "Town") and to appear as attorney for the Town as Plaintiff against O's Eatery, Inc. as Defendant;

In said civil action the Town, as Plaintiff shall among other things, ask the Court: (a) to enjoin and restrain Defendant from violating Section 8.2 of the Zoning Law of the Town of Austerlitz, New York, (hereinafter the "Town Zoning Law") and any other section(s) of the Zoning Law which are being violated with respect to premises at Tax Map No. 94-1-15, 309 Rigor Hill Rd., Austerlitz, New York; and direct that said violations be terminated and abated; (b) to permanently enjoin said violations of the Town Zoning Law; (c) to direct Defendant to permanently cease and desist the alleged illegal use(s) of the subject premises; (d) to direct that the Defendant apply for, and obtain, Site Plan approval from the

Town Planning Board, (e) to direct Defendant to remove the 12' high fence along the east boundary of the property that was constructed without Site Plan approval in violation of the Town Zoning Law; (f) to direct Defendant to remove the moto-cross track that was constructed without Site Plan approval in violation of the Town Zoning Law; and (g) to grant the Town as Plaintiff, such other and further relief as to the Court may seem just and proper, together with the costs and disbursements of the action.

SECTION 2. This resolution shall take effect immediately.

A motion to adopt Resolution #32-2009, Resolution Directing Commencement of Action on Behalf of Municipality was made by C. Vander Weit and seconded by M. Lee.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

No time table on this action is known.

Zoning Board of Appeals appointments.

A motion to appoint Karl Gabosh, David Cassuto, Mike Fabiano, Penny Rubin, and Nancy Kern, with Chris Ferrone as an alternate, and Karl Gabosh as Chair was made by P. Bernstein and seconded by B. Geel.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Staggered terms to be decided. Deputy Chair to be appointed by Chairman Gabosh.

New Business

Watershed issues: Watershed in back field was again discussed noting that this is the result of 60-70 years of no regulations. Mark Millsbaugh will come up with a proposal starting up at the ball field to change water direction to help ball field and in turn this will help the back field and property owners, etc. The Town wants to look for stimulus money for this project. Supervisor Jahn noted that this may all end in a sewer district.

Supervisor Jahn advised that he declared a state of emergency for the rain damage. This action will make the Town eligible for emergency funds and FEMA funds. The County declared a state of emergency as well.

Shared Municipal Incentive Grant: Supervisor Jahn advised that the Town's Building Inspector/Code Enforcement Officer, Glenn Smith would like to pursue this issue. This would combine the Building Inspector and Code Enforcement areas for the Towns of Copake, Hillsdale, Canaan and Austerlitz. This constitutes the eastern spine of Columbia County. Other towns would outsource these functions to Austerlitz. There should be no instrumental costs to us, and the Town could receive a substantial amount in grant money for this. G. Smith is designing the program that would include inter-municipal agreements. The Town Board agrees that this is a good direction.

Town Board Member P. Bernstein discusses outdoor burners. This is becoming a major issue in Towns all around us due to health concerns. P. Bernstein would like to see a 6 month moratorium on the installation of these outdoor burners in the hamlets and feels that the residents should be made aware of the Town's concerns before they spend money on the purchase of these burners. The moratorium would give the Town time to assess the issues and decide if any new regulation needs to be put in place. Town Building Inspector/Code Enforcement Officer Glenn Smith has put together a workshop for this issue and can answer any questions.

Town Board Member B. Geel notes that there are federal guidelines in place already. He would prefer not to see a blanket moratorium, but one that would include stipulations and allow for use under certain conditions. Discussion. Supervisor Jahn would like to see something drafted, a temporary moratorium for pending study. Member Lee notes that Member Bernstein's point is well taken to make sure residents don't spend money unnecessarily.

Supervisor Jahn advised that the Home Rule legislative concerning the Austerlitz Fire House, is done and was approved. Discussion with David Savage. Member Lee explains project for those in the audience who are not up to speed with this issue. David Savage thanks the Town Board for all their hard work and for pushing this through and getting it done. Discussion on where the project is and what we need to do.

