

Town Of Austerlitz
Regular Town Board Meeting
July 16, 2020

The July 16, 2020 Town Board Meeting was held via Zoom in accordance with the Governor's Executive Order 202.1. Meeting instructions were on the Town website.

Present via Zoom: Robert Lagonia, Supervisor, Greg Vogler, Maureen Wilson, Jere Wrightsman, Chris Schober, Town Board Members and Susan Haag, Town Clerk. Attorney for the Town, Joseph Catalano was also present via Zoom.

Town Highway Superintendent Robert Meehan unavailable due to Zoom.

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

Moment of Silence, followed by the Pledge of Allegiance.

Minutes

A motion to accept the June 18, 2020 Town Board Meeting minutes was made by J. Wrightsman and seconded by C. Schober.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

Auditing of Accounts and Claims

Supervisor Lagonia noted that the July abstracts were sent to the Town Board Members for review. If any of the Town Board Members would like to see and sign the actual vouchers, please make arrangements with Town Clerk Haag.

A motion to authorize payment of the June General Fund, #173-201, in the amount of \$20376.18 and Highway Fund, #134-152, in the amount of \$20482.05 was made by M. Wilson and seconded by G. Vogler.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

Reports

Monthly Cash Disbursement and Supervisor Report

Monthly Cash Disbursement Report for the Month of June 2020 submitted. Supervisor Lagonia advised that currently the Town has \$1.7 million in the bank. R. Lagonia is going through the

budget preparing for the 2021 budget cycle. The County feels that there will be major sales tax decreases. Not sure of mortgage tax because houses seem to be selling. Building permits are down, but lots of CO searches are being done for the houses being sold. Fines and forfeitures are down which makes sense since there was a span of time tickets were not being written. The Town has seen some savings: the Town is currently not hiring to fill the vacant property clerk position and there was no summer recreation program. On the Highway Fund side the 'brush' line item is high, but the equipment maintenance line item is lower because the highway crew now has newer equipment.

Town Board Member Vogler questioned if the 2021 budget request forms are out and Town Clerk Haag noted they were. Supervisor Lagonia stated that the Town Board might want to slow this process down this year to see where the numbers come in towards the end of the year. The next sales tax check from the County will be important and the Town is not 100% certain yet on the C.H.I.P.s funding.

Supervisor Lagonia reported that he is still very active on a County level with COVID. The County is watching the spikes in surrounding areas and different states. As the Capital District spikes, that will affect our area since we are in that COVID section. The County is also watching as people gather and how this has brought on new COVID cases. There are different strains to the virus. Wearing of masks and travel bands are very difficult to enforce. Travel could really have an affect on our numbers. Generally, the County has very low community spread right now. There are plenty of test kits in the county, but they are still looking into getting antibody tests. Turn around time is good. PPE is more available and the price has come down.

Highway Report

Highway Superintendent Meehan was not in attendance because he does not have a computer. Supervisor Lagonia advised that Highway Superintendent Meehan has had his crew working all over Town. Currently there is work being done on Beale Road getting it ready for motopaving. Some of the residents have voiced concerns about the road being widened. The Town is using what the current full width of the road is which is 24.5 feet from the center line for a total width of 49 feet. Beale Road is one of the roads in the Town that needs a lot of work.

Supervisor Lagonia advised that Beale Road is scheduled to be motopaved at the beginning of next month. Once completed, there will be less maintenance since it is no longer a dirt road.

Town Clerk Report for the month of June 2020 submitted.

No Planning Board Report for the month of June 2020 submitted. The Planning Board has not met.

No Comprehensive Plan Oversight Committee Report for the month of June 2020 submitted.

Building Inspector/Code Enforcement Report for the month of June 2020 submitted.

Justice Grubin Justice Court Report for the month of May 2020 submitted.

Justice Cassuto Justice Court Report for the month of June 2020 submitted.

Dog Report for the month of June 2020 submitted.

Dog Control Officer Kyle Miller spoke to Supervisor Lagonia concerning where to house a dog who is picked up that is injured. Normally injured dogs are taken to a veterinarian, but the Town of Austerlitz does not have any contracts for this situation.

Member Vogler asked if there was some sort of insurance for this type of situation because these bills can get expensive. Attorney for the Town, Joseph Catalano advised that insurance for this type of situation is normally purchased by the pet owner for individual animals. Supervisor Lagonia will check with our insurance agent. Town Board Member Schober asked if the Humane Society can help in any way. Supervisor Lagonia does not believe so. Town Board Member Wilson questioned what happens to a dog that is left at the Columbia Greene Human Society. Attorney Catalano answered that under State law, if the owner does not pick the dog up, after 3 days the dog can be euthanized.

The consensus of the Town Board is to make sure that any injured dog picked up by our Dog Control Officer is made comfortable and helped if possible.

Supervisor Lagonia noted the Town Board will revisit this next month.

Climate Smart Report

Town Board Member Greg Vogler reported that the Climate Committee met last night and the Committee focused on a conversation with Matt Stinchcomb, a resident of Rhinebeck and Gallatin. M. Stinchcomb is an active member of the Rhinebeck Environmental Committees and spoke to the Committee about Rhinebeck's experiences with master planning, hiring a dedicated person to evaluate and help develop their environmental policies, paid via grants and contributions, and the environmental resiliency Rhinebeck is trying to establish in the wake of growing climate challenges.

A motion to accept the monthly reports was made by C. Schober and seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

Correspondence

NYS Department of Ag and Markets: Dog Control Officer Inspection Report completed on June 6, 2020. DCO services were rated at satisfactory.

Unfinished Business

Resolution 32-2020 Introductory Local Law 1-2020

Local Law 1-2020, A Proposed Local Law to change the office of Highway Superintendent from an elective office to an appointed office, adding Article 2 to Chapter 45 of the Town of Austerlitz Code.

Attorney for the Town Joseph Catalano drafted Local Law 1-2020 per the Town Board's instructions last month. The Town Board looked over the draft with Attorney Catalano highlighting that this law abolishes the elected Town Highway Superintendent position and creates an appointed position. Residency requirement is a secondary aspect, but the area to pull from will be outside the Town which will broaden the pool of applicants. The applicant must live within the State of New York though. The scope of duties and salary can be determined by the Town Board after the position is created. This new law will add an article to the Town's Code and is subject to a mandatory referendum.

Supervisor Lagonia has discussed this new law with current Highway Superintendent Meehan who does not support it. R. Meehan feels that if the Town Board hires outside of the Town, the person will not care as much. Supervisor Lagonia noted that R. Meehan's retirement was the springboard for this new law.

Member Schober questioned the timing of deciding the scope of duties and the salary. Attorney Catalano advised that if the Town Board wanted, they could be working on this at the same time the process of getting the law passed is working through. The Town Board discussed options for scope of duties, salary and residency requirements. Member Schober feels the Town Board should look within the Town first for a candidate. Member Vogler would like to have something that talks about the minimum standards of the job qualifications. Consensus of the Town Board was to see how the Town residents felt first and then work on the details.

Supervisor Lagonia questioned if the new law should include that the Town Board would give preference to someone who lives in Town to which Attorney Catalano answered no. Town Board Member Wrightsman asked if this was something to mention at the public hearing and Attorney Catalano noted the Board could explain to the residents what the preference is. The Town Board discussed qualification parameters and what to include in the new law. Attorney Catalano advised that this new law would make the Highway Superintendent position just like any other appointed position the Town has and the Town Board would have complete discretion as to what it would want. The details of the jobs will take further time to craft and to discuss. Attorney Catalano advised the Town Board as to what they could and could not require in a job description. At the very least, the Town Board can use the NYS job description for a highway superintendent.

The Town Board consensus was to have a 2-year term to start for the appointment period. Once the current highway superintendent term is completed, the Town Board would appoint someone. Start date would be January 1, 2022.

Member Vogler would like to see all the paperwork on the Town website for the residents to look over.

Discussion was heard on how the Town Board would conduct a public hearing due to COVID. Consensus was to conduct both in person at the Town Hall and a Zoom meeting at the same time. Supervisor Lagonia wants to make sure the public has every means available to voice their opinions and communicate their views. Attorney Catalano noted that the Town Board is under no obligation to adopt the local law if at the public hearing the residents do not agree. The Town Board can decide at that point to table the law or send it to referendum.

A motion to adopt Resolution #2-2020, Introductory Local Law 1-2020 was made by G. Vogler and seconded by R. Lagonia.

Roll call vote:

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

WHEREAS, the Highway Superintendent of the Town of Austerlitz is currently an elected office with a four-year term; and

WHEREAS, the Town Board, in an effort to manage the Town budget with the expectation of declining revenue sources due to the current economic situation along with the constraints of New York State's tax cap law, believes that it will be better able to do so by abolishing the elective office of the Town Highway Superintendent and making it an appointive office so that the Town Board has more flexibility and direct involvement in managing the Town Highway budget which represents a significant portion of the overall Town budget; and

WHEREAS, with the current Highway Superintendent expressing his desire to retire and not run for an additional term of office, the Town Board is also concerned whether there will be a sufficient pool of qualified applicants residing in the Town that would be eligible for the elective office of Highway Superintendent; and

WHEREAS, by making the Highway Superintendent's position an appointive office and expanding the residency requirements for such position, the Town Board will have the ability to select from a greater pool of applicants to ensure sufficient qualifications of the individual in this position and provide regular oversight and accountability to ensure the duties of this office are completed in as cost-effective, efficient and responsible of a manner as possible; and

WHEREAS, the Town Board has reviewed and discussed the proposed Local Law that was prepared by the Town's attorney for such purposes and which will abolish the elective office of Highway Superintendent and replace it with an appointed position of Superintendent of Highways in the Town of Austerlitz which is subject to this resolution;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board hereby introduces and proposes for adoption introductory Local Law No. 1 of 2020 of the Town of Austerlitz which will abolish the elective office of Highway Superintendent on January 1, 2022, the year in which the current term of the Superintendent expires and which will create the appointed position of the Superintendent of Highways in the Town of Austerlitz starting January 1, 2022 and that the Town Code will be amended accordingly.
2. The Town Board determines that the adoption of the proposed Local Law is an action that is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA) and that no further environmental SEQRA review is required.
3. The Town Board hereby schedules a public hearing for Introductory Local Law No. 1 of 2020, to be held on August 20, 2020, at 6:30 p.m. at the Town Hall or by remote video and telephonic conferencing as may be allowed and appropriate under circumstances of the coronavirus pandemic and the Governor's Executive Orders.
4. The Town Board hereby orders that notice of the public hearing be posted at the Town Hall, on the Town website, and published at least once in the Town's official newspaper a minimum of 5 days before the scheduled hearing date together with such other notices required by law.
5. The Town Board understands pursuant to advice of the Town's legal counsel that the proposed Local Law, if adopted by the Town Board after the scheduled public hearing is held, will be subject to a mandatory Town-wide referendum. The Town Board prefers that the proposition for approval or disapproval of the Local Law be on the ballot for the November 3, 2020 general election.
6. This Resolution shall take effect immediately.

New Business

Proposed Letter to the County Board of Supervisors

Town Board Members Vogler and Wilson asked to have this tabled.

Harvey Mountain Drainage Project

Attorney Catalano advised that Town Clerk Haag sent out an additional letter to one homeowner on Harvey Mountain who has yet to be contacted in order to get easements so this project can begin. For whatever reasons the homeowners are not acknowledging receipt of the previous letters sent. Two letters went out, one by certified return receipt and one overnight. In addition, Attorney Catalano believes that a note should be attached to the house door. If the Town does not hear anything back from the resident by the next board meeting, the Town can discuss starting eminent domain proceedings.

Executive Session

A motion to enter Executive Session for a personnel issue was made by J. Wrightsman and seconded by M. Wilson.

R. Lagonia: yes
G. Vogler: yes
C. Schober: yes
M. Wilson: yes
J. Wrightsman: yes

Motion carried 5:0. Executive Session enter at 7:57 p.m.

A motion to exit Executive Session was made by J. Wrightsman and seconded by M. Wilson.

R. Lagonia: yes
G. Vogler: yes
C. Schober: yes
M. Wilson: yes
J. Wrightsman: yes

Motion carried 5:0. Executive Session exited at 8:15 p.m.

Town Board Member Wilson questioned what the tree service trucks parked at the Highway Garage were there for. Supervisor Lagonia answered the company was just using the area to park their trucks.

Town Board Member Wrightsman questioned if the Town Board was going to move forward with any regulations concerning short term rentals. Supervisor Lagonia advised that he has had zero complaints and for now the Town can just keep an eye on it.

Public Comments

None

Adjournment

A motion to adjourn was made by G. Vogler and seconded by C. Schober.

R. Lagonia: yes
G. Vogler: yes
C. Schober: yes
M. Wilson: yes
J. Wrightsman: yes

Motion carried 5:0.

Meeting adjourned at 8:16 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk