

Town of Austerlitz  
Organizational Town Board Meeting  
January 10, 2013

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

Bryan Geel, Town Board Member, absent due to vacation.

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

Moment of Silence in memory of Martha Schober, followed by the pledge of Allegiance.

Minutes

A motion to accept the December 13, 2012 Regular Town Board Meeting minutes was made by C. Pinto and seconded by M. Verenazi.

J. Braley: yes

C. Pinto: yes

M. Verenazi: yes

J. Mesick: yes

Motion unanimously carried.

Auditing of Accounts and Claims

Supervisor Braley explained the reasons behind the following budget amendments:

Budget Amendment #3-2012

Highway Fund

	Increase-Appropriations	Increase-Est.
Revenues	Decrease-Est. Revenue	Decrease-
Appropriations		
DA9060.8 HOSPITALIZATION		1,955.00
DA9030.8 SOCIAL SECURITY		1,812.00
DA5142.1 SNOW REMOVAL		13,915.00
DA5142.4 SNOW REMOVAL	5,397.00	
DA5130.1 MACHINERY	<u>12,285.00</u>	
	17,682.00	<u>17,682.00</u>

General Fund

	Increase-Appropriations	Increase-Est.
Revenues	Decrease-Est. Revenue	Decrease-
Appropriations		
A1010.4 TOWN BOARD	21.00	
A1355.1 ASSESSOR	308.00	
A1440.4 ENGINEER	1,177.00	
A1620.1 BUILDINGS	149.00	
A1620.4 BUILDINGS	873.00	
A3120.4 POLICE	3,245.00	
A3620.4 BUILDING INSPECTOR	194.00	
A5010.4 SUPT. OF HIGHWAYS	88.00	
A5132.4 GARAGE	2,068.00	
A8020.1 PLANNING	437.00	
A3620.1 SAFETY INSPECTION		6,000.00
A3620.11 SAFETY INSPECTION CLERK		<u>2,560.00</u>
	8,560.00	8,560.00

A motion to approve Budget Amendment #3-2012 was made by M. Verenazi and seconded by J. Mesick.

J. Braley: yes

C. Pinto: yes

M. Verenazi: yes

J. Mesick: yes

Motion unanimously carried.

A motion to approve General Fund #1-35, in the amount of \$14398.13, and Highway Fund #1-21, in the amount of \$19916.31, was made by J. Mesick and seconded by C. Pinto.

J. Braley: yes

C. Pinto: yes

M. Verenazi: yes

J. Mesick: yes

Motion unanimously carried.

### Reports

Monthly cash disbursements for the month of December 2012 were presented. Supervisor Braley noted that he is still looking for bottom line figures from the accountant, although the Town is quite flush and our reserves have grown. So, the Town is in good shape. Richard Madonia is still working hard on lowering the speed limit on State Route 203 in the Hamlet of Spencertown. The car for the Code Enforcement Officer will be brought to the Town next week. Registration paperwork is being completed and filed. Supervisor Braley has spoken with Senator Marchione's Office asking for money for a speed reduction sign for the Town. Supervisor Braley will reach out to Assemblyman McLaughlin's office as well.

The Town is looking for a resident of the Town to do deputy town clerk work and highway clerk work as a fill in with no set hours. This will be a part time position starting as \$11.50.

On a County Level, Supervisor Braley noted that reorganizational structuring is happening in the beginning of the year. There are a couple of replacement positions that need to be filled. The 2013 Budget was past. Supervisor Braley is going to attend a project meeting for the NYSDOT for the coming year and will again speak concerning the paving of State Route 203.

Town Clerk Report for the month of December 2012 submitted. Town Clerk Haag stated that she gave the Town Board a list of all outstanding contracts, bonds, and escrow accounts. Clerk Haag also gave the Town Board a list of public officers and the training they completed as required by law.

Highway Superintendent Robert Meehan reported that there is almost a full crew back in the Highway Department. Edgar Logan retired after 36.25 years; Robert Miller is out on permanent disability and Peter Fitzpatrick quit. George Pulver is currently in a nursing home. One of the trucks needed a new chain that has been replaced. The culvert on Fire Hill Road has been replaced. A couple more culverts need replacing but work will be completed when the weather permits. One culvert is on Beale Road and one is on Ten Broeck Road. The Highway Crew has been out scraping ice. Stephanie Walters has been taken care of. Supervisor Braley noted that S. Walters called and is very happy. Superintendent Meehan has not talked with Dean Knox, from Columbia County, yet concerning the work the Town of Austerlitz has done.

Planning Board Report for the month of December 2012 submitted. The Planning Board did not meet.

Comprehensive Plan Oversight Committee Report for the month of December 2012 submitted.

Building Inspector/Code Enforcement Report for the month of December 2012 submitted.

Justice Lagonia Justice Court Report for the month of November 2012 submitted.

Dog Control Report for the month of December 2012 submitted.

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

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

#### Correspondence

NYSOSC: Determination that the Town of Austerlitz' 2013 tax levy was materially within the allowable limit.

Grace Silvernale: Water Flow on Reed Road. Supervisor Braley is aware of this issue. Highway Superintendent Meehan has replaced this culvert by May Lane in the past. There have been a number of geographical changes in the area that effects the water flow. The excess water is only a problem during disasters. R. Meehan has spoken with Grace Ann Silvernale advising that he will increase the size of this culvert. This project is on the list.

NYMIR: Rate Reductions for the 2013 Year.

#### Unfinished Business

##### **Austerlitz Park Renovation**

Morris Associates, Engineer Paul McCreary submitted contract bid package and plans. R. Meehan is checking on stone choices.

#### New Business

##### **2013 Organizational Resolutions**

##### **RESOLUTION 1-2013**

Be it resolved that, First Niagara and the Kinderhook Bank are hereby designated as the official depositories for all town funds for the year 2013.

##### **RESOLUTION 2-2013**

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 2013.

##### **RESOLUTION 3-2013**

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 4-2013**

Be it resolved that after the audit of properly submitted claims to the Supervisor, 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 or for the travel to and from meetings of the Town Board or committees thereof. Daily automotive log substantiated.

##### **RESOLUTION 5-2013**

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 2013. 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 6-2013**

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 7-2013**

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 8-2013**

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:

C. Knauss: 2014  
R. Madonia: 2015  
Charles Lawson: 2016  
Susan Geel: 2017

Fifth member to be appointed at a later date.

**RESOLUTION 9-2013**

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 10-2013**

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 2014.

Barbara Smith  
Edwin Barden  
Timothy Stalker  
Constance Mondel

**RESOLUTION 11-2013**

Be it resolved that Tim Stalker, a member of the Comprehensive Plan Oversight Committee, is hereby designated as Chairman of the Town of Austerlitz Comprehensive Plan Oversight Committee.

**RESOLUTION 12-2013**

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:

K. Gabosh: 2014  
N. Kern: 2015  
P. Rubin: 2016  
Michael Fabiano: 2017

Fifth member to be appointed at a later date.

**RESOLUTION 13-2013**

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 14-2013**

Be it resolved that the 2013 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	\$ 26826.00 per year payable bi-weekly
Registrar of Vital Stats	\$ 450.00 per year payable annually
Deputy Town Clerk	\$ 11.50 per hour payable biweekly
Superintendent of Highways	\$ 49995.00 per year payable bi-weekly
Highway Superintendent Clerk	\$ 14.62 per hour payable bi-weekly
Justices (2 each)	\$ 11255.00 per year payable monthly
Justice's Clerk	\$ 8843.40 per year payable monthly
Justice's Deputy Clerk	\$ 14.62 per hour payable monthly
Town Assessor	\$ 18701.00 per year payable monthly
Assessor Assistant	\$ 14.62 per hour payable monthly
Town Accountant	\$ 11475.00 per year payable monthly
Code Enforcement Officer	\$ 40000.00 per year payable monthly
	Town of Austerlitz' Portion \$21602.00
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
Animal Control	\$ 2000.00 per year payable monthly
Clerk/Typist (Blding Insp/Plan Bd/ZBA)	\$ 14.62 per hour payable bi-weekly
Custodian	\$ 2142.00 per year payable bi-weekly

New Clerk hires shall start at \$11.50 per hour with a \$.50 per hour increase after six (6) months.

**RESOLUTION 15-2013**

Be it resolved that the wage scale and fringe benefits for highway employees for the year 2013 shall be as follows: An increase of \$0.32 shall be added to all current Highway Employees wages for the year 2013 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 16-2013**

Be it resolved that Susan A. Haag, as Town Clerk, is hereby appointed Registrar of Vital Statistics for a term beginning January 1, 2013 and ending at the Town Board organizational meeting in January 2014.

**RESOLUTION 17-2013**

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

**RESOLUTION 18-2013**

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

**RESOLUTION 19-2013**

Be it resolved that all diesel fuel, diesel fuel, heating oil, and furnace maintenance will be purchased under state and/or county contract for the period of January 11, 2013 until the next Town organizational meeting in January 2014.

**RESOLUTION 20-2013**

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 21-2013**

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, 2013 and ending at the Town Board organizational meeting in January 2014.

**RESOLUTION 22-2013**

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, 2013 and ending at the Town Board organizational meeting in January 2014.

**RESOLUTION 23-2013**

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, 2013 and ending at the Town Board organizational meeting in January 2014.

### **RESOLUTION 24-2013**

Be it resolved that the Town Board of the Town of Austerlitz hereby appoints Heather Tompkins as minute taker for the Planning Board, Zoning Board of Appeals and at the absence of the Town Clerk, the Town Board. Rate of pay will be \$50.00 per meeting.

### **Supervisors Appointments**

The Supervisor hereby appoints Bryan Geel to serve as Deputy Supervisor without pay for a period of one year beginning January 10, 2013 and ending at the Town Board organizational meeting in January 2014. 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, 2013 and ending with the organizational meeting in January 2014.

### **Town Appointments**

The Town hereby affirms the appointment of Tal Rappleyea as Attorney for the Town beginning January 1, 2013 and ending at the Town Board Organizational meeting in January 2014.

The Town hereby appoints Brian Fitzgerald as Accountant for the Town to perform accounting services beginning January 1, 2013 and ending at the Town Board Organizational meeting in January 2014.

The Town hereby affirms the appointment of Patrick Prendergast and Morris Associates, as Civil Engineers for the Town, to provide approved engineering services beginning January 1, 2013 and ending at the Town Board organizational meeting in January 2014.

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, 2013 and ending at the Town Board organizational meeting in January 2014, and Jeff Braley as the Deputy Animal Control Officer without compensation.

The Town hereby appoints Lee Heim, as the Code Enforcement Officer, beginning January 1, 2013 and ending with the organizational meeting in January 2014.

### **Highway Superintendent Appointment**

The Highway Superintendent hereby appoints Shawn Williams to serve as Deputy Highway Superintendent without pay beginning January 1, 2013 and ending at the Town Board organizational meeting in January 2014. In the position of Deputy Supervisor, Shawn Williams can act as Highway Superintendent when the incumbent Highway Superintendent is unavailable or not capable of performing the duties of Highway Superintendent.

The Highway Superintendent hereby appoints Mary Davis as interim clerk for the Highway Superintendent beginning January 1, 2013 and ending at the Town Board organizational meeting in January 2014.

### **Court Clerk Appointment**

The Town hereby appoints Eileen Olson, as Court Clerk beginning January 1, 2013 and ending with the organizational meeting in January 2014 and Arlene Newton, as Deputy Court Clerk beginning January 1, 2013 and ending at the Town Board organizational meeting in January 2014.

A motion to approve Resolution 1-24, 2013 was made by C. Pinto and seconded by J. Mesick.

J. Braley: yes

C. Pinto: yes

M. Verenazi: yes

J. Mesick: yes

Motion unanimously carried.

### **2013 Policies**

### Cellular Phone/Phone Card/Telephone/Fax Policy

2013

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

2013

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

2013

#### Scope

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

#### Objectives

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

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

#### Delegation of Authority

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



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

#### Prudence

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

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

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

#### Diversification

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

#### Internal Controls

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

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

#### Designation of Depositaries

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

Depository Name	Maximum Amount	Officer
National Union Bank of Kinderhook	\$3,000,000.00	Town Clerk
National Union Bank of Kinderhook	\$ 30,000.00	Court
First Niagara Financial Group	\$1,000,000.00	Supervisor

#### Collateralizing of Deposits

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

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

-By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

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

## Safekeeping and Collateralization

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

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

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

## X. Permitted Investments

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

- Special time deposits accounts;
- Certificates of deposit;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;
- Obligations issued pursuant to LFL s24.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Town of Austerlitz;
- Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments;
- Certificates of Participation (COPs) issued pursuant to GML, s109-b;
- Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML, s6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

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

## XI. Authorized Financial Institutions and Dealers

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

## XII. Purchase of Investments

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

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

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

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

### XIII. Repurchase Agreements

Repurchase agreements are authorized subject to the following restrictions:

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

### Appendix A

#### Schedule of Eligible Securities

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

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

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

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

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

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

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

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

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

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

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

#### Procurement Policy 2013

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

2013

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

2013

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

2013

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 2013

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 2013

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

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

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

The Town Clerk will post a notice of the position(s) available in the newspaper of record and on the official Town Website.

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

The Town Board will review the qualifications of all candidates including a personal interview if appropriate.

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

The Town Board will be guided by the following policies.

An individual should serve on only one committee each term.

Members of the same household cannot be appointed to serve on the same committee.

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.

#### WORKPLACE VIOLENCE PREVENTION PROGRAM 2013

##### Purpose

It is the intent of the Town of Austerlitz that threats, threatening behavior, and acts of violence against employees, by employees or by other individuals on Town property, will not be tolerated.



The Town of Austerlitz will take all threats seriously. It is the Town's goal to eliminate violent behavior and the threat of such behavior from all work sites.

### Policy

Violence or threat of violence, by or, against any employee of the Town of Austerlitz, or any other person while on Town property, is strictly prohibited. The Prohibited action will subject the perpetrator, if an employee, to serious disciplinary action, up to and including termination of the employee, and, in all cases, possible criminal prosecution.

The possession of firearms or dangerous weapons (as defined below) while on Town property, or in a Town facility or vehicle, is strictly prohibited. Employees violating this policy may be terminated. The weapons portion of this policy does not apply to law enforcement personnel or other employees that are operating within the normal scope of their duties, and using weapons as tools of their profession. Any other employee of The Town of Austerlitz must

Provide proof of a valid weapons permit and must have written approval of the Town of Austerlitz Board in order to carry a weapon on the worksite. Town Departments may receive training on methods on defusing hostile situations.

### Definitions

**Dangerous Weapons:** includes, but not limited to, any offensive weapon, pistol, revolver, or other firearm, dagger, razor, stiletto, switchblade knife, or knife having a blade exceeding five (5) inches in length.

**Work Site:** Includes all property owned or occupied by the Town of Austerlitz, as well as Town vehicles.

**Possession:** Includes, but not limited to, the presence of a weapon on the employee, lunch box, tool kit, bag, purse, cabinets, office, etc. Weapons transported in vehicles must be legally stored in compliance with the laws of the State of New York.

**Violence in the workplace may include:**

The use of physical force with the intent to cause harm.

Acts or threats in any form or manner, which are intended to intimidate, cause fear, or cause harm.

The act of creating a hostile or intimidating work environment by means of words, actions, or physical contact, which would have the purpose or effect of alarming, insulting, or provoking another person.

The intentional damage of Town owned or personal property or acts intended to cause such property to fail to operate, or to operate improperly.

### Guidelines for Managing Workplace Altercations

The guidelines are intended to aid Department Heads and supervisors in dealing with a violent or potentially violent situations at work where the Department Head or supervisor is in a position to intervene and control the situation .

In circumstances deemed by the Department Head or supervisor to be an emergency, call 911, and then contact the Department Head and /or the Town Hall at 392-3260 X300. It is understood that the actions of a supervisor or other employee will depend on the seriousness and nature of the incident. However, consistent with personal safety, supervisors are to make a good faith effort to diffuse violent or potentially violent behavior as quickly as possible in order to prevent escalation. The term "altercation," used in these guidelines, includes actual or threatened violence including verbal or physical confrontation, or assault, or attempts at such assault.

### General Comments

Separate the individuals involved. Do not allow a minor altercation to escalate into a more serious situation. If the individuals cannot be separated, dial 911 and contact the Department Head or supervisor.

All Town employees are responsible for notifying management of any threats that they have witnessed or received. If it is not practical to notify management, the employee should contact the town Hall at 392-3260 X300. Town employees who obtain a restraining order against individuals are strongly encouraged to report the presence of a restraining order to their Department Head and/or supervisor.

Once the situation is under control, the Board of Supervisors and/or appropriate governing body or committee, along with the Department Head, shall interview all persons involved, including

any witnesses, in order to obtain an accurate account of the incident. The incident will be documented in writing and reviewed by management.

The Department Head and/or supervisor consulting with the Town Board will decide on the appropriate disciplinary action, if necessary.

Discipline: Workplace altercations, including those involving only verbal exchanges, justify appropriate corrective action. The Town Board should be contacted for guidance.

#### Program Review and Update

The Workplace Violence Prevention Program will be reviewed and updated as needed, and whenever such updating as indicated by changes, modifications will be made and communicated to all employees.

### COMPUTER POLICY

2013

All Town owned computers shall be used for municipal purposes only. Any Town computer may be subject at any time upon order of the Supervisor or Town Board to an audit.

A motion to adopt the 2013 Policies was made by C. Pinto and seconded by M. Verenazi.

J. Braley: yes

C. Pinto: yes

M. Verenazi: yes

J. Mesick: yes

Motion unanimously carried.

A.O.T. Resolutions and By-Law change. Town Clerk Haag will be attending the 2013 Annual Association of Towns Meeting.

A motion to appoint Town Clerk Haag the voting delegate for the 2013 Annual A.O.T. meeting was made by M. Verenazi and seconded by J. Mesick.

J. Braley: yes

C. Pinto: yes

M. Verenazi: yes

J. Mesick: yes

Motion unanimously carried.

The Town Board discussed radar driver feedback speed signs, a type of traffic calming device. The Town Board will look more into this.

#### Public Comments

None

#### Adjournment

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

J. Braley: yes

C. Pinto: yes

M. Verenazi: yes

J. Mesick: yes

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

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Town Board Meeting  
February 14, 2013

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

Matthew Verenazi, Town Board Member, absent due to vacation.

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

Moment of Silence in memory of George Pulver, long time highway employee for the Town of Austerlitz, followed by the pledge of Allegiance.

Minutes

A motion to accept the January 10, 2013 Organizational Town Board Meeting minutes was made by C. Pinto and seconded by J. Mesick.

J. Braley: yes

C. Pinto: yes

B. Geel: abstained due to meeting absence

J. Mesick: yes

Motion carried 3:1.

Auditing of Accounts and Claims

A motion to approve General Fund #36-82, in the amount of \$22308.25, and Highway Fund #22-41, in the amount of \$16182.17, was made by B. Geel and seconded by J. Mesick.

