

Town of Austerlitz
Organizational/Regular Town Board Meeting
January 14, 2010

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

Moment of Silence, followed by the Pledge of Allegiance.

Roll call. Present: Jeffrey Braley, Supervisor, Paul Bernstein, Carol Pinto, Matthew Verenazi, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent.

Town Board Member B. Geel absent due to vacation.

Minutes

A motion to accept the December 10, 2009 Regular Town Board Meeting minutes was made by P. Bernstein and seconded by C. Pinto.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #1-46 in the amount of \$15485.03, and Highway Fund #1-17 in the amount of \$15830.64, was made by C. Pinto and seconded by P. Bernstein.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Supervisor Braley welcomed the public and explained that the Town Board will hear public comments on the topic being discussed at any time during the meeting.

Reports

Monthly cash disbursements for the month of December 2009 were presented. Supervisor Braley reported that the 2009 General Fund and Highway Fund account were submitted for review. The 2009 books are not totally up-to-date, so they will be accepted tonight and reviewed at next month's meeting.

A motion to accept the General Fund and Highway Fund Account books as submitted for review was made by P. Bernstein and seconded by M. Verenazi.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

M. Bernstein: yes

Motion unanimously carried.

Supervisor Braley reported that he is coming up to speed on new County procedures. The County Board of Supervisors passed 2 exemption laws; Senior Citizen Real Property Tax Exemptions and Disabled and Low Income Citizen Real Property Tax Exemptions.

A Needs Assessment questionnaire from the Columbia County Office of the Aging is available with the Town Clerk should anyone want a copy to complete and send in.

Supervisor Braley further advised that he has been appointed to the following committees: Education Committee, Health/Mental Health Committee, Planning and Economic Development Committee, and Real Property/Assessment Committee. Kohls Department store is coming to the County.

Town Clerk Report for the month of December 2009 submitted. Town Clerk Susan Haag noted that a listing of all contracts, escrow accounts, and bonding was given to the Town Board.

Highway Superintendent Meehan reported that there have been a couple snow storms to date, no major break downs yet. Sand usage is okay so far. Projects for the summer include drainage on Stever Hill since not much was able to be accomplished last year due to the flood and ice storm; replacement of a couple of large culverts on Stonewall Road and Macadonia Road understanding these are big dollar items; oil and stone placed on Prathill and Dugway Road; and placement of a new guardrail on Dugway Road above pheasant farm. Highway Superintendent Meehan is trying to budget these items.

Highway Superintendent Meehan also advises the Town Board that some equipment needs to be replaced, namely a grader and a couple of the trucks. Used items can be bought. R. Meehan has discussed these purchases with Supervisor Braley.

The County bridge on Upper Hollow Road still needs to be replaced due to weight issues. The County bridge on LaBranche Road in the Town of Hillsdale needs to be replaced on well. For the Upper Hollow Road replacement, Supervisor Braley noted that delays were originally caused 4 years ago by surrounding homeowners.

Planning Board Report for the month of December 2009 submitted.

No Comprehensive Plan Oversight Committee for the month of December 2009 submitted. Comprehensive Plan Oversight Committee Chair, Barbara Smith reported that the committee discussed the ridgeline protection provision in the current zoning law. The previous Town Board asked her committee to investigate how this could be improved. The Comprehensive Plan Oversight Committee invited Cathy Grier, who sat on the Zoning Commission to explain the Commission's thoughts when putting this section together.

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

A motion to accept the above reports was made by P. Bernstein and seconded by M. Verenazi.
J. Braley: yes
P. Bernstein: yes
C. Pinto: yes
M. Verenazi: yes
Motion unanimously carried.

Correspondence

Thank you letter from the Meehan Family for flowers sent.

NYMIR: Proposed Rate Adjustment for 2010. An application has been approved to be submitted to the NYS Insurance Department for a rate decrease to be effective 1/1/2010.

Columbia County Office of Fire Coordinator James VanDeusen commended the Austerlitz and Spencertown Fire Companies for a job well during a structure fire on 12/1/09.

NYSDEC letter explaining the Hudson River Estuary Program of collecting data on plans, policies and procedures used by towns to conserve their natural areas and biodiversity.

Unfinished Business

Emergency Brochure: Supervisor Braley noted that Town Code Enforcement Officer Glenn Smith will review. The Town Board discussed recommendations by the Comprehensive Plan Oversight Committee. Town Board Member C. Pinto noted that there should be a reminder to people to make sure they have enough medicine before a storm hits. Comprehensive Plan Oversight Commission Chair Smith advised that graphics and art are to be added to the final markup.

Rural Water Project: Supervisor Braley discussed this project with Comprehensive Plan Oversight Committee Chair Smith, Patrice Perry from the Columbia County Planning and Economic Development Department, and Steven Winkley from the NY Rural Water Association. Supervisor Braley also was sent the Town of Taghkanic's plan. Once complete,

this project will map aquifers, flood plains, etc., and can be used by the Planning Board, Comprehensive Plan Oversight Committee, Zoning Board of Appeals, and others. Supervisor Braley mentioned the GIS system that the Town has and that it has been shown to this gentleman. There is no money involved with this project and can be updated in the future.

Comprehensive Plan Oversight Chair Smith notes that this project fulfills sub-goals of the Comprehensive Plan.

A motion to pursue the "Source Water Protection Plan" offer by NY Rural Water Assoc. was made by P. Bernstein and seconded by M. Verenazi.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

New Business

2010 Organizational Resolutions #1-22-2009 and Yearly Appointments

Supervisor Braley read resolutions with brief discussion. Charles Vander Weit noted that the Register Star will not deliver to his home and certain areas. Supervisor Braley noted that there is no other choice in area. It was also noted that Attorney Jeff Baker will stay on to handle loose ends in addition to hiring Tal Rappleyea.

A motion to approve Organizational Resolutions #1-24, 2010 was made by P. Bernstein and seconded by C. Pinto

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

RESOLUTION 1-2010

Be it resolved that, First Niagara and the Kinderhook Bank are hereby designated as the official depositories for all town funds for the year 2010.

RESOLUTION 2-2010

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 2010.

RESOLUTION 3-2010

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 4-2010

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 Board of Appeals, 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 5-2010

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 2010. 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 6-2010

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 7-2010

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 8-2010

Be it resolved that the Town Board hereby affirms the following Planning Board members with term dates expiring as of the Organizational Town Board meeting of each respected year and appoints Richard Madonia to a term ending at the Town Board Organizational Meeting in January of 2015:

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

RESOLUTION 9-2010

Be it resolved that Charles Knauss, a member of the Planning Board, is hereby designated as Chairman of the Town of Austerlitz Planning Board, and Charles Lawson, a member of the Planning Board, is hereby designated as the Deputy Chairman of the Town of Austerlitz Planning Board.

RESOLUTION 10-2010

Be it resolved that the Town Board hereby appoints to the Comprehensive Plan Oversight Committee the following members with term dates expiring as of the Organizational Town Board meeting in January of 2010.

Barbara Smith
Edwin Barden
Mark Feinberg
Timothy Stalker
Norma Edsall

RESOLUTION 11-2010

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.

RESOLUTION 12-2010

Be it resolved that the Town Board hereby affirms the following Zoning Board of Appeals members with term dates expiring as of the Organizational Town Board meeting of each respected year and appoints Nancy Kern to a term ending at the Town Board Organizational Meeting in January of 2015:

P. Rubin: 2011
M. Fabiano: 2012
D. Cassuto: 2013
K. Gabosh: 2014

RESOLUTION 13-2010

Be it resolved that Karl Gabosh, a member of the Zoning Board of Appeals, is hereby designated as Chairman of the Town of Austerlitz Zoning Board of Appeals, and Michael Fabiano, a

member of the Zoning Board of Appeals, is hereby designated as the Deputy Chairman of the Town of Austerlitz Zoning Board of Appeals.

RESOLUTION 14-2010

Be it resolved that the 2010 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	\$ 26300.00 per year payable bi-weekly
Registrar of Vital Stats	\$ 250.00 per year payable annually
Deputy Town Clerk	\$ 13.91 per hour payable biweekly
Superintendent of Highways	\$ 47586.00 per year payable bi-weekly
Highway Superintendent Clerk	\$ 13.91 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	\$ 13.91 per hour payable monthly
Town Assessor	\$ 17800.00 per year payable monthly
Assessor Assistant	\$ 13.91 per hour payable monthly
Town Accountant	\$ 10920.00 per year payable monthly
Code Enforcement Officer	\$ 21200.00 per year payable monthly
Historian	\$ 1800.00 per year payable monthly
Planning Board Chairman	\$ 2800.00 per year payable monthly
Planning Board Members (4 each)	\$ 915.00 per year payable monthly
Clerk/Typist (Taker of the Minutes)	\$ 50.00 per meeting payable monthly
Animal Control	\$ 1800.00 per year payable monthly
Clerk/Typist (Blding Insp/Plan Bd/ZBA)	\$ 13.91 per hour payable bi-weekly
Date Entry Part Time Clerk	\$ 10.00 per hour payable bi-weekly

RESOLUTION 15-2010

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 2010)

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 16-2010

Be it resolved that Susan A. Haag, as Town Clerk, is hereby appointed Registrar of Vital Statistics for a term beginning January 1, 2010 and ending at the Town Board organizational meeting in January 2011.

RESOLUTION 17-2010

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

RESOLUTION 18-2010

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

RESOLUTION 19-2010

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, 2010 and ending December 31, 2010. It is agreed that heating oil products will be provided at a rate equal to Columbia County's competitive bid price or less.

RESOLUTION 20-2010

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 21-2010

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, 2010 and ending at the Town Board organizational meeting in January 2011.

RESOLUTION 22-2010

Be it resolved that the Town Board of the Town of Austerlitz hereby appoints Sally Van Wagner as clerk for the Highway Superintendent beginning January 1, 2010 and ending at the Town Board organizational meeting in January 2011.

RESOLUTION 23-2010

Be it resolved that the Town Board of the Town of Austerlitz hereby appoints Steve Aciani as Broker for the Town's Health Insurance beginning January 1, 2010 and ending at the Town Board organizational meeting in January 2011.

RESOLUTION 24-2010

Be it resolved that the Town Board of the Town of Austerlitz hereby appoints Mary Davis as a clerk/typist for the Planning Board, Building Inspector, and the Zoning Board of Appeals beginning January 1, 2010 and ending at the Town Board organizational meeting in January 2011.

Supervisors Appointments

The Supervisor hereby appoints Bryan Geel to serve as Deputy Supervisor without pay for a period of one year beginning January 14, 2010 and ending at the Town Board organizational meeting in January 2011. In the position of Deputy Supervisor, Bryan Geel 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, 2010 and ending with the organizational meeting in January 2011.

Town Appointments

The Town hereby affirms the appointment of Jeffrey Baker and Tal Rappleyea as Attorneys for the Town beginning January 1, 2010 and ending at the Town Board Organizational meeting in January 2011.

The Town hereby appoints Mark Fitzgerald, Inc. as Accountant to perform accounting services beginning January 1, 2010 and ending at the Town Board Organizational meeting in January 2011.

The Town hereby affirms the appointment of Patrick Prendergast and Sterling Environmental, as Civil Engineers, to provide approved engineering services beginning January 1, 2010 and ending at the Town Board organizational meeting in January 2011.

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, beginning January 1, 2010 and ending at the Town Board organizational meeting in January 2011, and Jeff Braley 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 2010 and ending with the organizational meeting in January 2011.

Highway Superintendent Appointment

The Highway Superintendent hereby appoints Sally Van Wagner to serve as Deputy Highway Superintendent without pay beginning January 1, 2010 and ending at the Town Board organizational meeting in January 2011. 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 Appointment

The Town hereby appoints Eileen Olson, as Court Clerk beginning January 1, 2010 and ending with the organizational meeting in January 2011 and Arlene Newton, as Deputy Court Clerk beginning January 1, 2010 and ending at the Town Board organizational meeting in January 2011.

Resolution #25-2010 Town of Austerlitz Official Undertaking of Municipal Officers Form

A motion to adopt Resolution #25-2010 Town of Austerlitz Official Undertaking of Municipal Officers form was made by P. Bernstein and seconded by M. Verenazi

J. Braley: yes

P. Bernstein: yes
C. Pinto: yes
M. Verenazi: yes
Motion unanimously carried.

WHEREAS, _____, of the Town of Austerlitz, County of Columbia, New York, has been elected to the Office of Supervisor of the Town of Austerlitz, and

WHEREAS, _____, of the Town of Austerlitz, County of Columbia, New York, has been elected to the Office of Town Clerk/Tax Collector of the Town of Austerlitz, and

WHEREAS, _____, of the Town of Austerlitz, County of Columbia, New York, has been elected to the Office of Town Justice of the Town of Austerlitz, and

WHEREAS, _____, of the Town of Austerlitz, County of Columbia, New York, has been elected to the Office of Town Justice of the Town of Austerlitz, and

WHEREAS, _____, of the Town of Austerlitz, County of Austerlitz, New York, has been elected to the Office of Superintendent of Highways of the Town of Austerlitz, and

NOW, THEREFORE, we as respective officers above, do hereby undertake with the Town of Austerlitz that we will faithfully perform and discharge the duties of our office, and will promptly account for and pay over all moneys or property received as a Town Officer, in accordance with the law; and

This undertaking of the Town Supervisor is further conditioned upon that he will well and truly keep, pay over and account for all moneys and property, including any special district funds, belonging to the Town and coming into his hands as such Supervisor; and

This undertaking of the Town Clerk/Tax Collector is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Town Clerk/Tax Collector; and

This undertaking of the Town Justice is further conditioned that he/she will well and truly keep, pay over and account for all moneys and property coming into his hands as such Town Justice; and

The Town does and shall maintain insurance coverage, presently with NGM Insurance Company, in the sum of \$1,000,000.00 for the Supervisor, in the sum of \$1,000,000.00 Town Clerk/Tax Collector, and in the sum of \$500,000.00 Highway Superintendent to indemnify against losses through the failure of the officers, clerks and employees covered there under faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered there under.

The Town does and shall maintain insurance coverage, presently with NGM Insurance Company, in the sum of \$25,000.00 for each Justice and in the sum of \$25,000.00 per employee to indemnify against losses through the failure of the officers, clerks and employees covered there under faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered there under.

Dated:
Town of Austerlitz

Town Supervisor

Town Clerk/Tax Collector

Town Justice

Town Justice

Highway Superintendent

STATE OF NEW YORK:

:SS:

COUNTY OF COLUMBIA

On the _____ day of _____, 20____ before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or provided me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by this signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC – STATE OF NEW YORK

Resolution #26-2010 Standard Workdays for NYS and Local Employees Retirement System

A motion to adopt Resolution #26-2010 Standard Workdays for NYS and Local Employees Retirement System was made by C. pinto and seconded by P. Bernstein.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

BE IT RESOLVED that the Town of Austerlitz Town Board does hereby establish the following as a standard work day for elected and appointed officials for the purpose of determining days worked reportable to the New York State and Local employees' Retirement System:

All Elected Officials

Supervisor	5 day workweek, 6 hour day
Town Board Member	5 day workweek, 6 hour day
Town Clerk/Tax Collector	5 day workweek, 6 hour day
Town Justice	5 day workweek, 6 hour day
Highway Superintendent	5 day workweek, 8 hour day

Highway Employees

Highway Employees	5 day workweek, 8 hour day
Highway Superintendent Clerk	5 day workweek, 6 hour day

Appointed Officials

Building Inspector/Code Enforcement Officer	5 day workweek, 6 hour day
Assessor and/or Assessor Clerk	5 day workweek, 6 hour day
Court Clerk and/or Deputy Court Clerk	5 day workweek, 6 hour day
Deputy Town Clerk	5 day workweek, 6 hour day
Planning Board Members	5 day workweek, 6 hour day
Clerk/Typist (Blding Insp/Plan Brd/ZBA)	5 day workweek, 6 hour day
Comprehensive Plan Oversight Cmt Chair/Members	5 day workweek, 6 hour day
Zoning Board of Appeals Chair/Members	5 day workweek, 6 hour day
Clerk/Typist (Taker of the Minutes)	5 day workweek, 6 hour day
Board of Assessment Review Chair/Members/Sec	5 day workweek, 6 hour day
Historian	5 day workweek, 6 hour day
Animal Control Officer	5 day workweek, 6 hour day

2010 Policies and Procedures:

A motion to approve the following 2010 policies and procedures was made by M. Verenazi and seconded by P. Bernstein.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Supervisor Braley considered changes, but maybe next year.

Cellular Phone/Phone Card/Telephone/Fax Policy

2010

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

2010

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

2010

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:

Depository Name	Maximum Amount	Officer
National Union Bank of Kinderhook	\$3,000,000.00	Town Clerk
National Union Bank of Kinderhook	\$ 30,000.00	Court
First Niagara Financial Group	\$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 and First Niagara Financial Group 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 tracking partner pursuant to a contract authorized by the governing board.

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

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

XIII. Repurchase Agreements

Repurchase agreements are authorized subject to the following restrictions:

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

Appendix A

Schedule of Eligible Securities

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

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

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

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

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

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

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

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

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

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

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

Procurement Policy

2010

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

2010

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 2010

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 Board of Appeals.

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 Board of Appeals 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.

BAR Appointment

A motion to appoint Elizabeth Whiteman to the Board of Assessment Review for a term beginning January 14, 2010 and ending September 30, 2014 was made by P. Bernstein and seconded by C. Pinto

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Town Clerk Haag noted that current Board of Assessment Member Ted Howes called to alert the Town that he will be moving and will need to tender his resignation. To date, that has not been received.

Supervisor Braley discussed equipment purchases for the highway department, namely the purchase of a grader since the current one has well over 10000 working hours. This could be used equipment, no necessarily new. Supervisor Braley would like the Town Board to start to consider this purchase so should a good deal come up in the future, the Board can move quickly. This would be done with cash, and not bonding due the amount of money which Supervisor Braley believes can be as little as \$25000.00. Town Board Member Pinto questions what type of system is in place for the replacement of equipment. Highway Superintendent Meehan advised that nothing formal is in place, but he listed current equipment and year of equipment. Highway Superintendent Meehan further explained equipment purchases in past. Town Board Member Pinto noted that a schedule of replacement would help for budgeting purposes and would protect Highway Superintendent Meehan should questions arise. Supervisor Braley advised that the Town had purchased a Highway Software program a couple of years ago that hasn't been used, but is going to be used in the future to track equipment. This program will also track payroll and will help with communication with accountant.

Supervisor Braley introduced Scott Leggett, Deputy Sheriff and our resident deputy. Feel free to ask any questions of him you may have.

Public Comments

No public comment.

Adjournment

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

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes
M. Verenazi: yes
Motion unanimously carried. Meeting adjourned at 8:13 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Regular Town Board Meeting
February 11, 2010

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

Moment of Silence, followed by the Pledge of Allegiance.

Roll call. Present: Jeffrey Braley, Supervisor, Paul Bernstein, Carol Pinto, Bryan Geel, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent.

Town Board Member M. Verenazi absent due to vacation.

Minutes

A motion to approve the January 14, 2010 Organizational/Regular Town Board Meeting minutes was made by P. Bernstein and seconded by C. Pinto.

J. Braley: yes
Bernstein: yes
C. Pinto: yes
B. Geel: abstain due to meeting absence
Motion carried 3:1.

Auditing of Accounts and Claims

A motion to approve General Fund #47-83 in the amount of \$12909.13, and Highway Fund #18-38 in the amount of \$17461.71, was made by C. Pinto and seconded by P. Bernstein.

J. Braley: yes
P. Bernstein: yes
C. Pinto: yes
B. Geel: yes
Motion unanimously carried.

Reports

Monthly cash disbursements for the month of January 2010 were presented. Supervisor Braley reported that the tax money is in so the balances are high. He is looking into investments and interest rates.

On the County level, Supervisor Braley noted that it has been a hectic month relearning everything. Explanation was given concerning the declination decision of bringing Kohls Department Store to the County noting the County pilot program, and the players involved. The County Board of Supervisors voted down a raise for the supervisors, but gave a 2% raise to elected officials and County Department Heads. The County Board of Supervisors also hired a comptroller. Moving the current DSS offices is still on hold, but a decision needs to be made soon since the contract comes due at the end of the year. There are some County Departments that have already moved out to the Ockawamick Building in the Town of Claverack.

The Town has advertised for someone to take minutes for the Planning Board and the Zoning Board of Appeals. A letter of interest from one applicant has been received and they will be asked to come in for an overview of the position and the computer program.

Supervisor Braley also notified the Town Board that he signed a contract last night with the Columbia County Sheriff's Department to provide Enhanced Patrol services with the Town of Austerlitz. This is separate from the fees paid for services provided on Wednesday night for the Justice Court.

The 2009 General Fund and Highway Fund Account books were submitted for review by the Town Board.

Town Clerk Report for the month of January 2010 submitted. Town Clerk Susan Haag noted that a listing of Town Officers who are required to take continuing education, showing completed courses, was given to the Town Board.

Tax Collector Report for the month of January 2010 submitted. Town Clerk Haag noted that the Town has collected the same percentage as last year this same time.

Highway Superintendent Meehan reported that there were only a few minor breakdowns this past month. The supply of sand is holding and the Town should have plenty for the winter. There were heavy rains a couple of weeks ago, but no major flooding.

Engineer for the Town Pat Prendergast walked the park area behind the Spencertown Academy with Highway Superintendent Meehan to survey the current condition and provide the Town with a plan of action to correct the water flow issues. P. Prendergast feels he should come back and observe conditions when it is raining. Supervisor Braley and Highway Superintendent Meehan have been talking about ways to relieve some of the problems the water flow is creating.

Highway Superintendent Meehan also noted that residents are leaving their garbage cans out in the road after they have been emptied by collectors. This is creating a problem during a snow storm because there is no room for the plows to navigate without hitting the cans. The Highway crew was stopping, getting out of the trucks and moving the cans, but this is taking too much time. Maybe the Town can somehow address this issue.

Planning Board Report for the month of January 2010 submitted. Discussed the Hawkins/Verenazi project driveway cut.

Comprehensive Plan Oversight Committee Report for the month of January 2010 submitted. The Comprehensive Plan needs to be updated.

Building Inspector/Code Enforcement Report for the month of January 2010 submitted.

Justice Roberts Court Report for the month of December 2009 submitted.

Dog Control Officer Report for the 2009 year submitted.

Historian Report for the 2009 year submitted.

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

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

Motion unanimously carried.

Correspondence

None

Unfinished Business

Rural Water Project: Supervisor Braley noted that the project is moving along.

Outdoor Wood Boiler Law: Town Board Member Geel would like to see the Town Board have a workshop on this. Town Board Member Bernstein notes that the idea behind putting this law into place was to protect residents against health issues caused by the emissions. The Town is not looking to negate the use, only to protect residents who live in confined areas. Discussed problems with use. The Town Board would like to start to look at this issue before major problems occur, but the presented law needs to be reworked.

A workshop to rework this law is set for February 24, 2010 at 7:00 p.m. at the Town Hall.

Highway Superintendent Meehan stated that at a County Highway Superintendents' meeting the Columbia County Traffic Safety Board was discussed. It was noted that the Town of Austerlitz' representative, A. Silvernale, has not attended a meeting in quite a while and it was therefore assumed that he was no longer serving on this committee. R. Meehan would like the Town Board to look for a replacement. Town Board Member Geel will speak with the current representative to check his status and confirm he is no longer serving in this capacity. Member Geel notes that A. Silvernale has had surgery and is in working through his recovery.

New Business

BAR Appointment

Due to the resignation letter of Ted Howes, an additional seat of the Board of Assessment Review has become available. Although the position was posted again, no additional applicants have come forward. The Town Board did receive two letters of interest in December and one applicant was appointed at that time. The second applicant was Karen Kellogg who has sat on this board in the past.

A motion to appoint Karen Kellogg to the Board of Assessment Review for the unfinished term of Ted Howes beginning February 11, 2010 and ending September 30, 2013 was made by B. Geel and seconded by P. Bernstein.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

Motion unanimously carried.

Code Revitalization Services Proposal: General Code provided a proposal to the Town of Austerlitz for codification of existing laws and ordinances. This proposal includes providing the code on the internet for Town officials and for the Town's constituents. Base price for codification services project is \$5995.00. Optional components include a \$65.00 per additional code book purchased, \$995.00 initial fee, standard eCode360 and pre-supplementation posting which includes the first year maintenance, and 1945.00 editorial analyses at the end of the project.

Supervisor Braley advised that he has spoken to Attorney for the Town, Tal Rappleyea, who advises the Town to move forward with this project. Attorney Rappleyea believes the prices are worth it, and this will make the job easier for all involved.

Supervisor Braley would like the board to think about it.

Town Board Member Geel advises the Town Board that the Austerlitz Fire House land purchase is finally moving ahead. Steve Stollman has agreed to sign the contract and the next step is for this project to go before the Planning Board for subdivision approval. Member Geel will represent the Town Board at the Planning Board for this project.

Town Board Member Pinto is concerned with the speeding in the Hamlet of Spencertown. In looking for ways to slow cars down coming down the hill into the Hamlet, she notes that the 'playground ahead' sign is quite small and should be bigger. Supervisor Braley will write to the State DOT asking for a bigger sign. Member Pinto also has looked at radar signs.

The Town Board reviewed pictures of the play ground area provided by Supervisor Braley and discussed water flow issues. Town Board Member Pinto questioned the use of an additional engineer when the Town currently has a report by Sterling Engineering. Supervisor Braley and Highway Superintendent Meehan are trying to formulate a plan that will cost much less and would be simpler so that when Spring comes work can begin. Supervisor Braley advises that he wanted a seconded opinion and that if a simpler solution cannot be found and the Town Board decides to move forward into a large scale project, then Sterling Engineering will be brought back in. Supervisor Braley notes that Sterling Engineering corrects the water flow problems by using existing Town owned land, whereas the new idea incorporates use of privately owned land.

The Town Board discussed the donation of money by the Ellsworth Kelly Foundation understanding this money was given for recreational use.

Highway Superintendent Meehan feels that some residents are looking for answers and the Town needs to do something.

Public Comments

Steve Somlo: Noted that he believes it is good for the Town to have a book with all Town laws in it. He volunteers to organize the current laws placing them in book. Town Clerk Haag advises that the Town already has this done.

S. Somlo also asks the Town Board reconsider the Town Appointment policy. He believes having term limits is short sided and notes that that can be seen.

S. Somlo further notes that the Town Board should clarify the role of the Comprehensive Plan Oversight Committee. Reviewing the Comprehensive Plan is a legitimate process for this board, but oversight of all land use laws is inappropriate.

S. Somlo continues to advise that ownership of Bryarcliffe Road should be finalized. He also discussed the appointment to the Columbia County Traffic Committee explaining that representation on this board is important realizing that that this board helps to shape NYSDOT rules and regulations.

Adjournment

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

J. Braley: yes

Bernstein: yes

C. Pinto: yes

B. Geel: yes

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

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Regular Town Board Meeting
March 11, 2010

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

Moment of Silence in memory of Emily Eckstrom and Robert Mitchell

Pledge of Allegiance.

Roll call. Present: Jeffrey Braley, Supervisor, Paul Bernstein, Carol Pinto, Bryan Geel, Matthew Verenazi, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent.

Minutes

A motion to approve the February 11, 2010 Regular Town Board Meeting minutes was made by P. Bernstein and seconded by B. Geel.

J. Braley: yes

Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #84-113 in the amount of \$7557.20, and Highway Fund #39-62 in the amount of \$18702.14, was made by P. Bernstein and seconded by C. Pinto.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

Reports

Monthly cash disbursements for the month of February 2010 were presented. Supervisor Braley reported that the Town is on budget.

Supervisor Braley advised that Property Clerk, Mary Davis, has worked on the new website and gotten all the bugs out. The Town is working on adding more forms and sections that would be helpful for the public. Supervisor Braley is working on a newsletter. This will first appear on the website, then a mailing for those who want it. Census 2010 is on. Census workers are out in the Town collecting data and handing out forms. Supervisor Braley urges residents to cooperate because County, State and Federal aid depends on numbers.

Supervisor Braley further noted that Gerald and Phyllis Batti lost their appeal in the Bryarcliffe suit. This case can be further appealed should the plaintiffs decide to do so. The Comprehensive Plan Oversight Committee asked the Town to do a water survey to find aquifers, understand the types of water throughout the Town, etc. Supervisor Braley has been asking residents when they come into the Town Hall and the survey is also on our website.

Supervisor Braley explained the Shared Services Contract between the Towns of Austerlitz, Canaan and Hillsdale for Code Enforcement services. Our current Code Enforcement Officer, Glenn Smith, who is also employed in Hillsdale, has just been hired by the Town of Canaan. G. Smith will head up this new joint unit with the main office being in the Town of Austerlitz. G. Smith will have office hours in each township and the Town of Austerlitz will only lose him on Wednesday mornings. The Towns of Austerlitz and Hillsdale currently have a combined assessment agreement. Discussed particulars on how this will work. Supervisor Braley noted that all three towns should save money and the Town of Austerlitz might even make some. This will be a renewable contract.

On the County level, Supervisor Braley noted that due to new laws passed to tighten things up, the County is looking to hire new auditors and a new comptroller. County is in good shape money wise.

Town Clerk Report for the month of February 2010 submitted.

Tax Collector Report for the month of February 2010 submitted.

Highway Superintendent Meehan reported that this past month was a rough one. The last snow storm hit hard and the snow was heavy. It beat up the roads because they weren't frozen. Blacktop roads were also torn up somewhat noting that Rigor Hill has a bad spot. The Highway crew is working on equipment now, general maintenance, and opening culverts making sure the ice is out of them. Highway Superintendent Meehan also noted that the grader is getting old and tired and he is looking for a good used one to purchase. R. Meehan has started asking big trucks to stay off the dirt roads until the water is out and the road dry up.

Planning Board Report for the month of February 2010 submitted.

Comprehensive Plan Oversight Committee Report for the month of February 2010 submitted. Supervisor Braley reports that Attorney for the Town, Tal Rappleyea, has looked at the Comprehensive Plan and it is in good shape. Goals should be updated and possibly a section on wind turbines. Attorney Rappleyea has also reviewed the zoning law. Some of the sections should be looked at; mining, storage sheds and ridgeline protection. The penalty provisions really need to be changed. Jail time needs to be taken out because this would cause many problems. Town Board Member Pinto has some issues with a couple areas in the zoning document that she would like to see addressed as well.

Building Inspector/Code Enforcement Report for the month of February 2010 submitted.

Justice Roberts Court Report for the months of January and February 2010 submitted.

Justice Lagonia Court Report for the months of January and February 2010 submitted.

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

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

Correspondence

None

Unfinished Business

Outdoor Wood Boiler Law: Last month's workshop was cancelled due to weather.

A workshop to rework this law is set for March 25, 2010 at 7:00 p.m. at the Town Hall.

Code Revitalization Services Proposal: Supervisor Braley notes that this proposal has been discussed with Attorney Rappleyea. Codifying proposal discussed. Town Board Member Bernstein is in favor of starting this process. It is a necessary evil. Supervisor Braley will put this on a list for the attorney to discuss with the Town Board when he attends the March 25, 2010 workshop.

John Pindt: Welcomes new members of the Board and advises that he has come to the new Town Board to discuss his issues with the Otto Maier racetrack. According to J. Pindt, O. Maier has many surprises for this summer. Discussed the court case that the Town of Austerlitz lost. O. Maier has not stopped using this property for racing purposes and J. Pindt has pictures new 6 new jumping mounds. J. Pindt notes that he believes there are numerous other violations on the property: built a deck without a building permit, 'new' trailer hooked up to water and septic without permit, 4 unlicensed vehicles on property. Discussed other violations that have happened over time including harassment issues. Town Board Member Bernstein advised J. Pindt that he needed to discuss the harassment and trespassing issues with the police.

Robert Hoyt: Advises that his farm stand is blocked by a trailer placed in front of it by O. Maier. Cars traveling the parkway and stopping at the dinner cannot see his business. O. Maier originally put up a fence to block this stand which was later taken down.

Supervisor Braley will talk to Code Enforcement Officer Glenn Smith about this and will get back to J. Pindt. Town Board discussed the history of the situation.

New Business

The Town received 2 applications for minute taker; one from Leslie Coons and one from Fran Heaney. The Town Board discussed each applicant's credentials.

A motion to hire Leslie Coons to take minutes for the Planning Board and the Zoning Board of Appeals for \$50.00 a meeting was made by P. Bernstein and seconded by C. Pinto.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

Public Comments

None

Executive Session

A motion to enter executive session to discuss negotiations of the Austerlitz Fire House Land Purchase was made by B. Geel and seconded by M. Verenazi. Executive session entered at 7:55 p.m.

J. Braley: yes

P. Bernstein: yes
C. Pinto: yes
B. Geel: yes
M. Verenazi: yes
Motion unanimously carried.

David Savage, representing the Austerlitz Fire Company, also present.

A motion to exit executive session was made by P. Bernstein and seconded by M. Verenazi.
Executive session exited at 8:18 p.m.

J. Braley: yes
P. Bernstein: yes
C. Pinto: yes
B. Geel: yes
M. Verenazi: yes
Motion unanimously carried.

A motion to authorized Attorney Baker to make a demand to S. Stollman to sign the contract with the Town of Austerlitz concerning the purchase of land in Austerlitz no later than 12:00 p.m., Friday, March 19, 2010. If contract is not signed by this time and date, said contract is null and void. Motion was made by C. Pinto and seconded by B. Geel.

J. Braley: yes
P. Bernstein: yes
C. Pinto: yes
B. Geel: yes
M. Verenazi: yes
Motion unanimously carried.

Adjournment

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

J. Braley: yes
Bernstein: yes
C. Pinto: yes
B. Geel: yes
M. Verenazi: yes
Motion unanimously carried. Meeting adjourned at 8:25 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Town Board Workshop
March 25, 2010

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

Roll call. Present: Jeffrey Braley, Supervisor, Paul Bernstein, Carol Pinto, Bryan Geel, Matt Verenazi, Town Board Members, Leslie Coons, Clerk, and Tal Rappleylea, Attorney for the Town.

Susan Haag, Town Clerk, absent due to previous commitment.

Topics of Discussion:

Regulating Wood Boilers in Town. B. Geel gave a brief history. There are no current issues. Regulations would prevent future problems. The board does not want to burden the residents with over regulation. Once regulations are in place, they can be amended as needed. All agree to keep the law minimal. Something should be done, especially in the hamlet.

EPA program:

Phase 1 – Manufacturers are producing an Orange Tag model, which is 70 percent cleaner than the previous models.

Phase 2 – Manufacturers are producing a White Tag model, which is 90 percent cleaner than the previous models.

Recommend only White tag models be approved in the hamlet. Rural areas can be white or orange tag models with no older models permitted. At some point, the law will only allow these models. The models are \$1,000 difference in price.

Tal Rappleyea, Attorney for the Town, relates Copake's law is very strict. Stuyvesant's law is more close to what is being discussed here. J. Braley read some of Copake's restrictions.

In summary, these points need to be reviewed as part of the regulation:

White or orange tag only

Stack height

Set back

Permit needed; Code enforcer to inspect electrical, plumbing, set back, etc.

Site plan required in some instances

Start date and shut off date

Stand alone law or zoning law

Grandfather Law for existing owners

J. Braley will get a draft together for the attorney for the town to review. Discussion will continue at the next meeting.

Next Topic:

T. Rappleyea to speak of Zoning Law. Comprehensive Plan is up for review. The current plan is good. It is specific and/or general when and where needed.

Regarding wind mills, folks want clean energy, but not "in their back yard." Refer to section goal H, page 26.

A historical district in Austerlitz is mentioned. Members agree wording should be suggestive and not restrictive. Public hearings suggested for input. Examples of current buildings in the town were discussed in regards to design and what will be acceptable to the public. There was question of how future boards will interpret the plan.

T. Rappleyea, Attorney for the Town, commented on Zoning Law:

Town of Austerlitz ZBA has the power to define zoning lines and most ZBA's do not have this power, which is good.

Outlawed mining entirely – threshold was discussed

Geologist water survey mentioned.

Conservation/cluster subdivisions language may cause confusion.

The law conflicts with the main body and definition between Planning Board and Zoning Board.

Ridgelines zoning amendments discussed.

Default approval language – Applicants should be given all paperwork and timeline when they submit their initial application. The Town's web site is an excellent resource.

T. Rappleyea comments the enforcement proceeding should be added/defined. Most towns have it, including jail time for noncompliance. Some are taking it out because of the need or use of attorneys, which will tie up progress, keep from moving forward.

400 ft. driveway and if it is reasonable for a large lot is mentioned. Road law was questioned in regards to site plan.

Next Topic:

T. Rappleyea suggests regulation of wind turbines.

Next Topic:

T. Rappleyea also suggests regulation of adult amusement. Spell out where and what kind can be in town, as it cannot be zoned out since it falls under freedom of speech and is protected by the Supreme Court stating "reasonable opportunity." Get around it by making it difficult to

comply. Example was given of Cairo-Durham – Three lots only on the other side of a gully. Options were mentioned.

Next Topic:

Codifying the Laws. T. Rappleyea agrees it is expensive, but would be worth the expense to have ease of use, laws that have been enacted and we do not know about will be found. J. Braley reminds it is budgeted over two years.

Final Topic:

T. Rappleyea relates loss of lawsuit against town by Bervy. It was Jeff Baker's case, but he will give opinion. J. Braley wants to fix the law and move on and spend no more money on it. Copies of the minutes were handed out.

T. Rappleyea relates he received the decision on-line last week. He did not analyze it. Appeal would cost \$5,000 to \$10,000 more. It is a lot of work that would take nine months or more and is expensive. He suggests a second opinion on appealing. He suggests to always get a second opinion. He would be willing to review.

J. Braley relates Baker's opinion is unknown. States timeline for appeal is 30 days. Case was not well-known to the Town Board. Planning Board was directly involved. Subdivision law apparently took away lot line adjustment. T. Rappleyea relates Justice Czjaka make ruling. Local judge makes the difference in the ruling.

P. Bernstein makes motion to close at 8:18 p.m.

B. Geel reminds Fire Co. has a signed contract as of last Friday, 3/19/10, and is now on PB docket for 4/1/10. He hopes to be able to move ahead after the next two meetings and be done. One problem is the taxes have not been paid in two years on the property, by previous owner. Legally, subdivision maps cannot be filed until the taxes are paid.

J. Braley thanks T. Rappleyea for advice and being present.

J. Braley seconds motion to close at 8:22 p.m.

Meeting Closed 8:22 p.m.

Respectfully Submitted,
Leslie M. Coons, Clerk

Town of Austerlitz
Regular Town Board Meeting
April 8, 2010

Meeting called to order at 7:03 p.m.

Pledge of Allegiance.

Roll call. Present: Jeffrey Braley, Supervisor, Paul Bernstein, Carol Pinto, Bryan Geel, Matthew Verenazi, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent.

Minutes

A motion to approve the March 11, 2010 Regular Town Board Meeting minutes was made by P. Bernstein and seconded by C. Pinto.

J. Braley: yes

Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #114-139 in the amount of \$7141.17, and Highway Fund #63-82 in the amount of \$15438.63, was made by B. Geel and seconded by P. Bernstein.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

Reports

Monthly cash disbursements for the month of March 2010 were presented. Supervisor Braley reported that the Town is on budget except for the health care costs. Court income is up over last year.

Supervisor Braley advised that the Chatham Central School District will be holding an informational session for budgetary purposes at the Town Hall, on May 3, 2010 starting at 6:30 p.m.

NYSDOT will be paving sections of New York State Route 22.

The Columbia County Youth Advisory Board has recommended, and the Columbia County Board of Supervisors has accepted and approved the NYS Office of Children and Family Services allocation for 2010. The Town of Austerlitz will receive funding in the amount of \$493 for the 2010 Recreation Program.

On April 26, 2010 the Columbia County Veteran's Service Agency will honor a Town of Austerlitz veteran. Fred Oleynek has been chosen for this honor and Supervisor Braley has been asked to take part in the presentation. Sheriff Harrison will also be in attendance.

Supervisor Braley continued with an update on the Building Department shared services contract alerting the Town Board that this contract is still in the hands of the attorney. The Town of Canaan has employed G. Smith already and is just waiting for the agreement to be signed and put in place.

Supervisor Braley and Highway Superintendent Meehan have discussed putting together an official Town Highway Road map. Jimapco has been contacted to put together a map and it can be put on a webpage eventually as well. There are errors in current maps out there as found when looking at census maps. Problems were found in the listing of abandoned roads. This should be corrected.

Items are being added each day to the Town's website.

On the County level, Supervisor Braley noted that things are quiet. The Supervisors are trying to keep taxes in line. The new comptroller has been hired.

Town historian Sally Light has received the designation of Registered Historian. The approval committee was impressed with her application, stating that it was well organized. The Town Board congratulates S. Light!

Town Clerk Report for the month of March 2010 submitted.

Tax Collector Report for the month of March 2010 submitted. Tax will be collected on a Town level until the end of May. Second notices went out the beginning of April.

Highway Superintendent Meehan reported that the grader is back together and operating well. The Highway Crew has been out grading roads, filling potholes and cutting brush. There are soft spots on some roads that need to be fixed especially a couple on Dugway Road. One tandem truck is off getting springs. An additional truck will need springs as well. The sander has been taken off the big truck so the Highway Crew can start hauling materials. Blacktopping of some

areas will begin probably by the end of the month. Superintendent Meehan will go look at the roads in Bryarcliffe to see how they are holding up. Engineer for the Town Pat Prendergast will look as well. There are a couple of spots that need to be fixed. Supervisor Meehan has been holding off in case there is another snow storm so he doesn't do any additional damage. Money is still being held in escrow for needed repairs to these roads.

Planning Board Report for the month of March 2010 submitted.

Comprehensive Plan Oversight Committee Report for the month of March 2010 submitted.

Building Inspector/Code Enforcement Report for the month of March 2010 submitted.

Justice Roberts Court Report for the months of March 2010 submitted.

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

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

Correspondence

St. Peter's Presbyterian Church 250th Anniversary Celebration Request: St. Peter's has written the Town Board requesting a grant of up to \$1000.00 to put towards their 250th Anniversary Celebration. In observance of this historic event, a gala is planned for memorial day weekend inviting the entire community. Saturday night will host a musical even featuring St. Peter's pianist/organist and choir director, Luke Olivieri along with other musicians.

Town Board Member Bernstein notes that these types of donations are what the Town should be involved in. St. Peter's Presbyterian Church is a focal point of the community, and the Town Board should support. Many activities occur at the Church that are not religiously orientated. P. Bernstein notes that the 250th Anniversary Celebration is not a function of the Friends of Historic St. Peters. The Friends of Historic St. Peter's are concerned with preservation of the building and in fact additional work is currently being done.

Town Board Member Geel notes that from time to time the Town has used the Church building for meetings and the like.

Sally Light notes that this church building is one of the very oldest buildings in the State, and one that is still functioning. There may be an issue of separation of church and state for some, but keep in mind that many of the Town meetings were held there in the 1800s.

Charles Vander Weit points out that senior lunches are held there as well.

Supervisor Braley noted that money in the past has been donated towards some Saturday night Town functions. These are friends and neighbors that we all interact with. It is a public building open more than Town Hall or fire house.

A motion to donate \$1000.00 to the St. Peter's Presbyterian Church for their 250th Anniversary Celebration was made by P. Bernstein and seconded by B. Geel.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

Unfinished Business

Outdoor Wood Boiler Law: A workshop to rework this law was held on March 25, 2010 at 7:00 p.m. at the Town Hall. The Town Board agreed to go forward with this. Supervisor Braley will continue to work on this law and present updates to the Town Board. Member Bernstein notes

that it is a good time of year to work on this law since it is beginning to be off season for their use.

To answer a question from the audience, Supervisor Braley explained what an outdoor wood boiler is and how it works. The Town board does not want to over regulate, but wants to put some protective measures in place.

Code Revitalization Services Proposal:

A motion to approve the Code Revitalization proposal made by General Code for \$5995.00 was made by M. Verenazi and seconded by P. Bernstein.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

Supervisor Braley explained the process to the audience.

Austerlitz Fire House Land Subdivision: Town Board Member Geel reports that the process is moving ahead. B. Geel attended both the March and April Planning Board meetings and explained this project to those in the audience unfamiliar it. There is a Public Hearing set for the May Planning Board meeting.

There were no provisions made for a Town Hall or Town Court in this new firehouse.

Columbia County Traffic Advisory Committee: The committee seat for the Town of Austerlitz on the Columbia County Traffic Advisory Committee is vacant. Previous Town Board Member C. Vander Weit has stepped down.

C. Vander Weit noted that Alan Silvernale is not currently the Town of Austerlitz represented for this committee. C. Vander Weit was put on this board back in the summer of 2009. C. Vander Weit would like to step down from serving on this committee because he feels that this committee seat should be occupied by a member of the Town Board.

Supervisor Braley noted that a replacement needs to be put on this committee. A Motion to recommend Town Board Member M. Verenazi to the Columbia County Board of Supervisors for appointment to the Columbia County Traffic Advisory Committee upon C. Vander Weit's resignation was made by P. Bernstein and seconded by C. Pinto.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: abstained

Motion carried 4:1.

New Business

Lawn Care Bids: The Town has received two bids for lawn care for the 2010 season; one from Highlander Lawn Care & Property Maintenance and the second from Howes Horticultural.

Howes Horticultural

1543 Stonewall Road

Chatham, New York 12037

Bid for lawn cutting and ground maintenance-2010 season

1.) Price per lawn mowing \$195.00 estimate 27 mowings in the season.

2.) Ground maintenance Spring and Fall cleanup \$40.00 per hr.

3.) Garden maintenance \$40.00 per hr.

4.) Trash removal \$35.00.

5.) Cost of materials-Mulch \$45.00 per yard, perennials if needed between \$12 and \$30 depending on size. Trees and shrubs-estimate will be given before installation.

Highlander Lawn Care

5431 Rte 9H & 23

Hudson, New York 12534

Please consider by bid for the 2010 lawn mowing season for your properties in the Town of Austerlitz, NY. The price breakdown is as follows:

Town Green (across from Town Hall)-\$40

Ball Field-\$75

Tennis Courts-\$65

Firehouse-\$110 (up to the 3 Pine trees)/additional \$75 up to the Church

These prices include all equipment necessary to complete all jobs (mowers, string trimmers, blowers and fuel). Also trimming and blowing as necessary each time.

Hourly rates for labor will be \$45/hour (including Spring and Fall clean-up, storm damage, bush & tree trimming, weeding)

Debris (garbage, bottles, cans) will be removed as mowing is performed at no additional charge.

If it is necessary to return for a second time during the week as stated in the Newspaper Classified, the fee will be an additional \$100.

Highland Lawn Care by law is unable to perform the following: Fertilizing and Bee extermination. As New York State requires pesticide and fertilizer application licenses to be able to perform these specific tasks.

The price for mulch ranges from \$35-\$45 per yard depending on material desired. IE: color and type of mulch. This will be discussed and decided upon before installation.

Proof of Workers Comp insurance is not applicable due to I am the sole proprietor of Highlander Lawn Care. Proof of liability insurance is attached.

Thank you for your consideration for the 2010 lawn mowing season. Please feel free to contact me with any questions.

Ken Martin

Town Board Member Geel is abstaining from award vote due to a recent business sale.

A motion to award the lawn care services for the 2010 season to Howes Horticultural was made by P. Bernstein and seconded by M. Verenazi.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: abstain

M. Verenazi: yes

Motion carried 4:1.

Berkshire Taconic Community Foundation Grant Proposal: Shawn Hancock, from the Historic Preservation Committee, a subcommittee of the Comprehensive Plan Oversight Committee, has written a grant proposal for \$3000.00 to 1.) survey the Town's 200+ historic properties (a project that's been underway since 2007), 2.) development of an architectural narrative of the Town's historic structures, 3.) development of nominations for one or more Historic Districts for the State and National registers, and 4.) development of a new Historic Preservation Law for the Town. Total projected cost of project is \$20000.00 which will come from grant proceeds, citizen donations, sale of a Architectural narrative produced from grant, and additional grant funding yet to be pursued.

Comprehensive Plan Oversight Committee Chair Barbara Smith noted that this grant request is pretty straight forward and it is working to fulfill the goals of the Comprehensive Plan. Chair Smith brought the Town Board up to speed with the work accomplished by the Historic Preservation Subcommittee to date. For this grant, there needs to be a fiscal agent named and the Comprehensive Plan Oversight Committee is asking the Town Board to take on this role.

Town Board Member Geel asked if this grant will be creating a historical district in Town. Chair Smith noted that the Comprehensive Plan Oversight Committee is not taking a position on that. Town Board Member Bernstein is in favor of this grant. Town Board Member Verenazi noted that this grant is asking the Town Board to handle the monetary portion of the grant and he has no problem with that. Town Board Pinto asks what the historic overlay mentioned in the grant will do. Shawn Hancock advised that the words used in the grant application were used to create the framework for the grant only. Those types of points mentioned in the grant will not

necessarily be pursued. Chair Smith noted that there are no plans for new Town Laws at this point in the process. Sally Light noted that this grant includes only those things that are man-made.

Supervisor Braley asked where the additional funding will be coming from to support the grant projects. S. Hancock noted again that grant applications require certain components and certain wording is used to support requests. Further discussion on how this grant process would work.

Town Board Member Pinto would like to consult our attorney concerning this grant application.

Resolution 27-2010, Berkshire Taconic Community Foundation 2010 Grant

The Town Board resolves to act as fiscal agent for a 2010 grant to be received from the Berkshire Taconic Community Foundation for the development of a historic structure survey for the Town of Austerlitz.

A motion made by P. Bernstein and seconded by M. Verenazi to adopt Resolution 27-2010, Berkshire Taconic Community Foundation 2010 Grant.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

Town Board Member Pinto notes that she voted to approve this grant application as long as it is used just for a survey.

Public Comments

Dale Hartka: Notes that if the Town Board is concerned about pollutants from an outdoor wood boiler it can just require some simple fixes. D. Hartka asked for clarification of how the Town is saving money on the attorney line. Supervisor Braley noted that there was a good deal of litigation, and the attorney attended every Town Board meeting.

D. Hartka continued that the reason he came to the Town Board meeting was to address the high cost of renewing building permits. D. Hartka reviewed his building project with the Town Board stating that when he first renewed his permit it was a small fee. This time around it was 50% of the original amount and is quite burdensome. Custom homes take some time to build and it is unfair to change fee structures in mid-stream.

Town Board Member Geel noted that the fees are based on the square footage of the project, but feels that D. Hartka has a valid point. Small home permit fees are about the same as they were under the old fee structure, but large scale homes are more expensive due to the Building Inspector having to do more work and a having a greater number of inspections. The Town Board discussed the current fee structure.

Supervisor Braley advised that the Town Board will look into this and get back to D. Hartka.

Judith Choate noted for the new Town Board Members that she is a Bryarcliffe subdivision resident and wanted to bring them up to date on the road conditions on Harrington Drive. J. Choate has noticed cracking along the shoulders. Also of concern to her is the fact that the ornamental rocks she had on her property before this road project began have to date not been returned by the contractor. Supervisor Braley and Highway Superintendent Meehan will look into the condition of the road and see what they can do about replacing J. Choate's rocks.

Bob Herran spoke concerning Harvey Mountain Road stating that he has always lived on Harvey Mountain Road so he is familiar with dirt road conditions. For over 4 years now, heavy machinery has driven up and down this road due to the construction on the top of the mountain. This has broken down Harvey Mountain Road and he feels that the owner of the property on the top of the mountain should fix the road.

Shawn Hancock thanks the Town Board for their support for the Berkshire Taconic Community Foundation grant.

C. Vander Weit advised that the edges of Punsit Road are starting to crack.

Adjournment

A motion to adjourn was made by Paul and seconded by Matt.

J. Braley: yes

Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

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

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Regular Town Board Meeting
May 13, 2010

Town Supervisor Braley, Town Board Members Geel, Bernstein, Verenazi and Pinto, Town Clerk Haag and Highway Superintendent Meehan met at 6:30 p.m. to open Highway Bids.

Bid specs noticed in official newspaper.

Liquid Calcium Chloride-Peckham Industries, Inc., Foot of Union St., Athens, New York 12015
Phone: 518-945-1120, Fax: 518-945-1298.

Liquid Calcium Chloride: Winter Calcium .978/gallon delivered, 32% Calcium, 68% water,
Summer Calcium .978/gallon delivered and applied 35% calcium, 65% water.

Liquid Mag Chloride: .978/gallon delivered and applied, 29% mag, 71% water.

Trucking- Macfarlane Contracting, 39 Percy Hill Road, Old Chatham, NY 12136.

Material hauling for the Town of Austerlitz Highway Department. Tri-axle-dump Truck price per hour \$90.00. Average 23 ton per load, 475 HP motor.

Tommy Faxon Excavating, 45 Church Street, Chatham, NY 12037

1. Tractor Trailer: 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/hour. Hourly rate for steel rock trailer will be \$130.00/hour.

2. 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 71250 Lbs. Hourly rate for triaxle will be \$85.00/hour.

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

Item	Description	FOB	Delivered	Location
Crush Stone	Item 4 Crusher Run	\$8.70	\$13.70	91 Newman Rd, Huds
"	Screen Fill	\$7.85	\$12.85	"
Gravel	Bank Run Gravel	\$5.25	\$11.00	Cty Rte 31, Hudson
"	Sand (snow)	\$9.25	\$15.00	"
Crush Stone	Crusher Run 2" Minus		\$8.70 \$13.70	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	"
Asphalt	Base		\$57.65 ---	91 Newman Rd. Huds
Asphalt	Binder		\$58.15 ---	"
Asphalt	Type 6		\$63.50 ---	"
Asphalt	Type 7		\$68.60 ---	"

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 \$523.00 per US ton as of May.

Guard Rail and Post Installation-Otsego Iron and Metal, 50 Rose Ave., Oneonta, NY 13820

New 6" x 6" x 3/16" galvanized box beam with hardware	\$34.00/ft
New 3" I posts with spade x 63"	\$48.00/each
Used 3" I posts with spade x 63"	\$21.00/each
New Type 1 End Sections	\$ 323.70/each
New Type 2 End Sections	\$865.80/each

Price includes delivery to the town garage or jobsite.

Aluminized and Steel Pipe-Otsego Iron and Metal, 50 Rose Ave., Oneonta, NY 13820

	<u>Gauge</u>	<u>Galvanized/Linear FT</u>	<u>Bands</u>	<u>Aluminized/Linear Ft</u>	<u>Bands</u>
12 inch	16	\$7.68	\$7.68	\$10.60	\$10.60
15 inch	16	\$11.58	\$11.58	\$13.28	\$13.28
24 inch	16	\$18.84	\$18.84	\$21.54	\$21.54
30 inch	16	\$24.18	\$24.18	\$27.55	\$27.55
36 inch	14	\$24.62	\$34.62	\$40.34	\$40.34
48 inch	14	\$46.20	\$69.30	\$54.34	\$81.51
95" X 67"	12 3x1	\$147.16		\$294.32	\$176.17
				\$352.34	
81" X 59"	12 3x1	N/A	N/A		\$152.50
				\$305.00	

Price included delivery to the town garage or jobsite.

Regular Meeting called to order at 7:01 p.m.

Pledge of Allegiance.

Roll call. Present: Jeffrey Braley, Supervisor, Paul Bernstein, Carol Pinto, Bryan Geel, Matthew Verenazi, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent.

Minutes

A motion to approve the April 8, 2010 Regular Town Board Meeting minutes was made by P. Bernstein and seconded by C. Pinto.

J. Braley: yes

Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

A motion to approve the March 25, 2010 Town Board Workshop Minutes was made by B. Geel and seconded by P. Bernstein.

J. Braley: yes

Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #140-176 in the amount of \$13148.89, and Highway Fund #83-106 in the amount of \$23555.60, was made by M. Verenazi and seconded by B. Geel.

J. Braley: yes
P. Bernstein: yes
C. Pinto: yes
B. Geel: yes
M. Verenazi: yes
Motion unanimously carried.

Reports

Monthly cash disbursements for the month of April 2010 were presented. Supervisor Braley reported that a budget amendment will be done in Records Management, Engineering and Celebrations next month. Accountant for the Town, Mark Fitzgerald, is currently out due to a hip replacement.

Supervisor Braley advised that our webpage is continuing to be worked on. Codifying the Town laws is beginning. The Census process is ongoing. Unfortunately only 53% of the Town replied to census letters received in the mail so census workers have started to go door to door to clean up the rest.

On the County level, Supervisor Braley noted that the County has had a summer internship program for many years now. No one from the Town of Austerlitz has ever taken advantage of this. This year they are paying \$10.00/hr, and will be hiring one teen from each town. If any teen is interested in this program, let Supervisor Braley know. The County Comptroller's position is open again and they are beginning the hiring process. Supervisor Braley has been put on the subcommittee of Space Utilization which in part makes recommendations for the placing of Columbia County DSS. This subcommittee has voted to recommend it stay in Hudson.

Memorial Day services for the Town will be held on the 31st at 7:00 a.m. Refreshments will also be served at the Town Hall.

Supervisor Braley advised that there seems to be some confusion as to who is going to run the Summer Recreation program this year. Previous Director, Sandy Fischer will not be running the day to day operations. This will be left up to Deborah Oleynek. The buses that transport the children from the ball park to Fox Hill for swimming have been rented, swimming at Fox Hill has been set up, and clean up of the playground is being taken care of. Supervisor Braley would like to increase the registration fee for non-resident children. The summer program as a whole is coming up to speed.

Town Clerk Report for the month of April 2010 submitted.

Tax Collector Report for the month of April 2010 submitted. Town Clerk Susan Haag noted that there are more outstanding bills left this year than in previous years.

Highway Superintendent Meehan reported that the tandem truck needed some work. It is currently back together and almost road ready. The 1988 truck needs some work, it blew the rear-end out and needs an axle. The 1995 truck is having the ejectors looked at currently at the Sunnyside Garage. The rest of the fleet is in good shape.

Superintendent Meehan continues reporting that there are some additional soft spots on Dugway Road that need repair and quite a few culverts need to be replaced. A large culvert on Big Woods Roads needs to be replaced soon. R. Meehan has placed signs on the beginning of Big Woods Roads restricting heavy trucks from using the road. R. Meehan is looking to see what he can do so we can save as much money as possible when replacing this culvert. Dean Knox, from Columbia County, has come up to look at the issue and offered some advice. Superintendent Meehan would like to replace the culvert with concrete if possible. Finally, R. Meehan is looking for some warmer weather so blacktopping can be done.

Planning Board Report for the month of April 2010 submitted.

Comprehensive Plan Oversight Committee Report for the month of April 2010 submitted.

Building Inspector/Code Enforcement Report for the month of April 2010 submitted.

Justice Roberts Court Report for the month of April 2010 submitted.

Justice Lagonia Court Report for the months of March and April 2010 submitted.

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

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

Correspondence

Town resident Fred Oleynek, who has also worked in many capacities for the Town of Austerlitz, was recognized by the Columbia County Board of Supervisors for his military service, devotion and ultimate sacrifice to his country in the name of Freedom. His family was presented the certificate below. This is part of the Columbia County Honor a Veteran program. A copy of the below certificate and pictures of the ceremony are on the Town's website.

CERTIFICATE OF RECOGNITION

Awarded to

Fred Oleynek

12 May 1926 – 29 September 2009

On behalf of the Board of Supervisors, the 63,000 residents of Columbia County and the Nation as a whole, this Certificate of Recognition is presented in acknowledgement of Private First Class Fred Oleynek, service, devotion and ultimate sacrifice to his country in the name of Freedom.

Fred Oleynek was born on May 12, 1926 to Joseph and Emmy (Steinert) Oleynek in Essen, Germany. He grew up in New York City where he attended school.

Fred entered the United States Army on August 28th, 1944 in the Bronx, New York. Earning the rifleman's sharpshooter's badge in Basic Training, he was then trained as a heavy weapons specialist. Private First Class Fred Oleynek was assigned to the 2nd Battalion, Headquarters Company, 15th Infantry in the European Theater of Operations. The 15th Division reached the Rhine River (11/26/44), fought in the Colmar Pocket, broke through the Siegfried Line, captured Nuremburg and remained on garrison duty in Germany until September 1946. Engaged in heavy action in Central Europe and the Rhineland as a heavy weapons crewmember, PFC Oleynek earned the Combat Infantry Badge (CIB). Fred was injured in a jeep accident which required him to wear a body cast for a year. On June 5, 1947 he was Honorably Discharged.

In addition to the Rifle Sharpshooter's Badge and the CIB, PFC Fred Oleynek was awarded the: Good Conduct Medal, American Theater Ribbon, Victory Ribbon, Two Bronze Battle Stars, and the European-African-Middle Eastern Theater Ribbon.

Fred returned home and attended Chicago University of Aeronautical Engineering. Graduating in 1950 with a BS in Aeronautical Engineering, he married Gloria Florio on February 17, 1952. Together, they raised eight children: Joseph, Jean, Paula, Fred, Marguerite, Stephen, Gloria and Susan. Fred was employed as a private business owner, Air Compressor Plus and as a code enforcement officer for the Town of Austerlitz. He remained active in the community; he was a member of the Ghent VFW and the Spencertown Fire Co.

Fred died on September 29, 2009 in Austerlitz, New York. He was 83 years old. There is no greater duty than devotion and service to others. He honorably serviced his country and today we recognize and honor him for that service.

Therefore, The Columbia County Board of Supervisors does hereby recognize and express our debt to Private First Class Fred Oleynek, for his dedication and service for his County in the name of Freedom and Security to this Nation and its Citizens. And that the American Flag, presented by Congressman Scott Murphy of the 20th Congressional District today, will fly outside the Columbia County Office Building, 401 State Street, Hudson, NY for a period of

Thirty Days in honor of the service and sacrifice given to our Country by Private First Class Fred Oleynek, after which time will be given to his family.

In appreciation thereof, this Certificate is given under my hand and the Privy Seal of the Columbia County Board of Supervisors, at the County Office Building, in Hudson, NY this 26th day of April in the Year of our Lord 2010.

Unfinished Business

Outdoor Wood Boiler Law: Supervisor Braley advised that the New York State DEC is currently putting together an Outdoor Wood Boiler Law that will surpass any requirements that the Town wishes to have in place. The Town Board will let this new law play out and see where things are at a later date.

Austerlitz Fire House Land Subdivision: Town Board Member Geel reported to the Town Board that the subdivision application has been approved and the maps stamped. These maps will need to be filed with the County Clerk. B. Geel has spoken with Attorney for the Town Jeff Baker concerning the legalities in finishing up this project.

Drainage Issues-Spencertown Ball Field: Engineer for the Town Pat Prendergast has presented the Town Board with his proposal on how to correct this water issue. Discussed proposal. Highway Superintendent Meehan noted that he will try to do some of the minor proposals. Neither Supervisor Braley or Superintended Meehan plan on incorporating any of the corrective steps concerning the pond in back of the Town Hall since this is on private property. Any of the work done up at the ball field will need to be done in the fall. All the private property work is on hold for now. Town Board Member Pinto noted that she has serious reservations concerning the proposal done by Pat Prendergast, namely the cost for underground pipes, maintenance of these pipes, and the fact that these are on private property. Member Pinto also notes that there would be an increase in the amount of water directed to the catch basin across from Howe's where this is already a major water issue, and to a culvert under Route 203 that was too small to handle the water that already ends up there. Highway Superintendent Meehan noted that the other option would be to route the excess water across Route 203 up by Dugway Road. But, this has its issues as well. Sterling Engineers had this theory. Discuss current water flow noting that Supervisor Braley and Highway Superintendent Meehan will talk and see what work can be done and at what price.

Contract-Shared Services Code Enforcement: Supervisor Braley advises that the Shared Services Contract which was given to the Town Board members is in draft form and still needs to be reviewed by Canaan, and Hillsdale and their respective attorneys. J. Braley explained the project.

Enhanced Highway Patrol: Supervisor Braley explained the history of the Enhanced Highway Patrol noting that it has been in place for 20 years or so. At the beginning of the year Supervisor Braley signed a new contract with the Columbia County Sheriff for this service. Supervisor Braley speaks to the coverage over the last few years and the money involved with this program. J. Braley has tried to ascertain whether it is worth the money the Town pays for this service. He asks the Town Board where they would like to see this police protection concentrated. Town Board member would like to stop the patrolling on the back roads. Member Bernstein would like to go where the money is, namely the Taconic Parkway, then in the Hamlets of Spencertown and Austerlitz to keep the speed down. Member Verenazi believes that a police presence in the Hamlets is a must.

New Business

Highway Bids: A motion to accept the Liquid Calcium Chloride bid from Peckham Industries, Inc., the Trucking bid from Macfarlane Contracting and Tommy Faxon Excavating, the Sand and Gravel bid from A. Colarusso and Sons Inc., the Guard Rail and Post Installation bid from Otsego Iron and Metal, and the Aluminized and Steel Pipe bid from Otsego Iron and Metal bids as presented was made by P. Bernstein and M. Verenazi

Discussion on accepting both trucking bids due to cautioning of this past practice by the New York State Comptroller's office when in last December auditing the Town. Supervisor Braley feels an argument can be made for accepting all bids. Further discussion on the Comptroller's recent audit recommendations against this practice.

J. Braley: yes
Bernstein: yes
C. Pinto: yes
B. Geel: yes
M. Verenazi: yes
Motion unanimously carried.

Official Town Highway Road Map: Supervisor Braley and Highway Superintendent Meehan have been busy working on an official Town Highway Road Map. Jimapco has been retained to map the finished project providing 2 laminated wall maps, with the option of having this information electronically as well. Start up costs are \$300.00. Supervisor Braley asked the Town Board what additional land marks do they want to see on the map. Town Board Member Geel noted that ponds and water sources should be on so the Fire Company can access these.

Town Clerk Susan Haag advised that all those employed by the the Town of Austerlitz who are in the NYS and Local Retirement System, need to forward their completed time worked tracking forms to the Town Clerk. The Town Board must start the next step in the retirement reporting process to fulfill the system's requirements and protect those in the system from loosing any future benefits.

Public Comments

Reverend Douglas Holmes thanks the Town Board and those in the audience on behalf of himself and the Congregation for the support for the St. Peter's Presbyterian Church's 250 celebration. He Invites all to the celebration on Memorial Day weekend.

John Pindt questioned the Town Board as to what has been done concerning the racetrack on the Otto Maier property and if the Town is going to do anything about the upcoming charity event being planned for this coming weekend. O. Maier has bulldozers on his property pushing the dirt into a huge pile for the motorcycles to jump. J. Pindt notes that he is having trouble selling his property due this racetrack. He believes the Town should enforce its regulations. Supervisor Braley will look into the situation and call the Town's Attorney for council. If there are violations, the Town will file charges.

Cono Fusco questions the state of ownership of the roads in the Bryarcliffe subdivision. Supervisor Braley advises that to date, the Town does not own Harrington Road and Partridge Drive. J. Braley will discuss this with Attorney Tal Rappleyea and move this item to the top of the list.

Cono Fusco also notes a section on Partridge Drive is being used as a dump. Supervisor Braley will look into who owns this property and have Code Enforcement Officer Smith handle.

Judith Choate and Supervisor Braley discussed the type, size and color of the rocks she would like replaced.

Town Board Member Verenazi advises the Town Board that he received a call from a resident over the weekend complaining about the hours available for assessment review. Discussed assessment review process and issues around this. Supervisor Braley will speak with Town Assessor Pam Cook.

Housing of the Town election machines was discussed. Currently they are housed in the Spencertown Fire House at no charge. It is not feasible for them to be moved after each election since the Town doesn't really have the equipment or the storage facilities. Payment of rent was discussed. This is an area that will be looked into.

Town Board Member Pinto questioned the process employed in deciding what engineer the Town is going to use for each project. C. Pinto understood that Sterling Engineering was to be used on any large project and Pat Prendergast was to be used for routine issues and that the Town Board as a whole would discuss and make the decision in each case. Member Pinto discussed the report given to the Town Board on the Town ball field water issues and noted that Sterling Engineering's report and plan was more viable. Supervisor Braley noted that if a road issue comes up, Highway Superintendent Meehan will just call Engineer Prendergast. J. Braley and R. Meehan called in Pat Prendergast to look over the ball field water situation. J. Braley noted that

in a discussion with P. Prendergast after an analysis was done, more was discussed than appeared in the report. Superintendent Meehan noted that Sterling Engineer's report was done with different original parameters therefore giving different results. Supervisor Braley advised that for right now, minor fixes will be done, nothing on private property, and decisions will have to be made for the major portion of work. Discussion turned to the availability of donated money sitting in a reserve account that can be used to correct some of the water flow issues.

Adjournment

A motion to adjourn was made by P. Bernstein and seconded by J. Braley.

J. Braley: yes

Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried. Meeting adjourned at 8:41 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Regular Town Board Meeting
June 10, 2010

Present: Jeffrey Braley, Supervisor, Paul Bernstein, Carol Pinto, Bryan Geel, Matthew Verenazi, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent.

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

Pledge of Allegiance.

Minutes

Town Board Member Pinto asked that the following sections of the May 13, 2010 minutes be changed as followings:

From: "Drainage Issues-Spencertown Ball Field: Engineer for the Town Pat Prendergast has presented the Town Board with his proposal on how to correct this water issue. Discussed proposal. Highway Superintendent Meehan noted that he will try to do some of the minor proposals. Neither Supervisor Braley or Superintended Meehan plan on incorporating any of the corrective steps concerning the pond in back of the Town Hall since this is on private property. Any of the work done up at the ball field will need to be done in the fall. All the private property work is on hold for now. Town Board Member Pinto noted that she has serious reservations concerning the proposal done by Pat Prendergast, *namely the cost for culvert pipes, maintenance of these pipes, and the fact that these are on private property.* Member Pinto also notes that the direction that this water would be diverted causes the flow to end up down onto Route 203 across from Howe's where this is already a major water issue. Highway Superintendent Meehan noted that the other option would be to route the excess water across Route 203 up by Dugway Road. But, this has it's issues as well. Sterling Engineers had this theory. Discuss current water flow noting that Supervisor Braley and Highway Superintendent Meehan will talk and see what work can be done and at what price. up by Dugway Road. But, this has it's issues as well. Sterling Engineers had this theory. Discuss current water flow noting that Supervisor Braley and Highway Superintendent Meehan will talk and see what work can be done and at what price."

To: "Drainage Issues-Spencertown Ball Field: Engineer for the Town Pat Prendergast has presented the Town Board with his proposal on how to correct this water issue. Discussed proposal. Highway Superintendent Meehan noted that he will try to do some of the minor proposals. Neither Supervisor Braley or Superintended Meehan plan on incorporating any of the corrective steps concerning the pond in back of the Town Hall since this is on private property. Any of the work done up at the ball field will need to be done in the fall. All the private property work is on hold for now. Town Board Member Pinto noted that she has serious reservations concerning the proposal done by Pat Prendergast, *namely the cost for underground pipes, maintenance of these pipes, and the fact that these are on private property.* Member Pinto also notes that there would be an increase in the amount of water directed to the catch basin across from Howe's where this is already a major water issue, and to a culvert under Route 203 that was too small to handle the water that already ends up there. Highway Superintendent Meehan noted that the other option would be to route the excess water across Route 203 up by Dugway Road. But, this has its issues as well. Sterling Engineers had this theory. Discuss current water flow noting that Supervisor Braley and Highway Superintendent Meehan will talk and see what work can be done and at

what price up by Dugway Road. But, this has its issues as well. Sterling Engineers had this theory. Discuss current water flow noting that Supervisor Braley and Highway Superintendent Meehan will talk and see what work can be done and at what price.”

From: “Town Board Member Pinto questioned the process employed in deciding what engineer the Town is going to use for each project. C. Pinto understood that Sterling Engineering was to be used on any large project and Pat Prendergast was to be used for routine issues and that *the Town Board would make the decision in each case*. Member Pinto discussed the report given to the Town Board on the Town ball field water issues and noted that Sterling Engineering’s report and plan was more viable. Supervisor Braley noted that if a road issues comes up, Highway Superintendent Meehan will just call Engineer Prendergast. J. Braley and R. Meehan called in Pat Prendergast to look over the ball field water situation. J. Braley noted that in a discussion with P. Prendergast after an analysis was done, more was discussed than appeared in the report. Superintendent Meehan noted that Sterling Engineer’s report was done with different original parameters therefore giving different results. Supervisor Braley advised that for right now, minor fixes will be done, nothing on private property, and decisions will have to be made for the major portion of work. Discussion turned to the availability of donated money sitting in a reserve account that can be used to correct some of the water flow issues.”

To: “Town Board Member Pinto questioned the process employed in deciding what engineer the Town is going to use for each project. C. Pinto understood that Sterling Engineering was to be used on any large project and Pat Prendergast was to be used for routine issues and that *the Town Board as a whole would discuss and make the decision in each case*. Member Pinto discussed the report given to the Town Board on the Town ball field water issues and noted that Sterling Engineering’s report and plan was more viable. Supervisor Braley noted that if a road issues comes up, Highway Superintendent Meehan will just call Engineer Prendergast. J. Braley and R. Meehan called in Pat Prendergast to look over the ball field water situation. J. Braley noted that in a discussion with P. Prendergast after an analysis was done, more was discussed than appeared in the report. Superintendent Meehan noted that Sterling Engineer’s report was done with different original parameters therefore giving different results. Supervisor Braley advised that for right now, minor fixes will be done, nothing on private property, and decisions will have to be made for the major portion of work. Discussion turned to the availability of donated money in a reserve account that can be used to correct some of the water flow issues.”

A motion to approve the May 13, 2010 Regular Town Board Meeting minutes as read with changes was made by P. Bernstein and seconded by M. Verenazi.

J. Braley: yes

Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #177-201 in the amount of \$27,924.51, and Highway Fund #107- 124 in the amount of \$21,688.97, was made by B. Geel and seconded by P. Bernstein.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

Supervisor Braley noted that there are budget amendments to be done but he didn’t know where to take the money from. He will take care of this next month.

Reports

Monthly cash disbursements for the month of May 2010 were presented. Supervisor Braley reported that there was a discrepancy in one of the accounts that will be corrected. Also, money will need to be put in brush and weeds to cover a shortage in that account. J. Braley also advised that Highway Superintendent Meehan has been getting the Town playground ready for the summer recreation program. The Columbia County Department of Health inspected and the Town passed the inspection with only minor issues to be taken care of. Supervisor Braley advised that the Memorial Day Services had a nice turnout.

On the County level, Supervisor Braley noted that there was to be a Committee vote on where to house the Columbia County DSS, but the Committee meeting was cancelled.

Town Clerk Report for the month of May 2010 submitted.

Tax Collector Report for the month of May 2010 submitted. Discussed percentage collected.

Highway Superintendent Meehan reported that most of the roads in Town are in good shape. The Highway Crew has been filling potholes, ditching, and changing culverts out. R. Meehan is still waiting on the County for some advice concerning the culvert on Big Woods Road. The County has also closed the bridge on the end of Dugway Road in the Town of Hillsdale. R. Meehan noted that work still needs to be done on the County bridge on Upper Hollow Road and requests that the Town Board send a letter to Dean Knox at County Columbia DPW to fix the Upper Hollow Road Bridge. If possible, the Fire Department should send a letter to the county about the danger of having Dugway Road bridge closed.

As for the Town playground, Highway Superintendent Meehan advised that they would need a few new benches, garbage cans, some fencing, kid's swing set seats, and work needs to be done on the tennis courts. Copeland was up to the park to look at the tennis courts and went over repair estimates with R. Meehan. Other work that needs to be accomplished is repairs to the dugouts and shed. Town resident Rich Nesbitt has planned a workday for the park on June 25th when the dugouts and shed will be fixed. Work will also be done on the ball field and new sand put down.

Planning Board Report for the month of May 2010 submitted.

Comprehensive Plan Oversight Committee Report for the month of May 2010 submitted. Supervisor Braley would like to see this Committee work to correct a few errors in the Planning Board rules and regulations.

Building Inspector/Code Enforcement Report for the month of May 2010 submitted.

Supervisor Braley noted that the Board of Assessment Review saw about 15 cases with varied results.

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

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

Correspondence

Chatham Rescue Squad, Inc.: Update on the County 911 Dispatch Plan and Chatham Rescue's non-participation in this plan at the current time. Town of Austerlitz will be covered as always.

Rich Nesbitt, Assistant Chief for the Spencertown Fire Company came before the Town Board to discuss this issue that is affecting more than the Chatham Rescue Squad. Also with R. Nesbitt was Don Fischer and Tab Eigenbrocht from the Red Rock Fire Protection District. Columbia County 911 has changed its dispatch plan and has sought to establish a procedure for dispatching the most appropriate response to requests for emergency medical care, using the MPDS. In doing so, coded priority #3 and #4 calls are no longer handled by local EMS, unless a signed agreement is in place. Such signed agreement grants an exception to the Emergency Medical Dispatch Response Assignments Plan for local EMS as long as Certificates of Insurance providing Commercial General Liability insurance with minimum limits of \$1,000,000.00 per occurrence, subject to a \$2,000,000.00 annual aggregate, listing Columbia County and Columbia County 911 as additional insured. R. Nesbitt, D. Fischer and T. Eigenbrocht feel that the County is putting local residents at risk by using this new plan since it has been taking additional time for non-local EMS to respond to emergencies. Local EMS know the residents putting them at ease, know the roads, the areas and can respond in a more timely fashion.

Discussed the history of this issue and noted that Fire Company attorneys have advised against the signing of the proposed exemption contract. Unfortunately, the County does not seem to be listening to the local fire companies and local EMS. Representatives have come to the Austerlitz Town Board asking for support and for Supervisor Braley to represent their interests with the County Board of Supervisors.

Supervisor Braley has started to research this issue on the County level and will be in touch with Rich Nesbitt and Don Fischer.

NYS Department of Ag and Markets: Dog Control Officer Inspection Report. DCO Services were rated as satisfactory.

New York State Town Clerks Association: Notice advising the Town Board that Town Clerk, Susan Haag, has been appointed as Secretary to the NYSTCA.

Unfinished Business

Austerlitz Fire House Land Subdivision: Supervisor Braley spoke with Attorney Jeff Baker and the closing process is moving forward.

Contract-Shared Services Code Enforcement: In discussing the contract for shared code-enforcement services, Supervisor Braley advises the Town Board that the Town of Austerlitz should make some money on this project and it will enable the Town of Austerlitz to be the headquarters. The Town of Canaan doesn't have a clerk so Town of Austerlitz clerk, Mary Davis will do their work. Currently the computers of Canaan and Austerlitz are hooked up together and our Attorney has said we will have no liability should the Town enter into this contract.

A motion to authorize Supervisor Braley to sign the Shared Building Inspector and Code Enforcement Services Agreement with the Towns of Hillsdale and Canaan was made by P. Bernstein and seconded by M. Verenazi.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

New Business

Voting Machine Storage: Currently, the Town of Austerlitz' voting machines are stored in the Spencertown Fire House. Town Board Member Verenazi noted that the Spencertown Fire Company is requesting a space rental fee of \$500.00/year. Supervisor Braley mentioned that part of the Columbia County Board of Elections feels like the personnel in this department need to be full time so attention has centered on this issue. They also noted that new machines are supposed to be put into use so the current machines stored at the Fire House will only be there for a short time. After discussion of rental pricing, the Town Board asked for the Spencertown Fire Company to provide a rental contract for the next Town Board meeting.

Play Ground: As mentioned, the Spencertown Park area has been spruced up by Highway Superintendent Meehan. Supervisor Braley advised the Town Board that the Summer Recreation Program is slowly changing hands from S. Fischer to D. Oleynek. S. Fischer will be handling the administrative work, while D. Oleynek the day-to-day running of program. There needs to be some new equipment for the playground area and Supervisor Braley was given a wish list. J. Braley advises that there are a number of items that need to be repaired or replaced. Town Board Member Geel feels that the Town Board needs to formulate a plan for the entire playground area. B. Geel agrees that the Town Board needs to take care of the small stuff-namely the shed, dugouts, sandbox cover, etc., but again feels strongly that they need to look at the big picture as well. Discussed time-sensitive needs for this area. Town Board Member Verenazi feels that the Town Board should authorize the purchase of appropriate playgroup equipment instead of trying to build something. This equipment is made for children, and lasts longer.