Supervisor Jahn notes the historical reenactment of the Battle of Austerlitz on Saturday and Sunday at the Austerlitz Historical Society. Austerlitz Fire Department is serving lunch both days. Volunteers are needed for traffic control.

Town Board Member Lee advised that the New York State Office of parks, Recreation and Historic Preservation has issued the current grant round for this year. Money is available for park planning etc., with a matching portion. M. Lee would like to have a grant written for a plan for the work to be completed at the ball park. The submission deadline is 9/14/09. Drainage issues will be dealt with under a different program. Town Board agrees to go forward.

Public Comment

Steve Somlo requests the Town Board to look at the watershed that comes from the Academy, across the road, through Barbara Smith's property and down onto his and Joel Dyslin's property on South Street when they are planning correction with Mark Millspaugh. Highway Superintendent Meehan noted that this area has been looked at as well. R. Meehan feels that the water issues will be corrected when the top is corrected. Further discussion.

Adjournment

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

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

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

Terms for Zoning Board of Appeals as follows:

5 years Karl Gabosh

4 David Cassuto

3 Mike Fabiano

2 Penny Rubin

1 Nancy Kern

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Regular Town Board Meeting
September 10, 2009

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

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

Moment of Silence in memory of Senator Kennedy who served the nation for 47 years, followed by the Pledge of Allegiance.

Minutes

A motion to approve the August 13, 2009 Regular Town Board Meeting minutes was made by C. Vander Weit and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #G272-302, in the amount of \$11546.28, Highway Fund #H138-156, in the amount of \$22866.70, and Capital Fund #11, in the amount of \$833.00, was made by P. Bernstein and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Reports

Monthly cash disbursements for the month of August 2009 were presented. Supervisor Jahn noted the money in the capital fund which deals with Bryarcliffe. Supervisor Jahn went over the numbers and explained that the 1 year BAN comes due in December and needs to be rolled over. He is not sure about the exact figure yet, but the amount is in the neighborhood of \$1,140,000.00. Discussed current rates and payments.

Hospitalization rates have increased and there may not be enough budgeted for this year. Supervisor Jahn advised the Board of the current rates and explained the differences in coverage. It appears that CDPHP may increase rates by 12% next year so the Town may want to look to another carrier for next year.

Supervisor Jahn went over the revenue rates. Discussion on fines and forfeiture money comparing police coverage on Town Roads verses the Taconic Parkway. Town Board Member Vander Weit would like to see a balance between these two places. Route 203 in the Hamlet of Spencertown needs coverage. Discussion on how to accomplish this.

Town Board Member Bernstein mentions digital speed signs. Town Board Member Geel has been researching this issue. Town Board Member Vander Weit noted that the Town cannot petition the NYSDOT to lower the speed limit in the Hamlet of Spencertown if the Town is not enforcing the current speed in the Hamlet.

Supervisor Jahn noted that on a County level the Pine Haven Nursing Home move is leading the topics currently. He explained that after the numbers were crunched, it was determined the most advantage route to go was to build a new facility on the current sight. This would be a \$27 million dollar capital item, but the way they are financed, almost none of this will fall to the tax payer.

Town Clerk Report for the month of August 2009 submitted.

Highway Superintendent Meehan reported that a new light pole has been put up in the park, new timer for the fountain, and burying the wires was completed this past week. Storm clean-up was done, and some minor grading is on the schedule. One of the trucks needs a new radiator. Crossroads is not open yet, but Superintendent Meehan is trying to get to it. Hopefully sometime in the next couple of weeks.

Planning Board Report for the month of August 2009 submitted.

No Comprehensive Plan Oversight Committee for the month of August 2009 submitted.

Building Inspector/Code Enforcement Report for the month of August 2009 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

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Correspondence

State of the Hudson Watershed Conference on September 29, 30, 2009 at the Wallace Conference Center at the FDR Presidential Library and Home in Hyde Park, NY. This will be a regional discussion of recent monitoring efforts in the Hudson River Watershed.

Unfinished Business

Outdoor Wood Boilers: Town Board Member P. Bernstein discussed outdoor burners last month noting that this is becoming a major issue in Towns all around us due to health concerns. Member Bernstein would like to see a 6 month moratorium on the installation of these outdoor burners in both Hamlets and feels that the residents should be made aware of the Town's concerns before they spend money on the purchase of these burners. The moratorium would give the Town time to assess the issues and decide if any new regulation needs to be put in place. Current owners should be grandfathered.

Town Board Member Vander Weit advised that he has read up on this issue and noted the amount of towns that have regulations concerning this already. He related some of the issues and agrees that the Town Board should look into it and put a moratorium in place for research. The regulations should be for the entire Town, not just for the Hamlets.

Supervisor Jahn noted that distance between boiler and a neighbor may be the way to handle this. Attorney Baker noted some alternatives.

Member Geel is concerned about adopting a moratorium because some Town residents may be installing these boilers out of necessity. The new types of wood boilers are ten times cleaner than older versions. He asks the Town Board to be careful before putting a moratorium on this issue. Maybe the Town can draft something using newer version of boilers. Discussion on types and versions of boilers.

Continued discussion on timing, logistics and what regulations should be put in place. The Town Board was in agreement that some regulation needs to be put in place concluding that Town Board Members Geel and Bernstein will talk with Town Building Inspector/Code Enforcement Officer Smith to come up with wording for a moratorium. The moratorium will be distributed at the same date as the special meeting for the 2010 tentative budget. Special meeting to be held September 24, 2009 at 7:00 p.m. at the Town Hall.

New Business

Emergency Informational Brochure: The Comprehensive Plan Oversight Committee prepared an emergency informational brochure to be distributed to residents and posted on the Town's website. The Committee would like the Town Board to approve the format and content and have it sent out for printing. The Town Board discussed the new brochure and recommended that the insert can be distributed with the annual donation drive by the Fire Companies. The Town Board will review the content and will follow-up at the next Town Board meeting.

The 2009 Annual Summer Recreation Program Report was submitted by Program Director Sandy Fischer. The children in the program gave the Town Board a thank-you card.

The Columbia County Planning Board, comprised of 9 members which represent 8 regions currently has a seat in Region #2 that needs to be appointed. Region #2 is comprised of the Towns of Austerlitz, Canaan and New Lebanon. Tim Stalker currently holds this seat and Supervisor Jahn would like to recommend him to be reappointed.

A motion to recommend Tim Stalker to be reappointed to the Columbia County Planning Board to represent the Town of Austerlitz was made by P. Bernstein and seconded by M. Lee.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Supervisor Jahn noted that there is also a vacancy on the Columbia County Traffic Safety Committee for the Town of Austerlitz. Supervisor Jahn would like to recommend Town Board member Vander Weit for that position.

A motion to recommend Charles Vander Weit for the position of member on the Columbia County Traffic Safety Committee representing the Town of Austerlitz was made by B. Geel and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Town Park Storm Water Management report was received from Sterling Environmental Engineering, P.C. Supervisor Jahn reiterated the issue noting the water flow from the ball park down through the Town. The suggested plan was reviewed and options were discussed.

A motion to accept Sterling Environmental Engineering's proposal was made by P. Bernstein and seconded by B. Geel.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried.

Public Comment

Sandra Fischer if the drainage issue in ball park can be included in grant money. She also advised that many areas at the ball field were very wet this entire summer.

Steve Somlo asked if all storm water in Town eventually works its way into the Punsit. Yes it does. S. Somlo reiterated the problem on his property on South Street and Barbara Smith's property on Route 203. S. Somlo asks that the Town to consider the entire flow of storm water throughout the Town. Fix the entire design and flow and consider maintenance.

Adjournment

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

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

C. Vander Weit: yes

Motion unanimously carried. Meeting adjourned at 8:20 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

September 24, 2009 Special Town Board Meeting and October 8, 2009 Public Hearing/Regular Town Board Meeting minutes in minute book only. Please refer there.

Town of Austerlitz
Special Town Board Meeting
October 23, 2009

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

Bryan Geel absent due to illness.

Board Meeting called to order at 7:00 p.m. Board Meeting called to work on the 2010 budget.

Town Board worked on the 2010 budget.