J. Braley: yes

C. Pinto: yes

B. Geel: yes

J. Mesick: yes

Motion unanimously carried.

Reports

2012 Final Budget Report was presented. This is a draft. On the Town level, Supervisor Braley noted that the car for the Code Enforcement Officer is on the road. There were some minor bugs that are still being worked on. It is a Ford Expedition, which was an Executive Sheriff's car. A couple of computers died in the Code Enforcement Department and need to be replaced: one here and one in the Town of Hillsdale.

Supervisor Braley noted that on the County level the big deal is bonding for the court house which is a New York State mandated project. There is no suitable place to move the court temporarily in Hudson, so the County chose the Claverack School. There is no budget crisis on the County level as was reported in an article in the paper.

Dog warden and the Columbia County Board of Health noted an outbreak of rabies.

Town Clerk Report for the month of January 2013 submitted.

Tax Collector Report for the month of January 2013 submitted.

Highway Superintendent Robert Meehan reported that the #5 truck is down and being worked on. The Highway Crew was down a truck and a sander for the latest storm, although things worked out. The sand is going faster this year than last, but there will probably be enough for the rest of the year.

Planning Board Report for the month of January 2013 submitted.

Comprehensive Plan Oversight Committee Report for the month of January 2013 submitted. The Comprehensive Plan Oversight Committee asked the Town Board if they would like to allow a trailer park in Town because the Trailer Law needs to be revamped. Town Board Member Pinto noted infrastructure issues. Supervisor Braley questioned whether or not a Town

can prohibit a trailer park to which Member Pinto advised that she believes a Town cannot prohibit one.

Also questioned in the Comprehensive Plan Oversight Committee Report was the status of the Town Kiosk that was to be placed in the front of the Town Hall. Past Town Board Member Charles Vander Weit advised that this project was stalled because of controversy surrounding placement and style.

Building Inspector/Code Enforcement Report for the month of January 2013 submitted.

Justice Lagonia Justice Court Report for the month of January 2013 submitted.

Justice Cassuto Justice Court Report for the month of January 2013 submitted.

Dog Control Report for the month of January 2013 submitted. Supervisor Braley advised the Town Board of an incident with Whiffen's dog attacking Dunn's sheep. These dogs have been a problem for a while. There seems to be a misunderstanding that tickets cannot be issued by the dog warden because the Town does not have a leash law. Supervisor Braley noted there is a dog law on the books which states that a dog owner must be in control of their dog at all times. Attorney for the Town, Tal Rappleyea, believes that cases can be prosecuted under this law.

NYS Department of Ag and Markets Dog Control Officer Inspection Report (1/17/13) submitted. The Town of Austerlitz was given a satisfactory rating.

Charlotte Fennel questioned how court money from traffic tickets comes into the Town and how it is divided up between the State, County and Town. Supervisor Braley explained.

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

J. Braley: yes

C. Pinto: yes

B. Geel: yes

J. Mesick: yes

Motion unanimously carried.

#### Correspondence

St. Peter's Presbyterian Church: Use of the Green on May 25, 2013 from 8:00-5:00 p.m. for their annual "Welcome to Summer in Spencertown" fund raiser.

A motion to allow the St. Peter's Presbyterian Church to use the Green on May 25, 2013 from 8:00-5:00 p.m. for their annual "Welcome to Summer in Spencertown" fund raiser was made by J. Mesick and seconded by C. Pinto.

J. Braley: yes

C. Pinto: yes

B. Geel: yes

J. Mesick: yes

Motion unanimously carried.

Patrick Prendergast: Thank You to the Town Board for reappointment as Engineer for the Town for the 2013 year.

Clark Griffin email concerning Love's Truck Stop in the Town of Canaan. Town Board Member Mesick noted that the NYSDEC is the lead agency for this project. Town Board Member Geel noted that the placement of this truck stop seems to be in the right spot.

Planning Board Chair Charles Knauss letter to the Town Board concerning the Glick/Casey Planning Board project from years ago. Supervisor Braley has discussed this issue with Attorney for the Town, Tal Rappleyea, and will discuss with him again.

Columbia County Soil and Water tree and root sales program.

#### Unfinished Business

#### **Speed Reduction State Route 203**

Supervisor Braley noted past Town Board Member Charles Vander Weit in attendance. C. Vander Weit had worked tirelessly trying to get the speed limit on State Route 203 reduced.

Supervisor Braley advised that the speed limit on County Route 7 was just reduced and that reduction was approved by the NYSDOT. Unfortunately, when the Town requested a speed reduction for State Route 203, it was denied. Supervisor Braley presented a number of newspaper articles from over the years concerning the efforts made toward this goal.

Richard Madonia came before the Town Board with his initiative to get the speed limit on State Route 203 in the Hamlet of Spencertown lowered from 40 mph to 30 mph. R. Madonia advised that he has presented a petition with 195 signatures, letters from Senator Marchione, Assemblyman McLaughlin, Chatham Central School Superintendent, and Columbia County Sheriff David Harrison, all supporting a speed reduction.

In addition, R. Madonia has requested letters from the Spencertown Fire Company, the Spencertown Academy, Johnnie Walker Insurance, Gabel Real Estate and the Austerlitz Comprehensive Plan Oversight Committee. To date, R. Madonia has not received letters from these businesses and requests that Supervisor Braley write a letter to each asking for their support. Supervisor Braley agreed to help R. Madonia write a letter. Town Board Member Geel feels that over all the Town Board supports a speed reduction on State Route 203.

R. Madonia advised that the speed limit on State Route 203 used to be 30 mph, but according to a newspaper article from 1962, the speed limit was raised for no apparent reason. Attorney Cheryl Roberts F.O.I.L.ed the NYSDOT for any paperwork on speed reduction for State Route 203 and received nothing. In addition, the Town of Austerlitz' Comprehensive Plan's goals have speed reduction in mind.

R. Madonia has additional ideas to help make the Hamlet of Spencertown safer. These include putting up additional speed signs, and forming a committee to study this issue. R. Madonia has traveled through the Hamlet at the two speed limits; 40 mph and 30 mph and the time saved is minimal. Supervisor Braley advised that the Town Board is the 'committee' that handles these issues. Further, the NYSDOT is responsible for speed signs on a state road.

R. Madonia would also like to see an independent traffic study done by a qualified engineer to see if results support the study done by the NYSDOT a few years ago. Money for this and for electronic speed signs can be garnered from Assemblyman McLaughlin. Attorney Roberts supports R. Madonia's request for an independent analysis as the NYSDOT's study was done in 2009. The NYSDOT analysis contends that lowering the speed limit will make more dangerous driving conditions. Therefore, the NYSDOT needs a legitimate counter to this finding in order to lower the speed limit and take the onus off the State should an accident occur. Without an independent traffic study showing different results, Attorney Roberts feels all of R. Madonia's work will be for nothing.

Attorney Roberts explains what an independent traffic study would entail and accomplish. Cost quotes would need to be garnered. Town Board Member Pinto is not opposed to an independent traffic study, but would like to see some cost figures first.

C. Vander Weit noted that the main caveat of the NYSDOT study done in 2009 was enforcement. The Town should show how many offensives there are to the 40 mph speed limit and present this to the NYSDOT as well. Speed enforcement is a key component to which Supervisor Braley advised is already being done.

The Town Board discussed sheriff patrols and ticket issues with Deputy Proper who was in attendance. Further discussion was heard on how the Sheriff could help the Town with surveying speeds, etc.

Eric Spiegel noted that truck traffic is heavy and they are speeding in the mornings. Highway Superintendent Meehan noted that if the speed limit is reduced, there will be truck brake dust and louder vehicles. The Hamlet of Spencertown also needs sidewalks and drainage work. Dale Hartka noted that where his home is located there is already the constant stench of brakes as trucks come down the hill into the Hamlet which is not very healthy to breath in.

Marie Fischer questions whether any research has been done concerning people being hit on State Route 203 in the Hamlet of Spencertown. William Van Pelt was hit and died, and Carmen Seilbach was hit. Both of these were a long time ago. M. Fischer has two grandchildren she walks to the bus stop on Elm Street and notes how dangerous it is, especially in the winter. M. Fischer straddles the white line holding on to the children's hands while pushing a carriage. The traffic is quite heavy during this time of the morning.

Town Board Member Geel does not feel that a lower speed limit will help with some of these issues. Sidewalks will help, but the road frontage is limited for even this.

Edouard Vaval noted that all the complaints he has heard are all true and worthy for consideration, but what is amazing to him is that County Route 7 has a speed limit of 35 mph coming into Town. This means that a person can actually speed up once they hit the Hamlet. Supervisor Braley advises that one is a County Road and one a State Road making two different governing bodies responsible for the two different roads.

Town Board Member J. Mesick notes that State Route 203 just outside the Hamlet as it passes Stever Hill is a very dangerous section as well. Cars are constantly violating the law by passing on a double yellow line. Member Mesick does not believe that lowering the speed limit will help, but in fact make the situation worse. J. Mesick believes that electronic speed signs and enforcement are the key.

Sandy Fischer likes the idea of a traffic study and feels it would help to deal with all these issues, including line of sight.

Rupert Fennel noted that in the Villages of Chatham and Ghent the roads are patrolled and people do the speed limit. R. Fennel does not feel like there is enthusiasm from the Town Board for this speed reduction project. Town Board Member Pinto noted that she has two grandchildren and understand the concerns of the residents concerning safety. C. Pinto agrees that an independent traffic study is warranted, but would like to see the costs involved first. One of the reasons Member Pinto started looking into electronic speed signs was because of the speeding in the Hamlet of Spencertown on State Route 203. Town Board Member Geel supports the efforts of R. Madonia, but does not feel that there is much hope of success based on previous attempts. B. Geel feels that Town Board Member Pinto's efforts towards electronic speed signs are time well spent and will be more effective.

C. Vander Weit noted that the Town needs to get the residents conscience of the speed limit and to then follow it.

Attorney Roberts thanks the Town Board for their time and consideration and R. Madonia for his hard work. There seems to be plans and strategies set in place for all outcomes.

R. Madonia thanks the Town Board for their consideration.

Supervisor Braley will notify the Columbia County Sheriff's Office and set up a new schedule when patrols will sit and where.

A motion to spend up to \$5000.00 for an independent traffic study and to go out to bid for this work was made by J. Mesick and seconded by C. Pinto.

J. Braley: yes

C. Pinto: yes

B. Geel: yes

J. Mesick: yes

Motion unanimously carried.

Morris Associates will place bid notice.

Ways to secure funding for this independent traffic study were discussed. Traffic calming options were also discussed.

**Resolution #25-2013**, Request for Speed Reduction on NYS Route 203 in the Hamlet of Spencertown. Tabled.

### **Austerlitz Park Renovation**

Morris Associates, Engineer Paul McCreary submitted contract bid package and plans.

A Motion to put this project out to bid using the specs as prepared by Morris Associates was made by C. Pinto and seconded by J. Mesick.

J. Braley: yes

C. Pinto: yes

B. Geel: yes

J. Mesick: yes

Motion unanimously carried.

Supervisor Braley announced that Assemblyman Steve McLaughlin will be at the Town Hall, Thursday, February 28<sup>th</sup>, from 11-2:00 p.m.

### New Business

Liquor License Renewal for Sunshine Gas Inc. The Town Board has no problem with this renewal.

Speed Reduction Radar Sign: The Town Board discussed who to call for requirements to put this type of sign up on a State road. Town Board Member Pinto will follow-up. Discussed logistics and pricing. Town Board Member Geel noted that this should be included in the traffic study.

### Planning Board Appointment:

A motion to appoint Marie Meehan to the Planning Board with a term ending at the Town of Austerlitz Organizational Meeting in January of 2018 was made by J. Mesick and seconded by B. Geel.

J. Braley: yes

C. Pinto: yes

B. Geel: yes

J. Mesick: yes

Motion unanimously carried.

### Public Comments

None

### Adjournment

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

J. Braley: yes

C. Pinto: yes

B. Geel: yes

J. Mesick: yes

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

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Town Board Meeting  
March 14, 2013

Roll call. Present: Jon Mesick, Carol Pinto, Bryan Geel, Matthew Verenazi, Town Board Members, Robert Meehan, Highway Superintendent, and Susan Haag, Town Clerk.

Jeffrey Braley, Supervisor, absent due to illness.

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

Moment of Silence, followed by the pledge of Allegiance.

#### Minutes

A motion to accept the February 14, 2013 Town Board Meeting minutes was made by C. Pinto and seconded by J. Mesick.

C. Pinto: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: abstain due to meeting absence

Motion carried 3:1.

#### Auditing of Accounts and Claims

A motion to approve General Fund #83-113, in the amount of \$11765.43, and Highway Fund #42-53, in the amount of \$14211.65, was made by M. Verenazi and seconded by C. Pinto.

C. Pinto: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

Motion unanimously carried.

#### Reports

Monthly Budget Reports for the month of February 2013 were submitted.

No Supervisor Report due to J. Braley's absence.

Town Clerk Report for the month of February 2013 submitted.

Tax Collector Report for the month of February 2013 submitted.

Highway Superintendent Robert Meehan reported that the ground is currently not frozen and with the couple of snow storms, the roads are dug up. Plowing is slow going when the ground is not frozen. A four hour trip can be 7-8 hours. The Highway Crew has done some grading to help repair the roads. There are a couple pipes to replace in the Spring: one on Middle Road in which Highway Superintendent Meehan is looking for the State to help out with. Unfortunately, R. Meehan believes the Town will have to take care of this. The Town made it through the rain storms pretty good even though there was a lot of water. A culvert on Pratt Hill Road needed to be cleaned out.

Highway Superintendent Meehan has been talking with a couple of salesmen about replacing the grader. R. Meehan would like to test a Cat for a few days. Cat is trying to go after the Government market so their prices are better and offer rebates. The current grader the Town owns is getting tired.

Planning Board Report for the month of February 2013 submitted.

Comprehensive Plan Oversight Committee Report for the month of February 2013 submitted.

Building Inspector/Code Enforcement Report for the month of February 2013 submitted.

Justice Lagonia Justice Court Report for the month of February 2013 submitted.

Dog Control Report for the month of February 2013 submitted.

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

C. Pinto: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

Motion unanimously carried.



## Correspondence

Columbia County Sheriff's Office: Hourly Rates 2013

Discussed the new Columbia County Sheriff's patrol schedule in the Hamlet of Spencertown. Tickets have been issued to speeders.

## Unfinished Business

### **Speed Reduction State Route 203**

Four new letters concerning the speed on State Route 203 in the Hamlet of Spencertown were received.

Gable Real Estate in support.

Bob Newman in support.

Spencertown Fire Company in support.

Rich Nesbitt not in support.

Deputy Supervisor Geel feels he had a moment of clarity concerning this issue. After traveling in upstate New York, he came across speed radar signs. These signs had strobe lighting and they really got his attention because it was dark outside. B. Geel does not feel that the town needs a reduction in speed, but rather these types of radar signs are a better option. The money for the traffic study would be better used towards these signs. The biggest problem is speeding, not the actual speed limit. If the speed reduction does happen, B. Geel is not against it.

R. Meehan noted that heavy truck traffic will continue and may increase due to the increased tolls on the Thruway. Discussed movable radar speed signs.

Town Board Member Pinto noted the Town can rent a movable sign, but C. Pinto would like to see a stationary sign up on State Route 203 by the playground.

### **Speed Radar Sign**

A meeting with Traffic Systems Inc to demonstrate their speed radar signs has been scheduled for Monday, March 18, 2013 at 12:00 at the Town Hall.

### **Austerlitz Park Renovation**

Waiting on bids to be received.

## New Business

Spencertown Academy: Request to use the Spencertown Greene June 22, 2013, for a Garden Market as part of the Spencertown Academy's Annual Hidden Garden Tour.

A motion to allow the Spencertown Academy to use the Spencertown Greene June 22, 2013, for a Garden Market as part of the Spencertown Academy's Annual Hidden Garden Tour was made by M. Verenazi and seconded by C. Pinto.

C. Pinto: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

Motion unanimously carried.

Carrie Newton was in attendance observing for a governmental college class.

## Public Comments

None

## Adjournment

A motion to adjourn was made by M. Verenazi and seconded by J. Mesick.

C. Pinto: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

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

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Town Board Meeting  
April 11, 2013

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

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

Moment of Silence, followed by the pledge of Allegiance. Our prayers and sympathies go to Assessor Pam Cook who is bravely battling cancer through chemo.

Minutes

A motion to accept the March 14, 2013 Town Board Meeting minutes was made by M. Verenazi and seconded by C. Pinto.

J. Braley: abstain due to meeting absence

C. Pinto: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

Motion carried 4:1.

A motion to accept the March 18, 2013 Special Meeting minutes was made by C. Pinto and seconded by M. Verenazi.

J. Braley: yes

C. Pinto: yes

B. Geel: abstain due to meeting absence

J. Mesick: yes

M. Verenazi: yes

Motion carried 4:1.

A motion to accept the May 24, 2012 Special Meeting minutes was made by B. Geel and seconded by C. Pinto.

J. Braley: yes

C. Pinto: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

Motion carried unanimously.

Auditing of Accounts and Claims

A motion to approve General Fund #114-146, in the amount of \$13380.19, and Highway Fund #54-78, in the amount of \$17636.81, was made by C. Pinto and seconded by M. Verenazi.

J. Braley: yes

C. Pinto: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

Motion unanimously carried.

Reports

Monthly Budget Reports for the month of March 2013 were submitted.

Supervisor Braley reported that on a Town level, a tentative meeting between the Comprehensive Plan Oversight Committee and the NYSDOT has been set up for April 16, 2013 at 9:00 a.m.

The topic of discussion is the speed limit for the Hamlet of Spencertown, not the condition of State Route 203 or the playground entrance area.

Supervisor Braley advised that the Enhanced Patrol sat on State Route 203 in Spencertown and switched a weekend patrol to a weekday. The speeds through the Hamlet are still up, but better.

The FEMA Disaster Mitigation Preparedness Plan has taken up quite a bit of Supervisor Braley's time. The Town of Austerlitz has filed their plan and received money, but this plan will expire in 2013 and the rules are changing. The new rules are tied to building costs, replacement costs, and original building costs.

Highway worker, George Pulver's Memorial service is scheduled for April 27, 2013 from 1:00-4:00 p.m. at the Spencertown Fire House.

The Chatham Central School District will be available May 1, 2013 at 6:30 p.m. at the Town Hall to answer questions concerning their proposed budget for the 2013-2014 school year.

On a County level, Supervisor Braley advised that the Board was looking into improving cash flow from various sources. Two areas that will see changes are; being more aggressive in collecting delinquent tax money and additional foreclosures will be started. Selling of unprofitable services on a County level will also be looked at. Columbia County bus lines have been brought back to the County with Johnson/Pulcher winning the bid. The airport actually makes money for the County. Sales tax revenue is up a few percentages.

Town Clerk Report for the month of March 2013 submitted.

Tax Collector Report for the month of March 2013 submitted.

Highway Superintendent Robert Meehan reported that he has looked over the playground getting ready for the summer recreation program. New swing set seats have been ordered, as has basket ball hoop nets. Copeland Coating Company will look at the tennis court because it is cracking again. County Engineer Dean Knox will look at the area since the retaining wall is moving. Superintendent Meehan suggested that the blown lights on the walkway from the parking area to the Academy be replaced. New fencing up at the ball park needs to be bought and put up as well.

Superintendent Meehan has Looked at a John Deere grader and a Cat; both are nice and a decision on which direction to go will be forthcoming. The Highway Crew is fixing potholes. Some of the roads were hurt this year because the weather was so up and down. Discussion on the paving of Reed Road. Kids are stealing signs again and someone is dumping tires. The fountain on the Spencertown Greene is cleaned and ready to go.

Planning Board Report for the month of March 2013 submitted.

Comprehensive Plan Oversight Committee Report for the month of March 2013 submitted.

Building Inspector/Code Enforcement Report for the month of March 2013 submitted.

Justice Lagonia Justice Court Report for the month of March 2013 submitted.

Justice Cassuto Justice Court Report for the months of February and March 2013 submitted.

No Dog Control Report for the month of March 2013 submitted.

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

J. Braley: yes

C. Pinto: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

Motion unanimously carried.

## Correspondence

Spencertown Academy: Speed Reduction State Route 203-in favor of.

## Unfinished Business

### **Speed Reduction State Route 203**

Supervisor Braley sent out for proposals for a traffic study to three entities. Out of the four sent, one came back due to a wrong address, one could not bid because of a conflict of interest, one did not reply and the fourth, Morris Associates, came back advising that they did not think the time and money that would be spent for a study would be worth the information gleaned. Morris Associates offered options. Supervisor Braley has been keeping track of speeds through the Enhanced Patrol and will set up another blitz again with the Columbia County Sheriff's Office.

### **Speed Radar Sign**

A demonstration was done by Chris Pagniello of Traffic Systems Incorporated on March 18, 2013. The Town Board discussed types of radar signs, placing options, etc. The consensus of the Town Board was to purchase one permanent radar sign to be placed up by playground on State Route 203, and one moveable one.

The Town Board will start to look at options to purchase and present at next Town Board meeting.

### **Austerlitz Park Renovation**

Morris Associates sent an email noting that the plans have been slightly revised based upon some minor comments from the NYSDOT area permit engineer. The revisions have been sent to the engineer and Morris Associates is waiting any additional review comments. Once comments are received, the project can proceed to a final state and then be put out for bid.

## New Business

### **Lawn Care and Ground Maintenance Bids**

Only one bid was received. Howes Horticultural

Price per mowing: \$130.00 with the estimate of 24 mows during the season.

Ground Maintenance to include Spring and Fall clean up, weed killing, brush cutting and pest control: \$400.00/hour

Garden Maintenance to include weeding, edging, mulching, planting (if necessary) and hedge trimming: \$40.00/hour

Garbage removal: \$15.00 per pick up

### Cost of Materials

Mulch \$45.00/yard

Perennials: (if needed) between \$12.00 and \$35.00 depending on size.

Trees and Shrubs: if these are needed an estimate will be given prior to installation.

A motion to accept Howes Horticultural Lawn Care and Ground Maintenance Bid was made by M. Verenazi and seconded by C. Pinto.

J. Braley: yes

C. Pinto: yes

B. Geel: yes

J. Mesick: yes

M. Verenazi: yes

Motion unanimously carried.

Discussed different types of garbage receptacles. Highway Superintendent Meehan will see if he has time to build some picnic tables or if these can be purchased inexpensively.

### **NYMIR Information Statement and Proxy:**

The proxy solicited on behalf of the Board of Governors of the New York Municipal Insurance Reciprocal states that once signed, the member of NYMIR hereby appoints Tim Whitesell, NYMIR Secretary, as Proxy and authorizes him to represent and vote in the Town of Austerlitz' name for the election of the nominated Governors at the Annual Meeting of the Subscribers to be held in Albany, New York on May 3, 2013 at 10:00 a.m. local time, or any adjournment thereof.

A motion to accept the slate of candidates and terms as presented, and to authorize Tim Whitesell as proxy was made by C. Pinto and seconded by B. Geel.

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

Public Comments

None

Adjournment

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

J. Braley: yes  
C. Pinto: yes  
B. Geel: yes  
J. Mesick: yes  
M. Verenazi: yes  
Motion unanimously carried. Meeting adjourned at 8:22 p.m.

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Town Board Meeting  
May 9, 2013

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

Bryan Geel and Jon Mesick, Town Board Members, absent.

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

Moment of Silence, followed by the pledge of Allegiance.

Minutes

A motion to accept the April 11, 2013 Town Board Meeting minutes was made by C. Pinto and seconded by M. Verenazi.

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

Auditing of Accounts and Claims

A motion to approve General Fund #147-186, in the amount of \$40636.24, and Highway Fund #79-96, in the amount of \$27529.79, was made by M. Verenazi and seconded by C. Pinto.

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

Reports

Monthly Budget Reports for the month of April 2013 were submitted.

Supervisor Braley reported that on a Town level, the Town is on budget. The Code Enforcement line item is slightly over budget due to the purchase of a vehicle. A couple of line items are under budget. The Town received a franchise payment from Charter Communications, as well as, a large one for mortgage tax due in May. Sales tax down 2.9%.

The NYSDOT had a meeting with Columbia County Sheriff David Harrison that was held at the Austerlitz Town Hall. Four from the NYSDOT, two from the Town of Austerlitz' Comprehensive Plan Committee, Supervisor Braley, Town Board Member Mesick and two additional Deputy Sheriffs were also present. According to a follow-up letter from the NYSDOT, decisions included keeping the 40 mph speed limit in the Hamlet of Spencertown, and the planning department of the NYSDOT will help the Town of Austerlitz secure grant funding to be used for sidewalks in the Hamlet. An additional meeting between the NYSDOT and the Town of Austerlitz Comprehensive Plan Committee has been scheduled in May to discuss long term planning strategies and updating of the Town's Comprehensive Plan to cover traffic issues.

On a County level, Supervisor Braley advised that the safe act, guns and whether or not supervisors can carry a weapon inside a county building was being decided. Violence in the workplace policy passed. A cell phone tax for the County is being discussed. This tax would pay for maintenance issues. A move for the Pine Haven Nursing Home was discussed and the overall condition of Columbia County Courthouse was discussed as well.

Town Clerk Report for the month of April 2013 submitted.

Tax Collector Report for the month of April 2013 submitted.

Highway Superintendent Robert Meehan reported that the Highway Crew has been repairing and putting in new culverts on Tenbroeck, and other roads. It has been dry and the Highway Crew has put some calcium down. A section of West Hill Road will be temporarily closed for 2 weeks while a new culvert is being put in. The logistics are being worked out with the crane, electric and phone companies, etc.

Town Board Member Verenazi questioned which roads would be paved this year and R. Meehan noted West Hill Road hopefully and maybe Reed Road. Middle Road is also being worked on. Not too much grading has been done because it has been so dry.

Planning Board Report for the month of April 2013 submitted.

Comprehensive Plan Oversight Committee Report for the month of April 2013 submitted.

Building Inspector/Code Enforcement Report for the month of April 2013 submitted.

Dog Control Report for the months of March and April 2013 submitted.

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

J. Braley: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

#### Correspondence

NYSDOT to Columbia County Sheriff David Harrison: Speed Limit State Rte 203 and pedestrian safety. Results of meeting held were that the Town of Austerlitz will work with Reps from the NYSDOT to develop a pedestrian plan to be included in the Town's Comprehensive Plan, and the 40 mph speed limit in the Hamlet of Spencertown will stand.

Mary Harding: Use of the Spencertown Greene for a Tabata Boot Camp class. The Town Board consensus was to decline permission to use the Greene to profit making businesses. Liability issues were also a concern.

Supervisor Braley mentioned another interested party who contacted him to sell plants on the Greene. The Town Board said no to this as well.

Spencertown Academy Hidden Garden Tour signage on the Spencertown Greene: 3 sandwich boards to announce the dates of the market on the Greene. The Town Board consensus was to allow the signage to be put up, but put back far enough so views of traffic were not blocked.

## Unfinished Business

### **Speed Radar Sign**

Supervisor Braley advised that Town Board Member Geel was going to do additional research on speed radar signs as Board Member Pinto was. In the meeting with the NYSDOT, they noted that these types of signs did not work well in the long run because motorists got used to the signs and stopped paying attention to them. Portable radar signs were more preferred. Supervisor Braley would like Town Board to attend the Comprehensive Plan Oversight Committee meeting with the NYSDOT in May.

### **Austerlitz Park Renovation**

Supervisor Braley advised that he has heard nothing from Paul McCreary of Morris Associates concerning the bids for work up at the ball field. There seems to be some confusion because as of the last contact, P. McCreary is waiting for the NYSDOT's approval for the playground entrance repair work. This entrance comes off of State Route 203. Town Board Member Pinto will follow-up with P. McCreary.

Highway Superintendent Meehan noted that he has called Copeland to come and fix the tennis court.

### **Berkshire Taconic Foundation Grant**

Supervisor Braley discussed the grant given to the Town of Austerlitz to catalog historic homes in the Hamlet of Spencertown, noting that some work has been done, but the final paperwork has not been filed. Roughly \$300.00 has been spent out of \$1000.00 given. The Berkshire Taconic Foundation would like this grant finalized and because the person responsible for this grant has not responded to repeated requests for documented progress, Supervisor Braley would like to return the awarded money back to the Foundation with an apology to repair our reputation. Supervisor Braley has secured some paperwork from an outside source, but no money was used to gather this information. Historian and grant committee member, Sally Light, has tried to gather information to help finalize the grant. Judith Choate advised that she was on the original grant committee, but has not been for the last two years. History of this grant and work done was discussed.

A motion to return \$1000.00 to the Berkshire Taconic Foundation for an awarded grant was made by J. Braley and seconded by M. Verenazi.

J. Braley: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

## New Business

### **Assessor Appointment**

Current Assessor, Pam Cook's term will end September 30, 2013. The Town will need to reappoint P. Cook or hire a new Assessor. P. Cook is currently undergoing chemo treatments. Grievance day is coming up May 29, 2013, but P. Cook will not be attending. The Columbia County Real Property Office will send someone out to cover. Assessor Cook has been working on and off during her treatments. Supervisor Braley has discussed P. Cook's reappointment with her, and P. Cook advised she is interested in continuing as Assessor for an additional 6 years. Unless something changes, the Town Board will reappoint P. Cook in September.

### **Summer Recreation Program**

Supervisor Braley noted that New York State gives the Town of Austerlitz roughly \$200.00 each year in grant money to put towards the summer recreation program. The paperwork involved to get this amount is quite involved and not worth the little received. J. Braley further noted that an outside donation has been made to the St. Peter's Presbyterian Church for community mission outworking. St. Peter's has reached out to the Town and asked for them to submit an application for money to be used towards the summer recreation program.

Supervisor Braley and Summer Recreation Program Director Deborah Oleynek have come up with several events for the children that can be paid for through this money and through informal discussions with the church, it was decided that the church basement can be used for some of these events. D. Oleynek is scheduled to meet with the Reverend to discuss this grant program.

In the past, the Clara Gott grant program gave money to the Town for the swim program during the summer. It was suggested that the Town again reach out in this direction.

Summer Recreation Program Director Oleynek noted that orders have been placed for replacement parts for some of the playground equipment and asked if Highway Superintendent Meehan can fix the equipment when the parts come in. R. Meehan agreed to fix the equipment.

Discussion then centered on program fees for the Summer Program and whether or not to offer swim lessons this year as that aspect was not well received last year. The Town Board left these decisions to D. Oleynek. Director Oleynek will reach out to the Town of Ghent again this year, although Ghent has a new program director. All other logistics are in place.

### **Spencertown Academy**

Town Board Member Matthew Verenazi advised that he attended a meeting with the Spencertown Academy Building Committee to discuss repairs to the building and community outreach. M. Verenazi noted that the Academy would like to become more involved with the community and would like to have events held there. The Spencertown Academy is now a volunteer organization and is putting together a capital fund drive to raise money to repair the building. The option of using the Academy for the Town Justice Court was also revisited.

### **Parking: County Route 7**

Supervisor Braley noted that during his first term as Supervisor the same parking and speeding issues were present in the Hamlet of Spencertown. During that time he suggested changing the configuration of County Route 7 at the end where it connects with State Route 203. The suggestion was to make the ingress a one-way street and having the cross over road at the end of the Greene be the egress for County Route 7 traffic. The St. Peter's Church is now interested in exploring this idea and has sent a letter to the County in this regard. Supervisor Braley has spoken to the County Representatives and they are receptive to the idea. This is an option that it is the development stages and will be discussed in more detail in the future.

Supervisor Braley has spoken with Martin Parker concerning the use of his parking lot next to the Town Hall for extra Town Hall parking.

### **Highway Bids**

Town of Austerlitz Highway Superintendent Robert Meehan and Supervisor Braley opened up bids at 6:30 p.m. to review.

### Calcium Chloride

Peckham Materials Corp.

32% Liquid Calcium Chloride Price per gallon: \$.938

35% Liquid Calcium Chloride Price per gallon: \$.938

A motion to accept the Calcium Chloride bid from Peckham Materials Corp was made by J. Braley and seconded by M. Verenazi.

J. Braley: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

### Sand, Gravel and Stone

Bob Boll Excavating

Bank Run \$6.50 per ton FOB

A motion to accept the bank run material from Bob Boll was made by J. Braley and seconded by C. Pinto.

J. Braley: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

A. Colarusso and Son, Inc.

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



Item	Description	FOB	Delivered
Crush Stone	Item 4 Crusher Run	\$9.00	\$13.75
Crush Stone	Crusher Run 2" Minus	\$9.00	\$13.75

A motion to accept the crusher run material bid from Colarusso and Son Inc. was made by J. Braley and seconded by M. Verenazi.

J. Braley: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

#### Trucking

Bemiss Trucking Service, Inc.

Trailer rates average load 35 ton or 23 yards: trailer: \$110.00 per hour; steel trailer: \$125.00 per hour (6" stone or larger)

The horsepower rating for the tractors is 600 and 550. All rates are for delivery to town yard. Colarusso Quarry: \$3.65 per ton; Colarusso Sand: \$5.70 per ton

A motion to accept the bid from Bemiss Trucking Service, Inc for hauling material out of Colarusso Quarry and Colarusso Sand was made by J. Braley and seconded by C. Pinto

J. Braley: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Tommy Faxon Excavation

Hourly rate for steel rock trailer will be \$120.00.

Triaxle Dump: Truck 224 – 06 Sterling, 455 horsepower, average load size of 21 ton, permitted for 70,640 lbs.

Triaxle Dump: Truck 225 – 05 Westernstar, 455 horsepower, average load size of 22 ton, permitted for 71250 lbs.

Hourly rate for triaxle dumps will be \$85.00.

A motion to accept the Tommy Faxon Excavation bid for the steel rock trailer and the triaxle dump trucks contingent on proof of current Workman's Compensation Insurance was made by J. Braley and seconded by M. Verenazi.

J. Braley: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Hunt Trucking LLC bid was not accepted.

#### Public Comments

Judith Choate noted that she has been patient for the last several months concerning the rocks replaced on her property. The rocks Highway Superintendent Meehan used as a replacement for those moved during the paving of Herrington Drive were not as big or placed in the appropriate spots. Out of 8 rocks taken, only 4 were replaced. Supervisor Braley, Highway Superintendent Meehan, and J. Choate will set up a meeting to discuss what needs to be done to correct this situation.

Supervisor Braley advised that Memorial Day services will be held again this year with refreshments at the Town Hall.

Ellen Melnick questioned how she would go about getting the speed limit lowered on State Route 203 in the area of Stonewall Road. There is a blind spot on the corner making visibility difficult and dangerous for her to pull out of her driveway. Supervisor Braley advised the speed limit will not be reduced, but maybe the State will put additional signage in that area. J. Braley advised E. Melnick to attend the meeting with the NYSDOT in May.

Discussion on the use of mirrors being used to help sight distances on roads, who can put these up, restrictions, etc.

Town Board Member Verenazi questioned pavement of State Route 203. Supervisor Braley noted that during the meeting with the NYSDOT it was stated that there will be no paving in the near future. There is no money on the State level for this. Supervisor Braley discusses the amount of new 'no parking' signs put up in the last week, as well as a traffic counter, hoping that maybe the State has changed their minds.

#### Adjournment

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

J. Braley: yes

C. Pinto: yes

M. Verenazi: yes

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

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Town Board Meeting  
June 13, 2013

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

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

Moment of Silence in memory of Benjamin Hegeman and Jean Whiffen, followed by the pledge of Allegiance.

#### Minutes

A motion to accept the May 9, 2013 Town Board Meeting minutes was made by C. Pinto and seconded by M. Verenazi.

J. Braley: yes

B. Geel: abstain due to absence

J. Mesick: abstain due to absence

C. Pinto: yes

M. Verenazi: yes

Motion carried 3:2.

#### Auditing of Accounts and Claims

A motion to approve General Fund #187-222, in the amount of \$12136.21, and Highway Fund #97-118, in the amount of \$36639.00, was made by M. Verenazi and seconded by C. Pinto.

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

#### Reports

Monthly Budget Reports for the month of May 2013 were submitted.

Supervisor Braley reported that on a Town level things are quiet, just a lot of rain.

On a County level, Supervisor Braley advised things are also quiet because it is an election year. The County approved the closing of the New Lebanon land fill which will make the NYSDEC very happy. Planning for the new Pine Haven nursing home is moving forward. The upgrading of Columbia County Court House is underway.

Town Clerk Report for the month of May 2013 submitted.

Tax Collector Report for the month of May 2013 submitted. Town Clerk Haag advised that the tax books have been turned over to the County for the year.

Supervisor Braley noted a letter sent from the Columbia County Board of Supervisors concerning foreclosure procedures. This letter was sent to all residents in the County who owe back taxes and has caused quite the stir. The County has been able to collect \$1,900,000.00 in back taxes and hope this letter will generate additional money in back payments.

Highway Superintendent Robert Meehan reported that he has sent out via mail notices to residents on Harvey Mountain Road alerting them to a partial bridge closure. Notices have also been placed on Harvey Mountain Road. This box culvert (bridge) has been inspected by the Columbia County Highway Department and deemed in need of repair, which Highway Superintendent Meehan will take care of this summer. An engineering firm out of Albany gave a quote of \$75000.00 for this repair. The Town Board discussed options for the repair work noting what is needed. The Town of Canaan has some culverts available for the Town of Austerlitz to purchase.

Another bridge on East Hill Road has been deemed in need of repair as well.

Superintendent Meehan also advised that New York State Electric and Gas has temporarily moved wires on West Hill Road so culvert work can be completed. Kids are stealing signs again, some ditching has been done, and the culvert work on Pearson Road has been completed.

Planning Board Report for the month of May 2013 submitted.

Comprehensive Plan Oversight Committee Report for the month of May 2013 submitted. This meeting was dedicated to NYSDOT and planning for the Hamlet of Spencertown. Comprehensive Plan Oversight Committee member Constance Mondel noted that the Comprehensive Plan Oversight Committee would like to form a subcommittee who would deal exclusively with the Hamlet of Spencertown. Members of this committee should be from the Hamlet of Spencertown and would deal with issues as they arise.

Building Inspector/Code Enforcement Report for the month of May 2013 submitted.

Justice Lagonia Justice Court Reports for the months of April and May 2013 submitted.

Justice Cassuto Justice Court Reports for the months of April and May 2013 submitted.

Dog Control Report for the months of April and May 2013 submitted.

A motion to accept the above reports was made by B. Geel and seconded by J. Mesick.

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

#### Correspondence

Raeph Sanderson, St. Peter's Presbyterian Church: Speed Limit State Route 203-in favor of reduction.

Eric Spiegel: Speed Limit State Route 203-in favor of reduction.

Constance Culley: Speed Limit State Route 203-in favor of reduction.

AOT/NYCOM: 2013 Planning and Zoning Summer School dates.

NYS Department of Taxation and Finance: 2013 Tentative State Equalization Rate. The Town of Austerlitz is tentatively at 105.48%.

Supervisor Braley spoke the following words for Ellsworth Kelly's Birthday:  
Last month, May 31<sup>st</sup> to be exact, Ellsworth Kelly celebrated his 90<sup>th</sup> Birthday. Knowing Mr. Kelly only by name and reputation and his impact on our community, I did my "Google" research and was quickly impressed by the genius we have in our midst. I urge you all to read up on his vicarious life. Born in Newburgh, NY, he was raised in New Jersey where his grandmother influenced him early by teaching him to appreciate the colors and many forms of nature. He became an avid birdwatcher as a child.

Upon entering U.S military service in 1943 he requested to be assigned to the 603rd Engineers Camouflage Battalion. He had a lot of exposure to military camouflage during the time he served and this became part of his basic art training.

Ellsworth worked out of NYC for many years and took "Meandering drives upstate into Columbia County, where he found a Victorian house on a winding road in Spencertown. He moved upstate in spring 1970, but kept his studio in New York City, just in case country living didn't work out. He soon moved his studio to Main Street Chatham and eventually built his present studio in Spencertown.

Ellsworth Kelly is known for his oversized paintings but is a sculptor as well. I urge you all to research his works...it was an enlightening experience for me.

In Austerlitz we have benefited from Ellsworth's largess through his foundation. The fire companies, St. Peter's Church, the Academy, the Town and others have all received generous gifts that have enriched our lives. Happy Birthday, Ellsworth.

#### Unfinished Business

##### **Speed Radar Sign**

Although the Town Board had decided to purchase a speed radar sign, Supervisor Braley had put this off so that Town Board Member Carol Pinto could speak with the NYSDOT for placement permission. In the mean time, during one of the meetings with the NYSDOT, they advised that the district they preside over with headquarters in Poughkeepsie, New York, does not use these types of signs. Other districts have used them, but our representatives are not overly impressed with them and do not feel they are effective over the long run. Supervisor Braley has priced different types of movable signs instead of the stationary ones based on the NYSDOT's thinking. The Town of Ghent would like to partner with the Town of Austerlitz in the purchase of a movable speed sign and J. Braley believes this would be a reasonable thing to try. Town Board Member Geel likes the stationary signs, while Member Jon Mesick likes the portable ones which motorists would not be able to get a bead on since they are moved frequently. B. Geel would like to purchase both types. Town Board Member Pinto would also like to purchase a stationary sign to be placed at the top of the hill by the Highway Garage on State Route 203 so that the speeds would be decreased by the playground entrance.

Additionally, Town Board Member Geel would like to have a speed study in the Chase Road area to give to NYSDOT. There seems to be higher speeds up at the top of the hill where cars are not slowing down. Member Mesick notes that cars are still speeding at the bottom of the hill and passing on the double line.

Supervisor Braley will put out an RFP for the purchase of speed signs. Member Geel would like to do the portable sign first, then do a speed study and go from there. Member Pinto advised that there is a lower level approval level on the State level for a portable sign than for a permanent sign. The Town Board discussed types of signs available and decided to go with the type that the Town of Greenport has. Supervisor Braley will call the Town of Greenport for the particulars.

##### **Austerlitz Park Renovation**

Supervisor Braley advised that Paul McCreary notified the Town that the NYSDOT has weighed in on the drainage project by the Town Park. Engineering changes have been made to the plans/specs and a new bid package will go out.

##### **Assessor Appointment**

Current Assessor Pam Cook's term will end September 30, 2013. Supervisor Braley noted she has always been firm and fair.

A motion to reappoint Pamela Cook as Sole Assessor for the Town of Austerlitz, with a term running from October 1, 2013 to September 30, 2019 was made by J. Mesick and seconded by M. Verenazi.

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

### **Speed Limit Reduction State Route 203: R. Madonia**

Richard Madonia submitted a resolution to the Town Board which seeks a reduction in the speed limit on NYS Route 203 in the Hamlet of Spencertown from the NYSDOT.

Richard Madonia spoke to the Town Board noting that he was looking for the Town Board to pass the resolution he promoted sighting the overwhelming approval of the community to have the speed in the Hamlet of Spencertown reduced. Secondly R. Madonia asked Supervisor Braley for a copy of the report that the Columbia County Sheriff's Department gave the Town of Austerlitz recording speeds in the Hamlet.

Thirdly, the Town Board recently passed a motion to have a speed study done in the Hamlet. Three engineering firms were contacted to submit proposals. The responses of these firms were: one conflict of interest, one did not reply, and the third, Morris Associates, advised the Town that a study would not be cost effective. R. Madonia questioned the Town Board as to what its plans were in lieu of these recommendations. Supervisor Braley noted that he would hate to spend \$3000.00-5000.00 on a study that will not give the Town a beneficial result. R. Madonia would like to have additional engineering firms look at this because he is sure we can find a firm who will support the Town's position.

Town Board Member Bryan Geel feels that based on recommendations by Morris Associates, this money would be better spent on speed radar signs.

William Culley questioned if there is another way to secure funding for this study instead of the Town paying. W. Culley would like to see the speed limit in the Hamlet reduced and thought maybe individuals who cared deeply about this could donate money for a study. Supervisor Braley noted that the NYSDOT has already denied the request to lower the speed limit last summer and feels that any additional request will be denied as well. Although he believes this, J. Braley is willing to continue to try, but does not want to spend thousands of dollars for something that will not profit.

Robert Newman has problems with the NYSDOT's rationale behind denying the speed reduction request. He likes working with people to work this dilemma out.

Town Board Member Carol Pinto advised that at the Comprehensive Plan Oversight Committee Meeting with the NYSDOT, the DOT representatives said that even if they were to grant a speed reduction to 30 mph, it still comes down to enforcement. It appears that no matter what propositions are proposed to the NYSDOT, they come back with a reason to deny the speed reduction request.

W. Culley believes that signs make a difference. In addition, W. Culley questions the condition of the equipment used by the NYSDOT in the speed study. If their equipment was damaged it would give faulty recordings. Comprehensive Plan Oversight Member Barden advised that the NYSDOT spoke to this at their meeting noting that they could tell if the equipment was damaged.

There was a discussion on speed limits in other towns, villages and hamlets in Columbia County. Supervisor Braley noted that he has rode around to see what the speed limits are in different areas and there does not seem to be any rhyme or reason as to why the speed limits are what they are. Some areas are 30 mph, some 35 mph and some 40 mph.

R. Madonia noted that there are 40 homes in the Hamlet of Spencertown and he considers this to be congested.

E. Barden likes the 40 mph speed limit in the Hamlet and feels it is more of a question of cars doing the speed limit. Enforcement is the key.

Town Board Member Pinto noted that it seems unlikely that the speed limit will be lowered anytime soon so there needs to be other strategies put in place to fix this problem. Member Pinto would like to see police patrols and radar signs used. It was noted that the Town spends roughly \$3000.00 per month for the Enhanced Patrol.

Jack Howes noted that there was a gentleman killed in the past in the Hamlet of Spencertown. In addition, the bus stop at the end of Elm Street is a crazy place and the kids have to walk in the road. This is dangerous, especially in the winter. The speed limit needs to be dropped to 30 mph.

St. Peter's Presbyterian Church Reverend Drew Pattan advised that he is a testament that the speed enforcement does work. He notes that there seems to be three issues on the table: enforcement, a traffic study, and a resolution to be passed. D. Pattan believes all are important and believes it may be a valuable idea to find someone to tell the Town whether or not a new speed study is worth it. Just partner this with the enforcement piece. D. Pattan does believe there is enough passion in the community to work this through.

Supervisor Braley advised that speeding is a double issue because vehicles are not stopped for speeding unless they are going more than 5 mph over the speed limit. Therefore, vehicles can go at least 45 mph without getting a ticket.

R. Newman urges the Town Board to pass the presented resolution, then to move forward to have consistent speed enforcement with patrols and radar signs. R. Newman would like a town where walkers and joggers can be safe.

Town Board Member Mesick questions where this cycle will end. If the NYSDOT denies this request again, will that answer finally be accepted because the Town has tried to get the speed reduced multiple times in the past, and the answer has always been no.

Christian Garner suggests a speed bump. Supervisor Braley advised this cannot be done.

Francis Culley asked if an individual can put up a handmade sign on their property asking people to drive slower. For the room at large, this seemed to be a good idea.

Molly Boilin likes the private signs and would like to have a children playing sign. General discussion noted that this would be a NYSDOT sign and it seems that all NYSDOT signs have gotten smaller.

Richard Madonia noted that he has worked for a year on this campaign and gained the support of State Legislators, organizations, schools, the Columbia County Sheriff, and individuals in Town, and now needs the Town Board to pass the present resolution in order for our voice to be heard. Once the resolution is passed, R. Madonia will put all the support letters and the resolution together and send to Assemblyman McLaughlin. Assemblyman McLaughlin will then pass this packet along to the appropriated committee people in the State Legislature.

Supervisor Braley outlines the procedure to follow for a town to get the speed limit lowered.

A motion to adopt Resolution #25-2013 Request for Speed Reduction on NYS Route 203 in the Hamlet of Spencertown was made by J. Braley and seconded by M. Verenazi.

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

**Resolution #25-2013 Request for Speed Reduction on NYS Route 203 in the Hamlet of Spencertown**

**WHEREAS**, the Austerlitz Town Board requested the New York State Department of Transportation (hereinafter, "DOT"), to undertake a study in order to determine whether to reduce the speed limit from 40 mph to 30 mph on NYS Highway Route 203 in the Hamlet of Spencertown (hereafter, "the road"), by Resolution #26-2009; and

**WHEREAS**, the DOT conducted a study and concluded a reduction in speed limit was not warranted citing the State's policy to establish speed limits based upon the 85<sup>th</sup> percentile speed of vehicles traversing the road, among other reasons; and

**WHEREAS**, a majority of the residents whose homes are situated on the road and many other Town residents who drive, ride bikes, jog or walk on the road have adamantly expressed a continued demand for a reduction in the speed limit to protect their health, safety and welfare; and

**WHEREAS**, 195 residents of the Town signed a petition requesting a reduction in speed from 40 mph to 30 mph on the road (*See*, Petition a copy of which is attached hereto); and

**WHEREAS**, the Superintendent of the Chatham Schools has traveled the road and supports a reduction in speed to protect the health, safety and welfare of school children living in homes on the road and who use the school bus system for transportation to and from school as per the letter from Superintendent Nuciforo, dated January 17, 2013, attached hereto; and

**WHEREAS**, the Columbia County Sheriff supports the reduction in the speed limit from 40 mph to 30 mph for the reasons stated in the attached letter from Sheriff Harrison, dated February 4, 2013; and

**WHEREAS**, an important goal of the Town's Comprehensive Plan is to protect and enhance the quality of life in the Hamlet of Spencertown by improving the safe flow of automobile traffic *and* pedestrian access and parking (Town of Austerlitz Comprehensive Plan at 27); and

**WHEREAS**, St. Peters Church supports the speed reduction request for the children and parishioners who frequently cross the road during church functions and community activities, both in church and on the Town Green. As stated in the letter attached, sent by the Church Elder, Raeph Sanderson; and

**WHEREAS**, the Spencertown Fire Company supports the speed reduction on the road to keep the Hamlet safe for the community. As stated in the letter attached, dated February 13, 2013 and sign by Fire Company President George Wenk; and

**WHEREAS**, the Spencertown Academy supports the speed reduction on the road citing the many activities it sponsors at the Academy and on the Town Green both of which are on the road creating hazardous conditions for the people walking along the road, to participate in these events. Nick VanAlstine, the President of the Academy, has stated this in a letter that is attached, dated April 2, 2013; and

**WHEREAS**, Gabel Real Estate has cited the increase in vehicular traffic (especially truck traffic) and the welfare of the adults and children walking along the road to the playground and to Academy activities as a reason to support the decrease in the speed limit from 40 mph to 30 mph on the road as stated in a letter, that is attached and written on March 3 2013, by Andrea Gabel, owner of Gabel Real Estate; and

**WHEREAS**, the Town Board has committed in the past and will continue to provide additional police patrols on the road to monitor traffic for speeding, and other violations; and

**WHEREAS**, surrounding communities such as the Town of Ghent, Town of Hillsdale and Village of Chatham have posted speed limits of 30 mph through the main streets or village areas in the municipality; and

**WHEREAS**, the intersection of Elm Street and State Route 203 on the road is particularly dangerous and has been the site of many near collisions in recent years according to residents who live on Elm Street; and

**NOW THEREFORE BE IT RESOLVED** that the Town of Austerlitz Town Board asks that the NYS DOT reduce the speed limit on NYS Route 203 in the Hamlet of Spencertown from 40 mph to 30 mph.

It was reiterated that Town Board Member M. Verenazi was to sit on the Columbia County Traffic Study Board. Supervisor Braley will make sure that M. Verenazi's name is given to the appropriate people in the County.

New Business

**Zoning Board of Appeals Appointment:** Until recently, the Town could not find a candidate to fill out a new term of office running from January 2013 to the Organizational Meeting of the Town of Austerlitz in January of 2018. A letter of interest has been received from William Simons.

A motion to appoint William Simons to the Zoning Board of Appeals with a term beginning June 13, 2013 and ending at the Town of Austerlitz' Organization Meeting in January 2018 was made by J. Mesick and seconded by M. Verenazi.

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

**Justice Court Records Audit:**

A motion to accept the justice court audit by B. Geel and C. Pinto.

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Public Comments

None

Adjournment

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

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

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

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Town Board Meeting  
July 11, 2013

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

Bryan Geel absent.



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

Moment of Silence in memory of Al Verenazi, Austerlitz Town Board Member, active in the Spencertown Fire Company, and worked with the Spencertown Academy, and Mary Zander, author and organizer, fund raiser for the Friends of Historic St. Peters, the Spencertown Academy and the Spencertown Fire Company; followed by the pledge of Allegiance.

#### Minutes

A motion to accept the June 13, 2013 Town Board Meeting minutes was made by C. Pinto and seconded by M. Verenazi.

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

#### Auditing of Accounts and Claims

A motion to approve General Fund #223-259, in the amount of \$13405.35, and Highway Fund #119-143, in the amount of \$41,791.66, was made by J. Mesick and seconded by C. Pinto.

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

#### Reports

Monthly Budget Reports for the month of June 2013 were submitted. Supervisor Braley noted an error that will be corrected on next month's totals.

Supervisor Braley reported that on a Town level the Summer Recreation Program is up and running and has very good attendance. The Friday morning extra activities will be held in the Church's basement. The Town of Austerlitz is once again sharing busing services with the Town of Ghent's Summer Recreation Program which helps to defray our costs. The Spencertown Green looks great thanks to Highway Superintendent Meehan and Howes Horticulture.

On a County level, Supervisor Braley noted the County Board of Supervisors voted not to give any raises. Supervisor Braley voted to give raises.

Town Clerk Report for the month of June 2013 submitted.

Highway Superintendent Robert Meehan reported that the Highway Crew has been mowing, doing some tree trimming, and grading roads. R. Meehan asks if the Resident Deputy could patrol on Rigor Hill Road due to speeding.

Superintendent Meehan walked the Austerlitz Fire House property looking for survey pins so we would know our property lines after the property swap a couple of years ago. Although R. Meehan has looked for these pins a few times, he is still unable to locate two of them. R. Meehan has asked the Town Board several times to ask the Austerlitz Fire House for the location of these pins, and asks again to have new ones put in.

The West Hill Road culvert project will begin next week. The road will become one lane with stop signs and a site distance of roughly 150 feet. The County Highway Department has laid out how the signs should be set up and the project will take about 2 weeks to complete. Highway Superintendent Meehan did speak with the County about setting up lights for traffic control, but the ones the County owns have not been used for 25 years. New batteries would need to be purchased and costs around \$300.00 a piece. The lights would need 4 new batteries. Due to this and other costs of setting up the lighting, R. Meehan decided to try and make do with just the signs.

Town Board Member Verenazi asked Supervisor Braley if the County has come up with decisions concerning the sale of the Ockawamick. Supervisor Braley noted it has been listed with a broker.

Planning Board Report for the month of June 2013 submitted.

Comprehensive Plan Oversight Committee Report for the month of June 2013 submitted. Supervisor Braley advised the public that a subcommittee is being formed to deal with issues for the Spencertown Hamlet and if anyone is interested in serving, please contact Chair Tim Stalker.

Building Inspector/Code Enforcement Report for the month of June 2013 submitted. Supervisor Braley advised that he has run the numbers for the first half of the year. Removing the cost of the vehicle, because that purchase is not a routine cost, the Shared Service Agreement figures for Code Enforcement are right on budget.

Justice Lagonia Justice Court Report for the month of June 2013 submitted.

No Dog Report for the month of June 2013 was submitted by the Dog Warden, but Supervisor Braley advised that he received a call from the Columbia County Sheriff's Department to take care of a dog that was in a car driving the Taconic Parkway. Supervisor Braley was not home when the call came in and the Town of Ghent handled the dog.

A motion to accept the above reports was made by C. Pinto and seconded by J. Mesick.

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

#### Correspondence

Patrick Prendergast: East Hill Road Bridge Replacement (Harvey Mountain Road) Highway Superintendent Meehan reiterated Engineer Prendergast's letter outlining 2 options concerning the bridge/box culvert on East Hill Road. One option is to repair the needed sections, and the second option is a complete replacement of the existing bridge/culvert. Both options would cost roughly the same amount of money; the later would take more time and man power. R. Meehan would like to put in a new box culvert in since the costs are the same. A temporary culvert can be put in to reroute traffic while the bridge is closed.

Town Board Mesick worked on this bridge and did repair work in the 1970s. J. Mesick has also inspected this bridge and does not feel like the extensive replacement option is needed. Superintendent Meehan disagrees and wants to make sure the public is protected now and in the future. The Town Board discussed what was done in the past, and what the current options on the table are. The general consensus of the Town Board is to get an additional opinion from another engineer and alternatives available will be explored.

The West Hill culvert replacement will cost around \$80000.00.

#### Unfinished Business

##### **Speed Radar Sign**

Supervisor Braley has called a few manufacturers of speed radar signs and made up a comparison sheet of options and prices.

##### MPH Industries

Speed Monitor 18" \$8660.00

\$9155.00 with Solar

##### Traffic Logix SafePace

SafePace 100 3 Cell Battery Powered \$4799.00 (LT Cruiser)

SafePace 100 4 Cell-Battery Powered \$4899.00 (LT Cruiser)

SafePace 100 Solar Powered \$5099.00 (LT Cruiser)

SafePace 400 Battery Powered \$6199.00 (LT Cruiser), \$7599.00 (Cruiser)

SafePace 400 Solar Powered \$6899.00 (LT Cruiser), \$8299.00 (Cruiser)

SafePace 600 Battery Powered \$7400.00 (LT), \$8800.00 (Cruiser)

SafePace 600 Solar Powered \$8100.00 (LT), \$9700.00 (Cruiser)

Traffic Systems, Inc.

SpeedCheck

IDC Dura Trailer VSC 15": \$7250.00

IDC/ACT Electronics VSC 18" \$7699.00

The Town Board discussed the different types of products available, the options available, and prices. Supervisor Braley advised that the Town Board did not need to put this purchase out to bid because the Town is allowed to 'piggyback' off of another Town's bidding process. J. Braley advised that the Town does have money to make this purchase. One of the Town's bonds is due to be paid off this year. Once this happens, the Town can bond this purchase, coupled with the purchase of a new Highway pick-up truck. Supervisor Braley advised the Town Board to keep in mind that money will be going out for the Austerlitz Park renovation as well this year.

A motion to purchase the MPH with solar option at a price of \$9155.00 was made by J. Mesick and seconded by M. Verenazi.

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Town Board Member Pinto would still like the Town Board to consider purchasing a permanent speed radar sign if the movable trailer one works.

**Austerlitz Park Renovation**

Supervisor Braley spoke with Morris Associates and was advised that there was an issue getting a permit. J. Braley will follow up with Morris in a more timely fashion. Morris Associates will prepare a bid package including all work to be completed, and then a separate package listing the stone work separate. This project would need to start the first of September.

New Business

**Resolution #26-2013 Notice of Claim**

A motion to adopt Resolution #26-2013, Notice of Claim was made by C. Pinto and seconded by M. Verenazi.

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

**Resolution #26-2013, Notice of Claim**

**WHEREAS** General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

**WHEREAS**, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

**WHEREAS**, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate;

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Austerlitz, County of Columbia designates Susan Haag, in her capacity as Town Clerk of the Town, to receive notices of claims served upon the Secretary of State by mail at PO Box 238, Spencertown, NY 12165 and email at shaag@austerlitzny.com.

**BE IT FURTHER RESOLVED**, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

### **Harvey Mountain Road Bridge**

#### Public Comments

Linda Horn advised the Town Board of a resident who parks their truck on the side of the road on County Route 7. When parked, this truck is out in the road making L. Horn very nervous when she has to pass and a car is coming in the opposite direction. L. Horn has tried to reach out to this resident without success and asked the Town Board to speak with this resident as well. Supervisor Braley will notify the Town's resident deputy and have him observe this issue since this is a traffic issue, not a Town Board issue.

In addition, Linda Horn questioned whether or not an email was sent out to residents concerning what was decided at Town Board Meetings. It was noted that a meeting packet of agenda items for each board is placed on the website prior to meetings, and meeting minutes are placed there as well.

#### Adjournment

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

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried. Meeting adjourned at 8:30 p.m.

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Town Board Meeting  
August 8, 2013

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

Highway Superintendent R. Meehan arrived at 7:15 p.m.

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 11, 2013 Town Board Meeting minutes was made by J. Mesick and seconded by C. Pinto.

J. Braley: yes

B. Geel: abstain due to absence

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion carried 4:1.

#### Auditing of Accounts and Claims

A motion to approve General Fund #260-283, 285-287, in the amount of \$12943.92, and Highway Fund #144-168, in the amount of \$73392.60, was made by B. Geel and seconded by M. Verenazi. Voucher #284 in the amount of \$1312.50 for Patrick Prendergast was pulled for clarification.

J. Braley: yes

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

After explanation by Highway Superintendent R. Meehan of voucher #284 in the amount of \$1312.50 for Patrick Prendergast, a motion was made by C. Pinto and seconded by M. Verenazi to pay voucher #284.

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

### Reports

Monthly Budget Reports for the month of July 2013 were submitted. Supervisor Braley noted that the Ellsworth Kelly fund is now showing on the accounting sheets so he can track the balance. Reserves look good although down about \$1000.00 from last month. Current sales tax check of \$64855.00 will show on next month's figures. Court fines and forfeitures are continuing to hold the line. Supervisor Braley has scheduled the Enhanced Patrol to sit two times on the Parkway on weekends, and once in the Hamlet of Spencertown. J. Braley has noticed that people are going slower in the Hamlet so it appears police presence is doing its job. The new Radar Trailer will be here in September. Town Board Member Pinto has heard from the NYS DOT who advised that the Town will need a permit for a movable trailer. Supervisor Braley will start the process now so that things will be in place in September when the trailer arrives.

On a County level, Supervisor Braley notes things are slow. No-one wants to do anything because 18 supervisors are up for election. There is a controversial issue with the Columbia County Airport where the County may take some land by eminent domain. The County Highway Department has worked on County Route 5 which is now finished, County Route 7 was paved and two County bridges were fixed, so the Town probably will not see the County in the Town for a while.

Town Clerk Report for the month of July 2013 submitted.

Highway Superintendent Robert Meehan reported that the West Hill culvert replacement project is almost complete. The Highway Crew just needs to clean the stream out and do some seeding. West Hill Road is open. The Town of Canaan Highway Department helped out with this project and R. Meehan thanked them. Superintendent Meehan would like to pave West Hill Road in September. This entire project on West Hill Road should come in under \$80000.00. R. Meehan thanked his entire Highway Crew for the work done on this project.

Superintendent Meehan advised the Town Board that there needs to be a NYSDEC permit for the temporary culvert being installed on Harvey Mountain Road while the Highway Department replaces the current culvert. R. Meehan will speak with County Engineer Dean Knox concerning this project next week.

In addition, the NYSDEC Representative has alerted Highway Superintendent Meehan that any cleaning of debris from the Green River, Punsit Creek and the Indian Creek will need to be engineered.

The Highway Crew has also done some dust control and filled potholes.

Town Board Member Jon Mesick, who works for the Town of Canaan and worked on the West Hill Road culvert replacement project, commended the Town of Austerlitz Highway Crew for the great work they did. Supervisor Braley noted he was impressed.

Planning Board Report for the month of July 2013 submitted.

No Comprehensive Plan Oversight Committee Report for the month of July 2013 submitted.

Building Inspector/Code Enforcement Report for the month of July 2013 submitted. Supervisor Braley noted that things are very slow.

Justice Cassuto Justice Court Report for the month of June 2013 submitted. The Town Board discussed the work distributed between the two Justices.

Dog Report for the months of June and July 2013 was submitted.

#### Correspondence

Congressman Chris Gibson: Speed Limit State Route 203 in favor of Reduction.

Town of Austerlitz Comprehensive Plan Oversight Committee: Speed Limit Reduction State Route 203 Recommendations. Recommendations include that a committee be established for both hamlets in the Town of Austerlitz to review ways to carry out the goals of the Comprehensive Plan in relation to traffic speed, inadequate parking, pedestrian safety and mobility. In addition, the Committee will support the reduction in the speed limit, and continued dialog with the NYSDOT. A thorough review of all issues involved is recommended.

#### Unfinished Business

##### **Austerlitz Park Renovation**

Supervisor Braley spoke with Morris Associates noting that the plans have been reworked and the new bid package should be to the Town Monday or Tuesday.

#### New Business

##### **Resolution #27-2013 Authorization of Sell EZPass**

A motion to adopt Resolution #27-2013, Authorization to Sell EZPass was made by J. Mesick and seconded by C. Pinto.

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

##### **Resolution #27-2013 Authorization of Sell EZPass**

**BE IT RESOLVED** that the Town of Austerlitz Town Board hereby authorizes the Town Clerk to sell EZPass in the clerk's office.

##### **Evan Hogan, Cornell Cooperative Extension-National Flood Insurance Program**

Thanks for the opportunity to speak to the board. Speaks concerning the Hudson Estuary watershed Resiliency Project-flooding and stream maintenance. Also gives an overview of Cornell Cooperative extension. E. Hogan thanked the Town Board for its time.

Highway Superintendent Meehan discussed the problems he is facing with the rules and regulations the NYSDEC is imposing concerning cleaning out of streams. The Town can not work on specified streams without engineering the project which cost money and time. Cornell Representative Hogan advised that he and others from the Extension have heard this same complaint repeatedly across the County and surrounding Counties. Cornell is working on trying to help facilitate a solution and act in a supporting role.

**Code Enforcement:** Supervisor Braley gave a brief history of how the current position of Code Enforcement Officer has migrated towards a civil service full time position, noting that due to the shared service agreement, the Code Enforcement Officer working full time hours, and the Town of Austerlitz being the lead agency handling all payroll, among other criteria, this position has changed in status. A civil service test was given and current Code Enforcement Officer, Lee Heim, passed and was among the top three since only three people took the test. Because the status of this position has changed within the Civil Service network, the Town of Austerlitz needs to reappoint Lee Heim to the position of Code Enforcement Officer. A one year probation period then starts, after which this becomes a permanent position for L. Heim. According to

Supervisor Braley, the Supervisors of Hillsdale and Canaan have discussed this and are in agreement to change the status of the Code Enforcement position under Civil Service. Also according to Supervisor Braley, he has discussed this with Attorney for the Town, Tal Rappleyea, as well, who advised that this situation can be worked out. Town Board Member Pinto questioned why the Town Board has not been kept more informed of this situation. C. Pinto, and other Members of the Town Board had questions and when posed to Supervisor Braley, no answers were given. Questions included: what happens if the Town decides to dissolve the Shared Service Agreement; what happens if the Town needs to fire the current Code Enforcement Officer or he decides to leave; will the Town be forced to hire from a list generated by the Civil Service; and others. The consensus of the Town Board was to table any decisions in the change in civil service status of the Code Enforcement position and have Attorney for the Town, Tal Rappleyea, present at the next Town Board Meeting to answer questions posed. It was felt that the Supervisors of the Towns of Hillsdale and Canaan be present as well so they are informed. Town Board Member Pinto advised that these questions surround the nature of the position, and are no reflection on the current Code Enforcement Officer, Lee Heim. C. Pinto is happy with the job L. Heim is currently doing.

**Paving of State Route 203:** Paving of State Route 203 by the NYSDOT was discussed. Highway Superintendent Robert Meehan would like to see a petition signed by residents that can be given to the State. Town Board Member Verenazi would like Supervisor Braley to write a letter on behalf of the Town Board supporting the paving. M. Verenazi noted how dangerous this situation is. Supervisor Braley will set up a petition and post a notice on the Town's website.

**Town Court:** Town Board Member Verenazi has spoken with the Director of the Spencertown Academy, Nick VanAlstyne. M. Verenazi would like the Town Board and Town Justices to visit the Spencertown Academy to see if moving the Town Court to the Academy is feasible. Member Verenazi has spoke with Town Justice, Rob Lagonia, who is available to view the facility and review State mandates. Supervisor Braley noted that a lot of work would have to be done to hold court there; it is doable, but not easy. J. Braley noted the following road blocks: parking, handicap access-although there is an elevator, storage of court records, security for court computers, records, conference room availability, etc. J. Braley advises that NYS has building mandates that town courts are to follow which includes bars on windows. Whether or not the Spencertown Academy is willing to comply with these regulations is also a question.

Town Board Member Verenazi would like the Town to at least investigate the possibility of using the Spencertown Academy for Town Court because there are viable solutions to negatives voiced at the Academy, and would like this problem solved within the next 6 months. M. Verenazi noted that the Town Board has heard numerous times and is dealing with the traffic and speeding issues on State Route 203 in the Hamlet of Spencertown. These traffic and speeding issues are compounded on Court nights and if the placement of court can be changed, some of the traffic issues will work themselves out as well.

Supervisor Braley stated that he has considered the traffic and safety issues caused by Town Court from a financial standpoint. Supervisor Braley noted that the heavy traffic during court nights only happens 1 or 2 times a month due to the Columbia County District Attorney participation in the process. When looking at numbers, Supervisor Braley compared costs of a new town hall with renovations to current facilities or renovations of an existing structure. There is also the thought that the Town could ask for less tickets to be written to cut numbers on a court night.

Although Town Board Member Pinto noted that there may be an issue with altering the facilities at the Spencertown Academy due to its Historic Registry, she and Town Board Member Geel would like to have NYS come down and look at the space. Town Board Member Verenazi will meet with N. VanAlstyne and discuss a starting place.

Town Board Member Jon Mesick advises that Auctions International is listing a couple of highway trucks that are worth looking into for possible purchase. The Town Board discussed what was being offered and the current fleet for the Town. Supervisor Braley detailed the bidding policies concerning purchasing a highway truck through Auctions International as discussed with Attorney for the Town, Tal Rappleyea noting a Town is able to bid and buy in

this fashion. Highway Superintendent Meehan would like to purchase one of the vehicles presented by Member Mesick.

Public Comments

None

Adjournment

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

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

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

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Town Board Meeting  
September 12, 2013

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

Bryan Geel absent due to work emergency.

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

Moment of Silence in memory of Dorothy Kern, a good friend to all, followed by the pledge of Allegiance.

Minutes

A motion to accept the August 8, 2013 Town Board Meeting minutes was made by C. Pinto and seconded by J. Mesick.

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion carried.

Public Comment

**Summer Recreation Director Deborah Oleynek** was present and briefly went over the 2013 Summer Recreation Report. D. Oleynek noted that a grant from the Clara Gott Fund was obtained, the Scotia-Glenmont Children's Museum provided a couple workshops for the kids, Catholic Charities also held a couple workshops, and the Summer Program was able to work with both the St. Peter's Presbyterian Church and the Spencertown Academy. It was a great summer with a good turnout. Director Oleynek would like the Town Board to consider increasing the registration fee so workers could see an increase in salary. Most on her staff are trained lifeguards and underpaid.

Supervisor Braley advised that our Summer Recreation Program is an excellent program that everyone raves about. It has been built back up since 2003 and we now share busing services with the Town of Ghent.

**Grace Ann Silvernale** approached the Town Board reading the following: "I am here tonight to tell you how negligence caused us to lose our driveway 3 different times. Negligence on the part of the Superintendent of Roads, Bob Meehan. In first loss on 8/27/11 was caused by a too small, clogged culvert on the drive of Russ Weaver that could not handle the amount of rain coming down. Water came over Reed Road, down Fitzpatrick's lawn, and head on to our small



driveway washing it out and leaving a 1 ½ to 2 inch gully. Rain came down fiercely and made like a river. Nothing was done to fix the situation by replacing the culvert with a much larger one. Also the water coming down May Lane needs to be studied and never has. We waited a year and a half for something to be done, but nothing. Then a letter was sent to the Town Board in January 2013 that went unanswered. Storm #1 came 8/28/13, a repeat of the storm two years previous. Storm #2 came early September 3. Both storms were in the night. Driveway gone again after being partially fixed. Between storm 1 and 2, a culvert could have been put in at Weaver's. However, I was informed that Meehan was working at Chatham Fair for 5 days. I thought he was employed by the Town of Austerlitz. Telephone calls to Town Garage go unanswered, not only to me but to employees as I found out. Bob finally came and looked at our damage after Harold went to Town Garage early in morning of September 3<sup>rd</sup> and asked him to come. He did come midday; fixed the drive and made me aware he had \$500.00 in the drive. I told him it was good of him to come and do what he did. In my mind I wanted to tell him if he had taken care of the situation 2 years ago, he wouldn't be out 500.00. This is pure negligence and I'm asking the Town Board to reimburse us the cost of fixing our drive after the 2<sup>nd</sup> storm 8/28/13."

Supervisor Braley asked what the cost was to fix the Silvernale's driveway both times, to which G. Silvernale advised, \$1500.00 and \$830.00. Supervisor Braley stated that the Town Board would submit the costs to the Town's Insurance Company.

**Steve Somlo** requests that the new speed radar sign be moved slightly so the turn around on his property can be used.

**Richard Madonia** noted the two new letters received concerning the speed limit in the Hamlet of Spencertown. Letters are from Senator Kathleen Marchione and the NYSDOT. R. Madonia had a discussion with Senator Marchione who asked if the Town Board would meet with NYSDOT Gail Sutter, specifically Supervisor Braley. R. Madonia also spoke with Congressman Gibson who noted that he feels that the NYSDOT has too much power and a Town should be able to buck this power and have a say in what a speed limit is throughout its Township. Congressman Gibson suggested a walk through the Hamlet of Spencertown on State Route 203 where the lower speed limit is being requested. R. Madonia would like the Town Board Members, especially Supervisor Braley to walk with himself, Senator Marchione and Congressman Gibson. R. Madonia would like to get the press involved; he put a call into CBS 6 News and their 'You Paid For It' series.

Supervisor Braley advised that the radar sign that the Town purchased records speeds vehicles are traveling. Highway Superintendent Meehan had placed the radar sign in the Hamlet of Spencertown, but the NYSDOT advised the Town that Route 203 is a State Road and the Town would need permission to put the sign on it. Supervisor Braley is trying to work around this setback, and notes that a map needs to be put together showing places where the radar sign will be placed so that the NYSDOT can sign off on the areas.

Steve Somlo, who used to work for NYSDOT, noted that he is not optimistic that the speed will be lowered in the Hamlet of Spencertown. The NYSDOT's mission is to keep traffic moving. S. Somlo believes it is not so much the speed limit, but that vehicles do not adhere to the 40 MPH limit. In addition, there is no signal that a more populated area is coming up. A simple technique to use is a sign designating a Hamlet is ahead; maybe a type of sign that can alert drivers that there is a change in density, what businesses are ahead, etc. This is a type of traffic calming device.

#### Auditing of Accounts and Claims

A motion to approve General Fund #288-327, in the amount of \$23711.80, and Highway Fund #169-188, in the amount of \$19516.34, was made by C. Pinto and seconded by J. Mesick.

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

#### Reports

Monthly Budget Reports for the month of August 2013 were submitted. Supervisor Braley noted we still have money in the bank. Less people and change of help has kept our health cost downs. Highway Superintendent Meehan has used C.H.I.P.S. money to purchase culverts. Budget adjustments will need to be made shortly.

Supervisor Braley read the following report:

At the county level the big project is with the Court House rehab to make it ADA compliant and bring it into the 21<sup>st</sup> Century by adding more space and make the building more useable. Hurdles have been the norm for any government project...designed by one committee, construction overseen by another and the Office of Court Administration dictating changes as well. There has been a lot of very expensive asbestos removal. Hopefully it will be completed on time and within budget, but once again the committee system is present. The latest debate concerns the windows of the old Court House. They are tired, but would lower heat and cooling costs pay for them?

As Bob Meehan will tell us later we have had some very unusual weather this past month which has caused flooding in certain areas. The radar trailer arrived; looks real pretty; Mary has figured out how to program it to count traffic so she assures me; we are required by law to have a permit: local NYSDOT seemed confused as to how it should all work, but if a law enforcement agent places it we don't need the permit. The Residential Deputy has been consulted. Wednesday, the Columbia County Development Corp Director, Ken Flood, toured two Austerlitz businesses. Fox Hill (Guy & Patti) gave him and his aide the grand tour by golf cart throughout the campground. Dan's Diner was next. Ken Flood was impressed. Budget time has arrived. The cap is 1.66%. I will work out several budgets based on 1.66, 2, and 0 percent. The tax rate is the most important item to watch; I have yet to see our official final town assessment figures. Next month!

Highway Superintendent Meehan reported that due to the rain storms there have been trees down, and culverts that needed to be cleaned out. The culvert by May Lane was cleaned out again and there may be a problem on Reed Road by the Old Whiffen farm. The Town may need to hire an engineer to look over the drainage issues and some ditching may need to be done on private property. This area needs a bigger culvert and R. Meehan wants an engineer to look over that project. The Town Board discussed the drainage problem.

Town Board Member Mesick advised that water went over the new culvert pipe on West Hill Road. Superintendent Meehan noted that he put in the biggest culvert pipe the NYSDEC would approve. This new culvert pipe did help because there was no water in the Austerlitz' Fire House.

Town Clerk Report for the month of August 2013 submitted.

Planning Board Report for the month of August 2013 submitted.

Comprehensive Plan Oversight Committee Report for the month of August 2013 submitted.

Building Inspector/Code Enforcement Report for the month of August 2013 submitted.

Justice Cassuto Justice Court Report for the month of July 2013 submitted.

Justice Lagonia Justice Court Reports for the month of July and August 2013 submitted.

Dog Report for the month of August 2013 submitted.

2013 Summer Recreation Program Report submitted.

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

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

## Correspondence

Verenazi Family: Thank you for flowers.

Morris Associates: Clarification of a Register Star article stating they were engineers for the Town of Livingston. They are not.

NYS Dept. of Taxation and Finance: Town of Austerlitz 2013 Final Equalization Rate set at 105.48.

Senator Kathleen Marchione: Support of lower speed limit on State Route 203 in the Hamlet of Spencertown.

Columbia Land Conservancy: Training Opportunities

NYS Dept of Transportation: Results of a formal investigation for the Hamlet of Spencertown, stated that there is sufficient visibility and sight distance on State Route 203 and Elm Street where the bus stop is located. No "School Bus Stop Ahead" signs will be installed. In addition, to address the pedestrian concerns within the Hamlet, the NYSDOT will install "Pedestrian/Next ¼ Mile, Next ½ Mile and Next ¼ Mile assemblies on northbound and southbound Route 203. Installation of these signs is anticipated to occur by the end of September 2013.

## Unfinished Business

### **Austerlitz Park Renovation**

Supervisor Braley advised that the bid package from Morris Associates arrived at the Town. Both Highway Superintendent Meehan and Engineer for the Town Patrick Prendergast have reviewed. It has not yet gone out for bid though because R. Meehan feels that the drainage issues have not been addressed satisfactorily. The Town Board reviewed the design and specs for this project. Supervisor Braley agrees with R. Meehan that changes need to be made to the designs and specs. Supervisor Braley would like Morris Associates to come out and go over this project again. J. Braley will call Morris to set up a meeting.

### **Code Enforcement Appointment**

Attorney for the Town, Tal Rappleyea, has reviewed the current Code Enforcement Shared Services Agreement between the Towns of Austerlitz, Canaan and Hillsdale, and has talked with Columbia County Civil Service. Supervisor Braley advised that Code Enforcement Officer Lee Heim has taken a civil service test, passed it, and Columbia County Civil Service advised that this position is a civil service position and the Town needs to appoint L. Heim to the Code Enforcement Officer position. Supervisor Braley had briefly talked with the Supervisors for the Towns of Canaan and Hillsdale and they are happy with how things are and asked that the boat not be rocked. L. Heim does his job. Supervisor Braley further advised that he is doing up the 2014 budget and it is not an easy process figuring income and expenses for the Code Enforcement department under the Shared Service Agreement, but he believes that the Town is breaking even.

Attorney Rappleyea advised that L. Heim took the civil service exam because Columbia County Civil Service deemed him to be a full time employee. T. Rappleyea reviewed the law and had discussion with the Columbia County Civil Service noting that the shared service agreement is legal, but budgeting and accounting procedures would have to change if the Town does not want to have this position be a civil service position. Each Town would have to pay L. Heim separately rather than paying the Town of Austerlitz and the Town of Austerlitz paying L. Heim. Either way is legal, it is a policy decision by the Town Board.

Town Board Member Pinto talked with Columbia County Civil Service and was told they deemed this position full time because the Town of Austerlitz is the sole salary payer. If each Town pays L. Heim separately, then his position is considered part time in each Town, and therefore not subject to civil service full time regulations. Town Board Member Pinto would still like to keep the shared service agreement, but have each Town pay the salary portion separately. There is nothing in the current shared service agreement that says that the Town of Austerlitz is the sole salary payer.

Member Pinto advised that she was not made aware of these civil service issues and wanted a separate meeting to discuss this. There is no problem with the current Code Enforcement Officer

Lee Heim, and C. Pinto would like him to stay in this position. The problem lies in how his salary is paid. If the Town of Austerlitz makes the Code Enforcement position a full time, civil service position, it will make it very difficult to remove whoever occupies this position. A Town would have to file an Article 75 and this procedure is very expensive.

When Supervisor Braley took office four years ago, he was told that the arrangement had already been put in place and over the years this position and agreements have morphed. The clerk position for the code enforcement area was originally included, but our clerk does not work for any other Town. Supervisor Braley describes the flexibility built into the shared service agreement concerning hours spent in each Town, inspection schedules, etc. The agreement can be revised.

Supervisor Braley believes that the current setup works well and feels that if there becomes a problem in the future, the Towns can just dissolve the position. Attorney Rappleyea advised that if the full time civil service position was dissolved, or if the Town did not sign the contract, the Town would just go back to how it functioned before. Town Board Member Pinto questioned how a dissolved position could be brought back, ie: if a Town dissolved the code enforcement position, how could it still have that position for someone else to fill.

Town Board Member Verenazi questioned the Civil Service mandate to hire from a qualified pool should a need arise where the code enforcement position became vacant. Member Verenazi is concerned about this issue because he wants the Town Board to decide who is hired, not civil service. Member Verenazi is also pleased with L. Heim, but does not want the code enforcement position to be a full time civil service position.

The Town Board looked over the current shared service contract and Member Pinto noted she sees no advantage to getting involved with civil service. Supervisor Braley believes that there would be a savings in transportation costs. Member Pinto noted that there would still be transportation savings regardless if this was a civil service position or not.

Supervisor Braley advised that a meeting can be set up with all parties to figure out what to do. A canvass of the Town Board was taken by the Town Clerk.

C. Pinto does not want to make the code enforcement position a full time civil service position. C. Pinto wants L. Heim to stay, but wants each Town to pay their salary portion separately and directly to L. Heim.

J. Mesick agrees and noted that he is not in favor of hiring out of a pool of people.

M. Verenazi does not want the code enforcement position to be a full time civil service position.

J. Braley noted he will go along with the wishes of the Town Board.

Possible hiring and testing procedures and scenarios were discussed.

Supervisor Braley asked Attorney for the Town, Tal Rappleyea to review the current shared services agreement making sure that the code enforcement officer position will not be a full time civil service position. Town Board Member Pinto provided Attorney Rappleyea with a sample resolution of a shared service agreement for the code enforcement position.

#### New Business

#### **Resolution #28-2013, Justice Court Petty Cash Fund**

A motion to adopt Resolution #28-2013, Justice Court Petty Cash Fund was made by M. Verenazi and seconded by J. Mesick.

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

#### Resolution #28-2013, Justice Court Petty Cash Fund

WHEREAS the Austerlitz Town Court occasionally receives cash money for fines and bail levied, and

WHEREAS at times the Court Clerk cannot break large bills or make change, and

WHEREAS the Court has no petty cash at its disposal,

BE IT THEREFORE RESOLVED, that the Town shall create a petty cash fund of one hundred dollars (\$100.00) to enable the clerk to make change when receiving fines or bail. This petty cash fund will be the responsibility of the Court Clerk and the accounting shall be subject to audit at anytime.

**Judge Robert Lagonia's Resignation:** Supervisor Braley advised that one of three options are available to the Town for coverage for the rest of the year in the Justice Court; The NYS Office of Court Administration can appoint someone, current Justice Cassuto can carry the load, or the Town Board can appoint someone to sit until the end of the year. If the Town Board appoints someone though, it would need to be a lawyer so they can sit the bench immediately without schooling. The Town Board discussed qualifications and it was decided to ask Justice Cassuto to cover for the rest of the year.

**Meeting with the Spencertown Academy:** Town Board Member Verenazi would like to set up a meeting between the Town Board and the Spencertown Academy to discuss moving the Town Court offices to the Academy. The Town Clerk will advise the Town Board of possible dates for a meeting when those dates are given to her.

**Strauss Lawsuit:** Attorney for the Town Tal Rappleyea advised that there is a "Motion to Dismiss" the lawsuit with Benjamin Strauss. T. Rappleyea is waiting for a judicial decision on this motion.

Public Comments

None

Adjournment

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

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

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

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Special Town Board Meeting  
September 23, 2013

The Town of Austerlitz Board met held an informational meeting Monday, September 23<sup>rd</sup>, 2013 at 8:40 AM to discuss possible design changes to the Playground/Parking lot plans.

Present: Jeff Braley, Supervisor  
Carol Pinto  
Bryan Geel  
Matt Verenazi  
Robert Meehan, Highway Superintendent  
Paul McCreary, Morris Associates

Various drainage issues noted on the plans were discussed and how to alleviate them. A discussion of the parking lot being paved, installation of conduits for lighting, and possible better access to the Academy ensued.

Paul McCreary suggested that the bid package be severed to enable construction flexibility contingent of the Town use of the Academy. The Board unanimously voted to put the retaining wall out for bid and have the Highway Department install it.

The meeting was adjourned at 9:20 AM and the Board proceeded to the Park for a tour.

Jeff Braley, Supervisor

Town of Austerlitz  
Budget Meeting  
October 5, 2013

Meeting called to Order at 9:05 a.m.

Meeting called for the Town Clerk to give the Town Board the 2014 Tentative Budget.

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

Absent: Bryan Geel, Town Board Member out of Town.

Supervisor Braley briefly went over the 2014 Tentative Budget figures. In the General Fund, the following notations were made:

- 1.) On the back page of the budget listing the salaries of all elected officials, the amount listed for the Town Justices is different from the amount listed on the beginning pages of the budget. The back page shows the correct figure and the A1110.1 line figure will change to \$22510.00.
- 2.) Supervisor Braley gave no raises to the Town Board, himself or the Justices. All others received a 2% raise.
- 3.) In the Code Enforcement area, it was noted that Supervisor Braley still had a salary listed that reflected the Towns of Canaan and Hillsdale paying the Town of Austerlitz L. Heim's salary. Since the Town Board had decided that each Town would pay L. Heim separately, the salary figure in A3620.1 will be decreased to the Town of Austerlitz' portion only. Supervisor Braley will rework these figures.

Supervisor Braley advised the Town Board that Attorney for the Town, Tal Rappleyea, is still working on revising the Code Enforcement Shared Service Agreement. All figures in the revised agreement will reflect each individual Town's portions. The revenue section under Joint Service – Other Govt, A2390 will be decreased to reflect the lower amount of income received for salary from the Towns of Canaan and Hillsdale as well.

- 4.) The Town Board wants the salary of the Highway Superintendent to stay unchanged with no raise. The Town Board would like to see the Highway Crew's pay brought up to County wide levels. The Town Board discussed conditions and salaries for Highway Departments across the County.
- 5.) Supervisor Braley noted that since the property clerk is now helping out in the Highway Department as the Superintendent's clerk, part of her salary is coming from the Highway Fund. Therefore, clerking salary for the property areas has been decreased. The .4 contractual figures for this area have been decreased to good, actual figures.

In the Highway Fund, the following notations were made:

- 1.) The Town Board agrees that the Highway Crew should get a 4% raise and they want it given in a straight across the board manner to each man.
- 2.) The Town Board discussed purchasing a new truck when Supervisor Braley noted that the BAN for a previous truck purchase will be paid off at the end of this year. Supervisor Braley created a new line in the Highway Fund that was tagged Capital Project. The amount placed in this line item, DA9901.9, will be put toward the purchase of highway machinery.

Miscellaneous issues discussed were as follows:

- 1.) Supervisor Braley noted that the court case with Frank Fizzinoglia is still ongoing. The Town's Attorney called to report that Engineer for the Town, Patrick Prendergast, has been called for a deposition.

- 2.) Supervisor Braley will once again prepare a local law to override the tax cap. As in the past, this law is strictly to cover the Town in case of errors since Supervisor Braley has presented a budget with no increase in the tax rate.
- 3.) Supervisor Braley explained the increased amount in the Bryarcliff Road District section, 1001, advising that due to decreased interest rates, the amount to be paid on this BOND is not covered by interest income anymore and the Town as a whole would have to pay a portion. The Town Board does not want this figure to increase and wants the Town to pay the difference since there was some ill will with this whole project. Supervisor Braley will rework these figures.
- 4.) The Town Board would like to see an inventory list for the Highway Department as required under New State Law. This list needs to be updated and handed to the Town Board each year. Supervisor Braley noted that an updated inventory list needs to be completed for the Town Hall as well.
- 5.) Supervisor Braley advised that training from the manufacturer of the speed trailer is scheduled for Tuesday. A map still needs to be completed as to where the Town would like to set this trailer on State roads. This map is to be given to the NYSDOT for permission to set the trailer at the specified locations. No NYSDOT permit has been given for this trailer to be placed on State roads to date.

#### Adjournment

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

J. Braley: yes

C. Pinto: yes

J. Mesick: yes

M. Verenazi: yes

Motion unanimously carried. Meeting adjourned at 10:15 a.m.

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Town Board Meeting  
October 10, 2013

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

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

Moment of Silence followed by the pledge of Allegiance.

#### Public Comment

Richard Light is concerned over the bridge/culvert work that will be done on Harvey Mountain Road, wanting to make sure that the job done is comparable to what was done on West Hill Road. A petition from Harvey Mountain Road residents was submitted asking that this bridge/culvert replacement is state of the art.

Bruce Stockman noted that since this is a hard job, he would like to see a 50 year fix, not just something thrown together. He asks that the Town spend the extra money needed and not cut corners. Highway Superintendent Meehan agrees and advised that he will put in 2 temporary culverts for the winter. In the spring, this job will go out to bid and work probably won't start until June. R. Meehan will make this bridge and area safe for the winter, noting that there are no weight limits on the temporary culverts. The Town Board discussed the specifics of the project noting that the 2 temporary culverts to be put in are from the Town of Canaan.

#### Chatham Central School District Presentation

Michael Chuddy, Business Manager for the Chatham Central School District, and School Board Member Gail Behrens Day, presented the Capital Improvement project that will go out for vote.

Discussion with public. Questions asked centered on parking lot reconfiguring at the Elementary School, the loss of jobs as compared to the salary of the upper echelon, changing demographics and more.

#### Town of Austerlitz Assessor

Town of Austerlitz Assessor, Pamela Cook, came before the public to reiterate the new regulations put forth by New York State concerning the STAR Exemption program.

#### Minutes

A motion to accept the September 23, 2013 Town Board Special Meeting minutes was made by B. Geel and seconded by M. Verenazi.

J. Braley: yes

B. Geel: yes

J. Mesick: abstain due to meeting absence

C. Pinto: yes

M. Verenazi: yes

Motion carried 4:1.

A motion to accept the September 12, 2013 Town Board Meeting minutes was made by C. Pinto and seconded by M. Verenazi.

J. Braley: yes

B. Geel: abstain due to meeting absence

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion carried 4:1.

A motion to accept the October 5, 2013 Town Board Budget Meeting minutes was made by J. Mesick and seconded by C. Pinto.

J. Braley: yes

B. Geel: abstain due to meeting absence

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion carried 4:1.

#### Auditing of Accounts and Claims

A motion to approve General Fund #328-357, in the amount of \$20806.96, and Highway Fund #189-206, in the amount of \$24148.18, was made by J. Mesick and seconded by C. Pinto.

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

#### Reports

Monthly Budget Reports for the month of September 2013 were submitted. Supervisor Braley noted that budget amendments will be coming next month. Mortgage tax up significantly over last year, as is sales tax. The Town has received the youth program money from the State. The Highway Department has been trained on the use of the new radar trailer and Supervisor Braley and Highway Superintendent Meehan are working with the NYSDOT to be able to place this sign on State Route 203. The Columbia County Sheriff's Department Enhanced Patrol is now only sitting in the Hamlet of Spencertown onetime per week.

On the County level, the Supervisors continue working on the 2014 Budget, trying hard to keep .4 down by 5%. The goal is a budget kept at a 0% increase. An informational meeting was held concerning the expansion of the Columbia County Airport. The FFA wants the County to buy 15 acres for a safezone for the airport. ILS requires this. Other issues are being worked out as well. The Courthouse should come in on budget and done on time, with everyone moved back in by 2/1/14. The expansion of Pine Haven is at a standstill. The current Federal Government



shutdown will be a monetary problem if it continues because the Federal Government owes Columbia County money.

Highway Superintendent Meehan reported that the new radar sign has been in use for 3 weeks without a new charge. It has been moved around, and when the NYSDOT permitting issues are cleared up, it will be on State Route 203. Deputy Sheriff Proper and R. Meehan went out and looked at spots on the State roads to sit the radar sign, mapping the GIS coordinates. The NYSDOT requires these coordinated for consideration.

Highway Superintendent Meehan continued reporting noting that blacktopping will begin next week on West Hill Road to the Partridge Lane intersection. There will also be some culvert work on the Amy's Lane intersection. R. Meehan would like to go out to bid next month for a small truck. The 2000 is finally dead. A new grader will need to be purchased at some point in the near future.

Town Board Member Verenazi questioned putting in the new culvert on Reed Road where there was a water flow problem by the Silvernale property. Superintendent Meehan noted that the culvert on Reed Road cannot be replaced until the Town has permission from the landowner to do work on their property. The Highway Department has been busy on Harvey Mountain Road as well.

Town Clerk Report for the month of September 2013 submitted.

Planning Board Report for the month of September 2013 submitted.

Comprehensive Plan Oversight Committee Report for the month of September 2013 submitted. Draft of a proposed survey is attached. This survey would go to the Hamlet of Spencertown residents only and deals with issues concerning walking areas, parking, lighting, etc.

Comprehensive Plan Oversight Committee Chairman Tim Stalker noted that Member Barbara Smith did the work on the survey which can be physically sent out, put on our website, and be available at the Town Hall for all who would like to participate. The Committee seems more enthusiastic about this project after the NYSDOT came and met with the Town discussing options available beyond lowering the speed limit in the Hamlet. If the Town Board has any suggestions, changes, or additions concerning the survey, please let Barbara Smith know within the next couple of days.

It was the consensus of the Town Board to go ahead and put the survey out.

The Comprehensive Plan Oversight Committee Ad Hoc Subcommittee is close to finalizing the new ridgeline maps for a zoning change. The Town Board reviewed the proposed ridgeline map, discussing how the particular ridgelines were chosen. Town Board Member Pinto did a great deal of research on language to use in the zoning code. A packet will be put together for each Town Board Member and will be put up for Community comments. A revised map with small changes that have already been decided by the Ad Hoc Committee will be used in the packets and will be sent to the County Planning Board. In order to save some time, the Town Board decided to send the revised map that they have not seen yet to the County Planning Board, with zoning code language, for recommendations.

A motion to forward the draft revised ridgeline protection overlay zone law to the Columbia County Planning Board was made by C. Pinto and seconded by J. Mesick.

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Chair Stalker advised that looking over the current subdivision regulations will be tackled next by the Comprehensive Plan Oversight Committee. Possible revisions have been given to the Town Board already a number of months ago.

Chair Stalker noted that part of our code package with General Code allows for a pre-edit options that he would like to take advantage of. It was stated that there are a couple new laws that were passed that have not been added to the code yet. It was decided to wait until a few accumulated to save money.

Building Inspector/Code Enforcement Report for the month of September 2013 submitted.

Justice Cassuto Justice Court Report for the months of August and September 2013 submitted.

Justice Lagonia Justice Court Report for the month of September 2013 submitted.

Justice Harrison Justice Court Report for the month of September 2013 submitted.

Dog Report for the month of September 2013 submitted.

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

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

#### Correspondence

None

#### Unfinished Business

**Austerlitz Park Renovation** Supervisor Braley followed-up with Morris Associates and found there was a misunderstanding of what needed to go out to bid. Morris will work up new specs and a new bid package and send it over ASAP.

**Silvernale Property Damage** Supervisor Braley advised that the Town's Insurance Company refused the Silvernale property damage claim and Attorney for the Town, Tal Rappleyea, advises against the Town paying because of the precedent it would be setting. Town Board Members Geel and Pinto believe the Town Board should take the advice of Attorney Rappleyea. Member Geel noted that the Town of Austerlitz is currently in a law suit dealing with this same type of issue, plus R. Meehan has already gone up on his own time and with his own materials and helped the Silvernales out. Town Board Member Mesick feels the Town should do something.

A motion for the Town to pay for the water damage done on the Silvernale's property in the amount of \$860.00 was made by J. Mesick and seconded by M. Verenazi.

Town Clerk took a roll call vote:

B. Geel: no

J. Mesick: yes

C. Pinto: no because of Attorney's advice/recommendation to not set a precedent

M. Verenazi: yes because of a documented problem by the Silvernale's

J. Braley: no, because of Attorney's advice

Motion defeated 3:2.

#### **2014 Tentative Budget**

Supervisor Braley noted that the Town Board held a budget workshop the previous Saturday. J. Braley advised that he has changed the Code Enforcement area and has discussed this with the other Supervisors. No changes will be made until the beginning of the new year. The car, fuel, maintenance, insurance, and cell service will be shared costs in the .4 line item. Each Town will pay the Code Enforcement Officer salary separately. The Town of Austerlitz' salary amount will be \$13,242.00.

Supervisor Braley noted that the Bryarcliffe bonds were paid yesterday.

Supervisor Braley explained 3 different budget scenarios: a bare bones one where no one will get raises; a 2% raise increase for all except elected officials; and third option was not explained. Discussed retirement and insurance figures. Supervisor Braley gave the Town Board some

figures to look over and digest before the next budget workshop. Discussed highway equipment purchases.

New Business

**Order to Remove Unsafe Structure:** Code Enforcement Officer, Lee Heim, came before the Town Board requesting approval to declare a structure in Town unsafe and move forward with demolition. L. Heim reiterated his report. Supervisor Braley went over the procedure for processing this order.

Town Board Member Geel questioned if the property was for sale, to which L. Heim noted there was not for sale sign on the property, although he has heard that it was going to change hands. It was noted that the Highway Crew put caution tap around the property. B. Geel asked the legality of L. Heim going on personal property. Code Enforcement Officer Heim advised that he has the authority acting in his capacity as Code Enforcement Officer, even to just look. Town Board Member Mesick is concerned that L. Heim acted on an anonymous tip about this property. He feels the complaint should have been in writing.

The Town Board discussed the specifics of the order. Supervisor Braley advised that if the Town was forced to take action to take down this house, any costs would be recouped on taxes levied against the property owner.

Code Enforcement Heim advised that should the property owner not comply with the order, he would work with Attorney for the Town, Tal Rappleyea, to ensure everything was done legally. L. Heim would also like to have an engineer look this house over.

A motion to adopt the order against Brian Zanconato was made by M. Verenazi and B. Geel.

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

State of New York

County of Columbia

Town Board of the Town of Austerlitz

In the Matter of the Application of the Town  
Austerlitz to remove an Unsafe Structure,  
Vehicles and Unsafe Condition Upon Lands  
Owned by Brian Zanconato, located at  
Middle Road, Austerlitz, NY  
Tax Map #: 79.-1-21

**ORDER**

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**BY ORDER OF THE TOWN BOARD OF THE TOWN OF AUSTERLITZ:**

WHEREAS, Brian Zanconato is the owner of certain real property located at Middle Road, Austerlitz, Columbia County, New York, bearing Tax Map Number 79.-1-21; and

WHEREAS, the Town Board of the Town Austerlitz received and reviewed a Report from the Town Building Inspector/Code Enforcement Officer regarding the condition of the said property, the structures and vehicles located on such real property in accordance with the requirements of Chapters 83 and 90 of the Town of Austerlitz Town Code, at its regular meeting held on October 10, 2013.

NOW THEREFORE THE TOWN BOARD OF THE TOWN OF AUSTERLITZ HEREBY DETERMINES AND ORDERS:

ORDERED, that the Town Board of the Town of Austerlitz shall hold a hearing on the 14 of November, 2013 at the Town Hall, 812 Route 20, Spencertown, NY at 6:45 pm regarding the unsafe condition of such real property and the remediation thereof, and it is further

ORDERED, that the Town Board of the Town of Austerlitz hereby determines that the said real property has become unsafe and dangerous by way of the following conditions: footing and foundation failure, structural collapse imminent, and it is further

ORDERED, that the Owner, Brian Zanconato is hereby directed to repair, demolish or surround the structure with security fence at the said subject matter real property located at Middle Road, Austerlitz, Columbia County, New York, bearing Tax Map Number 79.-1-21, such actions shall commence within 30 days of the date of this Order and shall be completed within 60 days thereof, and it is further

ORDERED, that in the event the Owner, Brian Zanconato fails to complete such removal, the Town of Austerlitz shall have the right to complete such removal, and it is further

ORDERED, that in the event the Town of Austerlitz is required to complete such removal and the Owner of such real property fails to reimburse the Town for the cost of such demolition and remediation within 60 days of the date of the invoice of such costs served upon the Owner via certified return receipt requested mail, same shall be reported to the Columbia County Treasurer and Columbia County Real Property Tax Services and recorded as a lien upon such real property and collected as a special ad valorem levy thereon in accordance with Chapters 83 and 90 of the Town of Austerlitz Town Code.

**Appointment to the Columbia County Environmental Management Council:** Town of Austerlitz resident Michael Singer has expressed an interest in sitting on this committee.

A motion to appoint Michael Singer as the Town of Austerlitz Representative to the Columbia County Environmental Management Council was made by C. Pinto and seconded by J. Mesick.

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

**Columbia County Historical Society Contract:** Town Clerk Haag advised that the contract with the Columbia County Historical Society for our Proprietors Book needs to be renewed. Clerk Haag had a meeting with Donna Shewchuk of the Historical Society and Document Preservationist Joe Degnan from Kofile. J. Degnan is putting together a proposal to have this Proprietor's Book preserved and protected.

A motion to authorize Supervisor Braley to sign the Loan Agreement for the Town of Austerlitz' Proprietor's Book with the Columbia County Historical Society was made by C. Pinto and seconded by M. Verenazi.

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

**Revised Contract with NYSDEC:** Town Clerk Haag explained that as of the first of the year, Verizon will no longer be operating the online hunting permit system with the NYSDEC. The NYSDEC will be doing business with Acela. Because of this, a new Agent License Agreement needs to be signed between the Town Clerk and the NYSDEC. For the most part, this agreement is the same as the previous one signed in 2002. There are only a couple of minor changes. Attorney for the Town, Tal Rappleyea, has reviewed the contract.

A motion authorizing Town Clerk Susan Haag to sign the revised NYSDEC License Issuing Agent Agreement was made by C. Pinto and seconded by B. Geel.

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

Public Comments

None

Adjournment

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

J. Braley: yes  
B. Geel: yes  
J. Mesick: yes  
C. Pinto: yes  
M. Verenazi: yes  
Motion unanimously carried. Meeting adjourned at 9:25 p.m.

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Budget Workshop  
October 21, 2013

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

Meeting called to order at 7:06 p.m.

Supervisor Braley gave the Town Board 3 possible budgets to look over after some tweaking of the numbers entitled: Saturday's Budget, Bare Bones Budget, and Proposed Budget on the General Fund and Tentative, Bare Bones and Tentative on the Highway Fund. Supervisor Braley went over each line item with the Town Board.

The Town Board discussed needed highway equipment and how to budget for next year's purchases.

The consensus of the Town Board was to go with the 'Saturday' budget on the General Fund side and the first 'Tentative' budget on the Highway Fund side.

A motion to set a public hearing for the Town of Austerlitz' 2014 Preliminary Budget for November 14, 2014 at 6:30 p.m. was made by C. Pinto and seconded by M. Verenazi.

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

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

J. Braley: yes  
B. Geel: yes  
J. Mesick: yes  
C. Pinto: yes  
M. Verenazi: yes  
Motion unanimously carried. Meeting adjourned at 8:11 p.m.

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Town Board Meeting  
November 14, 2013

Roll call. Present: Jeffrey Braley, Supervisor, Carol Pinto, Matthew Verenazi, Jon Mesick, Bryan Geel, Town Board Members, Robert Meehan, Highway Superintendent, and Susan Haag, Town Clerk, Attorney for the Town, Tal Rappleyea.

Public Hearing Town of Austerlitz 2014 Budget

Public Hearing called to order 6:34 p.m.

No questions or comments.

Public Hearing closed 6:36 p.m.

Public Hearing Zanconato Unsafe Building

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

Attorney Rappleyea explained parameters of the Public Hearing noting that the Town Board put out an order last month in the matter of the application of the Town of Austerlitz to remove an unsafe structure, vehicles, and unsafe condition upon lands owned by Brian Zanconato, located at Middle Road, Austerlitz, New York, Tax Map #79.-1-21. A Public Hearing was scheduled because the land owner, Brian Zanconato, had a right to be heard on this issue. Last month, the Town of Austerlitz' Code Enforcement Officer, Lee Heim gave testimony and evidence to the Town Board.

Brian Zanconato came before the Town Board asking what course of action would satisfy the Town Board and Code Enforcement Officer Lee Heim. B. Zanconato noted there are 4 cement walls holding up the structure that may not be able to be seen from outside. If someone from the Town of Austerlitz was in the building, B. Zanconato was not notified. Code Enforcement Officer Lee Heim advised that he walked around the outside of the building, but did not go in. L. Heim tried to contact B. Zanconato, but could not connect. L. Heim is happy B. Zanconato is present for the public hearing. B. Zanconato advised that there is someone interested in buying this property and questioned the Town of Austerlitz' law concerning mobile homes. Code Enforcement Officer Heim is not familiar with those regulations, but will look up the law.

Supervisor Braley would like to settle this, especially with the Campground next door. Attorney Rappleyea noted that the primary goal is to make this property safe. In addition, Attorney Rappleyea advised that if just putting the fence around the property is sufficient for the Town Board, then B. Zanconato can secure the unsafe building in this manner.

B. Zanconato asked if someone complained about his property, to which L. Heim advised that there was an anonymous complaint. Town Board Member Mesick was concerned that L. Heim did not log a written complaint. Attorney Rappleyea explained that the law allows the Code Enforcement Officer to ride the roads and he can accept an anonymous complaint, check them out and take action that is appropriate depending on his findings. B. Zanconato noted that the house next to his is in worse condition. Supervisor Braley advised that the gentleman who complained did so about a number of houses. The property owner next door was contacted, as was another property owner. Attorney Rappleyea advised that although there may be a number of complaints on properties throughout the Town, this Public Hearing is for B. Zanconato's property.

Code Enforcement Officer Heim noted that if B. Zanconato is ready to take steps to make his property safer, he is ready to assist. Attorney Rappleyea would like to work out the parameters tonight, and noted that the Public Hearing can be left open until next month to see where this situation stands. B. Zanconato would like to come back next month, and maybe bring an attorney. B. Zanconato would like to resolve this situation by putting up a fence around the back side of the property, but L. Heim advised that the fence would have to go around the entire building to secure it. B. Zanconato asked for a couple of weeks to put the fence up and then come in and see L. Heim. Code Enforcement Officer Heim advised that he would like to see a 6 foot fence, one that is durable. Different types of fencing was discussed. B. Zanconato asked if

he could pull the trailer off the current foundation, setting it on the ground, if that would be acceptable, to which L. Heim said that would be acceptable. L. Heim gave B. Zanconato as much time as it takes to accomplish this, but wants to see progress. L. Heim asked for contact information for B. Zanconato and stated that he will set up a time table for work to be accomplished. Attorney Rappleyea noted again that the Public Hearing could be left open for the next Town Board Meeting to see what has been accomplished.

All those wishing to be heard were heard.

A motion to table the Public Hearing until the December 12, 2013 Town Board Meeting for the purpose of allowing the owner to satisfactorily secure or remove the unsafe building was made by C. Pinto and seconded by J. Braley.

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried. Public Hearing adjourned at 6:50 p.m.

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

Moment of Silence in remembrance of Joan Grover, followed by the pledge of Allegiance.

#### Minutes

A motion to accept the October 10, 2013 Town Board Regular Meeting minutes and the October 21, 2013 Budget Workshop was made by B. Geel and seconded by C. Pinto.

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

#### Auditing of Accounts and Claims

A motion to approve General Fund #358-393, in the amount of \$34356.48, and Highway Fund #207-235, in the amount of \$281839.55, was made by M. Verenazi and seconded by J. Mesick.

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

#### Reports

Monthly Budget Reports for the month of October 2013 were submitted. Supervisor Braley noted that there was still a nice big chunk of money left but some will be going out with the West Hill culvert payment, the last payment of the truck bond and the highway garage bond payment. The Town Board signed a voucher for next year's Retirement costs tonight and health insurance costs are down from last year.

On the County level, Supervisor Braley noted that there was an informational hearing on the expansion of the safety zone at the Columbia County Airport. The County budget is coming together and the Supervisors are trying to keep it to a 0% increase. The Supervisors will no longer be paid mileage to Hudson for meetings. Union negotiations are coming up, and the Retirement and Insurance costs are up. The Federal Government still has not paid the County what is owed, so that amount is being floated, but should be reimbursed soon.

Highway Superintendent Meehan reported that West Hill Road was paved, but the shoulders still need to be completed and some guardrail put up. R. Meehan will be putting in 2 temporary 5 foot culverts on Harvey Mountain. These can only be in for 1 year according to the State. The radar sign is being raced on Rigor Hill Road with some clocked speeds of 100 mph. The sign will be placed on West Hill Road next.

Town Board Member Pinto asked if R. Meehan has heard from the NYSDOT concerning the permitting process for putting the radar sign on State Route 203. Superintendent Meehan advised that he needs to finish the required paperwork and get it to J. Visconti. It has been a difficult process and questions do not always get answered.

Town Clerk Report for the month of October 2013 submitted.

Planning Board Report for the month of October 2013 submitted.

No Comprehensive Plan Oversight Committee Report for the month of October 2013 submitted.

Building Inspector/Code Enforcement Report for the month of October 2013 submitted.

Justice Cassuto Justice Court Report for the month of October 2013 submitted.

Dog Report for the month of October 2013 submitted.

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

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

#### Correspondence

Supervisor Braley received an email concerning the condition of Jilroy Land and the landowner is asking that the Town of Austerlitz take over this road. Attorney Rappleyea advised that this landowner called him, but they have yet to connect. Supervisor Braley stated that the Road Law needs to be followed. Superintendent Meehan noted at this road is in really bad condition with maybe 4-5 houses using it. Jilroy Lane is a private road. Supervisor Braley gave a short history of the subdivision that this road was a part of and noted that there was not a tax bill for the road. Attorney Rappleyea advised that he would have to look at deeds for the properties in this area to see who actually owns the road. If no one owns this road and it was a 'lost' parcel, there is a procedure in place on a County level that would create a parcel that is taxable.

#### Unfinished Business

##### **Austerlitz Park Renovation**

Supervisor Braley advised that he has heard nothing from Morris Associates concerning the bid package rewrite for the work to be done up behind the Spencertown Academy. Who was to do the actual work and what work was to be performed changed from the original Town Board decision. Included in the vouchers this month was a bill for work performed by Morris Associates, but we have not seen any bid packages. Supervisor Braley would like the Town Board to consider not appointing Morris Associates next year. Town Board Member Pinto questioned Supervisor Braley as to when he last contacted Morris Associates, to which J. Braley advised the beginning of the week. Member Pinto noted that she never had any problems contacting Morris Associates and they always returned her calls. Member Pinto will call Morris Associates and get a bid package to us.

Town Board Member Verenazi asked that bid packages be given to the Town Board when they are received.

##### **Austerlitz Fire House Property**

Highway Superintendent Meehan has spoken with Dave Savage concerning finding where the back corner surveying pin is because he still has not seen this. Town Board Member Geel knows where this pin was located, so he will show R. Meehan where it is.

##### **2014 Preliminary Budget**

Town Board Member Pinto asked if this was the budget that the Town Board approved at the last budget workshop. Supervisor Braley said yes.



A motion to adopt the 2014 Preliminary Budget as the Town of Austerlitz 2014 Final Budget was made by B. Geel and seconded by J. Mesick.

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

### **Ridgeline Map and Zoning Change**

New maps were to go to the Columbia County Planning Board. Town Board Member Carol Pinto questioned if Comprehensive Plan Oversight Committee Chair Tim Stalker asked for a Public Hearing on the proposed Zoning changes, which was answered in the negative. C. Pinto noted that T. Stalker was supposed to submit proposed changes to the Columbia County Planning Board per committee's request. Attorney Rappleyea advised that the proper procedure would be for the Columbia County Planning Board to review first so the Town Board has any comments for a scheduled Public Hearing. Notification to surrounding towns of a Zoning change, a SEQRA review, a Public Hearing and amending the Town's Zoning Law would all have to be accomplished for these changes to take place.

Supervisor Braley noted that the Comprehensive Plan Oversight Committee has also submitted a revision to the subdivision regulations. These revisions have already been to the Columbia County Planning Board.

### New Business

#### **Conservation of the Town of Austerlitz' Proprietors Book**

Town Clerk Haag presented the Town Board with a proposal from Kofile Preservation for conservation work to the Town of Austerlitz' Proprietors Book. The Conservation Proposal is for \$775.00.

Town Clerk Haag advised that the Town of Austerlitz' Procurement Policy states that for projects less than \$3000.00 and greater than \$500.00, it is left to the discretion of the purchaser to choose who will do this work. Town Clerk has known Joe Degnan for many years. Kofile Preservation is a reputable company with years of experience, not only in New York State, but across the United States as well.

The Town Clerk explained that the Encapsulation of Records is the choice she would choose based on recommendation from Joe Degnan of Kofile Preservation. Due to the damage of the binding, and close to the edge writing on each page, rebinding becomes difficult to achieve. In addition, by encapsulating each separate page, careful and purposeful handling of the document is allowable so the Book can be viewed. The Book will still need to be kept in a temperature controlled environment for optimum preservation.

Town Clerk Haag advised that Karen Carney, a member of the Austerlitz Historical Society, has taken an interest in this project and has spoken with Joe Degnan. K. Carney submitted a list of observations and suggestions to Clerk Haag for review, noting that she supports S. Haag in this endeavor. K. Carney discussed future reversibility of this project and keeping blank, extra pages of the Proprietor's Book to appease researchers who equate missing pages with missing information. Extra pages will be kept, but not preserved.

Town Clerk Haag appreciates the time and suggestions of K. Carney.

A motion to accept the Conservation Proposal from Kofile Preservation for the Town of Austerlitz' Proprietors Book was made by M. Verenazi and seconded by C. Pinto.

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Supervisor Braley noted that Freddie Freidel has been very generous with the Town of Austerlitz in giving J. Braley old time photographs to copy. J. Braley will give the Town a copy.

#### **Fire Hydrant Dedication Plaque**

Bruce Whiteman wrote to the Town Board explaining that when the Spencertown Fire Company and Arlene Newton agreed to put a fire pond on A. Newton's property, it was stipulated that the pond and hydrant would be dedicated to Edwin Mesick. Unfortunately, that dedication never occurred and a plaque was never purchased and placed on the hydrant. B. Whiteman asked to have that oversight rectified.

A voucher for the purchase of the plaque is included in the General Fund invoices. B. Whiteman has submitted what the plaque will say.

Town Board Member Brian Geel advised that the District Fire Chief should be asked about the placement of this plaque. Different options were discussed.

A motion to approve the purchase and installment of the dedication plaque for Edwin Mesick for the fire hydrant outside the Town Hall was made by B. Geel and seconded by J. Mesick.

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

#### **Town of Austerlitz Board of Assessment Review Appointment**

The Town of Austerlitz Board of Assessment Review is short one member after Karen Kellogg's term expired. K. Kellogg has expressed interest in being reappointed to this board. This is a 5 year term.

A motion to appoint Karen Kellogg to the Board of Assessment Review for a term beginning November 14, 2013 and ending September 30, 2018 was made by C. Pinto and seconded by M. Verenazi.

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

#### Public Comments

None

#### Adjournment

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

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried. Meeting adjourned at 8:46, p.m.

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
Town Board Meeting  
December 12, 2013

Roll call. Present: Jeffrey Braley, Supervisor, Carol Pinto, Matthew Verenazi, Jon Mesick, Town Board Members, Robert Meehan, Highway Superintendent, and Susan Haag, Town Clerk, Attorney for the Town, Tal Rappleyea.

Bryan Geel absent due to being out of Town.

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

Public Hearing for Zanconato Unsafe Building tabled from November 14, 2013 Meeting reopened.

Brian Zanconato was not present. Code Enforcement Officer Lee Heim advised the Town Board that upon investigation, the unsafe building on B. Zanconato's property has not been taken down. B. Zanconato did try to push the building down, but was unable to do so. During a phone conversation between L. Heim and B. Zanconato, CEO Heim noted the continued Public Hearing set for December 12, 2013. CEO Heim also advised that the day before he spoke with B. Zanconato's girlfriend who assured L. Heim that B. Zanconato received the voicemails he left.

CEO Heim would like this process to move forward and be continued which means the next step is for a bid package to be put together and then put out for bid. Parameters of work to be done was discussed. CEO Heim advised that after last month's meeting he met with B. Zanconato and gave him 30 days to take down the unsafe building and 60 days to clean up. December 6, 2013 marked the 30 days.

Attorney for the Town, Tal Rappleyea, advised that the clean up portion needs to be done; whereas Supervisor Braley and Highway Superintendent Meehan noted they have seen jobs done where foundations were left. It was decided that Highway Superintendent Meehan would put together a bid package and give it to Attorney Rappleyea for review.

A motion was made by C. Pinto and seconded by M. Verenazi to determine that the building on B. Zanconato's property is indeed unsafe and must be removed and that the owner, B. Zanconato has either refused or failed to removed the unsafe building and the Town Board hereby directs to have bid specs drafted to have the building removed and secured.

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Town Board Member Mesick questioned the date of the 30 day mark to make sure that this date has passed. CEO Heim reiterated that the 30 day mark was December 6, 2013, with another 60 days to clean up.

All those wishing to be heard were heard.

A motion to close the Public Hearing was made by C. Pinto and seconded by J. Mesick.

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried. Public Hearing closed at 7:10 p.m.

Regular meeting called to order at 7:11 p.m.

Moment of Silence in memory of Lorraine Zagarola, followed by the pledge of Allegiance.

Minutes

A motion to accept the November 14, 2013 Public Hearing/Regular Town Board Meeting minutes was made by C. Pinto and seconded by M. Verenazi.

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

Town Board Member J. Mesick wanted it stated for the record that it is not the job of the Code enforcement Officer to ride the roads looking for offenses, and unanimous complaints must be in writing in order to be follow-up upon.

#### Auditing of Accounts and Claims

A motion to approve General Fund #394-441, in the amount of \$43805.22, and Highway Fund #236-267, in the amount of \$39753.38, was made by M. Verenazi and seconded by J. Mesick.

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

#### Reports

Monthly Budget Reports for the month of November 2013 were submitted. Supervisor Braley noted that some of the figures were allocated incorrectly. Budget amendments still need to be done by the end of the year.

On the County level, Supervisor Braley reported that there are no meetings really in the month of December. J. Braley did not make last night's County Board of Supervisors' meeting. The airport mess is now an open discussion by email. There seems to be some ideas and a plan out there.

Highway Superintendent Meehan reported that Bruce Whiteman gave him the plaque for the fire hydrant dedication to put up. Discussed mounting options for the plaque. R. Meehan noted that there has been a few small snow storms, the little truck is still down, the trucks purchased from the Town of Ghent are at the highway garage, and one is being used as a parts truck. One of the big trucks is down, but should be up and back on the road tomorrow. Town roads are taking a beating because they aren't frozen yet and are still soft. The temporary culvert on Harvey Mountain Road is almost complete.

Town Clerk Report for the month of November 2013 submitted.

Planning Board Report for the month of November 2013 submitted.

Comprehensive Plan Oversight Committee Report for the month of November 2013 submitted.

Building Inspector/Code Enforcement Report for the month of November 2013 submitted.

Justice Cassuto Justice Court Report for the month of November 2013 submitted.

Dog Report for the month of November 2013 submitted.

A motion to accept the above reports was made by C. Pinto and seconded by J. Mesick.

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

#### Correspondence

No Correspondence

#### Unfinished Business

### **Ridgeline Map and Zoning Change**

Columbia County Planning Board submitted comments and recommendations for the proposed Ridgeline Protection Zoning Change. Town Board Member Verenazi noted these are just recommendations, and the Town Board does not have to change the current proposed changes, but the Columbia County Planning Board did like what they read. Supervisor Braley will speak with Comprehensive Plan Oversight Committee Chair Stalker and get the proposed changes to Attorney Rappleyea.

### New Business

Supervisor Braley recused himself from the discussion on the Salt Shed Lease. The Town Board discussed time frames of signing this agreement.

### **Resolution #29-2013 Authorizing Deputy Supervisor to Execute Salt Shed Lease**

WHEREAS, the Town of Austerlitz must have a facility in which to store its winter road salt but does not own a facility sufficient to meet such needs, and

WHEREAS, the Town has heretofore leased certain property from Jeffrey W. Braley, Sr. and Leslie Braley for a period of ten years and that such lease has expired, and

WHEREAS, Jeffrey W. Braley is the Supervisor of the Town of Austerlitz and has heretofore disclosed his interest in such real property and has recused himself from any proceedings relating hereto, and

WHEREAS, the Town has applied to the Columbia County Supreme Court for approval of such lease in accordance with the laws of the State of New York, and

WHEREAS, the Columbia County Supreme Court has granted such approval by Order dated December , 2013.

NOW THEREFORE, IT IS HEREBY RESOLVED, that the Town Board of the Town of Austerlitz hereby authorizes the Deputy Supervisor to execute any necessary documents, including the attached lease document, in order to complete the rental transaction, covering the period of January 1, 2013 through December 31, 2014.

A motion to adopt Resolution #29-2013 Authorizing Deputy Supervisor to Execute Salt Shed Lease was made by M. Verenazi and seconded by C. Pinto.

J. Braley: abstained

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion carried 3:1.

### **Salt Shed Lease**

#### **SALT SHED LEASE**

This is a Lease between TOWN OF AUSTERLITZ, a municipal corporation with its principal place of business located at the Austerlitz Town Hall, Route 203, Spencertown, NY 12165, party of the first part, and JEFFREY W. BRALEY, SR., and LESLIE BRALEY, with an address of County Route 9 and Route 203, Chatham, New York 12037, parties of the second part.

WHEREAS, the party of the first part has leased from the party of the second for a period of time, a portion of a pole barn owned by the parties of the second part, consisting of an area approximately 100 x 100 square feet for the purpose of the storage of salt, sand and vehicles used by the Town of Austerlitz Highway Department in connection with its duties and responsibilities within the Town, together with approximately 2 acres of vacant land surrounding the said pole barn for such purpose, and

WHEREAS, this storage arrangement has been in the best interest of the Town as it has provided and inexpensive and much needed storage location for materials and equipment necessary for the proper functioning of the Highway Department; and

WHEREAS, there is uncertainty as to when the Town will be in a position to relocate the storage of salt and materials and potential vehicles and whether same will be located in and about the vicinity of the new highway garage; and

WHEREAS, it is the desire of the Town Board to extend the existing arrangement at this time; and

WHEREAS, the parties of the second part are desirous of accommodating the request of the party of the first part in continuing the arrangement for the benefit of the Town; and

WHEREAS, the Town Board has duly authorized, by resolution dated December 12, 2013, the Deputy Town Supervisor to enter into a Contract for the continued storage of salt and materials and utilization of the afore-referenced storage are by the Town Highway Department for the years 2013 and 2014; and

WHEREAS, the Town has applied for and obtained approval of the within lease from the Columbia County Supreme Court, by Order dated December 9, 2013.

NOW, THEREFORE, it is agreed by and between the parties as follows:

That the party of the first part shall continue to lease a portion of the real property of the parties of the second part consisting of the 100' x 100' area within the pole barn for the purposed of the storage of salt, materials and equipment utilized by the Town of Austerlitz Highway Department, along with the right of access to and from the afore-referenced area, and approximately 2 acres of vacant land surrounding the said pole barn, for such purposes, which premises are located off County Route 9 in the Town of Austerlitz.

The parties agree that premises shall be leased by the party of the first part for the years 2013 and 2014 an annual consideration of \$\$4,300.50 for 2013 and \$4,429.50 for 2014, 50% of which shall be paid at the beginning of each year and 50% mid-way through the year, unless otherwise agree to by the parties.

The parties specifically agree that either party may cancel the within Contract upon one year's notification to the other party.

The parties shall each individually maintain liability insurance and the Town of Austerlitz shall maintain property insurance for any of the materials and equipment stored upon the premises of the parties of the second part.

The party of the first shall be provided continuous access to the premises leased herein for the purpose of obtaining salt, sand and equipment for use in the regular operations of the Town of Austerlitz Highway Department.

### **Resolution #30 Equipment Reserve Fund**

Supervisor Braley stated that he would like to set up an Equipment Reserve Fund with the \$50000.00 that was put into the 2014 budget. Once this reserve fund is created, money can be added to it. J. Braley asked what the Town Board would like to do. Money available was discussed, as well as, what money is yet to be dispersed for this year and revenues that are still due to the Town. The setting up of an Equipment Reserve Fund was tabled until the End of the Year meeting.

### **Health Insurance**

Supervisor Braley signed off on the new health insurance through CDPHP for next year. A Benefit Summary Sheet from CDPHP was handed out and discussed. Supervisor Braley advised that the Town has always told the Highway Crew that it would pay the deductible for hospital inpatient stays. J. Braley and Insurance Agent Steve Aciani met with the Highway Crew to go over the new plan and no-one seemed unhappy with the changes.

### **Dog Control**

Supervisor Braley advised that the Town received an email from NYS Department of Ag and Markets concerning the fact that the Town of Austerlitz currently has no shelter agreement for

seized dogs. J. Braley noted that there are cages on his property that the Town has been using for short term cases. When owners of dogs have not been found, the dogs have been taken to the Columbia Greene Humane Society, even though we have no contract with them. Supervisor Braley does not believe that the current set-up is sanctioned by Ag and Markets so something needs to be done. The Humane Society is very expensive, costing \$75.00 for the first day, and \$300.00 for each subsequent day after that. No decisions were made.

### **Future Meetings**

A motion to set the End of the Year meeting for December 30, 2013 at 7:00 p.m. and the 2014 Organizational Meeting for January 2, 2014 at 6:00 p.m. was made by M. Verenazi and seconded by J. Mesick.

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

### Public Comments

None

### Adjournment

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

J. Braley: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

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

Respectfully Submitted,  
Susan A. Haag, Town Clerk

Town of Austerlitz  
End of the Year Town Board Meeting  
December 30, 2013

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

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

Moment of Silence, followed by the pledge of Allegiance.

### Budget Amendments

Supervisor Braley explained the budget amendments, zeroing in on the Highway Fund and C.H.I.P.s funding.

### General Fund

		Increase-Appropriations Decrease-Est. Revenue	Increase-Est. Revenues Decrease-Appropriations
JUSTICE	A 1110.4	56.43	
SUPERVISOR	A 1220.4	53.75	
ENGINEER	A 1440.4	3,285.00	
UNALLOCATED INSURANCE	A 1910.4	456.44	
POLICE	A 3120.4	18,278.21	
TRAFFIC CONTROL	A 3310.4	7,276.86	
GARAGE	A 5132.4	2,465.95	
PARKS	A 7140.4	3,520.17	
YOUTH PROGRAM	A 7310.1	206.25	
YOUTH PROGRAM	A 7310.4	1,252.32	
CELEBRATIONS	A 7550.4	86.00	
BOND PRINCIPAL	A 9710.6	5,000.00	

TOWN BOARD A 1010.4		257.83
JUSTICE A 1110.1		3,741.85
JUSTICE CLERK A 1110.11		56.43
ASSESSOR A 1355.4		746.49
CLERK A 1410.4		1,496.09
RECORDS MANAGEMENT A 1460.4		409.07
BUILDINGS A 1620.1		58.00
BUILDINGS A 1620.4		1,450.43
BLDG INSPECTOR A 3620.4		2,084.40
ZONING A 8010.4		1,574.94
PLANNING CLERK A 8020.11		2,683.85
STATE RETIREMENT A 9010.8		24,538.00
BOND INTEREST A 9710.7		2,840.00
GRANT REVENUE ek A 02702		10,633.41
ENGINEER -EK GRANT A 1440.4	10,133.41	
PARK EQUIP- EK GRANT A 7140.2	500.00	
	Total	52,570.79
		52,570.79

A motion to approve the General Fund budget amendments was made by B. Geel and seconded by M. Verenazi.

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

#### Highway Fund

	Increase-Appropriations Decrease-Est. Revenue	Increase-Est. Revenues Decrease-Appropriations
SALES TAX DA 01120		3,830.00
STATE AID - CHIPS DA 3501		200,637.00
GENERAL REPAIRS DA 5110.4	29,861.00	
CHIPS PROGRAM DA 5112.2	174,606.00	
SALES TAX DA 01120		11,764.00
MACHINERY DA 5130.2	5,000.00	
SNOW REMOVAL DA 5142.4	6,764.00	
	Total	216,231.00
		216,231.00

A motion to approve the Highway Fund budget amendments was made by M. Verenazi and seconded by B. Geel.

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

#### Reserve Fund

Supervisor Braley discussed Resolution #30-2013, Equipment Reserve Fund, tabled from the December 12, 2013 Town Board Meeting. This resolution would set up a reserve fund for equipment. \$50000.00 was budgeted for this in the 2014 Town Budget. The Town Board discussed available money left from 2013. Supervisor Braley noted that the Town Board could choose to add additional monies to this fund.

Town Board Member Pinto advised that she has repeatedly asked for a Highway Inventory listing all current equipment, value, condition, etc. which was never received. Without this inventory list, C. Pinto is not inclined to set up a reserve fund. Town Board Members Mesick and Verenazi agree.

#### Auditing of Accounts and Claims



A motion to approve General Fund #442-444, 446-450, in the amount of \$2616.04, and Highway Fund #268-282, in the amount of \$16213.68, was made by M. Verenazi and seconded by J. Mesick. General Fund #445, in the amount of \$578.50 was not approved for payment.

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried.

#### Public Comment

Constance Mondel thanked Supervisor Braley and Town Board Member Pinto for time and years served.

#### Adjournment

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

J. Braley: yes

B. Geel: yes

J. Mesick: yes

C. Pinto: yes

M. Verenazi: yes

Motion unanimously carried. Meeting adjourned at 7:17 p.m.

Respectfully Submitted,  
Susan A. Haag, Town Clerk