

Town of Austerlitz
Organizational/Regular Town Board Meeting
January 13, 2011

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

Moment of Silence remembering those lost in the Arizona shooting. Pledge of Allegiance.

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

Minutes

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

J. Braley: yes

B. Geel: abstain due to meeting absence

Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion carried 4:1

Budget Amendment (2010)

General Fund

Increase Elections A1450.4 by \$17.00

Increase Building Inspector Clerk A3620.11 by \$377.00

Increase Retirement A9010.8 by \$295.00

Increase Bond-Interest A9710.7 by \$1200.00

Decrease Youth Programs A7310.1 by \$1889.00

Highway Fund

Increase General Repairs DA5110.1 by \$16500.00

Increase CHIPS DA5112.2 by \$86240.00

Increase Health Insurance DA9060.8 by \$12743.00

Increase Bond Interest DA9730.7 by \$1388.00

Increase Sales of Scrap 2660 by \$670.00

Increase S/A CHIPS 3501 by \$116201.00

A motion to approve the above budget transfer 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 #1-45 in the amount of \$14635.18, and Highway Fund #1-36 in the amount of \$47628.67, was made by M. Verenazi and seconded by P. Bernstein.

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 December 2010 were presented. Supervisor Braley reminded the Town Board members that most of the bills being paid at this meeting are 2010 bills and therefore the December figures will eventually change. Otherwise, the Town has been quiet.

On a County Level, Supervisor Braley advised that he did not make the first meeting of the year, and the January 12, 2011 meeting was rescheduled for January 14, 2011 due to the snowstorm. The committee system been consolidated. The County Budget did come thru with a 0% increase.

Supervisor Braley apologized to the Town Board because although he thought the Town budget was going to come in with a 0% increase, it did not. J. Braley was pleased that the increase was still under 1%. The Town Board discussed how deductions are taken on paychecks for Highway employees. The Town is back using CDPHP for health insurance.

Town Clerk Report for the month of December 2010 submitted. Town Clerk Susan Haag noted that a listing of all contracts, escrow accounts, and bonding was given to the Town Board, as well as, a listing of Public Officer REQUIRED Schooling Report.

Highway Superintendent Meehan reported that it has been a tough month. There has been a couple of snow storms and ice issues. There has also been a couple of major truck breakdowns, as well as a couple of minor ones. But, the Highway Crew was able to get the trucks fixed and were able to use them for Wednesday's snowstorm. The new Highway Employee is working out well so far. He is learning the ropes by driving with another Highway Employee for the last couple of snow storms. There has been an issue with private snow plows pushing the snow out into the roads making more work for the Highway Crew. Highway Superintendent Meehan has contacted the Town's Resident Sherriff's Deputy concerning Upper Hollow Road and cars being parked in the turnaround area for the Highway Trucks. The Highway trucks have been forced to back out of Upper Hollow and this has caused traffic jams and other vehicles getting stuck in the snow. In addition to speaking with the Resident Deputy, the Highway Department will make and put up no parking signs.

Highway Superintendent Meehan also reminded the Town Board that Pearson Road is a problem and needs to be taken off the Town's Road list, or at least made a seasonal road. The current condition of the road with the hilly contour is causing problems.

Town Board Member Pinto questioned the water on Dugway Road. R. Meehan feels that a new paved driveway is causing the water. Once there are a couple dry days, R. Meehan will take a look.

Planning Board Report for the month of December 2010 submitted.

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

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

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

2010 Dog Control Report submitted. Supervisor Braley advised the Town Board that he has spoken with Woodhill Veterinary Clinic discussing the current contract and sections they would like to change. J. Braley discussed the current procedures noting that problems occur when our Dog Control Officer has a dog to impound on days that Woodhill is closed or times they are not in the office. Woodhill prefers not to have any additional help come in during these times to take care of stray dogs. Therefore, the Town may have to start to look for other options. There are temporary kennels set up at Supervisor Braley's property to house stray dogs until Woodhill is open.

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

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Correspondence

Association of Towns Annual Meeting Resolutions. No one from the Town of Austerlitz is going this year.

Unfinished Business

Sheriff's Deputy Scott Leggett was in attendance and advised the Town Board that there has been a number of occurrences of poaching within the Town. This has calmed down somewhat though. Deputy Leggett will also follow-up with parking complaints on Upper Hollow Road.

New Business

2011 Policies and Procedures

Discussion was given to the policy concerning appointments to Citizen Committees and to term limits of certain committees/boards. Currently, there has been no interest by the public to serve on the Zoning Board of Appeals or the Planning Board. Pro and cons of term limits were discussed leaving an understanding that the Town Board will no longer rely on term limits to eliminate committee/board members from service. This leaves the Town Board free to use its discretion to reappoint or not to reappoint to all committees and boards.

A motion to accept the following as policies for the 2011 year was made by C. Pinto and seconded by P. Bernstein with changes to the Procedures for appointments to citizen committees revoking section 8C and changing 8B to read, "Members of the same household cannot be appointed to serve on the same committee."

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Cellular Phone/Phone Card/Telephone/Fax Policy

2011

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

2011

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

2011

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, §11, 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 §24.00 (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, §109-b;
- Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML, §6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

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

XI. Authorized Financial Institutions and Dealers

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

XII. Purchase of Investments

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

Directly, including through a repurchase agreement, from an authorized trading partner.

By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.

By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

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

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

XIII. Repurchase Agreements

Repurchase agreements are authorized subject to the following restrictions:

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

Appendix A

Schedule of Eligible Securities

___ (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United 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 2011

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

2011

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

2011

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.

1. The Supervisor will name an Appointments sub-committee of the Town Board. This sub-committee will be charged with making recommendations to the full Board regarding appointments to those boards and committees which are subject to appointment by the Town Board.
2. Members of the Appointments sub-committee and the chair of each committee will actively solicit the participation of citizens for the Town Planning Board, the Comprehensive Oversight Committee and the Zoning Board of Appeals whenever a vacancy arises or is anticipated.
3. This will include, but is not limited to, posting a notice of the position(s) in the newspaper of record and on the official Town Website.
4. Applicants will be requested to submit letter of interest to the town clerk by a date specified in the notice of vacancy. This may be delivered in-person, via post or e-mail.
5. The Appointments sub-committee will review the qualifications of all candidates including a personal interview if appropriate.
6. Upon completion of the review, the Appointments sub-committee will then make a recommendation to the full Board.
7. Appointments will be made by a majority vote of the Board.
8. In making recommendations the Appointments sub-committee will be guided by the following policies.
 - a. An individual should serve on only one committee each term.
 - b. Members of the same household cannot be appointed to serve on the same committee.
9. It will be the responsibility of each Board or Committee chair to solicit, review and appoint members of such subcommittees and task forces as deemed necessary for the committee to discharge its responsibilities. Board and Committee chairs are encouraged to employ the principles of openness and inclusiveness in making such appointments.

2011 Organizational Resolutions #1-22-2009 and Yearly Appointments

Because the Town Board changed or eliminated certain policies concerning who can serve on Citizen Committees/Boards and term limits of service, reappointments of certain individuals was made as reflected in the 2011 Organizational Resolutions.

Discussion also centered on Engineers for the Town appointed for the 2011 year. Town Board Member Pinto feels that the Town has never really used Sterling Engineering in the past year and very seldom before that time. In the last instance, the cost of work was very expensive and the Town did not use the

information provided. In addition, Member Pinto would like a new set of eyes to look at current projects in Town, namely the Bryarcliffe roads to make sure that all issues are noted and taken care of before time runs out and the retainage is scheduled to be returned. Current engineer reports are sketchy. Town Board Member Pinto also noted that if problems in Bryarcliffe are not fixed before October of 2011, when the retainage is due to be released, the taxpayers of the entire Town will be footing the bill to fix these roads, not just those in the road district. This was a concern of citizens in the beginning when this road district was being created.

The entire Town Board would like a fresh set of eyes to look at Bryarcliffe. Member Geel agrees that it will be a problem if the roads in Bryarcliffe are not taken care of before October and the Town at large will foot the bill to correct contractor mistakes.

A suggestion was made to rehire Morris Associates as a second Engineer for the Town. Supervisor Braley noted that he believes Highway Superintendent Meehan would like to keep Pat Prendergast. Town Board Member Verenazi believes the Town should have a good, local engineer as well.

Town Board Member Pinto questions which engineer will be used in different circumstances to which the general consensus of the Town Board was to use Pat Prendergast for small, routine projects and for larger, potential problem projects Morris Associates would be used.

The Town Board discussed changing the Highway employee benefit package. Supervisor Braley noted the increase in starting pay to offset the increase in what the employee will have to pay for health insurance coverage. Highway Superintendent Meehan is still unsure concerning these changes. The Town Board decided to go with the new package and if it was later decided that the changes were not productive, the Town Board would approve a move back to the 2010 benefit package.

A motion to approve Resolutions #1-24, 2011 and to approve listed appointments was made by P. Bernstein and seconded by M. Verenazi.

J. Braley: yes

B. Geek: yes

Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

RESOLUTION 1-2011

Be it resolved that, First Niagara and the Kinderhook Bank are hereby designated as the official depositories for all town funds for the year 2011.

RESOLUTION 2-2011

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 2011.

RESOLUTION 3-2011

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 4-2011

Be it resolved that after the audit of properly submitted claims to the Supervisor, the 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, mileage reimbursement for the use of privately owned vehicles on official town business, such expenses, will be made at the rate that is promulgated by the Federal Government and provided that funds are available in the budget. 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 5-2011

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 2011. 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 6-2011

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 7-2011

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 8-2011

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 Charles Lawson to a term ending at the Town Board Organizational Meeting in January of 2016:

S. Fischer: 2012

B. Puccio: 2013

C. Knauss: 2014

R. Madonia: 2015

RESOLUTION 9-2011

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 10-2011

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 2012.

Barbara Smith

Edwin Barden

Mark Feinberg

Timothy Stalker

Norma Edsall

Shawn Hancock

Jeffrey Bellows

RESOLUTION 11-2011

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 12-2011

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 Penny Rubin to a term ending at the Town Board Organizational Meeting in January of 2016:

M. Fabiano: 2012

D. Cassuto: 2013

K. Gabosh: 2014

N. Kern: 2015

RESOLUTION 13-2011

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 14-2011

Be it resolved that the 2011 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
Councilpersons (4 each)	\$ 2317.50 per year payable monthly
Town Clerk/Tax Collector	\$ 26300.00 per year payable bi-weekly
Registrar of Vital Stats	\$ 450.00 per year payable annually
Deputy Town Clerk	\$ 14.05 per hour payable biweekly
Superintendent of Highways	\$ 49013.00 per year payable bi-weekly
Highway Superintendent Clerk	\$ 14.05 per hour payable bi-weekly
Justices (2 each)	\$ 11255.00 per year payable monthly
Justice's Clerk	\$ 8500.00 per year payable monthly
Justice's Deputy Clerk	\$ 14.05 per hour payable monthly
Town Assessor	\$ 17978.00 per year payable monthly
Assessor Assistant	\$ 14.05 per hour payable monthly
Town Accountant	\$ 10920.00 per year payable monthly
Code Enforcement Officer	\$ 45000.00 per year payable monthly
	Town of Austerlitz' Portion \$21200.00
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
Dog Control	\$ 2000.00 per year payable monthly
Clerk/Typist (Blding Insp/Plan Bd/ZBA)	\$ 14.05 per hour payable bi-weekly
Custodian	\$ 2100.00 per year payable bi-weekly

RESOLUTION 15-2011

Be it resolved that the wage scale and fringe benefits for highway employees for the year 2011 shall be as follows: An increase of \$0.48 shall be added to all current Highway Employees wages for the year 2011 with the exception of probationary employees.

Motor Equipment Operator	\$13.50 per hour payable bi-weekly
Skilled Laborer #2	12.50 per hour payable bi-weekly
Laborer	10.50 per hour payable bi-weekly

New Hires – MEOs begin at the rate of \$13.00 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 \$10.00 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 fourteenth 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, 75% paid by the Town. Full time new hires with family, 75% 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 16-2011

Be it resolved that Susan A. Haag, as Town Clerk, is hereby appointed Registrar of Vital Statistics for a term beginning January 1, 2011 and ending at the Town Board organizational meeting in January 2012.

RESOLUTION 17-2011

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

RESOLUTION 18-2011

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

RESOLUTION 19-2011

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, 2011 and ending December 31, 2011. It is agreed that heating oil products will be provided at a rate equal to Columbia County's competitive bid price or less.

RESOLUTION 20-2011

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 21-2011

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, 2011 and ending at the Town Board organizational meeting in January 2012.

RESOLUTION 22-2011

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, 2011 and ending at the Town Board organizational meeting in January 2012.

RESOLUTION 23-2011

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, 2011 and ending at the Town Board organizational meeting in January 2012.

RESOLUTION 24-2011

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, 2011 and ending at the Town Board organizational meeting in January 2012.

Supervisors Appointments

The Supervisor hereby appoints Bryan Geel to serve as Deputy Supervisor without pay for a period of one year beginning January 14, 2011 and ending at the Town Board organizational meeting in January 2012. 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, 2011 and ending with the organizational meeting in January 2012.

Town Appointments

The Town hereby affirms the appointment of Tal Rappleyea as Attorney for the Town beginning January 1, 2011 and ending at the Town Board Organizational meeting in January 2012.

The Town hereby appoints Mark Fitzgerald, Inc. as Accountant to perform accounting services beginning January 1, 2011 and ending at the Town Board Organizational meeting in January 2012.

The Town hereby affirms the appointment of Patrick Prendergast and Morris Associations, as Civil Engineers, to provide approved engineering services beginning January 1, 2011 and ending at the Town Board organizational meeting in January 2012.

The Town hereby appoints Wes Powell, as Dog Control Officer to perform those duties as outlined in Article 7 of the Ag and Market Law, beginning January 1, 2011 and ending at the Town Board organizational meeting in January 2012, 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 2011 and ending with the organizational meeting in January 2012.

Highway Superintendent Appointment

The Highway Superintendent hereby appoints Sally Van Wagner to serve as Deputy Highway Superintendent without pay beginning January 1, 2011 and ending at the Town Board organizational meeting in January 2012. 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, 2011 and ending with the organizational meeting in January 2012 and Arlene Newton, as Deputy Court Clerk beginning January 1, 2011 and ending at the Town Board organizational meeting in January 2012.

Supervisor Braley advised that there has been no word from the Attorney concerning the lawsuit with Fizzinoglia.

Public Comments

No public comment.

Adjournment

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

J. Braley: yes

B. Geek: yes

Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried. Meeting adjourned at 8:24 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Regular Town Board Meeting
February 10, 2011

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

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

Moment of Silence, followed by the pledge of Allegiance.

Minutes

A motion to accept the January 13, 2011 Organizational Town Board Meeting minutes was made by P. Bernstein and seconded by C. Pinto.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #46-90 in the amount of \$14825.92, and Highway Fund #37-57 in the amount of \$22958.28 was made by B. Geel and seconded by P. Bernstein.

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 January 2011 were presented. Supervisor Braley noted that Highway Superintendent Meehan has used up a 3rd of his budget for snow removal. Snow storms have been killing us and this is seen especially in overtime on paychecks. Supervisor Braley has received the 2011 warrant monies from the Tax Collector and has paid each Fire District. Tax Collector Susan Haag has also sent in \$1.7 million to the County Treasurer.

On the County level Supervisor Braley advised that there has been a considerable amount of discussion concerning creating a County Administrator position. There doesn't seem to be too much support. Supervisor Braley needs to be convinced this is the best way to go which currently he doesn't, but there continues to be ongoing discussions and a committee has been set up to evaluate this issue. In order to save money, the County has consolidated previous committees. Supervisor Braley now sits on the Economic Development and the Human Services Committees. Supervisor Braley admits that there are problems on the County level that need to be addressed, but how that will happen and at what cost are the questions. There is also a problem disseminating information creating ineffective communication.

Discussion on how different county management systems work.

Town Clerk Report for the month of January 2011 submitted.

Tax Collector Report for the month of January 2011 submitted.

Highway Superintendent Meehan reported that there have been a couple of accidents involving the Town's snow plows in recent storms. Two of the trucks have unfortunately gone into the ditch causing some damage, but they should be back together and ready for use in a couple of days. The Highway Crew has gone through a lot of sand, and will try to haul in some additional next week since the weather is supposed to break. A load of salt has been stolen from the salt shed on the Braley property. Most residents know that there is sand in a lean to up at the Highway Garage for their use. Someone got stuck up on the Bryarcliffe roads during a storm and chewed up the blacktop when trying to get out. Highway Superintendent Meehan will track down who this was and will fix the side of the road. Frost heaves are an issue. Down 3% in C.H.I.P.S. money for this year.

New Play ground equipment has been delivered and is up at the Highway Garage.

Planning Board Report for the month of January 2011 submitted.

Comprehensive Plan Oversight Committee Report for the month of January 2011 submitted.

Building Inspector/Code Enforcement Report for the month of January 2011 submitted.

Justice Lagonia's Justice Court Report for the month of January 2011 submitted.

A motion to accept the above reports 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.

Correspondence

Supervisor Braley noted Fran Heaney's column in the Chatham Courier. J. Braley asked her to write something up looking for volunteers to sit on different committees in Town. F. Heaney's recent column has started along these lines.

Old Business

Sign Law: The Comprehensive Plan Oversight Committee has revised the Town of Austerlitz' sign law and presented a proposed law for review. Supervisor Braley has incorporated some revisions to their text suggested by the Town of Austerlitz' Building Inspector Glenn Smith and from the Columbia County Planning Department. Eventually this law will have to go to the attorney.

The Town Board discussed the sign law making the following changes: Section IV Sign Design Guidelines will be removed. This is the general consensus of the Town Board. Will remove the hours of illumination Section 5D and Section I C and I AC. Section VII B will be toned down some and Section 7F to come out. Supervisor Braley will revised the draft and resubmit to the Town Board for consideration.

The general consensus of the Town Board was for those Town organizations that use temporary signage, that these signs should be able to be place on property other than the organization's property.

New Business

Planning Board Member Charles Lawson will be attending the 2011 Annual Association of Towns Conference.

A motion to designate Charles Lawson as the voting delegate to represent the Town of Austerlitz at the 2011 Annual Business Meeting at the 2011 Association of Towns Annual Conference was made by P. Bernstein and seconded by B. Geel voting in the affirmative on resolutions.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Public Comment

The Town of Austerlitz' Enhanced Patrol, Deputy Sheriff Scott Leggett, advised that the size of signs and distant from roadway are issues that hears about most often. Signs that are too large or too close to the road block the vision of drivers. Certain types of lighted signs also impede driving—lights to bright so you can't see deer, etc, are the problem. When dealing with these types of issue, public safety should be taken into consideration.

Dale Hartka questioned if the Town Board has reviewed the Building fee structure yet. Supervisor Braley advised they have not.

Supervisor Braley advised that a permit for the Hot Dog stand to be placed up on the intersection of Routes 203 and 22 in Austerlitz has been given.

Highway Superintendent questioned whether or not Attorney for the Town Tal Rappleyea has gotten back to Supervisor Braley concerning the issue with the bridge replacement on Upper Hollow Road. Supervisor Braley advised he has not, but J. Braley will follow up. Block Bridge now has all the easements that were needed so replacement can begin.

Town Board Member Verenazi questioned the status of the parking issue on Upper Hollow Road. Superintendent Meehan advised that the problem still exists, but he has ordered signs. Deputy Sheriff Leggett will continue to patrol the area.

Adjournment

A motion to adjourn 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. Meeting adjourned at 8:00 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Regular Town Board Meeting
March 10, 2011

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

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

Moment of Silence, followed by the pledge of Allegiance.

Minutes

A motion to accept the February 10, 2011 Town Board Meeting minutes was made by P. Bernstein and seconded by C. Pinto.

J. Braley: yes

B. Geel: yes

Q. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #91-128 in the amount of \$20708.13, and Highway Fund #58-77 in the amount of \$171749.43, was made by B. Geel 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 February 2011 were presented. Supervisor Braley noted a couple of errors that he sees in different accounts that he has spoken to Accountant for the Town Mark Fitzgerald about. The Town of Austerlitz' portion of sales tax has not been received yet and due to the many snow/ice storms this winter the Town has paid out a good deal of overtime for the Highway employees. Within the Town though there has not been any serious issues. As of the last notification, the Town of Austerlitz has 164 still without power, but this figure changes daily and is subjective depending on properties used.

On the County level Supervisor Braley advised that they are still working on a job description for the County Manager position, although this is not a popular idea with a number of County Supervisors. DSS is still looking for a home. There is a leadership void in the County and interestingly issues are being taken more seriously than a year ago.

Town Clerk Report for the month of February 2011 submitted.

Tax Collector Report for the month of February 2011 submitted.

Highway Superintendent Meehan reported that it has been a rough month. Although two trucks are back together and running, the Highway crew lost a third due to a tree falling on it. The recent ice storm has caused many trees to split and fall. Some limbs hanging are high up and the Highway Department may need to rent a lift to get them. There are a number of power outages due to wires being down. The power company has no idea how bad the damage is. Additionally, street signs throughout the Town are being stolen. Highway employee Robert Miller should be back to work next week. The good news is that no roads have been lost, just a couple of culverts plugged up. Maybe 6 loads of material have been used for repairs over the whole town. Drainage looks good although a lot of trees are down in the creeks and Highway Superintendent Meehan will need to chat with the NYSDEC to get these cleaned up. Highway Superintendent Meehan advised that someone is dumping up on Partridge Lane again.

Supervisor Braley advised that Otto Maier come in and complimented Highway Superintendent Meehan for his culvert work up at the end of Rigor Hill Road. The excess water issues have ceased since this work was done.

Planning Board Report for the month of February 2011 submitted.

No Comprehensive Plan Oversight Committee Report for the month of February 2011 submitted. Supervisor Braley advised that the Comprehensive Plan Oversight Committee is reviewing the current Road Law and Subdivision rules and regs. A reminder that there is a March 21st meeting with Steve Winkle of the NY Rural Water Association. S. Winkley is a Source Water Protection Specialist.

Building Inspector/Code Enforcement Report for the month of February 2011 submitted.

Justice Robert's Justice Court Report for the months of January and February 2011 submitted.

Justice Lagonia's Justice Court Report for the month of February 2011 submitted.

A motion to accept the above reports 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.

Correspondence

Columbia Land Conservancy sent an application for Real Property Tax Exemption Parts I and II. This constitutes a payment in lieu of taxes.

WBCR-Ip Berkshire Community Radio asking for letters of support for their application for a federal Public Telecommunications Facilities Program grant for equipment required for their new full-power radio station. Supervisor Braley advised the Town Board that a letter of support has been sent.

Friends of Historic St. Peter's and St. Peter's Presbyterian Church ask for a donation of \$1000.00 to help defray the cost of the annual gathering and fundraiser, 'Welcome to Summer in Spencertown.'

Supervisor Braley advised that a donation was given last year. As the Chief Fiscal Officer for the Town of Austerlitz, Supervisor Braley reported that he did not budget for this expenditure. There currently is only \$100.00 in this line item for any and all of these types of expenses. This does not mean that the Town cannot come up with the funds in order to donate this money.

Town Board Member Bernstein stated that St. Peter's Church is a valuable part of the Community and this event raised about \$5000.00 last year which went towards the Church's restoration. Steeple work has been done and currently the windows are being worked on.

Town Board Member Geel is in favor of this donation but would need to know where the Town is going to take the money from. Discussion turned to the event noting that segments of the entire Town have participated in this event in the past, and there have been others who have donated such as the Clara Gott Foundation. The \$1000.00 donation would cover the entire event's budget. In answer to Supervisor Braley's question as to who else is being solicited for donations, it was noted that generally all other donations go directly towards the restoration of the Church since the budget would be covered with the \$1000.00 donation from the Town. The \$1000.00 donation is an investment in the event so additional monies can be garnered for the restoration project.

Town Board Member Verenazi feels this is a worthy cause.

A motion to donate \$1000.00 to the Friends of Historic St. Peter's and St. Peter's Presbyterian Church for use with the annual gathering and fundraiser, 'Welcome to Summer in Spencertown,' was made by P. Bernstein and seconded by M. Verenazi. Check to be made payable to the St. Peter's Presbyterian Church.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Old Business

Sign Law: Supervisor Braley noted the changes that were made in the new draft. In the election sign section a couple of sentences were added. Discussed the sandwich board section. This draft will be left as is and Supervisor Braley will forward a copy to the Columbia County Economic Development Department and to the Attorney for the Town, Tal Rappleyea.

New Business

None

Public Comment

None

Adjournment

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

J. Braley: yes

B. Geel: yes

Q. Bernstein: yes

C. Pinto: yes

M. Verenazi: yes

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

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Regular Town Board Meeting
April 14, 2011

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

Town Board Member Verenazi absent due to illness.

Regular Town Board Meeting called to order at 7:02 p.m.

Moment of Silence, followed by the pledge of Allegiance.

Minutes

A motion to accept the March 10, 2011 Town Board Meeting minutes was made by P. Bernstein and seconded by B. Geel.

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

Auditing of Accounts and Claims

A motion to approve General Fund #129-159 in the amount of \$13751.82, and Highway Fund #78-104 in the amount of \$38684.81, was made by B. Geel and seconded by C. Pinto.

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

Reports

Monthly cash disbursements for the month of March 2011 were presented. Supervisor Braley noted that the Town is in good shape and is flush.

On the County level Supervisor Braley advised that the summer youth work program that Columbia County sponsors each year is still operating. Each town is eligible to hire 1 college student to work up to 40 hours each week at \$10.00 an hour with a maximum summer income of \$4000.00. The County has expanded this program to include internships in a multitude of departments at the County. The work to be completed on the County owned bridge, Block Bridge, on Dugway Road, was supposed to be awarded at the Wednesday night Board of Supervisor's Board meeting. Unfortunately, due to a clerical issue, this bid will be decided next month. In opening the bids, Colarusso was low bidder. In addition, the County Supervisors are trying to find compromises on money issues.

Town Clerk Report for the month of March 2011 submitted.

Tax Collector Report for the month of March 2011 submitted.

Highway Superintendent Meehan reported that the Highway crew has been out trying to take care of some of the froze heaves, culverts and potholes. Brush cutting is also taking place. Highway Superintendent Meehan has spoken to Dean Knox concerning the Upper Hollow Road bridge. One resident is holding out. Most of the roads in Town are in pretty good shape, with the exception of the blacktop on Dugway Road. R. Meehan asks that if anyone sees anyone dumping trash on Town roads to call the Sherriff's Department. Clean up from the ice storm still needs to be completed on a couple of roads, Fog Hill being one. The culvert on Big Woods Road will be worked on soon.

Town Board Member Carol Pinto talked in January about having an engineer look at the Bryarcliffe Roads. C. Pinto has taken the time to drive through the Bryarcliffe Subdivision and look at the condition of the roads noting that there is blacktop breakage. The warrantee on these roads is up soon and Member Pinto would again like to suggest that the Town Board authorize Morris Associates to go up and look at these roads to determine what the underlying problem is that is causing the blacktop to crack. Highway Superintendent Meehan advised that he has brushed these roads so he could get a good look at them and Supervisor Braley advised that he has sent a letter to HMA Contracting concerning the state of the roads and that they are responsible to correct the problems. This issue will be discussed further under old business.

Planning Board Report for the month of March 2011 submitted.

Comprehensive Plan Oversight Committee Report for the month of March 2011 submitted. Water Report in from Steve Winkley of NYRWA. Report is free to the Town and paid for under the RPA who is studying public water issues. This report is useful for Planning Board projects that may come before the Town.

Building Inspector/Code Enforcement Report for the month of March 2011 submitted. Slow over the winter.

Justice Robert's Justice Court Report for the month of March 2011 submitted.

Justice Lagonia's Justice Court Report for the month of March 2011 submitted.

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

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

C. Pinto: yes

Motion unanimously carried.

Correspondence

James VanDeusen, Columbia County Fire Coordinator: Commends the volunteer Fireman men in the Town of Austerlitz for the work performed in early March. While working in extreme weather conditions causing major power outages and flooding, the County could not have survived without these dedicated volunteers. All was accomplished in a very professional and safe manner.

NYS Department of Ag and Markets: 2011 Dog Control Officer Inspection Report noted that DCO services were rated Satisfactory.

US Department of Commerce: The US Census Bureau will be conducting the 2010 Census County Question Resolution Program between June 1, 2011 and June 1, 2013. This CQR Program provides Towns an opportunity to challenge the 2010 Census counts of housing units and group quarters. Supervisor Braley noted that the Town of Austerlitz grew 201 by people. Several other towns in the county shrunk. See report for other results.

A.O.T. 11th Annual Town Finance Schools: May 11-13, 2011 at the Gideon Putnam in Saratoga Springs.

NYMIR 2011 Annual Meeting Proxy: Supervisor Braley advised that he has already sent this proxy in.

Chatham Central School District Budget Presentation May 3, 2011 at the Austerlitz Town Hall beginning at 6:30 p.m.

NYSORPS: The Town of Austerlitz' adjusted residential assessment ratio is 100%.

Old Business

Sign Law: Supervisor Braley advised that the proposed revised Sign Law has been reviewed by the County Planning Board for a second time. There have been some minor changes to which the Town of Austerlitz' Code Enforcement Officer Glenn Smith has approved. This revised law will be sent to the Town's Attorney Tal Rappleyea so it can be presented to the Town Board at the May Town Board Meeting.

Town Playground: Supervisor Braley notes the donation received a few years ago to use up in back of the Spencertown Academy on the playground and parkland. To date, some of the money has been spent on playground equipment, drainage, etc. J. Braley questioned the Town Board as to what they would like to see tackled next. Projects could include correcting the tennis court berm, and/or retaining wall, and the parking lot. The ball field was worked on last summer and the playground recreation program uses this field. Town Board Member Bernstein notes the great job that was done on the ball field. General consensus of the Town Board was to deal with the drainage issues first. Highway Superintendent Meehan has not looked at the drainage issues in the last month. Eventually the drainage flow that R. Meehan changed last year will flow into the State's system. The tennis court was resurfaced last summer. The Town Board will take the time to look over the area and decide what needs to be done after correcting the drainage issues.

Bryarcliffe: Supervisor Braley advised that he has received a call from Bryarcliffe resident Gil Perlman reminding him of the blacktop cracking issues on Herrington and Partridge Drive. As stated before, Supervisor Braley sent a letter to HMA Contracting notifying them of the problems with the roads and that HMA is responsible for corrections. Supervisor Braley has also discussed this notification to HMA with our Engineer for the Town, Pat Prendergast before the letter was sent. Town Board Member Pinto again noted that she would like Engineer for the Town Morris Associates to look at the roads in Bryarcliffe as well since the warrantee is up soon. The general consensus of the Town Board is to call Morris Associates which Supervisor Braley will do on Friday morning.

New Business

Lawn Care Bids: Town Lawn Cutting and Ground Maintenance bids were received.

Howes Horticultural

153 Stonewall Road

Chatham, New York 12037

Bid for lawn mowing and ground maintenance-2011 season

Price per lawn mowing \$130.00 estimate 24 mows in the season.

Ground maintenance to include Spring and Fall cleanup, weed killing, brush cutting and pest control: \$40.00 per hr.

Garbage removal \$100.00 for season.

Cost of materials-Mulch \$45.00 per yard, perennials if needed between \$12 and \$35 depending on size.

Trees and shrubs-estimate will be given before installation.

TruGreen Limited partnership

23-A Walker Way

Albany, New York 12205

Quote for Town of Austerlitz, Columbia County, New York: Lawn Mowing and Ground Maintenance 2011 Season

1.)Lawn Care and Trimming from Spring through Fall to include:

The Town Park and Ball Field-\$3687.00

The Town Green across from St. Peter's Church-\$1536.00

The Area around the Town Hall-\$1536.00

Town owned lands adjoining the Austerlitz Fire House-\$2458.00

2.)Ground Maintenance from Spring through Fall to include:

A.)Spring and fall clean-up to include removal of ground debris, damage caused by storms and bee extermination:

Spring Clean-up-\$614.00

Fall Clean-up-\$1229.00

Storm Damage/Bee Extermination-\$43.00/hr.

B.)Maintenance of perennial bed on green including mulching, edging, fertilizing, tree trimming of hedges, weeding as needed-price/hourly rate:

Mulching-\$122.00/hr

Edging-\$61.00/hr

Hedges-\$122.00/hr

Wedding-\$61.00/hr

Fertilizing-\$61.00/hr

Tree Trimming-\$357.00/hr. *\$250.00 lift charge to trim tall trees

Mulch delivered-\$61.00/yard

3.)Trash and broken glass removal and disposal thereof, twice a week, from all areas: Town Park, Ball Field, lands adjoining the Austerlitz Firehouse and recreational areas-price per week. Trash to be disposed in Town Dumpster-\$61.00/week.

A motion to accept the Lawn Mowing and Ground Maintenance bid submitted by Howes Horticultural was made by P. Bernstein and seconded by C. Pinto.

J. Braley: yes

B. Geel: abstain

P. Bernstein: yes

C. Pinto: yes

Motion carried 3:1.

Highway Bids:

Trucking:

Howes Trucking LLC

39 Percy Hill Road

Old Chatham, NY 12136

Trucking: Material hauling for the Town of Austerlitz Highway Department

Tri-Axle Dump Truck per hour-\$90.00

Average 22.5 tons

475 HP Motor

Thank you, Corey Macfarlane, President

Tommy Faxon Excavating

45 Church Street, Chatham, NY 12037

1. Tractor Trailer: Truck #171-04 Kenworth, 550 Horsepower, Average Load Size of 35 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 \$120.00/hour. Hourly rate for steel rock trailer will be \$130.00/hour.

2. Triaxle Dump: 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 dumps will be \$90.00/hour.

The Town Board discussed how the bidding process has worked in the past and the recommendations by the NYS Comptroller's Office. The Town of Austerlitz' Town Board normally accepts all bids. NYS Comptroller's Office prefers specs to be more specific and job orientated so just one bid should be accepted.

A motion to accept all trucking bids was made by P. Bernstein and seconded by B. Geel.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

C. Pinto: yes

Motion unanimously carried.

Gravel:

Bob Boll Excavating

PO Box 408

Niverville, NY 12130

Town of Austerlitz Bid for Miscellaneous Aggregate:

Item #4 \$9.40 per ton FOB

Bank Run \$6.00 per ton FOB

Shale \$7.00 per ton FOB

Screen Shale 6" minus \$8.00 per ton FOB

3" Stone \$11.00 per ton FOB

3"-6" Stone \$11.00 per ton FOB

Boulder rip rap 6"-2 ft \$15.00 per ton FOB

Prices are good through march 1, 2012. Distance from Town Garage to Gravel Bank is approximately 5 miles. Hours of operation are Monday-Friday 8:00-4:30.

Bob Boll III

A.Colarusso & Son, Inc.,

Crushed Stone, Sand and Gravel, Blacktop

PO Box 302

Hudson, NY 12534

Phone: (518) 828-3218, Fax: (518) 828-0546

All quotes are for Quantity requested and a ton as the unit.

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 quoted items. Asphalt Producers Price Index April is \$524.00 per US ton.

Thank You,

J.R. Heffner, Operation Manager

Highway Superintendent Meehan advised that Colarusso has material that Bolls do not. In the past the Town Board has accepted all bids based on availability, and travel distance. R. Meehan would not like to wait to award these bids even though there was no time listed in the bid specs as to when they would be awarded.

A motion to accept both Bob Bolls and A.Colarusso and Son bids for gravel was made by P. Bernstein and seconded by B. Geel.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

C. Pinto: yes

Motion unanimously carried.

The Town Board noted that this vote is based on the trucking bids being different types of trucks that would be available for use and the availability.

Greenway Grant: 2006 grant that was given to the Town to implement Zoning. Unfortunately the finishing paperwork was never completed by the previous Town Board. Through discussions with the NYSDOS to get this money, Supervisor Braley advised that the NYSDOS will send the Town the paperwork needed to complete so the Town can get this money.

F.E.M.A.: Supervisor Braley advised that the Town will be receiving money from the December 2010 storm. Discussion on how funds to be given are derived.

New Road Naming: An application for a new private road on the north side of State Route 203 approximately ½ mile east of the Taconic State Parkway near #1328 State Route 203. Applicant would like to name this private road Indian Brook Lane.

It was noted that there is another road in the Town of Austerlitz that is titled Indian Trail. Town Board Member Geel advised that when calls come through for emergency services, location of road accompanies the name of the road so there should not be a problem with the names being so close for each of these roads.

A motion to approve Indian Brook Lane as a road name for a private road on the north side of State Route 203 approximately ½ mile east of the Taconic State Parkway near #1328 State Route 203 was made by P. Bernstein and seconded by C. Pinto.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

C. Pinto: yes

Motion unanimously carried.

Local Law #1-2011; A local law to provide for the codification of the local laws ordinances and certain resolution of the Town of Austerlitz into a Municipal Code to be designated the "Code of the Town of Austerlitz".

Supervisor Braley gave history of the codification process to date. General Code, the company codifying our laws, also has completed an analysis of all Town laws to ascertain problem areas, duplications, miscellaneous errors, etc. that the Town Board will have to look at for future correction.

A motion to set a public hearing on May 14, 2011 starting at 6:45 p.m. for Local Law #1-2011; A local law to provide for the codification of the local laws ordinances and certain resolution of the Town of Austerlitz into a Municipal Code to be designated the "Code of the Town of Austerlitz" was made by P. Bernstein and seconded by B. Geel.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

C. Pinto: yes

Motion unanimously carried.

Supervisor Braley noted that the official road map continues to be worked on.

Public Comment

Joe Doyle-Explains to the Town Board that he has spoken to both Highway Superintendent Meehan and Supervisor Braley concerning the condition and future plans for Pierson Road, noting that he is getting different stories. J. Doyle questions what the Town's intentions are, as well as states that R. Meehan has done a good job in the past taking care of this road, especially during the winter. Currently there are three other people using Pierson Road besides the Doyles.

It was noted that only one Highway truck has been lost on this road and that was because the driver was not using his head.

Supervisor Braley advised that years ago Highway Superintendent Meehan had started to become concerned about the condition of Pierson Road since it has an 18 percent grade. For years only the Doyles have used this road for agricultural purposes. No one lives on Pierson Road and no deliveries are made. This road does not meet NY State standards. Supervisor Braley has spoken with the Doyles because he is afraid that someday the Town may be held liable. Supervisor Braley continued that there are a couple of choices a Town can make namely abandonment or making a road a seasonal road. Although the latter was considered, it has since been disregarded as an option.

Highway Superintendent Meehan noted that the Highway crew is afraid to plow this road forcing him to handle Pierson Road personally. In the past, 2 engineering reports have been done for the Town; both Engineers for the Town, Pat Prendergast and Morris Associates. Superintendent Meehan is concerned that some day in the near future a developer will buy the Doyle property and want to use Pierson Road to access a development. Pierson Road would not be able to handle that kind of traffic as it stands today which would force the Town to spend money it doesn't have to bring Pierson Road up to Town specs. The hill on Pierson Road is very steep and he doesn't believe that fire trucks would be able to handle the hill.

J. Doyle noted that Pierson Road has not been kept up over the years, only plowed and he doesn't have any intention of selling his land to outsiders. Only family is going to live on the property boarding Pierson Road.

Town Board Member Pinto advised that a farm, in this case the Doyle's farm, is considered a commercial business and according to State Law, a Town cannot close a road or make a road seasonal if it gives access to a commercial enterprise. Supervisor Braley advised that through general discussions with the Attorney for the Town Tal Rappleyea, Pierson Road can be abandoned or made a seasonal road if the Town goes through with the process. Obviously if this conflicts with State Law, changing the status of Pierson Road may never come to fruition.

Town Board Member Bernstein discussed the amount of material that would be needed to change the grade of this road. Member Pinto questioned whether or not the Town can bring this road up to Town specs gradually. Highway Superintendent Meehan advised that according to the reports provided to the Town, this is a big project and would cost the Town around a million dollars.

Town Board Member Geel questioned exactly what the Doyles are asking the Town for. J. Doyle answered that he would like to see Pierson Road remain on the Town Road list and maintained. Superintendent Meehan again reiterated that if this road stays as it is and a developer comes in and creates a subdivision where parcels are sold and developed, the Town will be liable for the cost of improvements to the road.

Gary and Beverly Igleburger noted that they currently own a home on Ten Broeck Road, but there is also access to their property off of Pierson Road. G. and B. Igleburger question if a property owner can ask if a Town Road can be made a private road. Supervisor Braley answers yes and then explains how roads are handled through closure, made seasonal, private roads and town roads. Member Pinto advised that if a private road is asked to become a town road, the private road must first be brought up to Town specs.

Supervisor Braley will pull out the engineering reports concerning Pierson Road that were done 7 or 8 years ago and have the Town Board take a look. J. Doyle again mentions that he would like the Town to continue to maintain Pierson Road and to fix the problem areas, of course keeping this a Town Road. J. Doyle questioned whether or not a family member can build a house on Pierson Road in a couple of years to which Highway Superintendent Meehan answered yes, but noted that the Town wouldn't be held liable if fire trucks cannot get up there.

Adjournment

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

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

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

Respectfully Submitted,
Susan A. Haag, Town Clerk

Town of Austerlitz
Public Hearing/Regular Town Board Meeting
May 12, 2011

Present: Jeffrey Braley, Supervisor, Bryan Geel, Paul Bernstein, Carol Pinto, Matt Verenazi, Town Board Members, Leslie Coons, Minute Taker, Robert Meehan, Highway Superintendent.

Town Clerk Susan Haag absent due to attendance at the IIMC Annual Conference. Minutes taken by Leslie Coons, Planning Board minute taker.

Public Hearing opened at 6:45 p.m.

Public Hearing called for Local Law #1-2011; A local law to provide for the codification of the local laws ordinances and certain resolution of the Town of Austerlitz into a Municipal Code to be designated the "Code of the Town of Austerlitz".

Public Comment

No comments were heard.

A motion to close the public hearing at 6:58 p.m. was made by J. Braley.

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

Motion unanimously carried.

Regular Town Board Meeting called to order at 7:02 p.m.

Moment of Silence, followed by the pledge of Allegiance.

Minutes

Town Board Member Pinto asked that the following changes be made in the April 2011 minutes:

From:

"Town Board Member Carol Pinto talked in January about having an engineer look at the Bryarcliffe Roads. C. Pinto has taken the time to drive through the Bryarcliffe Subdivision and look at the condition of the roads noting that there is *indeed quite a bit of* blacktop breakage. The warrantee on these roads is up soon and Member Pinto would again like to suggest that the Town Board authorize Morris Associates to go up and look at these roads to determine what the underlying problem is that is causing the blacktop to *split*. Highway Superintendent Meehan advised that he has brushed these roads so he could get a good look at them and Supervisor Braley advised that he has sent a letter to HMA Contracting concerning the state of the roads and that they are responsible to correct the problems. This issue will be discussed further under old business."

To:

"Town Board Member Carol Pinto talked in January about having an engineer look at the Bryarcliffe Roads. C. Pinto has taken the time to drive through the Bryarcliffe Subdivision and look at the condition of the roads noting that there is blacktop breakage. The warrantee on these roads is up soon and Member Pinto would again like to suggest that the Town Board authorize Morris Associates to go up and

look at these roads to determine what the underlying problem is that is causing the blacktop to *crack*. Highway Superintendent Meehan advised that he has brushed these roads so he could get a good look at them and Supervisor Braley advised that he has sent a letter to HMA Contracting concerning the state of the roads and that they are responsible to correct the problems. This issue will be discussed further under old business.”

In addition, Member Pinto requests the following changes to the April 2011 minutes:

From:

“Gary and Beverly Igleburger noted that they currently own a home on Ten Broeck Road, but there is also access to their property off of Pierson Road. G. and B. Igleburger question if a property owner can ask if a Town Road can be made a private road. Supervisor Braley answers yes and then explains how roads are handled through closure, made seasonal, private roads and town roads. *Member Pinto advised that if a private road is asked to become a town road, the private road must first be brought up to Town specs.*”

To:

“Gary and Beverly Igleburger noted that they currently own a home on Ten Broeck Road, but there is also access to their property off of Pierson Road. G. and B. Igleburger question if a property owner can ask if a Town Road can be made a private road. Supervisor Braley answers yes and then explains how roads are handled through closure, made seasonal, private roads and town roads. *Member Pinto advised that if it became a town road, it would have to be brought up to Town specs.* “

Town Board Member Geel asked that the April 2011 minutes reflect an abstention on his vote to accept the Howes Horticultural Lawn Care Bid.

A motion to accept with changes, the April 14, 2011 Town Board Meeting minutes was made by P. Bernstein and seconded by C. Pinto.

J. Braley: yes

B. Geel: yes

S. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #160-184 in the amount of \$7972.94, and Highway Fund #105-118 in the amount of \$9121.92, was made by B. Geel and seconded by P. Bernstein.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

Reports

Monthly cash disbursements for the month of April 2011 were presented.

On the County level Supervisor Braley advised that sales tax is up. Clerk fees are up. Fines and forfeitures are down, but May has not been reported yet. Building inspector is down. Dog licenses are up. Franchise fees are down – Charter. Attorney’s fees are up. Appropriations are up. Mortgage tax is up. Snow removal is up. Residents complaining about tax rolls. Rolls are now available on-line.

Town Clerk Report for the month of April 2011 submitted.

Tax Collector Report for the month of April 2011 submitted.

Highway Superintendent Meehan reported that brush clean up is almost complete. Pot holes are filled. Met with Mr. Coon and Debbie for the playground. Work needs to be done on baseball fence. Dug outs need to be finished. Big Woods culvert collapsed a couple of weeks ago. Temporarily repaired. Most blacktop has held up through the winter. Dugway still needs patching.

Planning Board Report for the month of April 2011 submitted.

Comprehensive Plan Oversight Committee Report for the month of April 2011 submitted.

Building Inspector/Code Enforcement Report for the month of April 2011 submitted.

Justice Lagonia's Justice Court Report for the month of April 2011 submitted.

A motion to accept the above reports was made by C. Pinto and seconded by M. Verenazi.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

Correspondence

Letter from Leslie Coons of resignation to Planning Board. Letter of interest to take minutes for the Planning Board from Darcy Ordway.

Old Business

Local Law #1-2011; A local law to provide for the codification of the local laws ordinances and certain resolution of the Town of Austerlitz into a Municipal Code to be designated the "Code of the Town of Austerlitz".

A motion to adopt Local Law #1-2011; A local law to provide for the codification of the local laws ordinances and certain resolution of the Town of Austerlitz into a Municipal Code to be designated the "Code of the Town of Austerlitz", was made by P. Bernstein and seconded by C. Pinto.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

Sign Law: Supervisor Braley advised that the proposed revised Sign Law has been reviewed by the Attorney for the Town of Rappleyea and is hereby submitted to the Town Board for adoption consideration.

Morris Associates was contacted regarding Briarcliff to HMA fix what they are liable for and repairing to prevent further breakdown.

New Business

Appointment of new Planning Board minute taker, Darcy Ordway. Motion B. Geel. Seconded P. Bernstein. All unanimously agreed.

Pipe and Guard Bids:

Chemung Supply Corp., 2420 Corning Road, Elmira Heights, NY 14903

Guard Rail Material

New 6" x 6" x 3/16" galvanized box beam with hardware	\$36.00/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	\$333.13/each
New Type 2 End Sections	\$1018.75/each
Labor and installation	\$235.00/hour

Price includes delivery to the town garage or jobsite.

Galvanized Corrugated Metal Pipe and Aluminized Corrugated metal Pipe

	<u>Gauge</u>	<u>Galvanized/Linear FT</u>	<u>Bands</u>	<u>Aluminized/Linear Ft</u>	<u>Bands</u>
12 inch	16	\$9.08	\$9.08	\$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	\$34.62	\$34.62	\$40.34	\$40.34

48 inch	14	\$46.20	\$69.30	\$54.34	\$81.51
95" X 67"	12	\$147.16	\$294.32	\$176.17	
		\$352.34			

Price included delivery to the town garage or jobsite.

Polyethylene Pipe (Smooth Interior)

Size	Price/Ft	Price/Coupler
8"	\$2.44	\$2.92
10"	\$3.48	\$4.01
12"	\$4.25	\$5.32
15"	\$5.53	\$6.91
18"	\$8.18	\$10.23
24"	\$12.75	\$15.94
30"	\$19.62	\$39.23
36"	\$25.13	\$50.27
48"	\$42.72	\$85.45
60"	\$70.83	\$141.66

The state bid price adjustment built into it, and it can fluctuate. We will honor the state bid whether the price increases or decreases. It can be observed on the internet at any time. Prices include delivery to the town garage.

A motion to accept the pipe and guard bid of Chemung Supply Corporation was made by P. Bernstein and seconded by M. Verenazi.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

IDA CRC appointment at the county level.

Public Comment

No public comment was heard.

Adjournment

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

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried. Meeting adjourned at 7:53 p.m.

Respectfully Submitted,
Leslie Coons, Minute Taker

Town of Austerlitz
Public Hearing/Regular Town Board Meeting
June 9, 2011

Present: Jeffrey Braley, Supervisor, Bryan Geel, Paul Bernstein, Carol Pinto, Matthew Verenazi, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent (arrived at 7:12 p.m.).

Public Hearing opened at 6:48 p.m.

Public Hearing called for Local Law #2-2011; A local law regulating signs in the Town of Austerlitz.

Public Comment

Constance Mondel is pleased with this law.

All those wishing to be heard were heard.

A motion to close the public hearing at 7:00 p.m. was made by M. Verenazi and seconded by C. Pinto.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

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

Moment of Silence, followed by the pledge of Allegiance.

Minutes

A motion to accept the May 12, 2011 Public Hearing and Regular Town Board Meeting Minutes was made by B. Geel and seconded by P. Bernstein.

J. Braley: yes

B. Geel: yes

T. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #185-226 in the amount of \$14516.76, and Highway Fund #119-130 in the amount of \$11790.57, was made by C. Pinto and seconded by M. Verenazi.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

Reports

Monthly cash disbursements for the month of May 2011 were presented. Supervisor Braley noted that Accountant for the Town, Mark Fitzgerald's nephew's Brian Fitzgerald, is doing the financials so they may look a little different.

Supervisor Braley advised that Memorial Day was a success even though it rained. The Spencertown Fire Company participated and there were about 20 residents in attendance. The Ghent VFW and Chatham American Legion conducted the ceremony. The St. Peter's Presbyterian Church's Summer in Spencertown seemed to be successful as well.

Registrations for the Summer Recreation Program are starting to come in. Swimming lessons will be given this year. Applications for the program are also online. New playground equipment is in and will be put up. The Columbia County Board of Health inspection has also been completed. New this year is a requirement for an EMS to be on site so a couple of the recreation workers will need to be trained.

On the County level Supervisor Braley advised that there is still a push for the County Manager position. A number of residents in the County are proponents of this. At the June Board of Supervisor's Meeting, Colarusso's bid for materials to repair Block Bridge was accepted. There were some issues that needed to be worked out with the NYSDEC in which the NYSDEC compromised on. The Upper Hollow Road Bridge is a separate deal.

Contracts for rescue squad services are still being drawn up. There are some issues from some of the squads in the County. Supervisor Braley discussed changes within the EMS, 911, and Sheriff Departments, streamlining the process.

Town Clerk Report for the month of May 2011 submitted.

Tax Collector Report for the month of May 2011 submitted. Town Clerk Haag noted that Taxes have been handed over to the Columbia County Treasurer's Office.

Highway Superintendent Meehan reported that the new playground equipment will be put up next week. The Highway Crew has been grading roads, filling potholes, and handling dust control. Superintendent Meehan is still waiting on calcium from Peckhams to be delivered. Storms in the area have left tree branches down. Bryarcliffe roads have started to be fixed. The Upper Hollow Road Bridge will probably not be fixed yet for a couple of years. The County has come out and looked at it.

Planning Board Report for the month of May 2011 submitted.

No Comprehensive Plan Oversight Committee Report for the month of May 2011 submitted.

Building Inspector/Code Enforcement Report for the month of May 2011 submitted.

Justice Robert's Justice Court Report for the month of April 2011 submitted.

Justice Lagonia's Justice Court Report for the month of May 2011 submitted.

Supervisor Braley also noted that the Board of Assessment Review met last month with roughly 10 cases heard. Town Assessor Pam Cook started a process called trending when setting assessments for properties. Supervisor Braley explained how this process works. The Town's assessments were slightly over 100 percent due to the economy so for this assessment cycle Assessor Cook reduced some properties bringing us in line.

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

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

Correspondence

U.S. Census Bureau thanking the Town of Austerlitz for their efforts in making the 2010 Census a success. Instructions were given on how to access the information online.

The Rip Van Winkle Tobacco Free Action's Annual Recognition Event June 9, 2011 recognizing the Town of Austerlitz for going tobacco-free in our parks.

NYSORPS announcing the Town of Austerlitz' Tentative Equalization Rate of 100%.

Old Business

Local Law #2-2011; A local law regulating signs in the Town of Austerlitz.

- I. Definition of Signs
- II. Types of Signs
- III. Allowed Signs
- IV. Sign Standards – General Provisions
- V. Procedures for obtaining a Sign Permit
- VI. Enforcement
- VII. Penalties for offenses
- VIII. Severability

Statement of Purpose: The purpose of this local law is to promote and protect public health, welfare and safety by regulating existing and proposed outdoor signs of all types. It is intended to protect property values, create an attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of the Town. It is further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents.

Intent: The Town of Austerlitz finds that signs are a necessary means of communication that can benefit or detract from the community and neighborhood character. All signs should conform to the following provisions. At no time should these provisions be interpreted to regulate any aspect of the content of any sign.

I. Definition of signs: Any material, structure or device composed of lettered or pictorial material which is placed for public display of an advertisement, announcement, notice, commercial symbol,

directional matter or name, including sign frames, billboards, sign boards, painted wall signs, hanging signs, illuminated signs, pennants, fluttering devices, projected signs or ground signs. Signs may vary by length of intended use (e.g., permanent or temporary); by style (e.g., portable, moveable or freestanding); by location (e.g., on site or off premises), or by purpose (e.g., commercial or individual).

II. Types of Signs:

A. Permanent Sign: Any sign intended to be permanently in place at a given location and is installed by means of suitable fastening to a building or to a structure specifically erected to hold such sign to the ground.

B. Temporary Sign: Any sign intended to be removed upon the completion of an event, a program, or rendition of contractor services. Examples of temporary signs include portable signs such as sandwich board signs, sidewalk signs, signs on wheels, or leaning signs.

C. Sandwich Board Sign: An outdoor double-sided temporary sign. The dimensional measurements of such signs shall not exceed a total width of twenty-four (24) inches, including supports thereof.

D. Freestanding Sign: An outdoor sign not painted on or affixed to a building. No freestanding sign shall exceed ten feet in height, measured from the ground elevation to the top of the sign; exceed ten feet in any dimension; or be located within fifteen (15) feet of any property line or edge of road, except as otherwise specified herein. The bottom edge of a freestanding sign shall be at least seven (7) feet above the ground when located in an area where the public walks or where it would impair visibility.

E. Non-conforming signs. All signs not in compliance with this local law, upon the effective date, shall be deemed non-conforming.

1) Old signs that do not conform to new standards shall be grandfathered as originally approved.

2) A nonconforming sign relating to an existing use shall be removed or made conforming prior to the issuance of any subsequent sign permit for such use.

3) An application for sign approval and permit for the replacement of an existing nonconforming sign by a legal conforming sign which is submitted before two years from the effective date of this local law shall be exempt from all fees required by this local law, but not from any subsequent fees.

III. Allowed Signs: The following types of signs are allowed without any municipal approval except that any such sign shall not exceed the maximum dimensional, height or area requirements in this ordinance:

A. Election signs: All signs advertising a candidate for public office or any other public ballot initiative are exempt.

B. Temporary signs: Any property owner is permitted to erect a single, temporary, non-illuminated sign on said property advertising the sale or lease of merchandise, or a special event, or the performance of services by contractors. The property owner shall remove such sign within three (3) days after the sale, lease, event or performance of services.

C. Locational, Street Address and Public Safety Signs: Any property owner is permitted to erect one non-illuminated sign identifying the property name or residents of the property and the official street address. Other signs offering information necessary for public safety including by example, 911 signs, customary posted or non-trespassing signs, private drive, parking or exit/entrance signs along with other signs required pursuant to any governmental function, law or regulation are also exempt.

D. Other: When not associated with a commercial activity, all historical or memorial markers as well as flags, insignia, or emblems of any government or religious organization and any religious holiday decorations are also exempt from these regulations.

E. Landmark signs: Any older sign of artistic or historic merit or of uniqueness to the Town of Austerlitz, each of which must be recognized by the Town Board or Historian or as defined by the NYS of Parks & Recreation, is entirely exempt from this section, including all dimensional, height and area requirements.

F. For Sale and For Rent signs: No more than two (2) non-illuminated signs advertising the sale or rental of a property may be erected and maintained on the said property by the owner or broker or any person with legal interest in the sale or rental of such property provided that: The size of any such sign shall be no more than six (6) square feet; and Up to two additional, non-illuminated signs may be erected or maintained if said property abuts more than one public right-of-way.

- G. Home occupation signs: ZONING LAW: Level 1 home occupations allows no signs; level 2 allows up to 25 sq ft.
- H. General directory or directional signs shall include only the name(s) of the establishment and basic directional information.

IV. Sign Standards - General Provisions:

- A. No sign shall exceed twenty-five (25) square feet in size. Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the sign surface. For a sign painted on or applied to a building, the area shall be considered to include the smallest rectangle or other shape which encompasses all lettering, numbering, designs, logos or lights together with any background or different color than the finish material of the building. The area of supporting framework, such as brackets or posts, shall not be included in the area if such framework is incidental to the display. When a sign has two (2) or more faces or is composed of multiple signs each with a face, the sum of the areas of all the faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than two (2) feet from each other. In this latter case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.
- B. Construction and Maintenance: Any sign must be constructed of durable materials and be maintained in good condition. Signs painted on or attached to buildings shall be preferred to free standing signs.
- C. Obstruction of Rights-of-Way; Setbacks: Signs attached to a structure shall not project more than three (3) feet from the structure. No sign shall extend over a public right-of-way or obstruct views from any public right-of-way to any other public right-of-way. No signs shall be located on property covered by a government or private landowner's right-of-way, unless written consent is granted by the owner.
- D. Illumination: Sign illumination shall only be with a steady, stationary, shielded light source directed at the sign without causing glare on adjoining properties or any public right-of-way.
- E. All sign fabrication, erection, attachment and installation shall conform to the requirements of the latest edition of the New York State Uniform Fire Prevention and Building Code and other applicable codes and regulations.
- F. One sign per business is permitted, but no parcel shall have more than one freestanding sign, even if there is more than one business building or use on the parcel, except as otherwise provided herein.
- G. If a business or individual closes or relocates, it shall remove all of its signs within forty-five (45) days.
- H. Unsafe, damaged or deteriorated signs or signs in danger of falling shall be put in order, or removed, upon written notice from the CEO/ZEO, which notice shall prescribe the timeframe for action. Immediate compliance is expected for the repair or removal of unsafe signs

Prohibited Signs:

Signs designed with flashing, intermittent, rotating or moving lights.

Off premises signs: Signs displaying information on uses, goods, products, services or facilities offered at a location other than on the tax lot where the sign is located

V. Procedures for obtaining a Sign Permit:

- A. It shall be unlawful for any person to erect or cause to be erected, alter, redesign, relocate or reconstruct an existing sign within the Town without first having obtained and paid for and having in force a permit therefore from the CEO/ZEO.

1. Exceptions to the requirement to obtain a Sign Permit:

a. Routine maintenance or repair (by the sign owner or premises owner where the sign is located) to keep such sign, including its illumination sources, in a neat and orderly condition and good working order at all times, including painting or cleaning, and to prevent the deterioration in the physical appearance or safety of such sign;

b. The changing of the advertising or message on an approved sign which is specifically designed for the use of a replaceable copy.

- B. Application for a sign permit shall be made on a form provided by the CEO/ZEO, which application shall include detailed responses to all questions on said form. The CEO/ZEO shall establish

the submission format and content for the application, including the number of copies, drawing scale, sheet size, sign dimensions, and site plan delineating property lines, public rights-of-way, street lines and other traveled ways, structures/building locations and dimensions, parking areas, location and dimensions of all other signs on the parcel, including the sign permit number for such signs, exact location of the proposed sign and setbacks from property lines, construction details, materials, illumination source, wiring and other electrical details and structural details, including fastening and joining methods and materials.

C. The applicant shall pay the permit fee as established by the Town Board.

D. The applicant shall provide any additional information as the CEO/ZEO may require to insure compliance with this Sign Law.

E. In those cases where an applicant does not wish to implement the conditions of approval outlined by the CEO/ZEO, the matter shall be referred to the Zoning Board of Appeals for a final decision.

F. Appeals: Questions of alleged error in any order or determination by the CEO/ZEO involving the interpretation of the provisions of this local law or requests for variances from the provisions of this local law shall be referred to the Zoning Board of Appeals for resolution.

G. Any sign placed on a state, county, or town easement or right-a-way needs approval of the appropriate agency.

VI. Enforcement: The provisions of this local law shall be administered and enforced by the CEO/ZEO who shall have the power to make necessary inspections. No sign permit shall be approved by the CEO/ZEO except in compliance with this local law. Failure to comply with specific sign regulations will result in a fine to be determined by the Town Board and removal of the offending sign.

VII. Penalties for offenses:

A. In the event of a breach of any provision of this local law, the CEO/ZEO shall notify the owner of the premises, in writing, to remove, repair or bring the sign into conformance within the time frame noted, but in any case, no later than within thirty days of the date of the notice.

B. Any person, firm or corporation, whether as owner, lessee, agent or employee who violates any of the provisions of this local law, or who erects, moves or alters any sign in violation of any detailed statement or plans submitted and approved under this local law shall be guilty of a violation as the same is defined in the Penal Law and shall be fined not more than \$100 for each violation.

C. Each day that such violation is permitted to exist shall constitute a separate violation.

D. If any sign is erected, altered or moved in violation of the provisions of this local law, proper officials may, in addition to other remedies, institute an appropriate action to prevent such unlawful operation.

E. Upon failure to comply with any notice within the prescribed time, the CEO/ZEO shall remove or cause removal, repair or conformance of a sign, and shall assess all costs and expenses incurred against the owner of the building or land on which the sign is located.

F. All costs and expenses incurred by the Town in causing the removal or repair of any sign shall be collected from the sign owner or the owner of the premises on which such sign is located. Payment shall be made in not more than five days after the receipt of a written demand.

VIII. Severability: If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remaining portions hereof, but shall be confined to the clause, sentence, paragraph or section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

A motion to adopt Local Law #2-2011; A local law regulating signs in the Town of Austerlitz., was made by P. Bernstein and seconded by B. Geel.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

Bryarcliffe: Supervisor Braley advised that there was an additional parcel included this year in the Bryarcliffe Road District. This extra parcel was included by mistake by the Columbia County Mapping Department. This parcel actually is a conservation easement that should not have been made a separate parcel, but rather all the adjacent owners will be the owners of this parcel when corrected. Therefore, taxes paid in relation to this parcel will be refunded and the Bryarcliffe Road District parcel count will be decreased back to 43.

Supervisor Braley continued to advise that a resident, Benjamin Strauss, whose property is included in the Bryarcliffe Road District, wants to combined his multiple parcels in order to pay the district fee only on one parcel per year. B. Strauss stated that he had no knowledge of the district being created and he has spoken with the Attorney for the Town, Tal Rappleyea, who advised that parcels cannot be combined at this point. Attorney Rappleyea advised that should B. Strauss decide to sue the Town, the Town should win because the statute of limitation is over and because the Town has already litigated this issue in Court with the Batti Lawsuit which the Town won.

Supervisor Braley noted the letter received from Engineer for the Town Pat Prendergast concerning the repairs to the roads in the Bryarcliffe subdivision. Engineer Prendergast advised that he, along with Fran Pizza, marked out areas for repair. The areas marked are to be cut out and repaved. Smaller cracks will be routed and sealed with crack sealer and these areas were not marked. P. Prendergast noted that shoulder work is not covered by the pavement warrantee and there are currently some areas of the shoulder that have washed out and are no longer backing up the asphalt. Cars cutting corners are contributing to erosion of the edge of the road in some areas.

Bryarcliffe resident Rich Nesbitt doesn't think Engineer Prendergast did such a great job first time around and was under the impression that Morris Associates was doing an independent analysis of the work completed on the Bryarcliffe roads. R. Nesbitt questions whether or not the Town has received a report from Morris Associates and why P. Prendergast is involved in the repair work. R. Nesbitt noted that when marking spots for repair, there were quite a few that areas that were not marked. The tax payers of the entire Town will be footing the bill in a couple of years to fix this road if it is not done correctly now. Supervisor Braley advised that the Town has not received a report from Morris Associates although they have inspected the roads.

Bryarcliffe resident Judith Choate advised that some of the culverts are collapsing, some drainage is so bad, and some culverts are washing underneath. Supervisor Braley realizes that there are spots that were not done correctly. Highway Superintendent Meehan has not had a chance to look at the marked-up roads as of yet. R. Meehan also noted that at least one of the culverts is not pitched right. R. Meehan noted that the culvert by Judith Choate's property is kinked in the middle and shooting out the wrong way. J. Choate is still looking for her rocks to be replaced.

Town Board Member Geel would not like to see any work done until the Town gets a report back from Morris Associates.

Playground/Parking Lot Area Behind the Academy: Supervisor Braley reminded the Town Board of the donation made to the Town to be used in the area up behind the Spencertown Academy. The Town Board was given drawings done by Town Resident Ben Puccio a number of years ago. These drawings depict a parking lot area, a recreational area and a pathway leading from the parking area to the back of the Academy and also include corrections for drainage issues. Town Board Member Bernstein believes that part of the donation was to be used for the parking lot area and he is in favor of fixing this area. Highway Superintendent Meehan advised that a retaining wall would have to be placed by the tennis courts to help correct the drainage issues.

Town Board Member Geel would like the Town to hire an engineer to take care of the planning and drawings, possibly Morris Associates so the project can be kept within our budget. Member Bernstein suggested that the Town have specs drawn up and go out to bid. Supervisor Braley will contact Morris Associates to have them look into the retaining wall, the parking lot, pathway for the Academy remembering that the playground and ball field will be kept intact.

Zoning Grant: Supervisor Braley advised that the closing paperwork for the grant for Zoning was never completed by the previous Town Board and he was unable to complete this as well and the grant money will not be given to the Town.

Building Permit Fee Schedule: Supervisor Braley refreshed the Town Board's memory concerning the building permit fee schedule noting that the Town Board has discussed this in the past, but never solidified a decision. J. Braley would like to decide on these fees once and for all. Supervisor Braley reiterated the history of Dale Hartka's building project and the fees paid. Members of the Town Board noted what they remembered from past discussion. Conclusion of the Town Board was to change the building permit renewal fee to 10% of the total project effective immediately.

A motion to change the fee for building permit renewals to 10% of the original fee, \$25.00 minimum for one year to be effective immediately was made by B. Geel and seconded by M. Verenazi.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

ZBA Fees: Supervisor Braley advised that The Town has received its first application for the ZBA and fees were never set. Supervisor Braley conferred with Attorney for the Town, Tal Rappleyea and Resolution #25, 2011 reflects the proposed ZBA fees.

A Motion to adopt Resolution #25, 2011, Zoning Board of Appeals Fee Structure was made by P. Bernstein and seconded by M. Verenazi.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

WHEREAS the Town of Austerlitz overlooked the need of a fee schedule for the Zoning Board of Appeals and;

WHEREAS the Zoning Board of Appeals finally has an applicant two years after the Zoning Ordinance was put in place, and;

WHEREAS the Town has diligently researched the fee structure of adjacent and surrounding towns;

THEREFORE LET IT BE RESOLVED that the following fee schedule be enacted:

Area Variance	\$100.00
Use Variance	\$100.00
Interpretation	\$100.00
Special Extension	\$ 50.00

New Business

Friends of Historic St. Peters: The Friends are concerned about the future of the St. Peter's Presbyterian Church due to monetary issues for maintenance and repairs. They would like to make sure this historic site is available to be used as a community center and other public functions. The Friends would like to hold a meeting to discuss future funding avenues so the Church remains a viable entity for the Town. In this vein, they are requesting that Town Supervisor Braley be a part of the discussion. Supervisor Braley will attend this meeting, but is requesting input from the Town Board and other members of the Community.

Public Comment

None

Adjournment

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

J. Braley: yes

B. Geel: yes

S. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried. Meeting adjourned at 8:00 p.m.

Respectfully Submitted,
Susan A. Haag,
Town Clerk

Town of Austerlitz
Regular Town Board Meeting
July 14, 2011

Present: Jeffrey Braley, Supervisor, Bryan Geel, Paul Bernstein, Carol Pinto, Matthew Verenazi, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent, Attorney for the Town, Tal Rappleyea (left at 7:08 p.m.)

Executive Session

A motion to enter into Executive Session for the appointment, hiring, firing or payment of a particular individual was made by J. Braley and seconded by P. Bernstein.

J. Braley: yes

B. Geel: yes

Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried. Executive Session entered at 6:30 p.m.

A motion to exit Executive Session was made by B. Geel and seconded by C. Geel

J. Braley: yes

B. Geel: yes

Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried. Executive Session ended at 7:07 p.m.

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

Moment of Silence, followed by the pledge of Allegiance.

Minutes

Supervisor Braley asked that the following change be made to the June 9, 2011 Public Hearing/Regular Town Board meeting minutes:

From: Zoning Grant: Supervisor Braley advised that the closing paperwork for the grant for Zoning was never completed by the previous Town Board and he was unable to complete this as well and the grant money will not be given to the Town.

To: Zoning Grant: Supervisor Braley advised that the closing paperwork for the grant for Zoning was never completed by the previous Town Board and he was unable to complete this as well because the grantors would not send him the paperwork to complete and therefore the grant money will not be given to the Town.

A motion to accept the June 9, 2011 Public Hearing and Regular Town Board Meeting Minutes with the change was made by P. Bernstein and seconded by B. Geel.

J. Braley: yes

B. Geel: yes

Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #227-265 in the amount of \$34,378.01, Highway Fund #131-153 in the amount of \$25350.85, and not to pay Capital Fund #1 in the amount of \$1175.00, was made by M. Verenazi and seconded by P. Bernstein.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

Reports

Monthly cash disbursements for the month of June 2011 were presented. Supervisor Braley noted that the police budget line is overdrawn, but this will be discussed later. Dog control and celebrations are also overdrawn.

On the County level Supervisor Braley advised that the Supervisors are obsessed with finding a home for Human Services which is 75% guaranteed to go to the old Walmart building. They are just waiting for the Supervisors to vote. It is budget time and all County Departments are being asked to decrease by 4% so there can be a zero percent increase for the 2012 budget. Columbia County has one of the highest County tax rates in the State, but if figures are closely looked at, this is because Columbia County shares money with Towns, and Towns in other Counties pay more of what Columbia County pays for. The third major item for the County is the decision whether or not to hire a County Manager, which has slowed somewhat, but where is the money going to come from to pay for this is the question.

On the Town level Supervisor Braley has spent time on managerial issues and of course the Bryarcliffe Road problems.

Town Clerk Report for the month of June 2011 submitted.

Highway Superintendent Meehan reported that roads have been graded, calcium has been put down on the Fog Hill Road area. Shoulder work has been done on Bryarcliffe roads. New swing sets have been put up in playground area, although there is one yet to go. Various other playground equipment has been put up as well. The dugouts have been painted, and the fence was fixed. Town Board Member Geel questioned the amount of work done on roads with all this extra work being done.

Planning Board Report for the month of June 2011 submitted.

No Comprehensive Plan Oversight Committee Report for the month of June 2011 submitted, the Committee did not meet.

Building Inspector/Code Enforcement Report for the month of June 2011 submitted.

Justice Robert's Justice Court Report for the months of May and June 2011 submitted.

Justice Lagonia's Justice Court Report for the month of June 2011 submitted.

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

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

Correspondence

Abate of New York, Inc., Columbia County Chapter, Joel Dyslin, President: Commends the Town of Austerlitz Town Board and those responsible for the physical care of the village green. Noting it is well maintained. The Fratellenico Monument and the village green are truly a jewel in the crown of Columbia County.

Old Business

Bryarcliffe: Supervisor Braley advised that two engineers have been up to Bryarcliffe assessing the road conditions. The Contractor, HMA, has started the remedial work. Fran Pizza, former NYSDOT Residential Engineer, who currently works for Engineer for the Town, Pat Prendergast, has monitored this work. A couple of bad spots have been found. The Town Board met in Executive Session tonight before the regular meeting to discuss the removal of Engineer for the Town, Pat Prendergast from this project and who was going to replace him to oversee the remedial work in Bryarcliffe. The Town Board has received 2 reports from Engineer for the Town, Paul McCreary, of Morris Associates. Engineer McCreary has looked at Bryarcliffe and marked out a couple of additional areas from those chosen by P. Prendergast that need correcting, and also removed a couple of areas.

A motion to hire Morris Associates to oversee the remediation work and completion of the Bryarcliffe Road District work was made by B. Geel and seconded by C. Pinto. See vote below.

Pat Prendergast spoke to the Town Board explaining that he has been the Engineer for the Town for 16 years, and typically he does not attend Town Board Meetings. Engineer Prendergast has spoken with

Supervisor Braley several times concerning the work done and being done in the Bryarcliffe subdivision. P. Prendergast has spoken to Highway Superintendent Robert Meehan as well. At this point in the process, Contractor HMA is still under contract for the blacktop work, but the Town, specifically the Highway Superintendent, is responsible for the shoulders on the roads in Bryarcliffe. Engineer Prendergast has advised Highway Superintendent Meehan concerning the road shoulders. P. Prendergast reiterated his letters to the Town Board concerning his opinion that a width of 20 feet and 6 inches of item #4 was warranted, but the residents in Bryarcliffe and the Town Board at that time wanted to keep the project cost down and the specs for the project became a width of 18 feet with 4 inches of item #4.

Engineer Prendergast feels that the roads in Bryarcliffe are 98% perfect and there is no other road in Columbia County that doesn't have cracks; cracks are a natural part of wear and tear. P. Prendergast talks about the process that was done in Bryarcliffe and how well it was done, noting that the problem areas are going to be taken care of and on HMA's dime. The residents in Bryarcliffe unfortunately got stuck paying for this project, but it was not his fault or the Contractor's, HMA.

Supervisor Braley advised that during the Executive Session, Attorney for the Town, Tal Rappleyea, gave the Town Board advice, and discussed the possible dangers. The Town Board as a unit knows there is a good possibility that the Town will be sued over the condition of the roads in Bryarcliffe, so they are trying to protect the Town's interest and the residents' interest. Town Board Member Pinto disagreed noting that her concern is for the residents and that the problems with the roads in Bryarcliffe are taken care of properly.

Bryarcliffe resident Gil Perlman doesn't agree with comments made by P. Prendergast. G. Perlman questioned who gave HMA permission to start the remedial work on the roads in Bryarcliffe since the last Town Board Meeting. Supervisor Braley doesn't know who gave the go ahead.

Town Board Member Verenazi is not aware of who gave the okay for the remedial work to begin.

At the last Town Board Meeting, the Town Board asked for a report on the condition of the roads in Bryarcliffe to be done by Morris Associates before any additional work was done.

Engineer Prendergast advised that he suggested that HMA get started on the roads.

Town Board Member Bryan Geel noted that there was an obvious misunderstanding.

Resident Perlman asked what Morris Associates was supposed to report on because when they were up at Bryarcliffe, G. Perlman spoke with P. McCreary. P. McCreary advised G. Perlman at that time that he was inspecting the roads, only assessing whether or not the work was done to specs. Supervisor Braley noted that he spoke with Engineer McCreary who came into the Town Hall, looked at the Bryarcliffe Road District file, and then physically inspected the roads in Bryarcliffe.

Many in attendance at the Town Board meeting began speaking at the same time.

Town Clerk Susan Haag advised the room at large that she was unable to take accurate minutes with everyone speaking at the same time.

Town Board Members Pinto and Verenazi advised that samples of base materials are being taken as repairs are being done to the roads. G. Perlman questioned what the process was to dig test holes. The Town Board was unsure. G. Perlman doesn't feel that digging 10 test holes would harm the road in any significant manner given what is currently going on with the road.

Town Board Member Bernstein feels that if taking core samples is started, it will play havoc with the roads. The Engineers can see the condition of the base underneath the roads in the areas that are currently being dug up and fixed. P. Bernstein feels that the roads all over Columbia County are in the same condition due to the harsh winter.

Town Board Member Pinto advised that no additional work will be done on the roads until Morris Associates inspects the roads and a report is done.

G. Perlman notes that no-one from the Town is supervising this project. The project should be stopped, and there should be a comprehensive investigation done on what is going on with the roads to create the current conditions.

Town Board Member Verenazi reiterated that no more work will be done on the roads in Bryarcliffe until the report is in from Morris Associates.

Resident Betsy Perlman asked the Town Board who is responsible for this project. Supervisor Braley noted that the Town Board as a whole is responsible. B. Perlman asked if the Town Board was going to

work together and let each other know what the other is doing. Member Pinto noted that the Town Board is supposed to communicate and work together. Member Bernstein noted that it is the attempt of the Town Board to provide the best possible road. P. Prendergast has been removed from this project and Morris Associates hired to complete the work.

It was noted that P. Prendergast was only removed from this project, not from being the Engineer for the Town.

It was discussed that HMA is scheduled to arrive in Bryarcliffe at 7:00 a.m. Friday morning to continue the remediation work and there isn't time to notify them to stop.

Town Board Member Verenazi advised that he will meet HMA at Bryarcliffe in the morning.

Judith Choate questioned what was going to be done to the culverts. There is a dip in the roads where a number of culverts are under the roads. J. Choate notes that she understand that some of the culverts are not pitched correctly. There continues to be standing water on her property near a culvert that was not installed correctly. Highway Superintendent advised that he believes the culvert on the Choate property is pitched wrong and he would like to shoot it.

Chuck Weinlein questioned if the Town Board or the Road Contract has an Exit Strategy because P. Prendergast is the Engineer of record. Pat Prendergast noted that the bid specs came directly from the Town of Austerlitz' code. Town Board Member Pinto noted that the previous Town Board granted some waivers to those specs; namely the 18' versus 20' width and the 4 inches versus the 6 inches.

Town Board Member Verenazi read a letter from Rich Nesbitt concerning the work done on the roads in Bryarcliffe. Questions asked in the letter were 1.) Why as Pat Prendergast present at an independent survey of Bryarcliffe Roads by Morris Associates, 2.) Has or will the Town receive an invoice from Pat Prendergast for attending the site visits with Morris Associates on 4/2/11 and 7/1/11, and 3.) When does the contractor warranty expire. Pat Prendergast answered by explaining that in discussions with Town Supervisor Jeff Braley, it was J. Braley who asked him to be at the Morris meeting. Supervisor Braley did not recall this. Engineer Prendergast explained the project progression, how the 4 inches of item #4 was laid, rolled, etc, and how the test samples were taken by the gentleman Rich Nesbitt hired and why the test results differed from the expert the Town used. P. Prendergast did submit a bill since he was asked to go. The warrantee expires in October of 2011.

The town board discussed the bid package, what materials were used on the road, and reports from Morris Associates.

C. Weinlein advised that continuity needs to happen, but will not if P. Prendergast is removed from the project. Supervisor Braley believes that continuity is important as well.

Town Board Member Bernstein feels that the Contractor should make the repairs and core sampling can be done at a later date. Town Board Member Geel advises that the Town Board voted to have Morris oversee the rest of the repair work, but Morris cannot be up at Bryarcliffe in the morning by 7:00 a.m.

The Town Board and Pat Prendergast discussed the amount of retainage being held, how long it can be held and what happens if the retainage is not returned to the Contractor. P. Prendergast noted that there is no liquidation clause in the contract.

The Town Board discussed changing the original motion to include core sampling and adding a phrase that advises that P. Prendergast was being replaced. No changes were made to the original motion.

VOTE

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

Engineer for the Town Pat Prendergast thanks the Town Board for listening and noted that they have his continuing support.

Bryarcliffe resident G. Perlman asked the Town Board to made this decision happen. Town Board Member Verenazi noted that the Town Board will ask Morris Associates to give them a report detailing how the project was done, was it done correctly, and if core samples needed to be taken.

Discussion on whether or not HMA will work Friday morning.

Supervisor Braley will call Morris Associates in the morning and advise them that they are the Engineer on record for the remedial work and completion of the Bryarcliffe road project. Supervisor Braley will also call HMA in the morning and ask them to stop work until Morris Associates takes over, but noted that he will let HMA continue working Friday since there is no time to stop them in time.

Supervisor Braley answered J. Choate's second request advising that drainage issues will be reviewed with Morris Associates. Supervisor Braley knows there are issues with the culverts, and so does Highway Superintendent Meehan.

G. Perlman is concerned that there is only 2 Town Board meeting left until the warranty runs out. Supervisor Braley noted that he will stop HMA from working past Friday, tell them the rules, and hopefully by Monday morning Morris Associates will be on board to oversee the project.

G. Perlman asked the Town Board for another meeting with the new engineer from Morris Associates because when G. Perlman discussed previous responsibilities, he does not believe P. McCreary understood what he was expected to report on. Town Board Member Bernstein noted that is why there was an Executive Meeting tonight and advised that this situation is embarrassing for the Town Board as well. Member Bernstein would like to get together with the new engineer as well.

C. Weinlein advised that the Town should hire a testing and sampling company to work on this project. Supervisor Braley stated that was what Fran Pizza was. J. Braley will call Morris Associates and see when a meeting can be set up.

Playground/Parking Lot Area Behind the Academy: Morris Associates will start work in August or in the afternoons when the Recreation Program is up at Fox Hill.

Pierson Road: Planning Board Chairman Charles Knauss advised the Town Board that the Doyle Family came to the Planning Board asking for a subdivision on their property on Pierson Road. The Planning Board did not feel empowered to make a decision due to the condition of Pierson Road understanding that the Town Board and/or the Highway Superintendent were pondering making Pierson Road a seasonal road, so they postponed the decision. In a previous application, the Planning Board approved a lot line adjustment for this same property. Chairman Knauss stated that he was told by Highway Superintendent Meehan that there was an issue with Pierson Road and the ability to get emergency vehicles in and out, and that Pierson Road was a user road and this made it different. Highway Superintendent Meehan felt that Pierson needed to be brought up to Town specs. Chair Knauss noted that the Planning Board tries to be user friendly, but is looking to the Town Board for some answers and asking for the Town Board to approve the delay in the decision making process.

Town Board Member Pinto believes that many roads in Town, including Pierson, are user roads. Town Board Member Geel states that he does not believe that the Town can dictate to someone concerning a subdivision on their own property based on the condition of a Town road or because a Town does not maintain its road.

Previous Town Board Chairman Tim Stalker stated that the Town Board needs to give the Planning Board some tools to work with for when these types of road issues come up.

Highway Superintendent Meehan advised that the problem with Pierson Road is that it is too steep. The taxpayers will have to pay to bring Pierson Road up to Town specs. Town Board Member Pinto noted that a few years ago Morris Associates provided a report to the Town noting the cost and work needed to be done to bring Pierson Road up to the Town specs for a newly created road. Pierson Road is an existing Town road and would not need to be brought up to those standards. It is not a landowner's problem if a road has not been maintained. Member Pinto stated other steep roads such as Dugway and Stever Hill have been worked on and not brought up to current road specs. Member Pinto would like to talk to Attorney for the Town Tal Rappleyea to find out the legalities. Supervisor Braley advised Planning Board Chairman that the Planning Board can have whatever time they need to make this decision.

Joe Doyle noted that he and his family have spoken to members of the Town Board and to the Highway Superintendent and talk is cheap. Pierson Road is a Town Road, has been for numerous years and has been plowed and sanded in the winter. There has only been one accident on this road and that was due to driver error. The Doyles feel that the Planning Board needs to make a decision and not wait.

Town Board Member Geel disagrees with Supervisor Braley in giving the Planning Board time to make this decision. Member Geel does not believe the Planning Board can stop a subdivision request based on the condition of a Town Road. Member Pinto concurs.

Planning Board Chairman Knauss gave a history of the Planning Board project to date.

Town Board Member Geel asks Chairman Knauss what he is looking for the Town Board to do since the Town Board is not sanctioned under law to make Planning Board decisions. Chair Knauss feels that the Town Board should work together with the Planning Board.

Town Board Member Verenazi does not feel that the Planning Board can stop this subdivision due to Pierson Road being a Town road. The road needs to be improved, but not up to new road specs.

Joe Doyle just wants to give a piece of land to his son and has made many visits to the Planning Board. J. Doyle feels like he is being jerked around.

Gil Perlman notes that this issue has the potential to end up in the same situation as Bryarcliffe.

New Business

Columbia County Historical Society Contract: The Columbia County Historical Society houses the Town of Austerlitz' 1700 Proprietor's Book. This is a historical artifact and must be preserved under climate conditions, etc. The Town of Austerlitz has a yearly contract with the Columbia County Historical for the storage of this book for a donation of \$50.00.

A motion to sign the yearly contract with the Columbia County Historical Society for the storage of the Town of Austerlitz' Proprietor's Book with dates running from August 1, 2011 to July 31, 2012 was made by C. Pinto and seconded by B. Geel.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

2012 Budget: Supervisor Braley advised that budget season is again upon the Town. Budget requests have been sent out to individual department heads with a date to return of August 31, 2011. Supervisor Braley reminds the Town Board that the State Legislature has imposed a 2% cap.

Enhanced Highway Patrol: Supervisor Braley explained to the Town Board that the Columbia County Sheriff's Department Enhanced Highway Patrol Program, which the Town of Austerlitz uses, has become a budget burden for the Town. The budget line item for this program is over the budgeted amount and it is only July. Supervisor Braley noted that technically this program pays for itself with the offset of ticket violation fees paid to the Town. NYS Trooper, Captain Brown, has approached Supervisor Braley with a proposal to give more time to the State Troopers to patrol in the Town of Austerlitz and less time for the Columbia County Sheriff's Department. Tickets are again being written in the Town of Austerlitz by the NYS Troopers after a two year absence due to a personality conflict.

Supervisor Braley suggested that may the Sheriff's Department and the Troopers could share time available. The Town could pull the Sheriff's Department off on certain nights. J. Braley noted that a decision did not have to be made immediately, giving the Town Board time to think about this proposal. Town Board Member Geel feels that the Town Board needs to think about cutbacks.

Comprehensive Plan Oversight Committee Mapping Request: The C.P.O.C is requesting the Town Board approve mapping done of certain ridge lines within the Town to serve as a tool for the Town and those seeking to develop property within the Town so that all will be in compliance with the Town's Zoning Law. This would be a preliminary step with more detailed and sophisticated options for the future.

A motion to approve the Comprehensive Plan Oversight Committee's request to begin the mapping process of certain ridge lines within the Town was made by P. Bernstein and seconded by B. Geel.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

M. Verenazi: abstain due to being a committee member

C. Pinto: abstain due to being a committee member

Comprehensive Plan Oversight Committee Member Tim Stalker advised the Town Board that Greenway grants are available and requested permission to apply so money can be secured for the ridge line mapping process. General consensus of the Town Board was to approve the request. T. Stalker will submit a resolution for the Town Board's formal approval.

Public Comment

None

Adjournment

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

J. Braley: yes

B. Geel: yes

Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried. Meeting adjourned at 8:52 p.m.

Respectfully Submitted,
Susan A. Haag, RMC MMC
Town Clerk

Town of Austerlitz
Emergency Town Board Meeting
July 18, 2011

Present: Jeffrey Braley, Supervisor, Paul Bernstein, Carol Pinto, Matthew Verenazi, Bryan Geel, Town Board Members, Susan Haag, Town Clerk, and Paul McCreary, Morris Associates, Engineer for the Town.

Meeting called to order at 8:15 a.m. Meeting called to meet with the newly appointed engineer to go over the Town Board's expectations for the Bryarcliffe Road Repair.

Supervisor Braley advised P. McCreary that Patrick Prendergast has been relieved as the engineer on the Bryarcliffe Road District, and that Town Board Member Verenazi stopped HMA from working on the roads last Friday morning. J. Braley notified the Town Board and P. McCreary that there will be an additional meeting Tuesday morning.

Engineer McCreary noted that this situation would be easier if he had been involved from the beginning and if he would have seen what was underneath the roads as the project progressed. P. McCreary noted that there are some issues with the roads in Bryarcliffe, but these can be overcome. His theory is that there are soft spots causing cracking which can be corrected through patching and scaling. Once problem areas are corrected, there should be some longevity to the roads.

Town Board Member Pinto asked if shoulder work would have helped preserve the condition of the roads. Engineer McCreary answered that shoulder maintenance is always the right move, but this may or may not have prevented the cracking. Alligator cracking is usually caused by what is underneath the roads, not along side.

Town Board Member Bernstein questioned the pitch of the culverts in some areas. P. McCreary was not aware that there were culvert issues, but will look at these.

Supervisor Braley advised that he has seen water settling in a dug-out basin created by HMA at the mouth of the culvert on Judith Choate's property on Partridge Lane. Town Board Member Pinto also noted that there are heaving issues in the roads where there are culverts underneath. Engineer McCreary advised that he will look at all the culverts, but notes that ditches are shallow and should be deeper.

Supervisor Braley questioned the Town Board as to what shoulder work was done originally. Town Board Member Geel recalls that the shoulders were in good shape originally and doesn't recall a problem.

Supervisor Braley advised that Highway Superintendent didn't realize he was responsible for shoulder maintenance during the warrantee period and when he realized he was, R. Meehan corrected the current shoulder problems immediately.

Town Board Member Pinto questioned cutting out the road in problem areas and correcting issues that may be found at that time. Engineer McCreary feels that someone should be there when holes are cut so any problems can be fixed on the spot.

Town Board Member Geel questioned whether or not core sampling should be done. P. McCreary advised that this is a difficult process and it is like looking for a needle in a haystack. Normally, problem areas are found during the initial work as it is inspected. More invasive procedures done at this point would weaken the road and lessen the life because water could then get in in multiple areas.

Town Board Member Geel asked what causes edge cracking noting that the actual driving surface is in great shape. P. McCreary does not know exactly how the contractors performed certain tasks, but explained one method called 'box out' and how this could lead to edge cracking and also noted another situation of infiltration of fines into the sub-base. A third option could just be sloppy installation.

Town Board Member Pinto is concerned that there may be a major issue with the sub-base as a whole and noted that it was not a feasible option for the entire road to be redone. Engineer McCreary advised that there should not be a need for a total road replacement.

Town Board Bernstein questioned the wisdom of the previous Town Board decision to narrow the road requirement to 18 feet to save the residents money. P. Bernstein noted that Highway Superintendent Meehan was not in favor of narrowing the roads at that time thinking that as vehicles pass each other, they hit the edge of the road and this is what is causing the cracking. Engineer McCreary doesn't necessarily think this is correct advising that industry standards state that a road should only be made as wide as necessary. For a low volume traffic area, the standard is 18 feet and Bryarcliffe is a low volume traffic area. Regardless, P. McCreary would have recommended that the Town use the 20 foot requirement. P. McCreary noted that normally what happens when people drive is that they hug the center of a road until they hit a corner and then they cut the edge of the road. This is a possibility for causing cracking.

Town Board Member Geel questioned what effect the harsh winter had on the roads in Bryarcliffe and has the Town seen the worst of the problems on the roads in Bryarcliffe. The Town Board wanted to wait until last winter was over before any work was done. P. McCreary noted that the Town probably has seen the worst, and there is a slim possibility that the harsh winter caused some problems.

Supervisor Braley noted that originally the base coat was put down in November when it was cold. No-one at the time seemed to have a problem with this, not even the politicians who wanted the project completed in the fall. J. Braley questioned if the cold created any of the issues that are being seen at this point.

Town Board Member Pinto added that at the time it was not only cold, but wet as well.

Engineer McCreary advised that laying asphalt then should not have been overly problematic unless there was a lot of water and not knowing where the water went to.

Town Board Member Geel advised that resident Rich Nesbitt talked about seeing a lot of water at that time. Supervisor Braley noted that the pavement in front of R. Nesbitt's property doesn't look that bad; problems are seen in other parts of the roads.

Town Board Member Geel asked if the Town should expect any additional problems from here on out. B. Geel wondered if a snow plow could pull up the black top. B. Geel also noted that State Roads show an enormous amount of cracking on the edges. P. McCreary noted that there is a possibility that a snow plow could pull up some pavement, but this would only be in areas where the pavement is already pushed-up.

Engineer McCreary advised the Town Board that he has spoken with HMA and HMA is quite eager to fix issues in Bryarcliffe. HMA wants everyone to be happy with the roads.

Town Board Member Geel wants someone from Morris Associates to always be on site when work is being done in Bryarcliffe so inspection of what is underneath the blacktop can be done. P. McCreary advised that someone from Morris will be on site and work can resume this week. B. Geel asked how much longer is expected before the repairs are complete and P. McCreary answered roughly 2 weeks.

Town Board Member Geel again reiterates that it must be clear that no work gets done unless someone from Morris Associates is on site. P. McCreary noted that the sealing work should wait until fall when it is cooler. P. McCreary will put it in writing for HMA that Morris Associates must be on site when work is being done.

Engineer McCreary advised the Town Board that one major benefit to the roads in Bryarcliffe is that there is no center seam and that Town should be happy because the roads are in good shape.

Town Board Member Pinto is concerned at this point that all the road issues in Bryarcliffe are property taken care of.

Town Board Member Verenazi advised that when he went to Bryarcliffe Friday morning, HMA was not cutting and filling problem areas with gravel as the Town Board had been led to believe by Pat Prendergast at the Town Board Meeting. HMA was set to blacktop. M. Verenazi stated that HMA doesn't believe they are responsible for cutting and filling problem areas. P. McCreary will straighten out the misunderstanding with HMA.

Town Board Member Geel stated that if there are any issues that are the Town's responsibility to correct, now is the time to correct those as well.

Supervisor Braley questioned how long the roads in Bryarcliffe will last once they are repaired and what can the Town do to preserve the longevity of the roads. P. McCreary advised that once the current issues with these roads are taken care of, and the base issue is identified and corrected, the roads should have a good longevity. P. McCreary is not convinced the shoulders are the issue, probably the clay contained in the area. P. McCreary believes that corrections can be made outside the roadway with ditching and water flow direction.

No road stripping will be done.

Town Board Member Bernstein feels like the Town is on the right track.

Town Board Member Geel feels that communication is the key and emails should be directed to the entire Town Board. P. McCreary will put all instructions to HMA and the Town Board in writing. Engineer McCreary asked who the main contact will be and it was noted that Supervisor Braley will fill that role.

Supervisor Braley advised again that there will be a Special Town Board Meeting Tuesday morning, July 19, 2011 at 7:30 a.m. with HMA and P. McCreary. Town Clerk will notice this meeting.

Emergency Town Board Meeting ended at 8:55 a.m.

Respectfully Submitted,
Susan A. Haag, RMC MMC
Town Board Clerk

Town of Austerlitz
Special Town Board Meeting
July 19, 2011

Present: Jeffrey Braley, Supervisor, Matthew Verenazi, Town Board Member (arrived at 7:35 a.m.), Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent (arrived at 7:55 a.m.), Paul McCreary, Engineer for the Town, Mike Hamel, Owner HMA Contracting.

Meeting called to order at 7:30 a.m. Special Meeting called to go over the Bryarcliffe Road District Project with HMA Contracting.

Supervisor Braley introduced Engineer Paul McCreary to Contractor Mike Hamel and advised that P. McCreary heard the concerns of the Town Board at a Special Town Board Meeting July 18, 2011. J. Braley believes that the previous Town Board preferred Sterling Environmental as an Engineer, but Highway Superintendent Meehan preferred Engineer Pat Prendergast and that is why P. Prendergast was used on this project. The Town had lost faith in the supervision of this project and P. Prendergast was removed as Engineer. Supervisor Braley did not want to remove P. Prendergast from the project, so the Town Board as a whole made the decision for removal. Supervisor Braley hopes the change in Engineer and Supervision of the project renews the faith in the Town. Supervisor Braley feels like he is in the middle, as is HMA Contracting, and notes that he believes there are only minor issues with the roads in Bryarcliffe.

Contractor Mike Hamel questions how this project will move forward and get done for the Town.

Town Board Member Verenazi arrived.

Supervisor Braley notes that there are residents in the Bryarcliffe subdivision that have no problems with the new road, they are just not vocal about it.

M. Hamel again questions where the Town wants to go with the project to which Supervisor Braley answered business as usual.

Contractor Hamel advised that he cannot have a crew of men on this job everyday due to other commitments, but will work time in.

Supervisor Braley notes there was a minor disagreement between P. Prendergast and P. McCreary as to a couple of spots in the road that needed repair. P. McCreary noted that these differences were nothing of consequence.

Town Board Member Verenazi questioned what work was being done Friday by HMA. P. Prendergast told the Town Board that repairs were being done and it appeared that blacktopping was being laid instead.

M. Hamel answered that blacktopping of already saw cut areas was being done. There are a couple of areas that need a different level of repair work done. These areas were to be bypassed on Friday in order to cover the open areas with blacktop.

M. Hamel continued by discussing the issues with the roads, the project itself, and the bid specs noting that he followed the bid specs exactly. There were original road areas that were very narrow and had to be widened to 18 feet. In these areas, the increased edges did not have an existing road base as the rest of the road area. The bid specs called for him to lay 4 inches of item #4 and 4 inches of blacktop. M. Hamel believes that the shoulders of the roads are breaking up because there is not the same original base foundation in these areas as there is where the original road was. Testing was done on all spots as the project progressed with an inspector onsite 70-75% of the time. Contractor Hamel feels that he is taking the fall when all he did was follow the bid specs.

M. Hamel also believes that there is confusion in the community and among the residents of Bryarcliffe as to what material was supposed to be used for this project. The bid specs call for item #4 gravel, not crusher run. The residents are asking his workmen why they did not use crusher run and he is being accused of using incorrect material when he followed the bid specs.

Supervisor Braley noted that Highway Superintendent Meehan preferred crusher run, but settled for item #4. One of the residents in the Bryarcliffe subdivision had separate tests run on the edging

material used. Town law states that there should be 6 inches, not 4 inches of a sub base with a 20 foot width, not 18, but these requirements were changed.

Town Board Member Verenazi showed pictures taken 1 1/2 to 2 years ago of the road conditions in Bryarcliffe when work was being done.

Supervisor Braley questioned the structural difference between using item #4 and crusher run. Contractor Hamel advised that crusher run is much better, and costs much more, but this is not what the bid specs called for. M. Hamel noted that timing was a factor when this project was done due to the weather changing. P. Prendergast did a good job on this project and wanted to get it done.

Contractor Hamel advises that HMA is not going to run away from this project and will fix areas in the road that need to be fixed, and again questions how this project is going to move forward.

Supervisor Braley advises that the Town will pay HMA the retainage that is being held, and notes that P. Prendergast spoke very highly of Mike Hamel. J. Braley continues that the residents in Bryarcliffe wanted action to be taken on the road problems last fall, but he felt that the Town should wait until the winter was over to see how the roads held up. Supervisor Braley feels that the specs used are for a glorified driveway, and not meant for large commercial vehicle traffic.

M. Hamel noted that the roads should have been shut down for heavy traffic for 2 weeks after the initial blacktop was laid. There were too many heavy trucks using these roads as soon as 2 days after the project was complete.

Supervisor Braley noted that Highway Superintendent Meehan didn't know the Town was responsible for shoulder maintenance work, but corrected shoulder issues recently when he was told his responsibility by P. Prendergast. Maybe the shoulder issue has caused some of the cracking.

M. Hamel noted that 18 feet is narrow when 2 vehicles are passing, especially heavy trucks, and inevitably, vehicles drive on the shoulders of the roads.

Highway Superintendent Meehan arrived.

Town Clerk Susan Haag mentioned the missing rocks from the Judith Choate property.

M. Hamel again questioned the direction the Town wanted to take to complete this project.

Supervisor Braley asked how much better is crusher run than item #4 to which M. Hamel felt that it would have cost roughly an additional \$200000.00 if crusher run was used. M. Hamel went on to explain that up until last 10-15 years, crusher run was not used in projects. Crusher run was waste material at quarries. Then Engineers found out how good crusher run was. It is not that item #4 is bad, it is just that crusher run is better. M. Hamel continues that the original road base of the roads in Bryarcliffe were in good shape, but where they were widened and have only the new base of 4 inches of item #4, is where the issues are being seen. The center of the roads are not cracking, only the edges. Additional discussion on why some of the widths of the original roads in Bryarcliffe were narrow.

Contractor Hamel questions how he will know when he is done with this project. What is the final resolution going to be?

Supervisor Braley noted that both P. Prendergast and P. McCreary concur that all sealing work should wait until the fall. J. Braley feels like HMA has done due diligence and noted that there will probably always be problems. M. Hamel noted that 4 inches of item #4 and 4 inches of blacktop is really a driveway.

Engineer McCreary advised that Bryarcliffe is a low traffic volume road and that P. Prendergast's specs were sufficient for the type of road.

Town Board Member Verenazi questioned how much it would have cost if 6 inches of crusher run was used for a 20 foot width. P. McCreary will get this figure.

Current Town Road specs were discussed with P. McCreary noting that Town standards were changed somewhere along in the process. J. Braley noted that there is a resolution for the 20 foot to 18 foot change, but not the 6 inch to 4 inch change that he could find.

M. Hamel asked if he should attend a Town Board Meeting. It is felt that the Town assigned this project to Morris Associates and P. McCreary would be the point person.

Discussion on possible scenarios of how specs got changed.

Town Board Member Verenazi noted that this project needs to be done correctly. The taxpayers of this Town need to be protected against paying higher taxes to correct these problems.

Supervisor Braley advised Contractor Hamel that P. McCreary has been hired to get this project done. HMA is still on board to finish the repair work. Once the sealing is completed this fall, HMA will receive their retainage money.

M. Hamel wants this project completed with everyone involved walking away happy, but where is his assurance that he will get paid if he completes the job as he is required too.

P. McCreary notes that the Town and HMA have an agreement to construct the roads in Bryarcliffe according to the bid specs. Some deficiencies have been identified, and the sealing work needs to wait until the fall. If HMA performs well, the Town will release the retainage. There should be no reason that HMA does not perform well since all repair work will be supervised by Morris Associates. Once all the required work is complete, P. McCreary will sign off on this project, giving the Town Board a closing report and this will trigger the release of the funds. Engineer McCreary believes there will always be public comments on the work done, and he is ready to take the brunt of them. The reason everyone will be on the work site is to make sure that everything is done correctly. As work is done, P. McCreary will document and send reports to the Town Board. All expectations will be in writing for HMA as well.

M. Hamel noted that although some additional cutting needs to be done, he doesn't want to have many holes open at once in the road to help prevent water from penetrating. Contractor Hamel advised that there are some areas on the edges of the roads that have nothing more than 4 inches of item #4 and blacktop because that is all the bid specs called for. There are 2 areas that he is responsible for that will need additional gravel. M. Hamel would like to keep using the item #4 which the specs called for, but will change material if he is told to do so.

Engineer McCreary advised that Town Highway Superintendent Meehan may have to weep some areas out. Supervisor Braley advised that the Town will pay for this work.

P. McCreary will call Supervisor Braley if unique situations come up and decisions will be made from there on next steps. Again, Supervisor Braley notes that the Town will pick up the tab for needed work that is outside the scope of the original job.

M. Hamel advised that the radius may need to be built up. Additionally, he cautioned his workmen not to open any more holes in the road each day than they can fill. This again will cut down on the exposure to water. M. Hamel again spoke of the 2 areas that needed to be 'boxed-out'.

M. Hamel will call P. McCreary 24 hours before work is started so Morris Associates can be on the job site to supervise work done.

Supervisor Braley asks if anyone sees anything that needs to be fixed now by the Town so future problems don't occur. Highway Superintendent Meehan feels there is some ditching that needs to be done. P. McCreary advises that a killer of roadways is water. Drainage and sub-base is important. He is sure there are things that need to be done, and if there is anything specific that is found during the repair work, he will let the Town Board know.

Supervisor Braley questioned the drainage issues seen in Bryarcliffe, noting the water pooling on the Choate property, the angles of some culverts and a couple settling spots. Settling spots were discussed with M. Hamel advising that he will look at these and see how they can be fixed. M. Hamel felt that the culverts held up quite well all things considered. R. Meehan noted the harsh winter.

Supervisor Braley and Highway Superintendent Meehan both feel that the roads in Bryarcliffe held up quite well and so do a number of the residents. R. Meehan advised that there needs to be traffic and men working signs placed. M. Hamel will handle.

R. Meehan stated that there was 4 inches of item #4 in all the holes that he looked into. M. Hamel noted that Engineer Prendergast was always on site inspecting. M. Hamel feels that everyone is looking for the same results. P. McCreary agreed that he believes everyone has the same goals.

Discussion turned to the timing of the original project with M. Hamel noting that no-one wanted to wait until the Spring to pour the blacktop. The previous Town Board wanted the roads topped in the fall, but that was put off until Spring.

M. Hamel and P. McCreary discussed repairs done to date and one problem area that has already been fixed. Engineer McCreary questioned under the best scenario when the repair work would be done. Contractor Hamel advised that if there are no surprises, maybe 4-5 days of work left. M. Hamel will try to have all work, except the sealing to be done in the fall, done by the next Town Board Meeting on August 11, 2011. Contractor Hamel advised that Copeland will be doing the actual sealing work and they will route out first, then seal.

Meeting adjourned at 8:53 a.m.

Respectfully Submitted,
Susan A. Haag, RMC MMC
Town Clerk

Town of Austerlitz
Regular Town Board Meeting
August 11, 2011

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

Robert Meehan, Highway Superintendent absent.

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

Moment of Silence, followed by the Pledge of Allegiance.

Minutes

A motion to accept the July 14, 2011 Regular Town Board Meeting Minutes, July 18, 2011 Emergency Town Board Meeting Minutes, July 19, 2011 Special Town Board Meeting was made by P. Bernstein and seconded by C. Pinto.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #266-307 in the amount of \$16,002.81, Highway Fund #154-172 in the amount of \$27,912.31, and Capital Fund #2-4 in the amount of \$2,772.50, was made by B. Geel and seconded by P. Bernstein.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

Reports

Monthly cash disbursements for the month of July 2011 were presented. Supervisor Braley noted that Accountant for the Town Mark Fitzgerald's nephew, Brian Fitzgerald, is slowing taking over our accounts.

On the County level Supervisor Braley advised that the County Board of Supervisors voted against creating a County Manager position, and the move into the old Walmart building has been tabled for at least 2 weeks. The County budget is being worked on and the Board is asking all departments to take a 10% cut without laying anyone off. On a Town level, Supervisor Braley advised that the Town Board needs to start thinking out the Town budget and how to cap any increases at 2%. Otherwise, the Town has been going along quite smoothly.

Town Clerk Report for the month of July 2011 submitted.

Supervisor Braley reported for Highway Superintendent Meehan noting that work has been done on Ten Broeck, work on Pierson Road has been finished and the Highway Crew is currently working on Upper Hollow Road. Several other roads still need to be worked on.

Planning Board Report for the month of July 2011 submitted.

Comprehensive Plan Oversight Committee Report for the months of May and July 2011 submitted.

Building Inspector/Code Enforcement Report for the month of July 2011 submitted.

Justice Lagonia Court Report for the month of July 2011 submitted.

A motion to accept the above reports was made by M. Verenazi and seconded by C. Pinto.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

Correspondence

NYSORPS: Certificate of the Final State Equalization Rate for the Town of Austerlitz 2011 Assessment Roll noting a rate of 100%.

Supervisor Braley noted the NYS Assembly Certificate of Merit and plaque given to the Town of Austerlitz by the Rip Van Winkle Tobacco-Free Action of Columbia and Greene Counties in recognition of the Town's parks being Tobacco free zones.

Old Business

Bryarcliffe: Supervisor Braley noted that the Town Board had two additional meetings concerning the road issues in Bryarcliffe; one meeting was with Engineer for the Town Paul McCreary, and the second meeting with P. McCreary and HMA Contractor Mike Hamel. Minutes of these meetings are available for interested parties. Supervisor Braley advised that Engineer McCreary has spoken with Contractor Hamel and work on the Bryarcliffe Roads will be done in between already scheduled jobs.

Gil Perlman asked for a short update. Supervisor Braley noted that the Town Board met with the paver, and the Engineer voicing their concerns. The bad spots in the roads will be dug up and fixed under Engineer McCreary's watchful eye and the cracks will be fixed in the fall. Core sampling will not be done per cautioning from Engineer McCreary. Sampling is a crap shoot and too many holes in the roads can create problems and work against the integrity of the road. A report will be given by Engineer McCreary on the difference in cost between using 4 inches versus 6 inches of item #4 and between a road width of 18 versus 20 feet. Engineer McCreary feels that an 18 foot road is acceptable.

Town Board Member Geel noted that there may have been some infiltration from the sides of the roads. The issues seen might not have been created because of a sub-base problem, but maybe from water around the edges. Additional drainage can be done, but generally, there was confidence that the roads are in good shape.

Town Board Member Pinto noted that Engineer McCreary advised that additional drainage should help. Supervisor Braley advised that the Town will pay for the cost of the drainage work. Supervisor Braley explained how this would be done and that it would be done before winter.

2012 Budget: Supervisor Braley advised that the 2012 budget needs to be worked on sooner rather than later. Last year the fat was cut. This year an increase will be limited to 2%. Supervisor Braley will meet with Accountant Brian Fitzgerald next week and the Town Board will start in September to work on this budget.

New Business

None

Public Comment

Supervisor Braley advised to Kay Everding, who was in the audience, that he has discussed her problem with Highway Superintendent Meehan, noting that the Town will get right on it. K. Everding noted that her culvert needs to be cleaned out. Town Board Member Verenazi mentioned that there is a beautiful stonewall on the Everding property next to this culvert that may be an issue.

Supervisor Braley noted that one of the Highway Crew will be out for a number of weeks due to illness. Town Board Member Geel noted that the culvert on Big Woods Road needs major work.

Judith Choate questioned the status of County Bridge on Dugway Road. Supervisor Braley advised that he doesn't think it will be finished before winter, but will call and find out. Currently the County is busy working on the legalities for the County bridge on Upper Hollow Road.

Adjournment

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

J. Braley: yes

B. Geel: yes

Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried. Meeting adjourned at 7:24 p.m.

Respectfully Submitted,
Susan A. Haag, RMC MMC
Town Clerk

Town of Austerlitz
Regular Town Board Meeting
September 8, 2011

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

Matthew Verenazi absent due to working out of Town.

Regular Town Board Meeting called to order at 7:04 p.m.

Moment of Silence in remembrance of 911, followed by the Pledge of Allegiance.

Minutes

A motion to accept the August 11, 2011 Regular Town Board Meeting Minutes was made by P. Bernstein and seconded by C. Pinto.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

C. Pinto: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #308-329 in the amount of \$4239.20, Highway Fund #173-195 in the amount of \$50551.57, and Capital Fund #5 in the amount of \$578.50, was made by B. Geel and seconded by P. Bernstein.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

C. Pinto: yes

Motion unanimously carried.

Reports

Monthly cash disbursements for the month of August 2011 were presented. Supervisor Braley noted we still have money in the bank. The County's share of the tobacco settlement money was sold and apportioned to the towns for a number of years based on assessment and population. The Town of Austerlitz gets \$15000.00. Supervisor Braley noted that Accountant Brian Fitzgerald's new monthly journal sheets are different from our previous accountant's, but give more information. Supervisor Braley noted the amount of money the town currently has on hand, noting about 4500000.00 in reserves.

Supervisor Braley advised that the Town Board has been asked to attend the Community Potluck Picnic and BBQ on the Green Sunday, September 11, 2011 from noon-3:00 p.m.

Supervisor Braley also mentioned the First Annual Spencertown Auxiliary Shine On 5K Memorial Run. This event will take place October 2, 2011 at 1:00 p.m. The Town of Austerlitz Highway Department will be helping with traffic concerns and there will be police protection. The money raised will be put towards scholarships in the names of Emily Ekstrom and Melissa Mesick.

Supervisor Braley advised that due to the recent storm there were some power outages, and NYSEG was very helpful keeping him informed and updated daily. The Columbia County Emergency Center geared up and was ready to go fielding many calls concerning information and help that was needed.

FEMA has come through the County to make assessments. Highway Superintendent Meehan and Highway Clerk Sally VanWagner have prepared the needed financial and payroll information to give to Columbia County for qualification purposes. At this point, Columbia County is not on the list for individual assistance. If anyone knows someone who needs help, FEMA forms are available at the Town Hall.

Supervisor Braley continues noting that the school tax bill program has a glitch that rounded all the acreage. This did not affect the assessed value or the tax due to be collected.

On the County level Supervisor Braley advised that the Upper Hollow Road Bridge is now in the process of getting cost estimates and easements with results out in about 2 weeks. There is a possibility that eminent domain proceedings may need to be enacted. The Columbia County Board meeting is not until next week. The County budget is currently being worked on with every department cutting by 20% without letting anyone go.

Town Clerk Report for the month of August 2011 submitted.

Highway Superintendent Meehan noted that the Town got hit by the Hurricane, but conditions are pretty good right now. Cross Road Bridge is out and the road is still closed. Stonewall Road has a culvert that has collapsed and that part of the road is still closed. This will not be a temporary fix and the culvert must be taken care of through repair, the water is still high to correct now. There is a detour on Stonewall Road that will affect emergency vehicles getting through, but the response time is not much different. A couple of culverts on Fog Hill Road need to be replaced as well as a culvert on Beaver Dam and a couple on Middle Road, Mallory Road, Tenbroeck, Stever Hill, and Angel Hill. The size of some culverts will need to be increased. The Highway Crew also opened up the creek behind the Austerlitz Fire House. Superintendent Meehan advised that something needs to be done back there. The Town Board discussed possible scenarios to correct this area. With a new firehouse coming, the Town might want to correct this problem before construction begins. Town Board Member Geel advised that the Austerlitz Firehouse team may tackle some of this as well. R. Meehan continues to advise that most of the Town roads are back in shape, but many residents are screaming about water and flooding. Highway Superintendent Meehan may need to speak with the Town Engineer concerning the culvert on Stonewall Road, but will wait to see what FEMA does for the Town.

Planning Board Report for the month of August 2011 submitted.

Comprehensive Plan Oversight Committee Report for the month of August 2011 submitted. The Committee is getting bids for mapping.

Building Inspector/Code Enforcement Report for the month of August 2011 submitted.

Justice Roberts Court Report for the month of July 2011 submitted.

2011 Summer Recreation Program Report submitted by Deborah Oleynek. Supervisor Braley noted the budgeted expenditures were around \$16000.00-18000.00, but the program took in over \$10000.00 in revenue. There were a number of town participants and registration fees were less than many other towns. Overall it was a very successful year.

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

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

C. Pinto: yes

Motion unanimously carried.

Correspondence

Red Rock Fire Protection District Contract: The contract between the Towns of Austerlitz, Canaan, Chatham and the Red Rock Fire Protection District needs to be renewed for the years 2012-2014. The contract amount for protection will be \$41000.00 for all three years.

NYS Unified Court System: is requesting a copy of the Town of Austerlitz' latest audit for the Justice Court records. Since an audit has not been done for over a year, Supervisor Braley has spoken with Accountant Brian Fitzgerald to set up a time to have the audit done.

The Town of Austerlitz Summer Recreation Program sent a thank you card for having a great summer!

Cathy Grier: Concerns over a replacement representing the Town of Austerlitz on the Columbia County Environmental Committee. It was noted that a year or so ago, the Town advertised for interested parties to fill this position with no response.

Old Business

Bryarcliffe: Supervisor Braley advised that he spoke with Paul McCreary from Morris Associates today and no work has been done on the Bryarcliffe Roads. This news dismayed Supervisor Braley, but P. McCreary will follow up with Contractor Mike Hamel. It was noted that rain has delayed the process some, but Supervisor Braley will be following up with P. McCreary more often.

2012 Budget: Supervisor Braley advised that he has started to work on the 2012 budget and he had hoped to have something tonight, but he got figures late. J. Braley believes the 2% cap is workable, although it is new. Last year Supervisor Braley cut the fat out of the town budget, but this year there is none. Once the tentative budget is done, it must be submitted to the New York State Comptroller's Office for review. The Chatham Rescue Squad has not had an increase in 6 years, and J. Braley would like to give them a 5% increase since it is causing some stress to them. This amount is a charge back on the County level. When considering this 2% cap, charge backs are no man's land and if we can give it, J. Braley would like to have this done.

Colarusso has started on the Block Bridge on Dugway Road. This bridge is supposed to be finished by November.

New Business

Town Hall Roof: Supervisor Braley advised that during the hurricane the Town Hall roof leaked. The previous temporary fix didn't hold. Town Board Member Paul Bernstein would like to just put on a new roof. Supervisor Braley stated that there is money put aside for this, but the question is what type of roof does the Town Board want to put up. The Town Board discussed roofing materials and bid specs. Chuck Weinlein noted that the last time the Town went out to bid for the roof the specs were too general and the Town Board was unable to make a proper comparison between the bids submitted. Supervisor Braley will have the Town Engineer put together some specs so when bids come in the Town Board will be comparing apples with apples. Chuck Weinlein noted that the Town Building Inspector can also put together a bid package.

Bryarcliffe Lawsuit: Benjamin Strouse, a resident in the Bryarcliffe Road District, is suing the Town of Austerlitz asking to be removed from the road district. NYMIR does not cover this type of lawsuit.

Fizzinoglia Lawsuit: Supervisor Braley advised that both he and Highway Superintendent Meehan have been scheduled to give depositions October 5th.

Public Comment

Judith Choate told the Town Board that Partridge Drive is still torn up from when HMA began their repair work on the Bryarcliffe Roads. J. Choate noted that in the Special Meeting Minutes from the meeting with the Town Board and HMA Contractor Mike Hamel, it mentions that it is not good for the base of the roads in Bryarcliffe to be exposed to the elements, like rain, for an extended period of time. This exposure will continue to increase the risk of road damage. Supervisor Braley noted that yes in fact the roads were still torn up, but this is because HMA was taken of the job at the last minute when the decision was made to halt all work on the Bryarcliffe Roads until a new engineer could be brought in on the job. These spots were not supposed to be left open. Supervisor Braley is upset that no work has been done since that time and he understands that he must increase his nagging. Morris Associates' Engineer Paul McCreary has not talked to Contractor Hamel and this was the same answer that Supervisor Braley received last time.

J. Choate reminded the Town Board about the drainage issues noting that problems continue as evidenced in the last couple of storms and the hurricane. Supervisor Braley advised that the Engineer is handling the drainage problems as well.

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

Motion unanimously carried. Meeting adjourned at 7:51 p.m.

Respectfully Submitted,
Susan A. Haag, RMC MMC
Town Clerk

Town of Austerlitz
Special Meeting
October 3, 2011

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

Paul Bernstein, Town Board Member, absent.

Special meeting called to order at 7:00 p.m. in order for the Town Clerk to give the Town Board the 2012 Tentative Budget.

Supervisor Braley advised that the figures in the Tentative Budget can still change, and it does need some tweaking. The goal is to keep the budget in line under the 2% cap limit.

The Town Board discussed the fact that no work has been done in Bryarcliffe. Town Board Member Pinto will follow-up again with Morris Associates.

The Town Board discussed passing a local law to override the 2% cap just in case mistakes are made that puts the budget over the limit, or in case the State makes decisions that change the playing field.

A general perusal of the Tentative budget line items was done.

Special Meeting adjourned at 8:10 p.m.

Respectfully Submitted,
Susan A. Haag, RMC MMC
Town Clerk

Town of Austerlitz
Public Hearing/Regular Town Board Meeting
October 13, 2011

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

Bryan Geel absent due to illness. Robert Meehan arrived at 7:00 p.m.

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

Public Hearing called for Local Law 3-2011: A Local Law to Override the Tax Levy Limit Established on General Municipal Law 3-C.

Public Comments

Supervisor Braley explained that the Town Board has no intention of going over the 2% cap, but has been advised by the Association of Towns that passing this law will protect the Town.

All those wishing to be heard were heard.

A motion to close the public hearing was made by M. Verenazi and seconded by C. Pinto.

J. Braley: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

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

Regular Town Board Meeting called to order at 7:02 p.m.

Moment of Silence followed by the Pledge of Allegiance.

Minutes

A motion to accept the September 8, 2011 Regular Town Board Meeting Minutes and the October 3, 2011 Special Meeting Minutes was made by P. Bernstein and seconded by C. Pinto.

J. Braley: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #330-362 in the amount of \$8365.09, and Highway Fund #196-220 in the amount of \$33201.51, was made by C. Pinto and seconded by M. Verenazi.

J. Braley: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

Reports

Monthly cash disbursements for the month of September 2011 were presented.

Town Clerk Report for the month of September 2011 submitted.

Supervisor Braley reported that on the County level not to much will happen between now and the election. The County Manager position is sorely needed. The biggest issue is how much to pay and getting the County Supervisors to give up power and control. There was a vote to keep the Human Services at 25 Railroad Ave, Hudson, in which J. Braley voted no since there is a brown field on this site. The 2% tax cap has thrown a monkey wrench in the budget process. The County Budget Committee has asked for a 10% cut in all capital expense lines. The Unions have made concessions.

On the local level, Supervisor Braley has been working on the Town budget. There has been some work done in Bryarcliffe. Town Board Member Pinto has called Morris Associates and work began this week. On Friday, Supervisor Braley and Highway Superintendent Meehan both gave depositions concerning the Fizzinoglia Law suit.

Highway Superintendent Meehan reported that the Town has received a report from Engineer for the Town, Pat Prendergast, concerning the culvert damage that occurred during Hurricane Irene and from other major flooding. The Town Board discussed the report and recommendations. Highway Superintendent Meehan would like to get a culvert pipe for Stonewall Road which would cost roughly \$50000.00. Delivery for this pipe would take 3 weeks, and if R. Meehan does not move on this now, Stonewall Road will be closed for the winter. R. Meehan noted that he may be able to use leftover C.H.I.P.S. money, if there is any left.

Highway Superintendent Meehan further reported that Tom Gable, from ADS, will come out and look at the Mallory Road culvert. There is a good chance that this road can get fixed before winter. The last time this pipe was fixed was in 1996 by FEMA. ADS will look to see if there is an issue with this pipe structurally and whether it will be able to hold without collapsing. This pipe appears to be splitting. R. Meehan may be able to do a short fix for the winter and then a complete fix in the spring. Highway Superintendent Meehan advised that there are 14 other pipes of this type in Town and R. Meehan hopes all of them won't have to be replace. A few ditches on West Hill Road need to be cleaned. Overall the roads are in good shape. Some oil and stone will be put down next week. An area on Dugway Road will be re-motopaved. Potholes are being filled. Korubchuk Road in the Town of Canaan, which is the other end of Town of Austerlitz' Norton Road, may be closed to public access by the landowner whose land surrounds the abandoned part of Korubchuk Road in Canaan. The Town of Austerlitz Highway crew plows this road and will need some sort of turnaround once they hit the Canaan Town Line. There is a possibility that the landowner will build a turnaround.

No Planning Board Report for the month of September 2011 submitted. Board did not meet.

Comprehensive Plan Oversight Committee Report for the month of September 2011 submitted.

Building Inspector/Code Enforcement Report for the month of September 2011 submitted.

Justice Roberts Court Report for the month of August 2011 submitted.

Justice Lagonia Court Report for the months of August and September 2011 submitted.

NYS Department of Ag and Markets September 8, 2011 Municipal Shelter Inspection Report submitted. Facility was found satisfactory.

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

J. Braley: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

Correspondence

NYSTCA Thank You for Hurricane Irene Relief Fund supply contribution.

Columbia County Office for the Aging looking for volunteers for the Long Term Care Ombudsman Program.

Old Business

Bryarcliffe: Supervisor Braley advised that work had resumed Monday, Tuesday and Wednesday of this week. Engineer Paul McCreary, Morris Associates, has submitted a project report. Copeland will be doing the cracking repair work on the roads. Highway Superintendent Meehan noted that Engineer McCreary felt that everything looked okay as of Wednesday.

Gil Perlman asked for a completion date for the road repair project. Both G. Perlman and Judith Choate advised that there is still much work to be done on the roads, and the ditches; which have not been addressed yet.

G. Perlman reminded the Town Board that in July of this year the agreement was that the Town Board as a whole was taking responsibility for the Bryarcliffe Road Project. Past meeting minutes stated that this project was to be completed in August and it is now October. Town Board Member Pinto advised that she has spoken with Engineer Paul McCreary who reported that HMA had previous commitments that needed to be finished first, but the work will get done.

G. Perlman asked if there was a plan in place if this project is not completed by the date to release the retainage back to HMA. Supervisor Braley advised that HMA is not going to get paid until the work is completed and a report is given to the Town by Morris Associates stating that HMA has fulfilled their end of the contract. G. Perlman wants a guarantee that no money will be given to HMA until the road work is complete.

G. Perlman further questions the Town Board asking if they understand the responsibility they have taken on, and also put on the Engineer. Town Board Member Pinto reiterated that the Engineer is to advise the Town when the job is completed, then the Town Board releases payment to HMA. C. Pinto further explains that she has had discussions with Engineer McCreary and asked for update reports and a report when the job is complete. If the Town does not receive an update, C. Pinto puts in a call to P. McCreary.

G. Perlman notes that he feels hostility from the Town Board and asks why. The Town Board needs to guarantee that no payment will be made to HMA until the project is complete. Town Board Member Verenazi states that no payment will be made to HMA until the Town Board is satisfied with the work done. J. Choate asks if this includes the drainage work that needs to be completed as well. Supervisor Braley advises that drainage work in front of J. Choate's property is included in the work done by HMA. The drainage on Partridge Drive is the Town's responsibility.

G. Perlman states that the way HMA is making repairs currently is different from how they were being done before. Supervisor Braley was not aware of this. Explanation of how repairs are being done was given by G. Perlman. G. Perlman had a discussion with the Engineer who noted the original repair work was done in the correct manner.

G. Perlman continued by stating that he F.O.I.L. Engineer for the Town, Pat Prendergast's bills for this project, which amounted to \$25000.00, and questions what this money went for. This is a lot of money and does the Town feel like they got their money's worth? Supervisor Braley advised that Engineer Prendergast supervised construction of the road, and is confident that P. Prendergast is a qualified engineer. J. Braley continues that \$25000.00 for a \$1.4 million dollar project is not out of line. Town Board Member Verenazi noted that nothing has been seen that would suggest that this road is not good. The Town Board hired experts in their fields because no one on the Town Board is trained in these areas. Town Board Member Pinto noted that core sampling was not done because this would have compromised the road structure in answer to G. Perlman's statement that since core sampling was not done the Town does not know whether the road is good or not.

It needs to be remembered that the roads in Bryarcliffe were built to the specs bid, and these specs deviated from the Town Road specs as directed by the previous Town Board. G. Perlman questioned what responsibility P. Prendergast would have for what was changed in the Town Road specs. Member Verenazi advised that he is happy with the current engineer and the work is getting done. Member Bernstein advised that the Town Board has tried to do its best and he does not feel that P. Prendergast's fees are out of line.

Local Law 3-2011: A Local Law to Override the Tax Levy Limit Established on General Municipal Law 3-C.

Supervisor Braley advised that the NYS Association of Towns has recommended that all Towns in the State pass this law just in case. The Tentative Budget is currently under the 2% cap. This law would protect the Town for any unforeseen circumstances that may arise.

Gil Perlman noted he had no idea that this law was out there to be considered and urges Town Board not to pass. Town Board Member Pinto said that because the Tax Levy Limit law was new and the effect it would have on Towns was unknown, should there be an unforeseen expense it was her understanding that without this local law the Town could not spend over the 2% to cover those expenses.

It was noted that this law must be passed before the budget is passed, not after and under law, it cannot go out for a public referendum.

Supervisor Braley advised that the current budget is holding the line. There is no intention to have the Tentative budget go over the 2%. Unfortunately though, the rules coming out of Albany keep changing weekly and in this changing climate, the Town needs to protect itself. Supervisor Braley noted that even if we have money in the bank, the Town cannot use it because it would put us over the 2%.

A motion to adopt Local Law 3-2011: A local law to override the Tax Levy Limit Established on General Municipal Law 3-C was made by M. Verenazi and seconded by C. Pinto.

J. Braley: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

Local Law 3-2011: A Local Law to Override the Tax Levy Limit Established on General Municipal Law 3-C.

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Austerlitz, County of Columbia, pursuant to General Municipal Law § 3-c, and to allow the Town of Austerlitz, County of Columbia to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2012 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Austerlitz, County of Columbia is hereby authorized to adopt a budget for the fiscal year 2012 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

New Business

BAR Appointment: Supervisor Braley advised that Ruth Dornhofer's term expired September 30, 2011. The new 5 year term runs from October 1, 2011 to September 30, 2016. The Town received 2 letters of interest; one from Ruth Dornhofer and the other from Marc Feldman. Supervisor Braley noted that Town of Austerlitz Assessor Pam Cook advised that experience is good, although appointing new people is good too.

A motion to appoint to the Board of Assessment Review for a 5 year term to run October 13, 2011 to September 30, 2016 was made by P. Bernstein and seconded by C. Pinto.

J. Braley: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

Comprehensive Plan Oversight Committee Ridgeline Overlay Mapping: Supervisor Braley advised that Town received 2 proposals; one from Don Meltz and the other from The Chazen Companies.

Town Board Member Pinto advised that both bids said the same thing, only Chazen was more money. The recommendation from the Committee was to go with Don Meltz.

Don Meltz, Planning and GIS, PO Box 205, Columbiaville, NY 12050

Bid: \$85.00/hour with total estimated at \$1530.00 without field work, and \$2210.00 with field work.

The Chazen Companies, Paul Cummings, LEED AP, 100 Glen Street, Suite 3D, Glens Falls, NY 12801.

Bid: Lump Sum cost estimated at \$3800.00.

A motion to hire Don Meltz to prepare ridgeline overlay maps for the Town of Austerlitz was made by C. Pinto and seconded by P. Bernstein.

J. Braley: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

Online Tax Bill Charge Back Agreement: The Columbia County Treasurer's Office would like to have all Town and County Tax bills online showing the payment history for the year 2012. In years past, tax bills have been on the County website, but without the payment history. There is a charge for the payment history upgrade and the Columbia County Treasurer's Office is asking permission from individual Towns to post the tax bills with the payment history option and receive payment for this option through the County charge back system.

The ability to have the payment history listed online will eliminate man hours for the County Real Property Department, the Columbia County Treasurer's Office and the Town of Austerlitz Tax Collector as interested parties can look online themselves for this information instead of receiving through verbal contacts.

Supervisor Braley advised that all of this public information. Some tax collectors in the County have limited hours and then only work for a couple months in the beginning of the year making it difficult for title companies, insurance agencies, banks, etc. to get this information.

A motion to authorize Supervisor Braley to sign the Columbia County Chargeback Agreement for expenditures for the Online Tax Bill option was made by P. Bernstein and seconded by C. Pinto.

J. Braley: yes

P. Bernstein: yes

M. Verenazi: yes

C. Pinto: yes

Motion unanimously carried.

Chatham Rescue Squad Contract: The Chatham Rescue Squad is asking the Town of Austerlitz to authorize an increase in their annual payment for services rendered for the year 2012 to \$17,745.00. This would be a 4.3% increase. Supervisor Braley noted that there has not been an increase in this payment for several years. They service all of Northern Columbia County except Kinderhook.

A motion to authorize Supervisor Braley to sign the contract with the Chatham Rescue Squad increasing the Town of Austerlitz' Annual payment to \$17745.00 for the year 2012 was made by C. Pinto and seconded by P. Bernstein.

J. Braley: yes

P. Bernstein: yes

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

2012 Budget: The public hearing for the 2012 Town Budget is set for Thursday, November 10, 2012 at 6:45 p.m.

Public Comment

Nick Van Alstyne, Spencertown Academy President and Chair of the Building Committee notified the Town Board that the Academy building needs some work done. The Academy Board would like to have someone come in and look to see exactly what needs to be taken care of. Once the scope of work is known, the Academy Board will advise the Town Board the next steps the Academy would like to take. The Academy would like a Town Board Member to sit on the Academy Building Committee. Supervisor Braley thanks N. Van Alstyne for taking care of the building over the years and keeping the Town in the loop. J. Braley advised that the Town will be fixing the parking lot area. Town Board Member Verenazi will represent the Town Board on the Building Committee.

Adjournment

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

J. Braley: yes
Bernstein: yes
M. Verenazi: yes
C. Pinto: yes

Motion unanimously carried. Meeting adjourned at 7:50 p.m.

Respectfully Submitted,
Susan A. Haag, RMC MMC
Town Clerk

Town of Austerlitz
Budget Workshop
October 20, 2011

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

Town Board Member Paul Bernstein absent.

Workshop opened at 7:00 p.m.

Supervisor Braley advised that the third quarter sales tax check is in which will put the Town at the budgeted revenue amount. Once the fourth quarter check is in, the Town will have exceeded the budgeted amount.

Discussion was heard on how the 2% Tax Cap works. The 2012 Tentative Budget tax levy line is lower than last year. Supervisor Braley noted that the Town Board may want to think about raising this figure to the cap of 2%.

Budget line items were individually gone over. Engineer, A1440.4, was increased to \$2000.00.

The Town Board discussed the feasibility of keeping the Columbia County Sheriff's Department Enhanced Patrol program. It was decided to keep this program, utilizing the Columbia County Sheriffs on local Town roads, and asking the NYS Police to attend to the Taconic Parkway. The Police, A3120.4, line item was decreased to \$15000.00.

The purchase of a new truck off of State contract for the Code Enforcement Officer was discussed.

Program for the Aged line item A6772.4, was increased to \$1500.00 because the Town is now paying mileage for the Meal-on-Wheels program.

Zoning, A8020.4, increased to \$4000.00, Retirement, A9010.8, decreased by \$10000.00, Sales of Property Revenue corrected to zero, General Repairs, DA5110.4, increased to \$90000.00.

The Town Board as a whole understood the necessity of seeing a Highway Inventory list and a report of what roads are being worked on, and will be worked on in the future. In addition, future plans for equipment purchase needs to be forth coming. Discussion on possible Highway projects.

Workshop adjourned at 9:00 p.m.

Respectfully Submitted,
Susan Haag, RMC MMC
Town Clerk

Town of Austerlitz
Public Hearing/Regular Town Board Meeting
November 10, 2011

Present: Jeffrey Braley, Supervisor, Bryan Geel, Matthew Verenazi (arrived at 6:50 p.m.), Paul Bernstein, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent.

Carol Pinto absent due to being out of Town.

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

Public Hearing called for the 2012 Town of Austerlitz Budget.

Public Comments

Supervisor Braley explained that the budget increased by .91%. Total assessed value for the Town decreased. Supervisor Braley advised that he has sent all the required budget figures to the NYS Comptroller's Office Wednesday.

Chuck Weinlein questioned the Town Board concerning the purchase of an electronic speed sign and if money is in the budget for this. Supervisor Braley advised that the Police line item figure is for the Enhanced Patrol and Court Duty. The use of an electronic speed sign has been talked about and money could be available for this sign if the Town cut back on how much it paid to the Enhanced Patrol. Supervisor Braley has spoken to both the State Police and the Columbia County Sheriff's Department concerning their rolls and duties within the Town. The State Police would like to play a larger role with less involvement from the Sheriff's Department. The Town has to pay extra for the County Sheriff's Enhanced Patrol program. J. Braley could set up a presentation by each department. The Towns of Austerlitz and Ghent discussed sharing one of these speed signs, but nothing came of the discussion. Towns usually procure this type of equipment through grants, or through legislators. The question then becomes, who is going to maintain this equipment, who is going to move it from place to place, etc. The Town Board discussed leasing options, but logistics are a problem.

C. Weinlein questioned the speed through the Spencertown Hamlet noting the ideas that previous Town Board Member Charles Vander Weit had. C. Vander Weit suggested putting in a crosswalk which is used as a calming technique and usually slows cars down. Town Board Member Bryan Geel also noted a speed reduction project that C. Vander Weit took on. Although much time and effort was put into lowering the speed limit on Route 203 in Spencertown, the NYSDOT refused to change anything. Roughly every four years the Town Board tries to tackle this issue, but nothing ever comes of it.

All those wishing to be heard were heard.

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

M. Verenazi: yes

Motion unanimously carried. Public Hearing closed at 7:05 p.m.

Regular Town Board Meeting called to order at 7:05 p.m.

Moment of Silence followed by the Pledge of Allegiance.

Minutes

A motion to accept the October 13, 2011 Public Hearing/Regular Town Board Minutes and the October 20, 2011 Budget Workshop Minutes was made by P. Bernstein and seconded by B. Geel.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

M. Verenazi: yes

Motion unanimously carried.

Auditing of Accounts and Claims

A motion to approve General Fund #363-394 in the amount of \$11314.75, Highway Fund #221-239 in the amount of \$148895.71, and Capital Fund #7 in the amount of \$2418.50, was made by P. Bernstein and seconded by B. Geel.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

M. Verenazi: yes

Motion unanimously carried.

Reports

Monthly cash disbursements for the month of October 2011 were presented. Supervisor Braley notes a few minor bookkeeping errors that he will have the Accountant correct.

Town Clerk Report for the month of October 2011 submitted.

Supervisor Braley reported that due to Elections, the County Board of Supervisors is sort of on a hiatus. Now that the votes are in, the County Board is still in Republican control which means nothing to much will change. A presentation on nursing home options for Pine Haven was given. Pine Haven was built in the early 80s and different plans have been kicked around. The cost estimate is \$35 million, but the expectation is to receive help from the Federal Government. The Ockawamick building is a possible site for Pine Haven, but water and sewer would not be provided by the Village of Philmont there.

Supervisor Braley advised that there will be an increase in the County Budget, but this increase will be offset with reserves, causing the tax rate to rise slightly.

The Flanders Corporation, operating out of the old Kaz plant in Hudson, is now running one full shift as they slowly add to the work force. The old V & O Press building has been demolished making room for new businesses, one a hotel. Other businesses in the County were discussed.

On the local level, Supervisor Braley noted that most of the excitement was the snow. The roads in Bryarcliffe are finished.

Highway Superintendent Meehan reported that Rigor Hill Road, Punsit, Elm and Fog Hill roads have all been sealed. A piece on Mallory Road has been ground up. C.H.I.P.S. money was used for all this work. Some of the C.H.I.P.S. money will come this year, and the rest in March of 2012. The culvert replacement on Big Woods Road began today and will finish up tomorrow.

Because the roads were soft, some were damaged through plowing for the latest snow storm. Town Board Member Geel questioned the time frame on fixing Stonewall Road. Highway Superintendent Meehan is still waiting on FEMA, but thinks he is going to try and work something out before the end of the year. A new culvert pipe is big bucks for this project. Supervisor Braley explained how C.H.I.P.S. funding works and where this money is expended within the Town. Town Board Member Verenazi would like to take care of Stonewall Road this year. Discussion centered on different types of piping and the cost involved.

Planning Board Report for the month of October 2011 submitted.

No Comprehensive Plan Oversight Committee Report for the month of October 2011 submitted.

Building Inspector/Code Enforcement Report for the month of October 2011 submitted.

Justice Robert's Court Report for the month of September 2011 submitted.

Justice Lagonia's Court Report for the month of October 2011 submitted.

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

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

M. Verenazi: yes

Motion unanimously carried.

Correspondence

No Correspondence.

Unfinished Business

Bryarcliffe: Supervisor Braley advised that HMA has finished work today on the Bryarcliffe Roads. Engineer McCreary, Morris Associates, emailed a brief report on the repair work done in Bryarcliffe for the Town Board Meeting tonight. A detailed Final Report will be forthcoming. P. McCreary reports that the work done was found satisfactory and the repair work is complete.

Judith Choate believes there are issues in Bryarcliffe that have not been addressed, namely drainage concerns and her missing rocks. Supervisor Braley will send an email concerning the drainage issues on J. Choate's property and on Partridge Lane, and the hump in the road. J. Choate noted that HMA only addressed one culvert, but if you drove with your eyes closed, you can feel where all the culverts are. R. Meehan advised that this problem can happen again this winter due to frost. Supervisor Braley thought that the Town Board Members could drive the roads in Bryarcliffe. Supervisor Braley further advised that HMA does not know where J. Choate's rocks went, but the Town will replace these rocks. J. Choate told the Town Board that if the rocks are not replaced soon, she will replace them herself and send the Town the bill.

2012 Town Budget: Changes will be made to the bonding figures for Bryarcliffe since the B.A.N. has been paid off and incorporated into the Bond.

A motion to adopt the Preliminary Budget as the Final Budget with the bond changes was made by P. Bernstein and seconded by B. Geel.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

M. Verenazi: yes

Motion unanimously carried.

Code Enforcement Department: Supervisor Braley would like the Town Board to discuss the type of vehicle that could be purchased for the Code Enforcement Department. Supervisor Braley asked the Town Board if they had the chance to review the contract breakdown for this department that he emailed. Code Enforcement Officer Glenn Smith asked for a used patrol car from the Columbia County Sheriff's Department originally, but J. Braley did not agree because he felt the vehicle would continually be in the repair shop. Therefore Supervisor Braley asked G. Smith to research options on State bid. The price for a new 4 wheel drive, mid-size pick-up is roughly \$20,000.00. The understanding is that this vehicle will be used for Austerlitz, Canaan and Hillsdale and arrangements will have to be made as to where this vehicle will be stored during off hours. The money to purchase this vehicle comes from the monthly expense figure paid by each Town as part of the overall Code Enforcement contract. Currently the Town of Austerlitz has built up an amount from these expense amounts that will be used as a down payment. The Code Enforcement Contract was discussed; specifically the revenue and expense break down.

Supervisor Braley noted that G. Smith has researched several types of trucks, one being a ½ ton which could eventually be given to the Highway Department. The Town is looking to get at least 8 years out of a new vehicle. Town Board Member Geel is not in favor of purchasing a new vehicle, although he understands the rationale behind this. B. Geel notes there are good reasons to purchase something, but he would prefer the Town bought a used vehicle. Supervisor Braley advised that a used truck is the same price as a new truck on State bid.

New Business

Austerlitz Fire Company: Supervisor Braley reported that Fire Commissioner Joel Dyslin and Austerlitz Fireman David Savage came in to speak with him concerning the new Austerlitz Fire House. The Fire Company owns the land as was conveyed a couple of years ago, but they have realized that the actual building planned is no longer affordable. J. Dyslin and D. Savage are coming to the Town asking for assistance. Supervisor Braley asked the Town Board if the Board would like to have a presentation done by the Fire Company at a Town Board Meeting where questions can be asked and answered. Supervisor Braley does not believe the Town should be involved in the building of this building and the Town has helped in the past with the land purchase.

Town Board Member Bernstein agrees that the Town should not be involved with this project, but feels that the new Firehouse should have a good meeting room for possible public use. There is also the issue of space for holding Court.

Town Board Member Geel notes that there are two issues here. The Austerlitz Firehouse needs to own this new building outright, not in conjunction with the Town, but maybe the Town can lease a portion for meetings and/or Court. J. Dsylin would like to see some investment money provided by the Town and B. Geel is not in favor of this. The Town should not be involved in the financing of this project. Supervisor Braley noted that the Town cannot help with funding.

Town Board Member Verenazi advised that the Austerlitz Fireman have met with the Spencertown Fireman concerning funding and how to go about raising money. The Town Board discussed the project specifics. P. Bernstein noted that the Austerlitz Firehouse should work with the Austerlitz Historical

Society to design a building that is pleasing to the current atmosphere. B. Geel noted that these two parties have spoken. Supervisor Braley will have the Austerlitz Firehouse team come in and speak with the Town Board.

Supervisor Braley spoke concerning the distribution of duties between the Columbia County Sheriff and the State Police. J. Braley will schedule a time for these parties to speak to the Town Board as well.

Public Comment

Ellen Melnick questioned Highway Superintendent Meehan concerning the culvert pipe to be replaced on Stonewall Road, as well as, an additional area in the road that was washed-out. There are also areas on Stonewall Road that are steep and have drop-offs. R. Meehan explained that the culvert collapsed and he is looking for different avenues to correct and replace this culvert, understanding that a temporary fix may have to be done for the winter. Highway Superintendent Meehan will look into the washed-out area, steep and drop-off areas on Stonewall Road that E. Melnick is mentioning.

Judith Choate questions Highway Superintendent Meehan concerning a culvert on the corner of West Hill Road and Herrington Drive which has been washing out making West Hill Road narrower. The narrowness is making driving a bit dangerous. J. Choate knows of a woman who has been run off the road once already in this area. Superintendent Meehan advised that this culvert is on Frank Fizzinoglia's property. As of a couple of months ago, this culvert was fine, but R. Meehan will take a look at it.

Judith Choate asked about the County owned, Block Bridge. R. Meehan advised that the County is working on the approaches to this bridge. The excess dirt from this project is being placed on an area of Dugway Road down by the Pheasant Farm. This project should be completed in roughly 3 weeks.

Supervisor Braley advised that the County is working on the Upper Hollow Road Bridge.

Judith Choate questioned whether or not the Town of Austerlitz legally owns the roads in Bryarcliffe. Supervisor Braley advised that there is still no deed, but once the Town started plowing and maintaining the roads, according to the NYSDOT, the Town owns them. According to the County Attorney, the hold up on the deed transfer is with the Title Search. Supervisor Braley notes that the bottom line is that at this point, the Town cannot shirk its responsibility of taking care of the roads in Bryarcliffe. J. Braley explained the difference between user roads and deeded roads noting that eventually the roads in Bryarcliffe will be deeded to the Town of Austerlitz.

Supervisor Braley advised that a public notice has been placed soliciting Town Hall roofing bids.

Chuck Weinlein questioned the issue concerning the warrantee and held back retainage for the Bryarcliffe road project. Supervisor Braley advised that he has spoken with Attorney for the Town, Tal Rappleyea, who stated that if the contractor, HMA, has done the work and Engineer for the Town, Paul McCreary, is satisfied with the work done, then the Town should pay HMA. It is to be remembered that a Town Board Member stopped HMA from working on the Bryarcliffe roads back in the summer. Supervisor Braley continued stating that once the Town receives the detail report on the road project from Morris Associates, the Town will pay HMA the retainage held.

Chuck Weinlein questioned the status of moving the Town of Austerlitz Justice Court due to the number of problems with the current location as noted over the years. Justice Roberts secured grant money for court projects which was never used. Supervisor Braley advised that he has discussed the court needs with the Justices. Court is currently held only 2 nights a month instead of 4 nights as it was in the past. Obviously the previous problems of overcrowding, parking space, security, etc. are no longer issues. Supervisor Braley offered different options to the court during their discussion.

Adjournment

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

J. Braley: yes

B. Geel: yes

Bernstein: yes

M. Verenazi: yes

Motion unanimously carried. Meeting adjourned at 8:00 p.m.

Respectfully Submitted,
Susan A. Haag, RMC MMC
Town Clerk

Town of Austerlitz
 Regular Town Board Meeting
 December 8, 2011

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

Town Board Member Matthew Verenazi absent.

Regular Town Board Meeting called to order at 7:02 p.m.

Moment of Silence in memory of Helen Rivernberg, Joe O'Dell, and Linda McCagg, followed by the Pledge of Allegiance.

Minutes

A motion to accept the November 10, 2011 Public Hearing/Regular Town Board Minutes was made by P. Bernstein and seconded by B. Geel.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

C. Pinto: abstain due to absence

Motion carried 3:1.

Auditing of Accounts and Claims

A motion to approve General Fund #395-423 in the amount of \$34,114.07, Highway Fund #240-272 in the amount of \$114,999.02, and Capital Fund #8-9 in the amount of \$62,165.00, was made by B. Geel and seconded by P. Bernstein.

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

C. Pinto: yes

Motion unanimously carried.

Budget Amendment: Discussion of timing of CHIPs reimbursement. Supervisor Braley advised that previous Accountant Mark Fitzgerald had the Town do budget amendments throughout the year; whereas Accountant Brian Fitzgerald has done them all at once at the end of the year.

	Increase-Appropriations	Increase-Est. Revenues
	Decrease-Est. Revenue	Decrease-Appropriations

HIGHWAY FUND

TO:GENERAL REPAIRS	DA5110.4	19,561.00
FROM: INSURANCE RECOVERIES	DA02680	4,671.00
FROM: STATE AID - SEMA	DA03960	2,127.00
FROM: FED AID -FEMA	DA04960	12,763.00
TO: GENERAL REPAIRS	DA5110.1	38,312.00
FROM: BRUS & WEEDS	DA5140.4	22,086.00
FROM: REFUND PRIOR YEAR EXP	DA02770	16,226.00
TO:GENERAL REPAIRS	DA5110.1	4,834.00
TO:GENERAL REPAIRS	DA5110.4	24,824.00
FROM: MACHINERY	DA5130.4	5,495.00
FROM: SNOW REMOVAL	DA5142.1	3,375.00
FROM: SNOW REMOVAL	DA5142.4	16,521.00
FROM: NYS UNEMPLOYMENT	DA9050.8	4,000.00
FROM: DISBILITY	DA9055.8	267.00
TO:CHIPS PROGRAM	DA5112.2	54,778.00
FROM: STATE AID - CHIPS	DA03501	54,778.00
TO: MACHINERY	DA5130.4	28,785.00
FROM: APPROPRIATED FUND BALANCE	<u>DA00908</u>	<u>28,785.00</u>
Totals:	171,094.00	171,094.00

GENERAL FUND

TO:PARKS	A7140.4	6,503.00
TO:YOUTH PROGRAMS	A7310.1	2,888.00
FROM: YOUTH PROGRAMS	A7310.2	550.00
FROM: YOUTH PROGRAMS	A7310.4	372.00
FROM: PARK & REC CHARGES	A02001	3,590.00
FROM: SALES TAX	A01120	4,879.00
TO:RECORDS MANAGEMENT	A1460.4	1,153.00
FROM: CLERK	A1410.4	1,153.00
TO:UNALLOCATED INSURANCE	A1910.4	443.00
FROM: BUILDINGS	A1620.4	443.00
TO:BLDG INSPECTOR	A3620.4	245.00
FROM: BLDG INSPECTOR	A3620.2	245.00
TO:SENIOR PROGRAMS	A6772.4	327.00
FROM: TOWN BOARD	A1010.4	327.00
TO:CELEBRATIONS	A7550.4	900.00
FROM: TOWN BOARD	A1010.4	900.00
TO:STATE RETIREMENT	A9010.8	437.00
FROM: SOCIAL SECURITY	A9030.8	437.00
TO:POLICE	A3120.4	15,187.00
TO:TRAFFIC CONTROL	A3310.4	1,672.00
TO:DOG CONTROL	A3510.4	319.00
TO:SUPT OF HIGHWAYS	A5010.4	207.00
TO:GARAGE	A5132.4	6,961.00
FROM: SALES TAX	<u>A01120</u>	<u>24,346.00</u>
Totals:	37,242.00	37,242.00

A motion to approve Budget Amendment #1-2011 was made by P. Bernstein and seconded by C. Pinto.
J. Braley: yes
B. Geel: yes
P. Bernstein: yes
C. Pinto: yes
Motion unanimously carried.

Reports

Monthly cash disbursements for the month of November 2011 were presented. Supervisor Braley reviewed figures when discussing the budget amendment.

Town Clerk Report for the month of November 2011 submitted.

Supervisor Braley reported that on the County level there are no committee meetings this month. Republicans are in control of the County Board of Supervisors with the leadership roll up for grabs in January. There is nothing new to report on where the DDS will be housed since testing is still being done. Using the old Walmart building has gone down the tubes, and the County still owns the Ockawamick building. The County budget is to be passed next week with hopefully a 0% increase.

On the local level, Supervisor Braley noted that assessments have been lowered, so some home owners may see an increase in their tax amount. The 2012 Town Budget has been filed with the County. FEMA was here looking at culverts throughout the Town and especially on Stonewall Road. FEMA will reimburse for the same size culvert unless the Town has passed a resolution for hazardous mitigation. The Town of Austerlitz has passed this resolution back in 2008 and it has been given to the proper people for FEMA to reimburse the Town for a bigger culvert.

Supervisor Braley advises that the Columbia County Fire Coordinator term is up and due for appointment. Jim Van Duesen has held this position for years and has requested to be reappointed. J. Braley has received many letters from throughout the County endorsing J. Van Deusen and our local fire companies would like to see him reappointed as well. Supervisor Braley will vote for him.

Due to the new census figures, Austerlitz may have a bigger cut of the vote at the County level.

The revised map draft showing all the roads in Town produced by Jimapco is in and needs to be reviewed by Supervisor Braley and Highway Superintendent Meehan.

Highway Superintendent Meehan reported that the Town has purchased 2 railroad cars from the Town of Canaan's Highway Superintendent Bernie Meyers. These railroad cars will be used as culverts to fix the problem area on Stonewall Road. There was a snow storm today and luckily there were very few breakdowns. The ground is soft, not frozen yet, and plowing hurts the roads when they are not frozen. There are 5-6 spots in Town where trees and wires are down, one notable area is on Dugway Road near LaBranch Road. Superintendent Meehan has notified NYSEG, but they have not responded as of tonight.

The County owned Block Bridge is just about done; it just needs to be blacktopped. The bridge is not opened for travel yet. When the County did this bridge over, they took out the Town of Austerlitz' Highway truck turn around. Before this project is complete, the County will need to create another turnaround.

In regard to the County owned bridge on Upper Hollow Road, Highway Superintendent Meehan has talked to Dean Knox from the County concerning Harold Meininger's driveway. The County would like to detour Upper Hollow into this driveway while the bridge is being fixed. Getting papers signed to accomplish this is not working out very well. It may come down to the County exercising its eminent domain authority. There is also an issue with another land owner, Stephanie Walters.

Highway Superintendent Meehan discussed areas throughout the Town that FEMA has looked at and whether or not he feels they will give the Town some money. A culvert on West Hill Road needs to be upsized and also one on Fog Hill Road. Normally FEMA only reimburses for the size culvert already being used. The Town is still waiting on how much money FEMA will give for the culvert replacement on Stonewall Road.

Planning Board Report for the month of November 2011 submitted.

Comprehensive Plan Oversight Committee Report for the month of October 2011 submitted.

Building Inspector/Code Enforcement Report for the month of November 2011 submitted.

Justice Robert's Court Report for the month of October 2011 submitted.

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

J. Braley: yes

B. Geel: yes

P. Bernstein: yes

C. Pinto: yes

Motion unanimously carried.

Correspondence

Red Rock Volunteer Fire Company Chief George Hoover IV wrote Supervisor Braley over concerns with the fact that a section of Stonewall Road is still closed after damage was done during Hurricane Irene and Tropical Storm Lee. Chief Hoover is concerned over the length of response time due to the fire trucks having to be re-routed. Supervisor Braley has replied. Highway Superintendent Meehan hopes to have this road repair project completed by next week.

Unfinished Business

Bryarcliffe: Supervisor Braley advised that HMA has finished work on the Bryarcliffe Roads. Engineer McCreary, Morris Associates, sent a report on the repair work done in Bryarcliffe. P. McCreary reports that the work done was found satisfactory and the repair work is complete. A voucher has been authorized and signed tonight to pay HMA their retainage.

Highway Superintendent Meehan has done some drainage work on the roads in Bryarcliffe.

Code Enforcement Department: The budget line item for mileage is over budget, and this will hopefully be taken care of next year with the purchase of a vehicle. Code Enforcement Officer Glenn Smith continues to look for used vehicles.

Highway Equipment List: Supervisor Braley notes that a partial list of all highway equipment is started. A more complete list will be forthcoming.

New Business

Town Hall Roof Bids: Bids were received from Cecil Peterson, Centerline, MSI, and Phelps Brothers Roofing, LLC. Town Clerk Susan Haag notes that the Cecil Peterson bid was handed to her already opened by the Court Clerk in error, the Phelps Brothers Roofing, LLC bid was opened when handed to her, and the Centerline bid was received past the deadline.

Roof bids were opened and rejected. This project will be rebid because flashing of the chimneys was not included in the original bid specs.

Public Comment

Chuck Weinlein ask the Town Board if they were interested in purchasing a Ford F250 truck for the Code Enforcement area which can be used in conjunction with the Highway Department. Supervisor Braley advised that the new truck will be used for the 3 Towns: Austerlitz, Canaan, and Hillsdale. Discussion of types of trucks that have been considered for purchase, possible reuse of these trucks, and how this vehicle is billed out between the 3 Towns.

Town Board Member Bernstein stated that when he was last elected Councilman, the nature of the Town Board had changed and he became a minority member. Although this is true, these last 2 years have been his best. P. Bernstein considers this Town Board one of the best; very few, if any, issues are contested, the board is agreeable, a joy to work with. Member Bernstein thanks the Town Board and the Town Clerk. This job is not always easy, but public service is a long standing tradition. The Town Board thanks Town Board Member Bernstein for his years of service to the Town.

Adjournment

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

J. Braley: yes

B. Geel: yes

Bernstein: yes

C. Pinto: yes

Motion unanimously carried. Meeting adjourned at 8:02 p.m.

Respectfully Submitted,
Susan A. Haag, RMC MMC
Town Clerk