Special Town Board Meeting adjourned at 8:30 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Public Hearing/Regular Town Board Meeting
November 12, 2009

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

Town Board Member Charles Vander Weit absent due to vacation. Highway Superintendent Robert Meehan absent due to Father's illness.

Public Hearing called to order at 6:30 p.m.

Public Hearing called for the 2010 Budget.

Supervisor Jahn went over the budget figures with the Town Board. He discussed at length health insurance and the cost. Supervisor Jahn explained the different options that are available to the Town at this point for health insurance coverage. The choices were between CDPHP and MVP EPO with contract signing before the end of the year. Supervisor Jahn has not discussed this with Highway Superintendent Meehan as of yet. He is looking for an approval from the Town Board to change insurance coverage from CDPHP to MVP EPO signing a new contract before the end of the year once he has talked with R. Meehan.

Town Board Member Geel feels that it is not out of line to ask the Highway Crew to pitch in for their coverage. Supervisor Jahn noted that new hires already do this.

The Town Board made an adjustment in the hospitalization figure on the general fund side decreasing it by \$4000.00.

The consensus of the Town Board was to allow Supervisor Jahn to go in this direction.

C.H.I.P.S money should still be available due to what is being reported.

Public Comment

Gerry Batti asked for clarification on the Bryarcliffe Road District numbers. Supervisor Jahn explained the figures.

All those who wished to be heard were heard.

A motion to close the public hearing made by P. Bernstein and seconded by B. Geel. Public Hearing closed at 6:53 p.m.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

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

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

Town Board Member Charles Vander Weit absent due to vacation. Highway Superintendent Robert Meehan absent due to Father's illness.

Moment of Silence for Highway Superintendent, Robert Meehan's father who was in a horrific car crash and is in hospice, and for those who were killed or injured at Fort Hood.

Pledge of Allegiance.

Minutes

A motion to approve the Public Hearing/Regular Town Board Meeting minutes of October 8, 2009 was made by P. Bernstein and seconded by B. Geel.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: abstain due to absence

Motion carried 3:1

A motion to approve the October 23, 2009 Special Town Board Meeting minutes was made by M. Lee and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

B. Geel: abstain due to absence

M. Lee: yes

Motion carried 3:1.

Budget Amendment

General Fund

Town Board A1010.4 increase by \$300.00

Paid in Lieu of Taxes 1081 increase by \$300.00

Highway Fund

Health Insurance DA9060.8 increase by \$6000.00

F/A Fema 4089 increase by \$6000.00

A motion to approve the above budget amendment was made by B. Geel and seconded by M. Lee.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #G328-354, in the amount of \$8392.56, Highway Fund #H169-185, in the amount of \$48147.28, and Capital Fund #14-15, in the amount of \$3266.00, was made by M. Lee and seconded by P. Bernstein.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Reports

Monthly cash disbursements for the month of October 2009 were presented. Supervisor Jahn discussed figures.

On the County Level, Supervisor Jahn noted the general election from last week. Absentee ballots still need to be counted for some towns. There is also the missing 9 million dollars in the DSS. Shifting of departments to different real estate venues is still on the front burner.

Town Clerk Report for the month of October 2009 submitted.

Highway Report for the month of October 2009 submitted.

Planning Board Report for the month of October 2009 submitted.

Comprehensive Plan Oversight Committee for the month of October 2009 submitted. Included with report is a Summary of Ridgeline Information Provided by the Columbia Land Conservancy.

Building Inspector/Code Enforcement Report for the month of October 2009 submitted.

A motion to accept the above reports was made by B. Geel and seconded by M. Lee.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Correspondence

Thank-you Note from Oleynek Family for flowers sent.

Unfinished Business

2010 Budget: Supervisor Jahn noted that there should be a 2% reduction in Town's tax rate.

A motion to adopt the 2010 Preliminary Budget with a reduction of \$4000.00 in line item #A9060.4 as the 2010 Town Budget was made by P. Bernstein and seconded by B. Geel.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Emergency Informational Brochure: Tabled for another month.

Supervisor Jahn advised that at the Senior luncheon this month there will be a speaker from the Columbia County Office of the Aging speaking on money available for those who need assistance. This money is available for anyone in need, not just seniors.

Resolutions #33 and #34-2009

Attorney Baker explained the need for a permissive referendum for the sale and for the purchase of land by a Town. The Town Board discussed the parameters of the referendum, subdivision regulations, contracts, etc.

Resolution #33-2009, Purchase 3.0 Acres of Land From 49 East Houston Street Corporation

WHEREAS, the Town of Austerlitz owns approximately 4.39 acres of land in the Hamlet of Austerlitz at the intersections of Route 22 and West Hill Road; and

WHEREAS, the Town has agreed to sell 1.88 acres of land to the Austerlitz Volunteer Fire Company for \$35,000; and

WHEREAS, the Town has been offered 3.0 acres of land immediately adjacent to its existing land to be purchased for \$34,500 which land is shown on the survey dated May 18, 2009 prepared by Daniel J. Russell as Parcel 4 to be obtained from 49 East Houston Street Corporation; and

WHEREAS, the land will be useful as replacement parkland and the value has been supported by an independent appraisal.

NOW THEREFORE, LET IT BE RESOLVED that the Town Board approves the purchase of the 3.0 acre parcel from 49 East Houston Street Corporation upon receipt of the \$35,000 from the sale of the land to the Austerlitz Volunteer Fire Company; and

BE IT FURTHER RESOLVED, that the Board authorizes the Town Supervisor to execute any and all contracts, agreements, and other documents as necessary to purchase the Property from 49 East Houston Street Corporation; and

BE IT FURTHER RESOLVED, that this resolution is subject to a permissive referendum in the manner provided in Town Law Section 64(2) and Section 90.

BE IT FURTHER RESOLVED, after passing such a resolution and within 10 days of its adoption, the Town Clerk shall post and publish a notice, in the same manner as provided for a notice of a special election, which shall set forth the date of the adoption of the resolution and contain an abstract of such resolution concisely stating the purpose and effect thereof. The notice shall specify that such resolution

was adopted subject to permissive referendum in accordance with Town Law Section 90. Any such resolution shall take effect 30 days after its adoption unless the Town Clerk received a petition signed and acknowledged within 30 days after the adoption of the resolution seeking a permissive referendum.

Resolution #34-2009, Sell 1.88 Acres of Land to the Austerlitz Volunteer Fire Company

WHEREAS, the Town of Austerlitz owns approximately 4.39 acres of land in the Hamlet of Austerlitz at the intersections of Route 22 and West Hill Road which it acquired in 1979 for park purposes; and

WHEREAS, surrounded on three sides by the Town parcel is a 0.63 acre parcel owned by Fire District No. 1 of Austerlitz on which is located its fire station and pavilion; and

WHEREAS, the fire station is in a deteriorated condition and is undersized and inadequate to meet the needs of the Fire District and to meet the fire safety needs of that area of the town and the Fire District requires additional land for a the construction of a modern fire house; and

WHEREAS, the Austerlitz Volunteer Fire Company has requested the Town's assistance in providing additional land for the fire station and has offered to purchase 1.88 acres of the Town's land for the sum of \$35,000.00 which value has been confirmed by an appraisal; and

WHEREAS, the purchase money will be used to purchase 3 acres of land immediately adjacent to the Town land as replacement parkland; and

WHEREAS, it is in the Town's interest to sell the land to the fire company to provide a means of enhanced fire protection for the community and the sale will allow the Town to acquire more land as a replacement park than is being sold; and

WHEREAS, the New York State Legislature passed the necessary legislation and the Governor signed the bill authorizing the alienation of parkland; and

WHEREAS, the land to be sold is shown on the survey dated May 18, 2009 prepared by Daniel J. Russell as Parcel 2.

NOW THEREFORE, LET IT BE RESOLVED that the Town Board determines that this parcel is no longer needed for town purposes and the appraisal has demonstrated that the Town is receiving fair value for the disposition of the property; and

BE IT FURTHER RESOLVED, that the Board authorizes the Town Supervisor to execute any and all contracts, agreements, and other documents as necessary to sell the Property to the Austerlitz Volunteer Fire Company for \$35,000; and

BE IT FURTHER RESOLVED that this resolution is subject to a permissive referendum in the manner provided in Town Law Section 64(2) and Section 90.

BE IT FURTHER RESOLVED, after passing such a resolution and within 10 days of its adoption, the Town Clerk shall post and publish a notice, in the same manner as provided for a notice of a special election, which shall set forth the date of the adoption of the resolution and contain an abstract of such resolution concisely stating the purpose and effect thereof. The notice shall specify that such resolution was adopted subject to permissive referendum in accordance with Town Law Section 90. Any such resolution shall take effect 30 days after its adoption unless the Town Clerk received a petition signed and acknowledged within 30 days after the adoption of the resolution seeking a permissive referendum.

A motion to adopt Resolution #33-2009, Purchase 3.0 Acres of Land From 49 East Houston Street Corporation and Resolution #34-2009, Sell 1.88 Acres of Land to the Austerlitz Volunteer Fire Company was made by M. Lee and seconded by B. Geel.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

New Business

2010 Chatham Rescue Squad Chargeback Agreement with Columbia County:

Supervisor Jahn explained how charge backs from the County work, noting that this amount would be seen in the County millage rate, not the Town's.

A motion to sign the 2010 Chatham Rescue Squad Chargeback Agreement with Columbia County was made by P. Bernstein and seconded by M. Lee.

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried.

Public Comment

Gerry Batti: Asked about putting a guard rail on Dugway by the Pheasant Farm. One has been put lower down, but not above. This area is very dangerous especially when it is icy. Supervisor Jahn will discuss with Highway Superintendent R. Meehan.

Jack Pindt: Notes a Chatham Courier article concerning the Otto Meyer case. J. Pindt addresses the court case and appeal decision with Attorney Baker. Attorney Baker advises that the Town Board decided not to pursue and he felt this was the best course of action. J. Pindt asked what the next steps would be to which Attorney Baker advised that the Town will continue to monitor the situation. Attorney Baker noted that his was not happy with the court ruling and understands J. Pindt's frustration, but the Town Board made the decision not to pursue. Further discussion of this issue.

J. Pindt questioned how the new zoning regulations play into this. Attorney Baker advised that the Town did not include race tracks specifically in the zoning law. The Town Board can further regulate if they desire, but this is a hard issue to regulate. It is very hard to regulate someone's bad behavior. Attorney Baker again advises that Mr. Pindt hire his own lawyer and file a nuisance complaint.

Adjournment

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

G. Jahn: yes

P. Bernstein: yes

B. Geel: yes

M. Lee: yes

Motion unanimously carried. Meeting adjourned at 7:40 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Regular Town Board Meeting
December 10, 2009

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

Town Board Member Bryan Geel absent due to illness.

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

Moment of Silence, thinking again of Robert Meehan's father who recently passed away, followed by Pledge of Allegiance.

Minutes

A motion to approve the Public Hearing/Regular Town Board Meeting minutes of November 12, 2009 was made by P. Bernstein and seconded by M. Lee.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: abstain due to absence

M. Lee: yes

Motion carried 3:1

Budget Amendment

General Fund

Increase Attorney A1420.4 by \$15000.00
Increase Highway Superintendent A5010.4 by \$150.00
Increase Appropriated Fund Balance by \$15150.00

Highway Fund

Increase Bridges DA5120.4 by \$81.00
Increase Machinery DA5130.4 by \$640.00
Increase Snow Removal DA5142.4 by \$12064.00
Increase Uniforms DA9090.8 by \$48.00
Increase Health Insurance DA9060.8 by \$5800.00
Increase F/A Fema 4089 by \$18633.00

A motion to approve the above budget amendment 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.

Auditing of Accounts and Claims

A motion to approve General Fund #G355-379, in the amount of \$20224.98, Highway Fund #H186-211, in the amount of \$42538.80, 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.

Reports

Monthly cash disbursements for the month of November 2009 were presented. Supervisor Jahn noted that the year end is always complicated due to timing of receipts and payables. Hard to tell currently where we are, but the gross numbers should balance out fine.

On the County Level, Supervisor Jahn noted that the makeup of the County Board of Supervisors will be changing next year. County Attorney Dan Tuczinski resigned.

Town Clerk Report for the month of November 2009 submitted.

Highway Superintendent Robert Meehan reported that the highway storage barns are full of sand and just in time for the current snow storm. The roads are soft yet so the plows need to go slow so the roads are not dug up. Minor incident on County 7 and Punsit Road where a car hit the plow. New culverts have been put in and there a few more that need to be put in if the weather cooperates.

Planning Board Report for the month of November 2009 submitted.

Comprehensive Plan Oversight Committee for the month of November 2009 submitted. Included with report was paperwork from Steven Winkley, NYS Water Association, Local Source Water Protection Planning. The Comprehensive Plan Oversight Committee recommends that the Town of Austerlitz proceed with NYEWA's request to perform a "Source Water protection Plan" for the Town. The decision to forward with this is deferred to the new town board. This is a free service.

Building Inspector/Code Enforcement Report for the month of November 2009 submitted.

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

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

M. Lee: yes

Motion unanimously carried.

Correspondence

Charter Communications letter announcing that it has successfully completed its financial restructuring plan. No changes have been made to the services, policies or operations as a result of the restructuring.

Judith Choate email noting her continuing concerns over the work on the Bryarcliffe Roads. Areas of concern noted were drainage, no road shoulders and her rocks not being replaced.

Unfinished Business

Emergency Informational Brochure: Tabled for new Town Board.

New Business

Sterling Environmental engineering, P.C. Stormwater Assessment Report. Supervisor Jahn noted that the key piece to this is major cooperation with the NYSDOT. Highway Superintendent Meehan would like to talk with the NYSDOT in Hudson and will follow-up with this.

Supervisor Jahn explained the history behind the donation from The Ellsworth Kelly Foundation and discussed possible future grant opportunities. G. Jahn also explained encumbering this donation to make sure this money is used for what it was given for.

Resolution #35-2009, Set Up Reserve Fund Balance The Ellsworth Kelly Foundation Donation

The Town Board authorizes Supervisor George Jahn to establish a "Reserve Fund Balance" with the \$100000.00 donation from The Ellsworth Kelly Foundation, to be used for the redesign and improvement of the facilities at the Town Park, in the Town of Austerlitz.

A motion to approve Resolution #35-2009, Set Up Reserve Fund Balance The Ellsworth Kelly Foundation Donation was made by G. Jahn and seconded by C. Vander Weit.

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

M. Lee: yes

Motion unanimously carried.

Supervisor Jahn spoke concerning his 4 years of service to the Town. On balance, he has enjoyed his time and enjoyed working with the Town Board, Highway Superintendent, Town Clerk and all others. Supervisor Jahn thanks everyone for their hard work and collegiality.

Town Board Member Bernstein thanks the board as well.

Public Comment

Highway Superintendent Meehan spoke concerning the Bryarcliffe Road issue and apologized to Judith Choate for his lack of availability during the illness of his father. R. Meehan will speak with Engineer for the Town Pat Prendergast and straighten out issues that J. Choate noted. It was advised that the Town still holds a retainer that will not be released until all the necessary work is completed.

Town Board Member Bernstein noted that there has been so much water this past summer and hopefully this will not be the case in the future. Let's wait to see where we are next summer.

Dave Savage appreciates the work the current Town Board has done to move the Austerlitz Fire House land deal forward. Town Board Member Lee has done quite a bit.

Gerry Batti reminded the Town Board that there still is not a guardrail on Dugway Road by the Pheasant Farm. This area has a 100 foot drop and is on a treacherous curve. Highway Superintendent Meehan advised that he will work on this, but G. Batti needs to remember this takes money and his budget currently doesn't have it. Town Board Bernstein noted that the Town Board will have to budget for this, and this will be brought to the attention of the new town board.

Adjournment

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

G. Jahn: yes

P. Bernstein: yes

C. Vander Weit: yes

M. Lee: yes

Motion unanimously carried. Meeting adjourned at 7:30 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