Town Resident R. Nesbitt goes over his list of repairs to be completed June 25. The Town Board discussed repairs to be made. Outcome of the discussion was for the short term-repair what is there and spruce it up; for the long term-come up with a plan to be put in place for the entire area. Discussed drainage issues and possible solutions. Town Board Members Geel and Bernstein would like to use the donated Kelly money for the repairs and purchase of replacement equipment. Town Board Member Pinto is also in favor of putting together a formalized plan of action for the entire area and not to piece meal this. P. Bernstein agrees.

Supervisor Braley noted that this could be discussed at the June 17, 2010 Town Board workshop, along with some zoning issues. Member Geel would like to make a decision on what repairs need to be done, what equipment needs to be purchased, and what the Town Board will authorize in spending for the workday.

Town Board consensus is to allow Supervisor Braley to get together with D. Oleynek and choose which playground equipment to buy and purchase that this week.

A motion by B. Geel and seconded by P. Bernstein to spend up to \$3500.00 on repairs to the play ground and baseball field as outlined by R. Nesbitt.

J. Braley: yes

Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

R. Nesbitt also requested a dumpster for garbage for the ball field since the small garbage cans currently being used fill up quickly and are only emptied once a week. Discuss cost and who to use. Supervisor Braley will arrange for County Waste to place their smallest dumpster up at the park. .

Public Comments

Judith Choate-Questioned if the ownership of the Bryarcliffe roads has been shifted to the Town yet. Supervisor Braley advised that he has chatted with Tal Rappleyea, County Attorney in charge of this, who is also our Town attorney. A title search is currently being done, the County will then foreclose on the roads from the current owner, the back taxes will be written off, and then these roads will be turned over to the Town. The Town Board will discuss this further with Attorney Rappleyea at the scheduled Town Board workshop on June 17, 2010.

Chuck Weinlein questioned which Township the County bridge on Dugway Road is in. Supervisor Braley advised that it is in the Town of Hillsdale, but through an agreement between the Town of Austerlitz' and Town of Hillsdale's Highway Departments, the Town of Austerlitz plows this area. A brief history of these two bridges, the County's decision to repair/replace them, and why they have yet to be fixed was discussed.

Discussed the culvert replacement on Big Woods Road; namely concrete vs steel and the cost involved.

Adjournment

A motion to adjourn was made by M. Verenazi and seconded by C. Pinto.

J. Braley: yes

Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried. Meeting adjourned at 8:32 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Town Board Workshop
June 17, 2010

Present: Jeffrey Braley, Supervisor, Bryan Geel, Matthew Verenazi, Carol Pinto, Town Board Members, Susan Haag, Town Clerk, Tal Rappleyea, Attorney for the Town, Barbara Smith, Chairman of the Comprehensive Plan Oversight Committee and Tim Stalker, Member of the Comprehensive Plan Oversight Committee.

Paul Bernstein and Bryan Geel absent.

Workshop called to order at 7:30 p.m. Workshop called for discussion with our attorney concerning a number of issues.

Supervisor Braley informed the Town Board that he has applied for a credit card from First Niagara. He is requesting only one card for security reasons. Once he has the particulars, a resolution will be presented for approval.

The Town Board discussed a possible noise ordinance to help with motorcycle track issues on the Otto Maier property. Supervisor Braley has collected enacted laws from other townships and noted that any law passed would need to be non-restrictive. J. Braley questioned if this was an area the Town Board would like to explore. Attorney Rappleyea noted that a noise ordinance is not the answer and it is not easy to enforce. These types of laws are most times ineffective. Equipment is very expensive, needs trained people to operate, and the laws are hard to implement, etc. Public nuisance laws were discussed, but Attorney Rappleyea noted that these must impact a large number of people, not just a couple. In the current situation, there are only 2 families involved. Discussed the previous lawsuit with Otto Maier and the parameters. Another avenue that could be explored are changes in the Zoning Law.

After much discussion, the Town Board feels that they have exhausted all possible avenues to address this situation, and any possible corrective measures would not be effective, efficient or enforceable. A Town cannot regulate bad neighbors.

Supervisor Braley asked Attorney Rappleyea to comment concerning the Columbia County 911 Dispatch Plan as it affects the local first responders. Attorney Rappleyea will look into this and get back to Supervisor Braley.

The Town Board discussed a couple areas of the Zoning Law that they would like changed, namely portions of the ridge-line protection section, enforcement section dealing with penalties for violations, and portions of the Agricultural sections. Town Board Member Pinto feels that the ridge-line protection section is very subjective making it difficult for the person empowered to make the decision as to what is protected and what is not. Discussed placement of houses on top of ridge-lines or on the side of a ridge noting clearing of trees makes a difference to the aesthetics. Attorney Rappleyea advised that the law needs a definitive way to determine ridge-lines and this is normally done through mapping, and then regulations are put into place determining construction issues.

Criminalizing through fines was discussed verses jail time for violations in the enforcement section of the Zoning Law.

Town Board Member Pinto also question an Agricultural section noting that what is currently said seems to make it more difficult for farmers.

Supervisor Braley noted that the Planning Board has asked for the subdivision regulations to be reviewed as well since there was an issue with the boundary line adjustment section. The Town of Austerlitz lost a court case that questioned this very issue. Attorney Rappleyea noted that the judgment rendered stated that the current law is ambiguous.

The Town Board formed a committee comprised of Town Board Members Pinto and Verenazi and Comprehensive Plan Oversight Committee Members Stalker and Smith to make recommendations on proposed changes to the Zoning Law and to the Subdivision Law. This committee will also look into mapping of ridge-lines.

Attorney Rappleyea noted that the Shared Services Contract signed for Building Inspector and Code Enforcement Services authorized at the June 10, 2010 Town Board Meeting was changed and needed to be resigned. There were two minor changes made that were only applicable to the Town of Hillsdale.

A motion to authorize Supervisor Braley to sign the modified Shared Building Inspector and Code Enforcement Services Agreement Pursuant to Article 5-G of General Municipal Law was made by C. Pinto and seconded by M. Verenazi.

J. Braley: yes

C. Pinto: yes

M. Verenazi: yes

Motion carried.

Workshop adjourned at 9:00 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Regular Town Board Meeting
July 8, 2010

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

Moment of Silence followed by the pledge of Allegiance.

Roll call. Present: Jeffrey Braley, Supervisor, Paul Bernstein, Carol Pinto, Bryan Geel, Matthew Verenazi, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent.

Minutes

A motion to accept the June 10, 2010 Regular Town Board Meeting minutes was made by P. Bernstein and seconded by M. Verenazi.

J. Braley: yes

Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

A motion to accept the June 17, 2010 Town Board Workshop minutes was made by M. Verenazi and seconded by C. Pinto.

J. Braley: yes
P. Bernstein: abstained due to meeting absence
C. Pinto: yes
B. Geel: abstained due to meeting absence
M. Verenazi: yes
Motion carried 3:2.

Budget Amendment

General Fund

Celebrations A7550.4 increase by \$1215.00
Records Management A1460.4 increase by \$1000.00
Engineers A1440.4 increase by \$2000.00
Buildings A1620.4 decrease by \$4215.00

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

J. Braley: yes
P. Bernstein: yes
C. Pinto: yes
B. Geel: yes
M. Verenazi: yes
Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #202-229 in the amount of \$10426.70, and Highway Fund #125-134 in the amount of \$22706.43, was made by C. Pinto and seconded by M. Verenazi.

J. Braley: yes
P. Bernstein: yes
C. Pinto: yes
B. Geel: yes
M. Verenazi: yes
Motion unanimously carried.

Reports

Monthly cash disbursements for the month of June 2010 were presented.

Supervisor Braley reported that the Summer Recreation Program is up and running. There were approximately 60 children the first day. Highway Superintendent Meehan has built a new sandbox for the children. Due to the heat, the children have been going up to Fox Hill early for swimming. Supervisor Braley alerted the Town Board to the staffing changes as previously discussed.

Supervisor Braley has heard from Jimapco advising that the draft Town road map is done and ready for proofing. Supervisor Braley is not sure what all will be included on the face of this map, but advised that the Town Board will have input and maybe the fire company could as well. Fire district boundaries, State forests, points of interest, and the like are some of the possibilities. It needs to be remembered that this will be the official Town Road Map and is for Town business, not to hand out to the general public. In the future, the map can be digitalized as well for an additional fee.

On the County level, Supervisor Braley noted that not much is going on. The DSS Committee is working, but behind closed doors. Not too much to report.

Town Clerk Report for the month of June 2010 submitted.

Highway Superintendent Meehan reported that the Highway Crew has been working up at the playground getting it ready for the Summer Recreation Program. Some drainage has been put in, but now he must work around the summer program. The Highway Crew has also been helping the Town of Canaan. A couple bad trees have been taken down up at the park by the back fence, as well as, on River Road. Some calcium has been put down. Due to the dry conditions, a heavy amount of calcium will be used this year.

Superintendent Meehan continues noting that some blacktop has been put down. Pratt Hill is to be oiled and stoned, as well as, some paving on North Cross Road. C.H.I.P.s money will be used if possible. The culvert on Big Woods Road was discussed noting that Superintendent Meehan is trying to justify the cost of a concrete culvert.

The County is currently working on getting easements with property owners to replace the bridge on Dugway Road which is in the Town of Hillsdale. Once these easements are secured, the County hopes to go out to bid in November or December, with reconstruction work to begin around May of 2011. Supervisor Braley advised that Town resident Charles Lawson has asked that a letter be written to the County requesting that this reconstruction process be sped up for safety and convenience reasons.

Supervisor Braley has spoken with the County Attorney concerning the land owner's cooperation with the bridge replacement for the County owned bridge on Upper Hollow Road in the Town of Austerlitz. There are some issues that need to be worked through.

Planning Board Report for the month of June 2010 submitted.

Comprehensive Plan Oversight Committee Report for the month of June 2010 submitted.

Building Inspector/Code Enforcement Report for the month of June 2010 submitted. Supervisor Braley advises that the Shared Municipal contract for Code Enforcement has been signed. The Town of Austerlitz is the headquarters for the Towns of Austerlitz, Canaan and Hillsdale, although Building Inspector/Code Enforcement Officer G. Smith has office hours in all 3 Towns.

Justice Lagonia Court Report for the months of May and June 2010 submitted.

Justice Roberts Court Report for the month of May submitted.

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

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

Correspondence

Columbia County Environmental Management Council Position: Letter from current member Karl Gabosh advising the Town Board that his position expires September 10, 2010 and he does not wish to be reappointed. K. Gabosh suggest Town resident Chris Ferrone as his replacement. The Town will advertise for a replacement.

Low Sodium Made Easy: Letter from Terri Wilkens requesting that the Town Board join First Lady Michelle Obama's Let's Move campaign by compiling a list of low sodium recipes to be shared throughout the United States. Town Board will consider.

Berkshire Taconic Foundation Grant: The Town of Austerlitz was awarded \$1000.00 for the grant Shawn Hancock submitted on behalf of the Town. This was an historic preservation grant that will be used to work on the Town's historic overlay. Congratulations S. Hancock. Supervisor Braley advised that the Town Board may have to co-fund this so the board will need to look into this.

Unfinished Business

Austerlitz Fire House Land Subdivision: The closing for this project will be held on Friday, July 9, 2010. Town Board Member Geel advised that all is in order and the closing should be cut and dry. Previous Town Board Member Maryanne Lee has been asked to join the closing since she was instrumental in moving this project forward. In the end, the Town of Austerlitz will acquire an additional acre of land and Highway Superintendent Meehan again requests that survey stalks be placed to identify the boundaries. This way the Town of Austerlitz' land is clearly marked.

Voting Machine Storage: Town Board Member Verenazi will have the Spencertown Fire Company send a bill for storage for next month. The agreed fee is \$500.00/year

Supervisor Braley advised that Columbia County dropped its current lawsuit and everyone will be using the electric machines this November.

Building Permit Fee Structure: Supervisor Braley reminds the Town Board that a resident came before the Town Board requesting that certain building permit fees be lowered. The Town Board discussed current fees and time limits for building permit renewals. Supervisor Braley advised that he has discussed this as well with Attorney for the Town, Tal Rappleyea, who advises that the Town Board can change these fees very easily since they were adopted through a resolution and not a law. Supervisor Braley would like to give Town residents some relief since there are those who are building their own homes and this does take a while. The Town Board agrees to change these fees. Supervisor Braley advises that fees already paid under this fee structure will be refunded.

New Business

Resolution #28-2010, Standard Workdays for NYS and Local Employees

BE IT RESOLVED, that the Town of Austerlitz hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and

Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

<u>Title</u>	<u>Name</u>	<u>Social Security Number (Last 4 Digits)</u>	<u>Standard Work Day (Hrs/Days)</u>	<u>Term Begins/</u>	<u>Participates In Employer's</u>	<u>Days/Months (based on Record of Activities)</u>
				<u>Ends</u>	<u>Keeping System (Y/N)</u>	
<u>Elected Officials</u>						
Supervisor	Jeffrey Braley, Sr.		9541	6 hrs	1/1/10-12/31/13	N 9D/3M
Town Clerk/Tax Collector	Susan A. Haag	3569		6 hrs	1/1/10-12/31/13	N 20D/3M
Town Justice	Cheryl Roberts	2329		6 hrs	1/1/08-12/31/11	N 1D/3M
Highway Superintendent	Robert Meehan	1604		8 hrs	1/1/10-12/31/13	N 20D/3M
<u>Appointed Officials</u>						
Building Inspector/ Code Enforcement	Glenn Smith		7103	6 hrs	1/1/10-1/1/11	N 10D/3M
Highway Clerk	Sally VanWagner		8604	6 hrs	1/1/10-1/1/11	N 10D/3M
Justice Clerk	Eileen Olsen	5550		6 hrs	1/1/10-1/1/11	N 8D/3M

A motion to adopt Resolution #28-2010, Standard Workdays for NYS and Local Employees was made by P. Bernstein and seconded by B. Geel.

- J. Braley: yes
- P. Bernstein: yes
- C. Pinto: yes
- B. Geel: yes
- M. Verenazi: yes

Motion unanimously carried.

Resolution #29-2010, First Niagara Credit Card Approval

WHEREAS the Town of Austerlitz uses the internet on many occasions in the day to day transactions of Town business, and

WHEREAS the Town of Austerlitz deals with service providers that will not accept vouchers, and

WHEREAS the Town of Austerlitz has a need to does business with those service providers, and

WHEREAS the Town of Austerlitz makes purchases and does financial transactions by electronic means, and

WHEREAS the Town of Austerlitz follows procedures that ensure our electronic transactions are made through secure means, and

WHEREAS the Town of Austerlitz has a credit card use policy in place and ensures all users understand its policy, and

WHEREAS the Town of Austerlitz already has used cards successfully in the past with Home Depot and Lowe's, and

WHEREAS the Town of Austerlitz has found the need for a bank credit card to facilitate some of the day to day business of the Town, and

WHEREAS the Town of Austerlitz needs one card only to be kept at Town Hall, and

WHEREAS the Town of Austerlitz Clerk will be the custodian of the card,

NOW THEREFORE BE IT RESOLVED the Town Board of the Town of Austerlitz hereby authorizes the Town Supervisor to apply for a credit card with the First Niagara Financial Group to be used exclusively for Town business only.

A motion to adopt Resolution #29-2010, First Niagara Credit Card Approval was made by C. Pinto and seconded by M. Verenazi.

- J. Braley: yes
- P. Bernstein: yes
- C. Pinto: yes

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

The Town Board discussed putting the Dugway Bridge and Upper Hollow Road Bridge replacement information on the Town website.

Public Comments

Jennifer Mosher, a regular visitor to Town and John Pindt's daughter, came before the Town Board playing a video, via her computer, showing the dust and noise created by the motorcycle riding on the end of Rigor Hill Road, on property owned by Otto Maier. J. Mosher questions the Town Board as to their intent on correcting the health issues caused by this activity. What is the stand of the Town Board on health issues verses zoning issues.

It is noted for the record that twice during the exchange between the Town Board and parties to this discussion, that the Town Clerk informed all that she was unable to take minutes due to the fact that multiple conversations were happening at the same time.

Supervisor Braley informed the Pindts, Moshers and R. Hoyt that he has rode by night times and seen the dirt piles. J. Braley states that his position is not to tell anyone what they can or cannot do with their own property, but what O. Maier is doing is reprehensible and he has tried to talk with Mr. Maier. There is no noise ordinance in the Town of Austerlitz or similar types of laws for dust.

Supervisor Braley also advises that during the Town Board workshop in June, this topic was discussed at length with the Attorney for the Town, Tal Rappleyea.

Discussion on the law suit for this issue against O. Maier that the Town of Austerlitz lost. The Pindts and R. Hoyt were reminded that a majority of the issues they are facing are criminal and the police need to be called in, not the Town Board, and they have been repeatedly advised they needed to hire an attorney to handle the criminal issues.

J. Pindt showed pictures to the Town Board of the dirt piles O. Maier has constructed on his property for the motorcycles to jump over.

Town Board Member Verenazi stated that it is too difficult to enforce a noise ordinance in a Town.

Robert Hoyt, Sr. advised the Town Board that he has called the NYSEPA and they have stated that there is a State law that deals with dust. The NYSEPA has informed R. Hoyt that they will investigate this issue and get back to him.

Town Board Member Pinto stated that the Town Board formed a committee to work on some of the difficult sections of the current Zoning Law. As they review the document, this committee can investigate ways to legislate all problems created by the motorcycle riding and race track on the O. Maier property.

Town Board Member Geel advised that currently there are no Town laws to address noise or dust problems and it is very difficult to legislate these issues.

J. Pindt ask the Town Board to appeal the lost court case since O. Maier perjured himself. Again discussed the court case against O. Maier that the Town of Austerlitz lost.

Town Board Member Bernstein advised the Pindts and R. Hoyt that the NYSDEC has an investigative department that they can call. P. Bernstein has talked with officers from this department.

The Town Board sympathizes with the Pindts and with R. Hoyt. The Town Board had decided to close this issue, but the problems seemed to have escalated again. The newly formed committee will address these concerns.

Ron Mosher stated that the Town Board is lucky that no one has gotten hurt due to the motorcycle riding, race track issues that are occurring on the O. Maier property to date. R. Mosher feels that should an accident happen, the Town would be liable since they took no preventative action.

Adjournment

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

J. Braley: yes
Bernstein: yes
C. Pinto: yes
B. Geel: yes

M. Verenazi: yes
Motion unanimously carried. Meeting adjourned at 8:13 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Regular Town Board Meeting
August 12, 2010

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

Moment of Silence followed by the pledge of Allegiance.

Roll call. Present: Jeffrey Braley, Supervisor, Paul Bernstein, Carol Pinto, Bryan Geel, Matthew Verenazi, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent.

Minutes

A motion to accept the July 8, 2010 Regular Town Board Meeting minutes was made by P. Bernstein and seconded by B. Geel.

J. Braley: yes
Bernstein: yes
C. Pinto: yes
B. Geel: yes
M. Verenazi: yes
Motion unanimously carried.

Budget Amendment

General Fund

Parks A7140.1 increase by \$5000.00
Parks A7140.4 increase by \$2500.00
Attorney A1420.4 decrease by \$1450.00
Payment in Lieu of Taxes 1081 increase by \$1345.00
Tax Penalties 1090 increase by \$2575.00
Recreation Fees 2001 increase by \$790.00
Donations 2701 increase by \$1000.00
Miscellaneous 2705 increase by \$240.00
Miscellaneous 2770 increase by \$100.00

A motion to approve the above budget amendment was made by M. Verenazi and seconded by P. Bernstein.

J. Braley: yes
P. Bernstein: yes
C. Pinto: yes
B. Geel: yes
M. Verenazi: yes
Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #230-282 in the amount of \$23908.83, and Highway Fund #135-147 in the amount of \$80261.42, was made by B. Geel and seconded by C. Pinto.

J. Braley: yes
P. Bernstein: yes
C. Pinto: yes
B. Geel: yes
M. Verenazi: yes
Motion unanimously carried.

The Town Board discussed budget figures in relations to the Enhanced Patrol police program since money budgeted for this is close to running out. Discussion on where the patrols sit, the hours they sit, and whether this expenditure is worth the money spent. A contract for services is on file. Supervisor Braley noted that changes can be made.

Supervisor Braley also noted that monies spent for park renovations will be reimbursed through the money donated by Ellsworth Kelly now in a reserve account.

Reports

Monthly cash disbursements for the month of July 2010 were presented.

Supervisor Braley reported that Highway Superintendent installed new lights outside the Town Hall.

On the County level, Supervisor Braley noted that the location for DSS is still up in the air. The biggest item creating waves is the new voting machines. Electronic machines will be used in every town, and the Town of Austerlitz will get 1 machine, although the 2 voting districts will be kept. There are issues concerning fraud and ease of use of the new machines that are concerns for the Columbia County Board of Elections.

Town Clerk Report for the month of July 2010 submitted.

Highway Superintendent Meehan reported that North Cross Road has been shouldered with stumps and trees taken care, as well as a new coat of blacktop. In the past just patching has been done. There are 3 houses on this road that are in the Town of Austerlitz. The blacktop has also been patched on Stever Hill Road. A few culverts have been replaced around town. There are also water problems on Rigor Hill Road that are being taken care of.

Supervisor Braley noted a letter from Barbara Otty, Columbia County Jr. Engineer, concerning work to be done on Big Woods Road that has been previously discussed. Issues the Town Board discussed centered on the type of culvert to be used and costs involved. Highway Superintendent Meehan hopes that C.H.I.P.S. money can be used for this project. There are a few additional culverts that need to be replaced in Town.

Planning Board Report for the month of July 2010 submitted.

Comprehensive Plan Oversight Committee Report for the month of July 2010 submitted. Supervisor Braley and Highway Superintendent Meehan are still reviewing the Town Road Map that is being compiled.

Supervisor Braley advised the Town Board that they will be receiving a list of all businesses in Town that he is in the middle of compiling. This will be used as a tool for ideas, nothing formalized. The Comprehensive Plan Oversight Committee would like to see this list on the website.

Building Inspector/Code Enforcement Report for the month of July 2010 submitted. The Shared Services contract for Code Enforcement has been signed by the Towns of Canaan and Hillsdale and the program is up and running. Details are being worked out and money from the other Towns is starting to come in.

Justice Lagonia's Justice Court Report for July 2010 submitted.

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

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

Correspondence

State Purchasing Forum and Contractor Trade Show: May 18-19, 2011 Save the date notification.

NYMIR: Online University offering Land Use and Zoning College courses.

NYMIR: 2009 Annual Report

NYSORPS: Notification of the Town of Austerlitz' final State equalization rate of 100%.

Cheryl Roberts: Thank You card for flowers sent because of her mother's death.

NYS Department of Ag and Markets Municipal Shelter Inspection Report: State reports indicates that dog shelter services for the Town of Austerlitz provided by Woodhill Veterinary Clinic are satisfactory.

Unfinished Business

Voting Machine Storage: Town Board Member Verenazi is working on getting the Town a bill. One has been requested.

Building Permit Fee Structure: Supervisor Braley reminds the Town Board of Dale Hartka's request to change the building permit fee structure and length of time for building permit renewals. Code Enforcement Glenn Smith submitted a memo to the Town Board outlining a revised fee structure. The Town Board discussed changing the fees and renewal permit time frames. The Town Board will talk with Code Enforcement Officer Glenn Smith concerning these issues.

Selective Insurance-Frank Fizzinoglia law suit: Selective Insurance has notified the Town asking that the Town of Austerlitz become proactive in settling this law suit. Supervisor Braley has formally requested that current Attorney for the Town, Tal Rappleyea take over the handling of this case from previous Attorney Jeff Baker.

Austerlitz Fire House Land Purchase Closing: Town Board Member Geel advised the Town Board that the closing for the land swap for the new Austerlitz Fire House has taken place and the paperwork is complete.

Due to this closing, Supervisor Braley advised the Town Board that Howes Horticultural has stopped taking care of the land the Town previously owned and will adjust his billing accordingly. The new land that the Town has acquired is wooded and there is no need for lawn care in this area.

New Business

Town of Austerlitz' Proprietor's Book: The contract for the storage of the Town of Austerlitz' Proprietor's Book is due.

A motion to renew the contract with the Columbia County Historical Society for the storage of the Town's Proprietor's Book for one year at \$50.00 was made by P. Bernstein and seconded by C. Pinto.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

Public Comments

Robert Hoyt questions the Town Board if the Town's zoning is for all people or for a select few to which Supervisor Braley responds it is for all residents of the Town of Austerlitz. R. Hoyt gave the Town Board an official complaint letter on the situation at O's Eatery which Supervisor Braley read for the record. Supervisor Braley noted the section of the Town's Zoning Law referenced in the complaint.

Supervisor Braley noted that the Town of Austerlitz' Planning Board expected to see O. Maier, owner of O's Eatery, at the August Planning Board Meeting, but O. Maier did not attend. Attending this meeting was R. Hoyt and J. Pindt who addressed the Planning Board noting perceived violations on the property of O's Eatery. Richard Madonia, Planning Board Member, spoke with Supervisor Braley concerning the complaints of R. Hoyt and J. Pindt. Specific concerns centered around a new farm stand which sells vegetables on the O's Eatery property which has no site plan approval. Supervisor Braley showed pictures given to him by R. Madonia to the Town of Austerlitz' Code Enforcement Officer Glenn Smith who replied that this stand has been there for quite some time.

O. Maier informs the Town Board that this stand has been on his property for at least 15 years and nothing is sold out of it. O. Maier is selling vegetables, but out of a cart in his parking lot. O. Maier further informs the Town Board that different items have been sold out of the farm stand such as crafts. This stand has also been rented out in the past. Supervisor Braley noted that Code Enforcement Officer Smith said that this stand probably is not in violation.

John Pindt advises that this stand is being used alerting the Town Board to the signage attached as shown in pictures and O. Maier has not been to the Planning Board for site plan approval concerning the use of this stand. Other pictures shown to the Town Board include a picture showing a trailer blocking the Hoyt's farm stand from public view.

O. Maier questions the Town Board concerning farm stands all over the Town where residents are selling their products wondering if each of these has gone to the Planning Board for site plan review. If these do not need site plan review, why should he. O. Maier was told other farm stands sell produce grown by the seller. O. Maier again notes that he is not using his farm stand to sell vegetables; he is using a cart out front. O. Maier was asked how long it has been since the farm stand was used to which he replied at least 2 years. Supervisor Braley discusses agriculture rules and regulations as compared to a Town's Zoning Law. Most agriculture uses are exempt or else under the jurisdiction of the NYS Department of Ag and Markets.

Supervisor Braley will speak to the Attorney for the Town, Tal Rappleyea concerning this matter, as well as, Code Enforcement Officer G. Smith.

O. Maier questions whether the Town of Austerlitz is going to start regulating what is sold inside his restaurant and make him go the Planning Board for approval. O. Maier notes that R. Hoyt and J. Pindt keep coming at him. The vehicles on his property are registered. Supervisor Braley explains that the Town of Austerlitz' Site Plan Law deals with businesses and accessory buildings and there have been some issues on the farm stand from time to time. The sign on the front of the farm stand makes it appear as if this building is being used.

Supervisor Braley noted that he asked R. Hoyt to call him if the dust created by the motorcycle riding becomes an issue. To date, R. Hoyt has not called. R. Hoyt advised that he called the NYSEPA concerning the dust issues.

O. Maier thanked the Town Board and Highway Superintendent Meehan for correcting the drainage issues along his property. Because of the inadequacy of the culvert and drain system, much damage was done to his property which he will have to spend thousands of dollars to repair.

Judith Choate questioned the Town Board concerning the dumping of tree stumps on the one section of the Bryarcliffe roads since this is still happening. Unfortunately, they are being put in a drainage area. Town Board Member Geel noted he had looked at this situation a couple of months ago. The topic switched to ownership of the Bryarcliffe roads. Supervisor Braley advised that the County is currently having a title search done, so the process of turning the roads over to the Town of Austerlitz is progressing. Columbia County is handling the cost for this search.

J. Choate questions when the needed repairs to the roads will be started. There are cracks in the road and the edges need attention. Supervisor Braley advised that the Town is still holding the retainage although the company asked for it to be returned. J. Braley advised that Highway Superintendent Meehan will monitor the drainage and road issues that need to be repaired. Once the drainage issues are complete, R. Meehan will bring up the replacement rocks for J. Choate's property. He is waiting since the placement of these rocks will be right where work needs to be done for drainage problems.

Supervisor Braley reiterated the time table for the bridge replacement on Dugway Road as discussed in a previous meeting.

Jennifer Mosher noted Supervisor Braley's comments from last month questioning which actions of O. Maier he felt were reprehensible. Supervisor Braley advised that the dust situation is what got his attention. J. Mosher further questions Supervisor Braley on the conversation he had with O. Maier asking him to disclose the details of the discussion. Supervisor Braley disclosed that he spoke with O. Maier at his place of business discussing the general situation with the Pindts and the Hoyts. Supervisor Braley's desire is for everyone to back off and be friends. Supervisor Braley advised that O. Maier told him he is doing less motorcycle riding and that he was having his annual charity fund raising event as planned detailing how that would happen. Supervisor Braley advised O. Maier what the Town needed in order for this to happen. O. Maier further told J. Braley that he would try to be a better neighbor. Drainage issues on O. Maier's property were then discussed.

Supervisor Braley noted another discussion with O. Maier in which he did not tell O. Maier to stop riding, only to get along with his neighbors. Supervisor Braley doesn't really remember the details concerning a discussion surrounding O. Maier placing a trailer to block the Hoyt's farm stand and the fencing placed there at one time.

Town Board Member Pinto advised that there has been one meeting of the committee formed to revamp sections of the zoning law. During this meeting, items to be discussed were prioritized. Questions were raised by J. Mosher as to advertisement of these meetings. Town Clerk Haag noted that open meeting regulation does not apply to subcommittees of this type. Meetings dates and times though will be placed on the Town's calendar on the website.

O. Maier stated that he takes much of what is happening personally. He has tried to work things out and then he gets attacked. When he is attacked, he gets vindictive. O. Maier states that his neighbors have not come to him. He has tried to cut down on the motorcycle riding. O. Maier states that he has his annual charity fund raiser where there is free style riding and then he takes down the dirt pile. O. Maier did not want to go to court, but the previous Town Board did not want to mitigate this issue. His neighbors want to keep attacking him and he wants to be ignored. When O. Maier's neighbors attack him, he retaliates because he is not going to take this lying down.

J. Pindt advises not to believe what O. Maier says and notes that Supervisor Braley never calls him back. Supervisor Braley states that there are no big answers; O. Maier is on his own property.

Adjournment

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

J. Braley: yes

Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried. Meeting adjourned at 8:19 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Regular Town Board Meeting
September 9, 2010

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

Moment of Silence followed by the pledge of Allegiance.

Roll call. Present: Jeffrey Braley, Supervisor, Paul Bernstein, Carol Pinto, Bryan Geel, Matthew Verenazi, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent.

Minutes

A motion to accept the August 12, 2010 Regular Town Board Meeting minutes was made by P. Bernstein and seconded by B. Geel.

J. Braley: yes

Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #283-305 in the amount of \$8444.60, and Highway Fund #148-159 in the amount of \$11748.53, was made by C. Pinto and seconded by M. Verenazi.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

Reports

Monthly cash disbursements for the month of August 2010 were presented. Supervisor Braley advises the Town Board that the Town of Austerlitz still has money in the bank, which includes the Ellsworth Kelly Foundation donation minus fees for work done up at the park and ball field.

On the County level, Supervisor Braley noted that for the next couple of years the County will continue to lease the current property where DSS is located. This will give the County time to finalize any move, but the decision has been made that DSS will stay in the City of Hudson.

Supervisor Braley also advised that the County Board of Supervisors is starting to discuss hiring a County Manager. J. Braley discussed different types of legislative bodies noting that in some set-ups, a town would have very little say on County matters. For now, the Board of Supervisors is considering only hiring a County Manager who would take over many of the duties of the Supervisors while they in turn would retain control. Supervisor's pay levels would be reduced. Supervisor Braley is nervous about setting up an additional \$100,000.00 plus job at the County level since over the last few years a number of these types of positions have been created and filled. In addition, the County is also discussing hiring a County Building Inspector.

There continues to be controversy over the new voting machines and the increased salaries for the Board of Election Commissioners. The increase is due to the extra work involved with education of election personnel and implementation of new voting procedures due to the use of these new machines. J. Braley notes that the Town of Austerlitz will still have 2 districts, but only one voting machine. Explanation of how residents will vote was given. The current Town owned voting machines will continue to be housed

at the Spencertown Fire House and a bill for storage has been submitted for payment at the October Town Board Meeting.

Although Supervisor Braley is not on the Ockawamick Building Committee, he notes that this building is currently being used to store the County owned voting machines since these require climate controlled facilities.

On the Town level, budget time is upon the Town and all departments have submitted their requests. Supervisor Braley would assume that the Town Board would like to hold the tax rates steady. Fortunately, as in the past, assessments have risen enough to help offset any increase in these tax rates. The Town of Austerlitz is in good shape not tapping into any reserves, unlike other Towns in the County who are using credit cards to pay bills. The last few Supervisors for the Town of Austerlitz have been very conservative. The Town has also received the yearly tobacco settlement money; our share being \$14000.00. The Town will continue to receive this money until it runs out or expires.

Supervisor Braley further notes that building fees are down, but court fees are holding discussing ways to cut court expenditures through eliminating the Court Deputy. This will be discussed at another time.

Town Clerk Report for the month of August 2010 submitted. Discussion on how taxes are collected and paid between Town, County and School.

Highway Superintendent Meehan reported that some culverts have been put in and mowing done. One Highway Crew member is out on workman's comp. It has been difficult completing any work due to being a man down and vacations.

Highway Superintendent Meehan also advises that he is seeing an increase in garbage along Town roads. If anyone sees anyone dumping garbage, please get license plate numbers. R. Meehan has recently picked-up a TV and TV console, and about 10-20 tires.

Trees have been scored on Dugway Road by the Electric Company. Road conditions are dry due to lack of rain this summer. Due to the increased dust issue, grading of many roads has been put on hold. Town Board Member Verenazi questions the next road to be rebuilt. Highway Superintendent Meehan advised that West Hill is next to be paved and Stever Hill is an ongoing project. West Hill is seeing an increase of traffic due to the closure of the bridge on Dugway Road. In addition, R. Meehan notes that the residents were promised that West Hill would be paved once Bryarcliffe was complete.

Town Board Member Pinto questions the status of culvert work on Big Woods Road. R. Meehan advised that has been put on hold and that he needs to speak with the County concerning this project. This project will be back underway. Pratt Hill Road was discussed.

Planning Board Report for the month of August 2010 submitted.

No Comprehensive Plan Oversight Committee Report for the month of August 2010 submitted. The Committee did not meet due to attendance.

Building Inspector/Code Enforcement Report for the month of August 2010 submitted.

Justice Robert's Justice Court Report for July and August 2010 submitted.

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

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

Correspondence

Thank you card from Sally VanWagner for flowers sent for her father's death.

Thank you card from the children participating in the Summer Recreation Program.

Save the Date Notification: US Department of Interior Annual Harvest Day at Lindenwald, September 18, 2010 from 1:00-5:00 p.m.

Chatham Central School District is looking for volunteers to sit on its newly created Public Library Advisory Committee. Contact the School if interested.

RPEA Pre-Retirement Seminar, September 23, 2010 from 5:00-8:00 p.m. in Poughkeepsie, NY.

Columbia County Youth Bureau: 2010 Recreation fund reimbursement for the Town of Austerlitz will be \$493.00.

Columbia County Youth Bureau: Vacant seats on the Youth Advisory Board. The Town of Austerlitz is not represented. The County has several advisory boards for different areas. Supervisor Braley thought that Deborah Oleynek may be a nice choice to represent us.

Unfinished Business

Voting Machine Storage: Town Board Member Verenazi reiterated that a bill for the storage of the Town owned voting machines was submitted for payment. Supervisor Braley noted that after the November election the Town Board would need to figure out what to do with these machines. Discussed options.

Supervisor Braley also discussed the new voting procedures on the new machines.

Building Permit Fee Schedule: Supervisor Braley referred to the memo from CEO Glenn Smith discussing fees, time deadlines, etc. J. Braley advised that time frames are written into our current law, whereas fees were done by resolution. Both Town Board Members Geel and Pinto feel that the renewal fees are the problem, not so much the time frames. Discussed the current fee structure and how it affected those in the building cycle when the new fee structure went into effect. Supervisor Braley suggested grandfathering those who were in the process of building when the fee structure changed keeping the new fee structures for those who began the process after the law was enacted. Town Board Member Bernstein and Pinto agreed. Member Geel would like the old renewal fee structure for everyone. Member Bernstein felt this should not be a money making deal and he and Member Pinto felt the Town should go back to 10% of the original fee for a renewal.

The Town Board discussed refunding renewal monies paid with varying opinions.

Codification Update: Discussed process to date. General Code asked for a listing of laws that the Town would like to see taken out. The Town Board felt all current laws should remain.

New Business

Dog Legislation: The State of New York has deconsolidated the dog licensing system. The Town will now be taking this over completely on a Town level as of January 1, 2011. Discussed new requirements and a new law that the Town Board will have to pass. There is a sample law coming from New York State. Supervisor Braley advised that our current Animal Control Officer only handles dogs. J. Braley alerted the Town Board that there is a new kennel in Town and neighbors have complained already.

Audit of Town Clerk/Tax Collector and Justice Court Books for the year 2010. Supervisor Braley notes that Accountant for the Town, Mark Fitzgerald, has audited the books for the above and a formal report will be given to the Town Board at the next Town Board Meeting.

Town books given over to Supervisor Control: The Town Board was apprised that the Town Clerk is no longer accepting checks and making deposits to the Supervisor's accounts. Supervisor Braley has taken this job over. Supervisor Braley gave the Town Board a brief history of this job noting that a secretary for a past supervisor used to handle this job and when they both left, this job was taken over by the Town Clerk. The Supervisor should be responsible for his own accounts and that is now happening.

B.A.R. Position: B.A.R. Member Bridget Arnold's term expires September 30, 2010 and there needs to be a replacement. A legal notice has been placed. B. Arnold was also the chairman. Because of the Town's appointment policy, B. Arnold cannot be reappointed for this cycle. A training session is required and members are paid per meeting. Currently no letters of interest have been submitted.

Columbia County Environmental Management Council Position: Karl Gabosh advised the Town Board that his position expires September 10, 2010 and he does not wish to be reappointed. At this point, the Town has not received any letters of interest. Supervisor Braley will touch base with Chris Ferrone to ascertain his interest since K. Gabosh recommended him.

NYMIR Proxy Request: The Town Board approve the following proposals as outlined in the NYMIR Proxy.

Proposal I: Shall NYMIR be authorized to offer NYS Insurance Law Section 113 (a)(2a) defense only coverage; meaning that NYMIR could provide a defense where money damages are not sought such as where only injunctive or declaratory relief is requested.

Proposal II: Shall NYMIR be authorized to provide fidelity and surety insurance pursuant to Chap. 389 of the Laws of 2010: namely official undertakings conditioned for the faithful performance of official duties

as referenced in section 11 of the Public Officers Law and required by related provisions of the County, Town and Village Laws.

Columbia County Youth Advisory Board: A motion to invite Deborah Oleynek to serve as the Town of Austerlitz' representative on the Columbia County Youth Advisory Board was made by P. Bernstein and seconded by B. Geel.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

Public Comments

Gil Perlman asks the Town Board if they are interested in putting together a citizen committee to start to lay the groundwork for a change in taxing structure for school taxes since these are becoming more than most residents can handle. This committee would first be on a Town level and eventually reach out to surrounding communities. This committee would not be about placing blame on any entity, just a group of concerned citizens working together to solve a growing problem. G. Perlman realizes that there are no easy solutions and none that would happen overnight, but this is a place to start to change the future at some point down the road. This would take innovative thinking and open communication with the school districts; getting organized, admitting the problem and looking for solutions without placing blame.

Discussion on the problem of raising school taxes and possible other solutions such as speaking with School Board Members, attending School Board Meetings and writing letters. The Town Board asks G. Perlman to draft something and forward to the Town Board on how this would look and work.

Gil Perlman additionally questioned what was happening concerning the roads in Bryarcliffe. G. Perlman believes that the Town Board should send a letter to the contractor putting him on notice that the road is a problem. The Town does not need to spend any additional monies for engineering reports when the condition is plain to see. Supervisor Braley will look in the Bryarcliffe file for a letter he sent to the contractor regarding their request for release of the retainage. J. Braley believes he may have already put them on notice, but will look to see. There is a 2 year warranty for these roads.

Dale Harka believes that a renewal fee for building permits that stands at 10% of the original amount and is good for 18 months is better than 50% of the original fee for a year.

Robert Hoyt: Hands the Town Board a second official complaint letter concerning the race track at O's Eatery. Supervisor Braley advised that he met with Town Code Enforcement Officer Glenn Smith, Town Planning Board Chair Charles Knauss and Attorney for the Town Tal Rappleyea to address this ongoing problem looking for answers as to what the Town could do. It was decided that O. Maier had to come before the Planning Board for the new farm stand. There was a miss-communication and O. Maier was not invited to the meeting the previous week. Planning Board Chair Knauss has since spoken to O. Maier advising him that he needs to attend the October Planning Board Meeting. If O. Maier does not show up to the October Planning Board Meeting, action will be taken. The approval or declination of the farm stand use is decided by the Planning Board.

Robert Hoyt advises that this is good, but his main interest is the race track. He has no objection to riding in general, but this concentrated area is too small and creates many hazards.

Executive Session

A motion to enter Executive Session for legal purposes was made by B. Geel and seconded by M. Verenazi.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried. Executive Session entered at 8:25 p.m.

A motion to exit Executive Session was made by P. Bernstein and seconded by C. Pinto.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried. Executive Session exited at 8:35 p.m.

Adjournment

A motion to adjourn was made by M. Verenazi and seconded by B. Geel.

J. Braley: yes

Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried. Meeting adjourned at 8:35 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Special Town Board Meeting
October 6, 2010

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

Present: Jeffrey Braley, Supervisor, Paul Bernstein, Carol Pinto, Bryan Geel, Matthew Verenazi, Town Board Members, Susan Haag, Town Clerk.

Special Meeting called for the Town Clerk to present the Town Board with the 2011 Tentative Budget.

Supervisor Braley explained his rationale behind the number in each line item. Minor discussions were on bonding, and purchasing of Highway equipment.

Meeting was adjourned at 7:40 p.m.

Respectfully Submitted,
Susan Haag, Town Clerk

Town of Austerlitz
Regular Town Board Meeting
October 14, 2010

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

Moment of Silence followed by the pledge of Allegiance.

Roll call. Present: Jeffrey Braley, Supervisor, Paul Bernstein, Carol Pinto, Matthew Verenazi, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent.

Bryan Geel absent due to illness of Father. Robert Meehan arrived at 7:08 p.m.

Minutes

A motion to accept the September 9, 2010 Regular Town Board Meeting minutes and the October 6, 2010 Special Town Board Meeting minutes was made by P. Bernstein and seconded by C. Pinto.

J. Braley: yes

Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #306-339 in the amount of \$17324.88, and Highway Fund #160-184 in the amount of \$21026.94, was made by M. Verenazi and seconded by C. Pinto.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Reports

Monthly cash disbursements for the month of September 2010 were presented. Supervisor Braley advises that he has included a sheet breaking down figures for the Ellsworth Kelly Fund. Bryarcliffe Bond payments were made and the B.A.N. was renewed for the balance with an interest rate of 1.95%. In looking to the revenues and fund balance, Supervisor Braley noted that mortgage tax will be lower than budgeted, but sales tax should be up.

The Fizzinolgia law suit is moving forward. Depositions will be taken from Highway Superintendent Meehan and then Planning Board Chair Tim Stalker.

The 2011 Tentative Budget is not in the hands of the Town Board.

On the County level, Supervisor Braley noted that the Supervisors are continuing to secure easements for the County owned bridge on Dugway Road. There is going to be a mobile slaughter house in the County and the owners are looking for someone to run this.

Town Clerk Report for the month of September 2010 submitted.

Supervisor Braley reported for Highway Superintendent Meehan that the Highway crew has been out oiling roads. Multiple Towns have been working together hauling stones for this project. Supervisor Braley and Highway Superintendent Meehan went to look at the condition of the roads, the incorrectly installed culvert, and the stump dumping in Bryarcliffe. Supervisor Braley took pictures which he showed to the Town Board of the cracking of Harrington Drive and the debris dumped on Partridge Lane.

Highway Meehan arrived and reiterated the oiling project that was taking place on several roads in Town. If the weather permits, motopaving will be done on Fog Hill Road. Highway Superintendent Meehan will see if any work can be done on West Hill or not. The Highway crew also worked on the drainage issue at the Rigor Hill Diner section of Rigor Hill.

Planning Board Report for the month of September 2010 submitted. Otto Maier was expected to show up but did not.

Comprehensive Plan Oversight Committee Report for the month of September 2010 submitted. Hamlet Subcommittee notes submitted as well.

Building Inspector/Code Enforcement Report for the month of September 2010 submitted.

Justice Lagonia's Justice Court Report for August and September 2010 submitted.

Accountant for the Town Mark Fitzgerald's Review of 2009 Records Report submitted. Accountant Fitzgerald has reviewed the records of the two Town Justices and the Tax Collector and Town Clerk for the year ending December 31, 2009. All findings were noted as 'OK'.

Supervisor Braley would like to see a professional auditor be hired to audit the Town's records on a yearly basis due to the embezzlement issue in the Town of Kinderhook.

2010 Summer Recreation Program Report submitted. Program Co-Director Deb Oleynek noted that attendance was down by 7 children. Supervisor Braley comments D. Oleynek noting that the program came in under budget. Discussed how revenues are generated for this program threw registration fees and State allocated money. D. Oleynek would like to provide swimming lessons next year. Supervisor Braley noted that the budget for the Summer Recreation Program was lowered for next year, but there is money available should the program need it.

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

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Correspondence

Association of Towns/NYCOM: One Day Seminar on Personnel Management and Labor Relations, November 10, 2010 in Newburgh, 8:30-3:30 p.m.

Columbia County Department of Health: Report on Site Evaluation Proposed New Austerlitz Firehouse.

Public Comment

Gil Perlman: Questions Supervisor Braley as to whether or not he has recently notified HMA concerning the condition of the roads in Bryarcliffe. Supervisor Braley advised that he has had no correspondence with them since his declination letter in regards to HMA requesting release of the retainage funds. Supervisor Braley and Highway Superintendent have investigated the situation taking pictures and will contact both the Attorney for the Town Tal Rappleyea and the Engineer for the Town and this project, Patrick Prendergast. Difference of opinion surfaces surrounding the timing of notification to the company. Supervisor Braley would like to wait until the Spring to see how the roads hold up through the Winter. G. Perlman feels it is prudent to contact the company immediately. Town Board Member Pinto agrees it would be better to contact them before Winter. After discussion, Supervisor Braley agrees to send a letter to HMA concerning the condition of the roads in Bryarcliffe by Wednesday, October 20, 2010. Supervisor Braley also states he will contact Attorney for the Town Tal Rappleyea and discuss the warranty the Town holds on the roads in Bryarcliffe.

In discussing the stumps that have been dumped on property in Bryarcliffe, Supervisor Braley advised that he has ascertained that the property belongs to A. O'Rourke. J. Braley will investigate what is legal to dump and what is not.

Gil Perlman: Questions the Town Board on their decision concerning his request to form a committee to study the growing tax burden hitting New Yorkers across the State. Both G. Perlman and the Town Board feel that this is a problem and central to all concerned. Difference of opinion arises as to how change is best accomplished and through what means. G. Perlman feels that a Town Board directed committee is the place to start eventually reaching out to the surrounding communities and the school districts in our area since this is a local issue. Town Board Member Bernstein feels that this is a State issue and unfortunately New York State's government is dysfunctional at best right now. P. Bernstein also suggests that the Columbia County Board of Supervisors be contacted. Town Board Member Pinto has started to understand how the entire process works and who is responsible for what noting that funding education is a State issue, not a local one. She is continuing to study how the taxing system works and how the money moves. C. Pinto advises that it has been difficult over the last few years to secure volunteers to work in any capacity for the Town. Town Board Member Bernstein commends G. Perlman for his interest and enthusiasm in this issue and does not believe that there is a lack of interest on the part of the Town Board, only a difference of opinion on the way to go about handling this issue. P. Bernstein will continue to mull over this situation.

John Pindt: Questioned the Town Board concerning the status of conversations the Town Board has had with the Attorney for the Town Tal Rappleyea pertaining to the race track and illegal signage at O's Eatery. Supervisor Braley reported that Attorney Rappleyea advised that the Town would not win a new lawsuit over the race track therefore he does not encourage the Town to pursue this avenue. Supervisor Braley continues that Otto Maier owner of O's Eatery did not attend the October Planning Board Meeting to discuss the farm stand signage. Planning Board Chairman Charles Knauss is going to speak with O. Maier and get back to Supervisor Braley by next Wednesday.

J. Pindt noted that the race track is not currently being used as it was. Discussion on the previous lawsuit, the legality of trailers parked in the back of the O's Eatery, and the fact that the State is dropping off more soil making the race track area bigger.

Unfinished Business

Building Permit Fee Schedule: Discussed history of why the Town Board is considering changing this, noting the renewal permit fee paid by Dale Hartka. Supervisor Braley advised that the Town of Austerlitz' Building Permits are good for two years, not a year and a half as has been the case when issued. This has been corrected in the computer system. The Town Board discussed different terms, fees and options. General consensus of the Town Board was to think about this understanding that most likely everything would remain as it.

Dog Law: The State of New York has deconsolidated the dog licensing system. The Town will now be taking this over completely on a Town level as of January 1, 2011. Town Clerk Susan Haag explained the details as outlined in the draft dog law drawn up by Attorney for the Town Tal Rappleyea. Points of interest included the section which eliminates the Columbia Greene Humane Society from licensing dogs for the Town of Austerlitz, and who is responsible for sending out delinquent notices. The Town Board chose the following fees as recommended by Town Clerk Haag: Tag replacement fee-\$3.00, License fee for a spayed/neutered dog-\$5.00 (plus \$1.00 NYS surcharge), License fee for an unsprayed/unneutered dog-\$10.00 (plus \$3.00 NYS surcharge), \$15.00 impoundment fee with a \$5.00 per day additional fee for the second impoundment within one year of the first, and for the third and subsequent impoundments within one year of the first, the fee shall be not less than \$15.00 for the first day and \$15.00 for each day after.

The Dog Law will be completed by Attorney for the Town Tal Rappleyea and ready for public hearing. The Town Board scheduled the public hearing for November 11, 2011 at 6:45 p.m.

Columbia County Environmental Committee Position: Supervisor Braley has spoken with Chris Ferrone who has declined interested in taking this position. Still looking to fill this position.

B.A.R. Position: B.A.R. Member Bridget Arnold's term expired September 30, 2010. Still looking to fill this position.

New Business

Date Change for the November 2010 Town Board Meeting: The November Town Board Meeting currently is scheduled for November 11, 2010 which is Veterans Day. The Town Board decided to hold the regular Town Board meeting on the date and time already scheduled.

New Playground Equipment: Supervisor Braley has gotten a quote on new playground equipment from Game Time. Town Board looked over the proposal and discussed with D. Oleynek.

Budget

The Town Board continues to work on the 2011 Tentative Budget. Supervisor Braley noted that he moved money around in the Highway fund so that the brush and weeds line item contained a more realistic figure. The Town's portion of the retirement contribution could be as high as \$60000.00 this year with a 15% increase in health insurance. A portion of the requested money for ridgeline mapping has been included in the tentative budget. The Highway crew and Highway Superintendent will get a 3% raise and clerical staff will get 1%. No others will get a raise.

Supervisor Braley advised that he is looking into changing health insurance coverage. The different options available were discussed. Highway Superintendent Meehan asked that he be notified ahead of time this year if any changes are made.

The Town Board sets a public hearing for the 2011 Preliminary Budget for November 11, 2011 at 7:00 p.m.

Highway Superintendent Meehan is asking the Town Board to consider making Town owned Pierson Road a seasonal road. R. Meehan also asks that Attorney for the Town Tal Rappleyea be consulted concerning a resident who parks in the road and who places decorative rocks in the road on Upper Hollow Road. Each of these poses a liability to the Town in the Winter should one of the Town's plow trucks hit either. General consensus is to ask the Town's resident Sheriff's Deputy to assess the situation.

Highway Superintendent Meehan again asks that survey pins be placed on the newly acquired Town land by where the new Austerlitz Fire House will be.

Adjournment

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

J. Braley: yes

Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried. Meeting adjourned at 8:47 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Public Hearing/Regular Town Board Meeting
November 11, 2010

Public Hearing: Local Law 1-2010 Regulating the Licensing of Dogs

Public Hearing called to order 6:45 p.m.

Public Comment

No public comment.

A motion to close the Public Hearing was made by C. Pinto and seconded by P. Bernstein.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes
Motion unanimously carried.

Public Hearing closed at 6:50 p.m.

Public Hearing 2011 Town of Austerlitz Budget

Public Hearing called to order at 7:00 p.m.

Supervisor Braley advised that the retirement figures used will be low since they were based on last year's figures. J. Braley notes that the State keeps changing the figures and until they finalize them, he will not have solid numbers. The Code Enforcement Program between the Towns of Austerlitz, Canaan and Hillsdale is listed on a separate sheet. The Final budget will also contain the Austerlitz Fire District Budget figures and a listing of the assessment exemptions. The Red Rock Fire District Budget figures always go to the County.

Public Comment

No public comment.

A motion to close the Public Hearing was made by P. Bernstein and seconded by B. Geel.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Public Hearing closed at 7:09 p.m.

Regular Town Board Meeting called to order at 7:10 p.m.

Moment of Silence in memory of our Veterans, followed by the pledge of Allegiance.

Roll call. Present: Jeffrey Braley, Supervisor, Bryan Geel, Paul Bernstein, Carol Pinto, Matthew Verenazi, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent.

Minutes

A motion to accept the October 14, 2010 Regular Town Board Meeting minutes was made by M. Verenazi and seconded by P. Bernstein.

J. Braley: yes

B. Geel: abstained due to meeting absent

Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion carried 4:1.

Budget Amendment

General Fund

Elections A1450.4 increase by \$500.00

Records Management A1460.4 increase by \$1292.00

Police A3120.4 increase by \$8500.00

Building Inspector A3620.4 increase by \$2500.00

Parks A7140.4 increase by \$8000.00

Park Rec Fund Balance increase by \$8000.00

Fines and Forfeitures 2610 increase by \$2792.00

Appropriated Fund Balance increase by \$10000.00

Supervisor Braley explained each of the budget lines.

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

J. Braley: yes

B. Geel: yes

Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #340-366 in the amount of \$8869.25, Highway Fund #185-205 in the amount of \$126941.43, and Capital Fund #1 in the amount of \$294.00 was made by C. Pinto and seconded by M. Verenazi.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Reports

Monthly cash disbursements for the month of October 2010 were presented. Supervisor Braley noted that fines and forfeitures are up around \$14000.00. If the Highway figures are in line, Highway Superintendent Meehan will be purchasing some equipment.

On the County level, Supervisor Braley noted that the County budget is being worked on although he is not part of the process. It was advised that there would be 2-2.5% increase in the County budget, but Supervisor Braley will know better when he receives the final budget.

Also on the County level, the County has received the budget for the mobile slaughter house and grant money has been secured. If there is enough need for this business in the county, this slaughter house will have a stop in Columbia County. They will need a pad, building, water, sewer and all this will be located over by County Outhouses on Rte 66 in the Columbia County Commerce Park. Discussion on packaging issues and involvement across the County. Other businesses in the County which are now open are TJ Max and Kohls. Sales tax money is up and mortgage tax money is way down.

Supervisor Braley congratulated Town Clerk Susan Haag on achieving her MMC (Master Municipal Clerk) designation through the International Institute of Municipal Clerks.

The budget line for the Enhanced Patrol is way over budget, but Supervisor Braley feels that the Town Board would like to keep this going. The Town of Ghent approached him asking if the Town of Austerlitz would like to pay half of a radar sign machine. J. Braley feels it would be a tool to reduce speed, but wonders if this would replace the revenue generated through the Enhanced Patrol program. Questions that need to be answered would include: Who takes care of it? How often does the Town of Austerlitz have it? Town Board Member Geel noted that he has explored the purchasing of one of these units with the previous Town Board.

Town Clerk Report for the month of October 2010 submitted.

Highway Superintendent Meehan reported that the Highway Crew has been working with the Towns of Hillsdale, Chatham and Canaan oiling and stoning roads through-out the 4 Townships. Roads done in the Town of Austerlitz are Fog Hill Road, Slate Hill Road, Southcross Road, Angel Hill, Pratt Hill Road, Rigor Hill and Schoolhouse Road.

Superintendent Meehan continued that the crew is trying to fill in pot holes and finish up the area by O's Eatery on Rigor Hill. Two trucks were sent out for the snow storm on Monday. The truck that was out for repairs is now back. There are issues with the motor. If there is money left in the Highway Budget, Superintendent Meehan would like to purchase a repeater to put up on the tower owned by Goosetown in Austerlitz. This repeater would run about \$5000.00. The culvert on Big Woods Road still needs to be replaced and a steel culvert will be used. There is still some C.H.I.P.S. money to use and R. Meehan would like to use this up before winter.

Planning Board Report for the month of October 2010 submitted.

Comprehensive Plan Oversight Committee Report for the month of October 2010 submitted.

Building Inspector/Code Enforcement Report for the month of October 2010 submitted.

Justice Lagonia's Justice Court Report for the month of October 2010 submitted.

Justice Robert's Justice Court Report for the months of September and October 2010 submitted

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

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Correspondence

Chatham Central School District announcement concerning a Chatham School Board Vacancy to be filled by appointment. Term runs from November 30, 2010 through May 17, 2011.

American Farmland Trust: Upper Hudson Valley Roundtable Discussion on municipal agriculture and farmland protection planning. Tuesday, November 16, 2011, SUNY Albany.

Columbia County Office of the Aging is looking for nominations for outstanding Senior Citizen who have made significant contributions to the community. Completed forms together with three letters of recommendation for each nominee are to be sent to OFA by March 1, 2011.

Old Business

Local Law 1-2010 Regulating the Licensing of Dogs

Section 1. PURPOSE AND INTENT

The Town Board of the Town of Austerlitz finds it necessary to enact a local law to address the licensing of dogs in lieu of the State of New York's recent mandate that dog licensing become a local government function on January 1, 2011. The purpose of this Local Law is to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of person, property, and domestic animals from dogs.

Section 2. AUTHORIZATION

This local law is adopted pursuant to section 10 of the Municipal Home Rule Law and New York Agriculture and Markets Law Part T of Chapter 59 of the Laws of 2010.

Section 3. ENACTMENT

The Town Board of the Town of Austerlitz hereby adopts the following local law with regard to the licensing of dogs within the Town of Austerlitz:

Section 4. DEFINITIONS

As used in this Local Law, the following terms shall have the meanings indicated:

CUSTODIAN - person having possession or guardianship of any dog who is not the owner of the dog.

DOG - includes male and female, licensed and unlicensed members of the species *Canis familiaris*.

DOG CONTROL OFFICER – any individual appointed by the Town of Austerlitz to enforce any and all New York State Agriculture and Markets Laws and Local Laws regulating animals, including dogs.

HARBOR- to provide food and/or shelter to any dog.

IDENTIFICATION TAG - tag issued by the Town of Austerlitz which sets forth the identification number assigned to a specific dog and such other information as the Town of Austerlitz deems appropriate.

IDENTIFIED DOG - any dog carrying an identification tag as required by this Local Law.

LICENSE EXPIRATION DATE - the expiration date as noted on the dog license issued by the Town of Austerlitz.

OWNER – any person who harbors or keeps a dog.

OWNER OF RECORD- the person in whose name any dog was last licensed pursuant to this local law, except that if any license is issued on application of a person under eighteen years of age, the owner of record shall be deemed to be the parent or guardian of such person. Any person owning or harboring a dog for a period of one (1) week in the Town of Austerlitz shall be held and deemed the owner of such dog for purposes of this Local Law.

TOWN CLERK - the Clerk of the Town of Austerlitz, where dog licenses are validated or issued pursuant to this Local Law.

Section 5. LICENSING OF DOGS

A. All dogs within the Town of Austerlitz four (4) months of age or older, unless otherwise exempted, shall be licensed. The owner of each dog required to be licensed shall obtain, complete and return, to the Town Clerk or the Dog Control Officer, a dog license application together with required

supporting documentation, the license application fee, any applicable license surcharges and such additional fees as may be established by the Town of Austerlitz. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required. Each license issued shall be valid for a period of one year and must be renewed prior to the expiration date thereof. The Town of Austerlitz hereby specifically opts out of the option to allow any licensed chapter of the Humane Society to issue licenses within the Town.

B. No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog.

C. All licenses shall expire on the last day of the last month for which it is issued.

D. The owner of any dog shall notify the Town Clerk of a change of address, ownership, death or loss of their licensed dog.

E. Upon the submission of a dog license application, all required documentation and payment of the required license fee, a Town of Austerlitz dog license identification tag will be provided to the owner of the dog. The identification tag must be affixed to a dog collar and worn by the dog at all times. There shall be a fee of \$3.00 for replacement tags.

F. For those owners who fail to renew a dog license, the Town Clerk shall mail a warning that failure to renew the license, within a specified time, shall result in the issuance of a court appearance ticket.

G. Any dog harbored within the Town of Austerlitz which is owned by a resident of New York City and licensed by the City of New York, or which is owned by a non-resident of New York and licensed by a jurisdiction outside the State of New York, shall for a period of thirty (30) days be exempt from the licensing and identification provisions of this local law.

Section 6. LICENSING FEES

License fee for spayed/neutered Dog: \$ 5.00 + NYS Surcharge \$1.00 = \$6.00

License fee for un-spayed/un-neutered Dog: \$10.00 + NYS Surcharge \$3.00 = \$13.00

Section 7. VIOLATIONS

A. It shall be a violation, punishable as provided in subdivision C of this section, for:

(i) any owner to fail to license any dog;

(ii) any owner to fail to have any dog identified as required by this article;

(iii) any owner to fail to renew a dog license on or before the license expiration date;

(iv) any person to knowingly affix to any dog any false or improper identification tag;

(v) any owner or custodian of any dog to fail to confine, restrain or present such dog for any lawful purpose pursuant to this article;

(vi) any person to furnish any false or misleading information on any form required to be filed with the Town of Austerlitz pursuant to this local law;

B. It shall be the duty of the dog control officer to bring an action against any person who has committed any violation set forth in this local law pursuant to the Penal Law of the State of New York. Every dog control officer shall have the power to issue an appearance ticket pursuant to section 150.20 of the criminal procedure law, to serve a summons and to serve and execute any other order or process in the execution of the provisions of this article. In addition, any dog control officer of the Town of Austerlitz may serve any process, including an appearance ticket, a uniform appearance ticket and a uniform appearance ticket and simplified information, related to any proceeding, whether criminal or civil in nature undertaken in accord with the provisions of this article or any local law or ordinance promulgated pursuant thereto.

C. A violation of this section shall be punishable as follows:

by a fine of not less than fifty (\$50.00) dollars nor more than two hundred and fifty (\$250.00) dollars, except that

when the person was found to have violated any part of this section within the preceding five years, the fine may be not less than one hundred (\$100.00) dollars nor more than \$250.00 dollars, and

(iii) where the person was found to have committed two or more such violations of any part of this section within the preceding five years, the fine may be not less than one hundred and fifty (\$150.00) dollars nor more than four hundred (\$400.00) dollars .

Section 8. SEIZURE OF DOGS; REDEMPTION PERIODS; IMPOUNDMENT FEES

A. Any dog control officer or peace officer, acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of Austerlitz shall seize:

(i) any dog which is not identified and which is not on the owner's premises;

(ii) any dog which is not licensed, whether on or off the owner's premises;

(iii) any licensed dog which is not in the control of its owner or custodian or not on the premises of the dog's owner or custodian, if there is probable cause to believe the dog is dangerous;

(iv) any dog found to be without vaccination for rabies; and

(v) any dog which poses an immediate threat to the public safety.

B. Any dog control officer in the employ of or under contract to the Town of Austerlitz may seize any dog in violation of this local law or any other local law of the Town of Austerlitz relating to the control of dogs.

C. Each dog seized in accordance with the provisions of this article shall be properly sheltered, fed and watered for the redemption period as hereinafter provided.

D. Each dog which is not identified, whether or not licensed, shall be held for a period of at least five days from the day seized, during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and has been identified pursuant to the provisions of this local and further provided that the owner pays the following impoundment fees:

(i) the costs associated with the shelter, feeding, and care of the dog, plus an impoundment fee of \$15.00 dollars for the first impoundment of any dog owned by that person;

(ii) the costs associated with the shelter, feeding, and care of the dog, plus and impoundment fee of \$15.00 dollars and \$5.00 dollars for each additional twenty-four hours or part thereof for the second impoundment, within one year of the first impoundment, of any dog owned by that person; or

(iii) the costs associated with the shelter, feeding, and care of the dog not less than \$15.00 dollars for the first twenty-four hours or part thereof and \$15.00 dollars for each additional twenty-four hours or part thereof for the third and subsequent impoundments, within one year of the first impoundment, of any dog owned by that person.

E. Promptly upon seizure of any identified dog, the owner of record of such dog shall be notified personally or by certified mail, return receipt requested, of the facts of seizure and the procedure for redemption. Such dog shall be held for a period of thirty (30) days after the date of the mailing or personal notice, during which period the dog may be redeemed by the owner. The owner may redeem such dog upon payment of the impoundment fees prescribed by in Section 8.D. (i-iii) of this local law and by producing proof that the dog has been duly licensed.

F. An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period, and the dog shall then be made available for adoption.

Section 9. PRESUMPTION

Establishment of the fact or facts that the owner of a dog failed to properly license and identify his/her dog as licensed shall be presumptive evidence that the owner or person harboring said dog is not in compliance with the provisions of this Local Law.

Section 10. INTERFERENCE WITH OFFICERS

Any person who shall interfere with or obstruct any animal control officer, police officer and any officer or agent of a duly incorporated society for the prevention of cruelty to animals shall be guilty of a misdemeanor, punishable by imprisonment for not more than one year or by a fine of not more than one thousand (\$1,000.00) dollar or both.

Section 11. EFFECTIVE DATE

This Local Law shall take effect on January 1, 2011.

Section 12. INCONSISTENT PRIOR LAWS

To the extent that the terms contained in any prior local laws currently in existence are inconsistent with the terms of this local law, the terms contained herein shall supersede the terms of such prior local laws. All other terms of such prior local laws shall continue in full force and effect.

A motion to adopt Local Law 1-2010 Regulating the Licensing of Dogs was made by C. Pinto and seconded by M. Verenazi.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Town of Austerlitz 2011 Budget

Supervisor Braley noted that when preparing the budget he tried to keep the tax rate down and in fact he was successful at doing it. J. Braley did not want to take any money out of reserves. The Town Board discussed budget figures. Health care come in about 10% higher. Supervisor Braley noted that the health care provider chosen, Blue Cross/Blue Shield, makes it difficult to prove a domestic partnership relationship. Therefore, J. Braley will be conferring with Steve Aciani, Insurance Broker, to choose another provider.

The Town Board discussed the Bryarcliffe Bonds and B.A.N. A letter was sent from Engineer for the Town, Patrick Prendergast, to the contractor, HMA, outlining the condition of the roads in Bryarcliffe. Attorney for the Town, Tal Rappleyea, advised that the engineer write the letter instead of Supervisor Braley.

Also discussed was the joint Code Enforcement project with the Towns of Canaan and Hillsdale. Supplement attachment to the budget shows these figures.

A motion to adopt the 2011 Preliminary Budget as the 2011 final budget was made by P. Bernstein and seconded by M. Verenazi.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

B.A.R. Position

Supervisor Braley advised that he has spoken with Melinda Huvar and she is interested in serving on the Board of Assessment Review. M. Huvar has served on this board in the past.

A motion to appoint Melinda Huvar as a Board of Assessment Review member for a 5 year term running from November 11, 2010 to September 30, 2015 was made by B. Geel and seconded by C. Pinto.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Bryarcliffe Road District

Supervisor Braley has discussed the condition of the road in the Bryarcliffe subdivision with Attorney for the Town, Tal Rappleyea, and Engineer for the Town, Pat Prendergast. Engineer Prendergast has written a letter to HMA Contracting alerting them of the issues.

New Business

Yearly Appointments: Supervisor Braley advised that a public notice has been placed looking for interested parties to fill positions on the Planning Board, Zoning Board of Appeals, Comprehensive Plan Oversight Committee and Columbia County Environmental Management Council to be appointed at the Organizational Meeting in January of 2011. J. Braley asks the Town Board alert residents to think about serving in these areas. Should anyone be interested, letters of interest need to be submitted to the Town Clerk by the end of November. Supervisor Braley will send out a press release.

Highway Superintendent Meehan again urged the Town Board to have pins placed up on the Town property just purchased by the new Austerlitz Fire House. Town Board Member Geel will discuss this with Austerlitz Fire House representative, Dave Savage to get this taken care of.

Supervisor Braley advised the Town Board that Attorney for the Town, Tal Rappleyea has recused himself from Fizzinolgia lawsuit due to conflicts and an Albany law firm will handle the case. Work done on this case to date will not be billed to the Town. The TJB lawsuit is now complete and handling of it has been transferred to Attorney Rappleyea.

Public Comment

Charles Vander Weit, former Town Board Member, asks the current Town Board to consider bringing the Town of Austerlitz' court facilities up to State standards bringing them into compliance. Supervisor Braley advised that the current Town Board has not addressed this and neither of the Town Justices have approached him or the Town Board concerning this issue although there is an awareness of the problems. Consolidation of courts between villages and towns was discussed. Supervisor Braley has had discussions with the Village of Chatham and the Towns of Canaan and Ghent about use of their facilities for court. Unfortunately, there are problems with Chatham and Canaan as well.

C. Vander Weit is concerned that there may be a lawsuit at some point and someone will get hurt. If this happens, the Town would be liable. C. Vander Weit is asking the Town Board for the authority to help in this matter by talking with people involved to come up with a plan, and then finding ways to secure funding to change the current facility situation, whether this is by purchasing land, an additional building, or something else. C. Vander Weit urges the Town Board to take action, not just talk about this problem.

Discussed grant money previously received and sent back to the State, previous plans and intentions. Town Board Member Geel feels that the County District Attorney should be involved as well. C. Vander Weit advised that when serving on the previous Town Board, he had spoke with attorneys, the DA, police, etc. Supervisor Braley advised that he will look into this.

Adjournment

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

J. Braley: yes

B. Geel: yes

Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

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

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Regular Town Board Meeting
December 9, 2010

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

Moment of Silence in memory of Patricia Campbell and D.J. Slocum, followed by the pledge of Allegiance.

Roll call. Present: Jeffrey Braley, Supervisor, Paul Bernstein, Carol Pinto, Matthew Verenazi, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent.

Bryan Geel absent due to illness.

Minutes

A motion to accept the November 11, 2010 Public Hearing/Regular Town Board Meeting minutes was made by C. Pinto and seconded by P. Bernstein.

J. Braley: yes

Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #367-394 in the amount of \$10188.89, Highway Fund #206-226 in the amount of \$23717.59, and Capital Fund #2-2010 in the amount of \$1052.00 was made by M. Verenazi and seconded by C. Pinto.

J. Braley: yes

P. Bernstein: yes
C. Pinto: yes
M. Verenazi: yes
Motion unanimously carried.

Supervisor Braley noted that Accountant for the Town Mark Fitzgerald is on vacation and therefore has not provided financials for this month. Supervisor Braley will forward the Cash Disbursement Journal for November 2010 when he receives it from M. Fitzgerald.

Reports

Supervisor Braley noted that he has researched the Court Security issue brought up by former Town Board Member C. Vander Weit at the last Town Board meeting. Supervisor Braley has a tentative time set up with Town Justice Rob Lagonia to discuss details. Supervisor Braley also has spoken with a Sheriff's Deputy at Court and is trying to speak with Court Clerk Eileen Olsen. J. Braley's efforts are to ascertain what can be done without spending a lot of money.

Supervisor Braley advised that the Town will be switching insurance carriers to CDPHP effective in January 2011. The Town will be saving \$1000.00 per month over MVP's 2011 figures. The Christmas lights are on the tree in the park.

On the County level, Supervisor Braley noted that the County's budget has been passed. Due to complaints by some of the Supervisors, the County budget came in with a zero percent increase. The compromise was to eliminate the sales tax exemption on clothing. The State dropped the sales tax exemption from purchases under \$110.00 to purchases under \$55.00. Because there was such an outcry on the County level, the Supervisors changed this decision and matched the State's exemption figures. This will hold for only one year and will be looked at again.

Also on a County level, there have been discussions concerning the purchase of the old Walmart building by the CRC to house the Columbia County DSS. The financial arm of the IDA is also involved.

Town Clerk Report for the month of November 2010 submitted.

Highway Superintendent Meehan reported that with the couple of storms the Town has had, he has found some minor issues with the trucks, but these have been fixed. Potholes have been taken care of. There is still the need to truck in additional sand and salt. These are coming in a little at a time as the State is hauling it. It costs the Town more money to haul it ourselves than to let the State do it. Again this year there will be sand at the highway garage for Town resident's use. Highway Superintendent Meehan spoke with Columbia County Enhance Patrol Deputy Sherriff for the Town of Austerlitz and he will watch for businesses taking this sand for commercial purposes. Otherwise, the Highway Department is pretty much all set for winter.

Town Board Member Verenazi questioned Highway Superintendent Meehan concerning the latest storm and plowing of West Hill Road. Member Verenazi had received a couple complaints from residents in that area that the school buses could not get down West Hill Road. Highway Superintendent Meehan advised that he is currently down a man who is out on Workman's Compensation. R. Meehan also noted that the previous Town Board took on an additional 4.5 miles of road in the Bryarcliffe subdivision without any additional personnel or trucks to handle the increase. Superintendent Meehan further noted that the school bus did in fact make it down West Hill Road because he saw the bus. Discussion centered on how roads are plowed and time frames involved.

Planning Board Report for the month of November 2010 submitted.

Comprehensive Plan Oversight Committee Report for the month of November 2010 submitted. Included for review was a proposed for adoption revised Sign Law in which the provisions are in conformity with the Zoning Law and a review of the goals in the Comprehensive Plan with an eye to determining the status of progress being made, and what possible next steps are to be taken.

Supervisor Braley noted a visit from Steve Winkley, from the NYS Rural Water Association, in the last month. S. Winkley is continuing the grant mapping work. .

Building Inspector/Code Enforcement Report for the month of November 2010 submitted.

Justice Lagonia's Justice Court Report for the month of November 2010 submitted.

Justice Robert's Justice Court Report for the month of November 2010 submitted

A motion to accept the above reports was made by P. Bernstein and seconded by M. Verenazi.
J. Braley: yes

P. Bernstein: yes
C. Pinto: yes
M. Verenazi: yes
Motion unanimously carried.

Correspondence

None

Unfinished Business

Bryarcliffe Roads: Supervisor Braley advised that he questioned the County Attorney concerning the status of the ownership of the roads in Bryarcliffe. The Attorney noted that due to an overload of work, certain items are behind schedule. Supervisor Braley asked to move this along so that the Town of Austerlitz can get receive C.H.I.P.s money for these roads.

Speed Sign Purchase: Supervisor Braley has had discussions with Town of Ghent Supervisor Larry Andrews concerning the joint venture of purchasing an electronic speed reduction sign to be used in both Townships. Supervisor Andrews provided 3 estimates. Signs with message boards attached are very expensive and will not be purchased this time around. Supervisor Braley's questions would be whether or not this sign can be put on State and/or County highways, what are the legal aspects involved, and can the mutual Residential Deputy be in charge of moving it around. The sign chosen contains solar panels so not too much charging will be involved, and it is small enough to fit on the side of the road. Supervisor Braley envisions placing this detector on roads where the Town is getting reports of speeders. Supervisor Braley feels that the fee to pay for this will come from decreased time from the Enhanced Patrol during slow times when not too many tickets are written. The sign will be purchased this year and the shared cost will be roughly \$14000.00.

A motion to pursue the purchase of a speed detector sign with the Town of Ghent was made by M. Verenazi and P. Bernstein.

Town Board Member Pinto questioned the cost and determination of use between the two towns. Supervisor Braley advised that this deal is 50-50 between the towns and details need to be worked out.

Vote:

J. Braley: yes
P. Bernstein: yes
C. Pinto: yes
M. Verenazi: yes
Motion unanimously carried.

New Business

Revised Sign Law: The Comprehensive Plan Oversight Committee has revised the current Sign Law and forwarded a copy of the proposed legislation to the Town Board for review. Supervisor Braley has received comments from Building Inspector Glenn Smith and will forward them to the Town Board. This will be discussed again in February 2011.

Chatham Rescue Squad: Supervisor Braley advised that he signed paperwork to authorize a chargeback item on the County Level for services provided by the Chatham Rescue Squad. The amount of the chargeback will be \$17900.00 which is the same as last year.

Health Insurance: Supervisor Braley advised the Town Board that he has briefly discussed a new insurance package with Highway Superintendent Meehan. Some discussion centered on whether or not to change the employee contributions and the like at the organizational meeting next year. This topic came up because Highway Superintendent Meehan would like to hire a new man and the Town needed to advise him of the benefit package that comes with employment. Supervisor Braley noted that the insurance benefit packet was changed in 2004 or 2005 when new hires began to pick up some of the cost of insurance. Before that the Town picked up the whole shot. Currently the Town pays completely for the single rate and new hires pay 25% of the difference between the single rate and the 2 person or family rate. The Town Board discussed payment options and the general consensus was starting in 2011 new hires would pay towards the single rate as well as the 2 person or family rate. Those under the current benefit packets would be grandfathered. If R. Meehan hires a new man before the end of the year, the 2010 benefit packet would be used.

The Town Board further discussed the rate of pay of the Highway personnel as compared to surrounding Towns and the timing of pay increases. Part of the discussion centered on whether or not to give someone just hired a pay raise in January with all the other Highway personnel. General consensus was to let R. Meehan decide on the pay increase if the new hire is capable.

Public Comment

Dale Hartka questioned the Town Board concerning the fee structure on building permit renewals. D. Hartka noted that he received a renewal form with the old fees and he thought the fees were going to change. Supervisor Braley noted that a final decision has not been made but the Town Board is leaning towards not changing the fees. The project was discussed with D. Hartka advising the Town Board that he is about half-way done and is putting in windows currently. D. Hartka also advised the Town Board that current Building Inspector Glenn Smith has not done any inspections. There was only one done by previous Building Inspector Fred Oleynek. D. Hartka believes he has another 2-3 years before the project is finished. Supervisor Braley noted that he will put the fee structure on the agenda for discussion so this matter can be put to rest.

Executive Session

A motion to enter Executive Session to discuss the Fizzinoglia Law Suit was made by C. Pinto and seconded by P. Bernstein.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Executive Session entered at 7:49 p.m.

A motion to exit Executive Session was made by P. Bernstein and seconded by M. Verenazi.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Executive Session exited at 8:07 p.m.

Adjournment

A motion to adjourn was made by C. Pinto and seconded by M. Verenazi.

J. Braley: yes

Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried. Meeting adjourned at 8:08 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk