

Town Of Austerlitz
Regular Town Board Meeting
August 20, 2020

The August 20, 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 July 16, 2020 Town Board Meeting minutes was made by J. Wrightsman and seconded by G. Vogler.

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 August 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 August General Fund, #202-229, in the amount of \$16464.44 and Highway Fund, #153-175, in the amount of \$44142.48 was made by G. Vogler and seconded by J. Wrightsman.

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 July 2020 submitted. Supervisor Lagonia advised that there is roughly \$1.6 million in the bank. The financials look good and it is nice that people are watching their budgets. The Town has put a lot of money into Beale Road this month.

Supervisor Lagonia went on to update the Town Board on the status of the Beale Road project. The road has been motopaved, but still needs to be oiled and stoned and the shoulders finished. Residents have noted the people are now speeding and Supervisor Lagonia has contacted the Sheriff's Department concerning this.

Town Board Member Chris Schober noted that the Enhanced Patrol only sits on Sunday afternoons on Schoolhouse Road to watch for speeders as many people are using this road as a cutover since the County Route 21 bridge is being worked on. Supervisor Lagonia will speak with the County Sheriff's Department about this road as well. Speeding seems to be happening all over Town and in other Towns as well this summer.

A resident on Reed Road has approached Supervisor Lagonia advising that he will donate \$100,000.00 to go towards the paving of Reed Road. R. Lagonia noted that Highway Superintendent Robert Meehan oversees the road maintenance and upgrades. Obviously the cost to blacktop Reed Road will be much more than the donated figure and for this year, there are budgetary constraints. In addition, it is too late in the season to schedule something like this if in fact R. Meehan would like to pursue.

Town Board Member Jere Wrightsman noted that the material R. Meehan is now using is much better than what he was purchasing before. There doesn't seem to be those sharp rocks that have been causing issues.

Supervisor Lagonia advised that the September Town Board Meeting will still be held via Zoom. The County meetings are still virtual as well. It is safer this way.

On a County level, Supervisor Lagonia is flat out busy. Handling the COVID issues has been challenging and now there are large groups of people who are anti-mask and believes Columbia County should sue the Governor's Office. Gyms can now open and need to be inspected, but this is very hard because of lack of staffing and lack of experience as to what to look for. A new director for the Columbia County Health Department is needed, but an interim person has been hired for now. Budgetary cuts have left vacancies in the Health Department, but have been filled though at this point. The Health Department is a very important department and needs to have personnel. The County has a responsibility to have a balanced budget at the same time so this is very challenging. Once schools reopen the County will have additional work, especially since there is no guidance from the Governor's Offices to date. The County has been meeting two days a week.

Highway Report

Highway Superintendent Meehan was not in attendance because he does not have a computer. Supervisor Lagonia advised that the Highway Department has been working on Beale Road.

Historian Tom Moreland would like to have access to the back room of the old Town Hall, but it still needs to be cleaned out yet. Highway Superintendent Meehan is going to help with the cleaning, but he has been flat out and as of now can not fit this into the schedule.

Town Clerk Report for the month of July 2020 submitted.

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

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

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

Justice Grubin Justice Court Report for the months of June and July 2020 submitted.

Justice Cassuto Justice Court Report for the months of April and July 2020 submitted.

Supervisor Lagonia noted that he believes there are a lot of tickets out there, it is just that court has been cancelled due to COVID.

No Dog Report for the month of July 2020 submitted.

Climate Smart Report

Town Board Member Greg Vogler reported that the Climate Smart Committee is ready to start promoting the Town of Austerlitz' Facebook climate page and get people to "like" it. To facilitate how this will be used, the Committee has put together the following governing rules: For Facebook:

- This FB page is a public service of the Town of Austerlitz, and it belongs to the people
- Content:
 - Emphasis is on topical information. Standing information should be accessed through the town website
 - Examples of Acceptable Use include:
 - Government programs, resources or news releases supporting the environment or the fight against climate change
 - References to local organization (e.g. CLC, EMC) and events
 - Town of Austerlitz news
 - Information about good environmental practices, e.g. retaining rainwater, composting, recyclables and so on
 - Awareness or notification of specific legislation, without opinion
 - Examples of Unacceptable Use include:
 - Endorsement, promotion or opposition of specific legislation or legislators
 - Personal opinions
 - Political opinions
- Content is controlled by the Town of Austerlitz Climate Committee and by the Town Board

- Public cannot post comments or content. The public can provide their thoughts to the Climate Committee or the Town Board
- Contact information (e.g. email) is approved by town

The Town Board discussed these guidelines and noted that an email for the Climate Committee should be generated. Town Clerk Susan Haag advised that there might be an extra cost for additional emails.

Town Board Member Maureen Wilson noted that the purpose of this Town FaceBook is education and to provide information to the public.

A motion to accept and adopt the above guidelines to govern the Town's FaceBook page was made by G. Vogler and seconded by M. Wilson.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

In addition, the Climate Smart Committee discussed the following at its August 19, 2020 meeting:

- Garage solar planning is progressing and we hope to have its implementation scheduled shortly.
- No further information from NYSEG on switching our street lights to LED, but we will continue to pursue.
- EMC has a revised Letter of Support that we hope to present to the town board in September. The letter encourages the county to become a Climate Smart Community.
- The climate FaceBook page is ready to be promoted. Governing rules have been established by the group for approval by the town board.
- The initial content of a Austerlitz climate website is near completion. After that, we will present both the content and next steps to the town board.
- The CPOC is planning to update the Comprehensive Plan regarding the impact of climate change. These changes will be subject to town board approval and a public hearing.
- The climate committee continues to analyze converting the highway garage lighting to LED. The analysis focuses on environmental and financial benefits to the town.
- The climate committee is exploring private funding to pay for a person to analyze additional Climate Smart Communities activities the town can take.
- Inventorying of the town's energy and greenhouse gas usage continues.

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

NYSTCA: Susan Haag President for 2020-2021 year. Congratulations were given.

Tom Wambach: Request to lower speed limit on County Route 7. Supervisor Lagonia advised that State and County are considering letting Towns set their own speed limits. R. Lagonia would like to see how this shakes out and then address this request. Member Wrightsman noted that this area is very dangerous and there is speeding. Town Board Member Chris Schober questioned if the County could temporarily reduce the speed limit because of the bridge construction. Supervisor Lagonia does not believe so, but he will chat with Dean Knox again.

Unfinished Business

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.

This law will be tabled. Attorney Catalano advised that there was a recent amendment to the election law which requires propositions to be filed with the County Board of Elections at least 90 days before the election (August 3rd of this year). The Town and Municipal Home Rule Law were not adjusted accordingly so the statutes are out of sync and in some ways contradictory since the Town Law requires the local law to be adopted at least 60 days and no more than 75 days prior to the elections; the Municipal Home Rule Law requires the proposition to be filed 60 days before the general election.

After consulting with the Columbia County Board of Election Commissioner to try and reconcile the statutes, the Commissioner is of the opinion that he would have to reject the proposition if filed after August 3, 2020. Attorney Catalano also questioned if the proposition could be filed before the local law was adopted and the Commissioner said no.

Public hearing notice was not filed due to this. A special election can be held next Spring.

Attorney for the Town, Joseph Catalano, discussed the procedures moving forward, noting that the Town Board can introduce a new law this fall to be voted on at a special election next Spring. Supervisor Lagonia noted he wants to make sure that the Town Board has a plan in place for this. Member Vogler noted that the Town Board needed to be mindful of time frames so this process does not interfere with the caucus process. Town Clerk Haag advised that as President of NYSTCA she will be very busy in April and asked the Town Board to keep this in mind for timeframes since she will be heading up the voting process.

Harvey Mountain Road

Shira Marshall, a property owner on Harvey Mountain Road who the Town has not been able to contact, reached out to Supervisor Lagonia after receiving the Town's latest correspondence concerning a drainage easement. S. Marshall has agreed to sign easement paperwork with the stipulation that she can use the property without obstruction. The drainage pipe has to be underground. Attorney Catalano contacted Engineer for the Town, Ray Jurkowski, and R. Jurkowski did draw up an alternative plan for an underground pipe and one for an open swale. It was noted that Highway Superintendent Meehan would be okay with an underground pipe if this is the only way to secure the easement. A SPEDE permit from the NYSDEC is also needed for this project.

Attorney Catalano will continue to speak with the property owner, if the Town Board authorizes, to work out issues in order to be able to get the easement paperwork signed. Supervisor Lagonia will get the cost difference between an underground pipe and a swale. The Town Board is in agreement.

Injured Dog Housing

Supervisor Lagonia has not yet spoken with the veterinarian or the insurance company. R. Lagonia will follow-up with this.

Election

Member Schober questioned if elections would be held in the Town Hall this November. Supervisor Lagonia noted that this is handled through the County Board of Elections and there are no guidelines yet. The County Board of Elections is currently working much more efficiently. The Town will help in any way it can.

New Business

Forte Credit Card Contract

Town Clerk Susan Haag explained that she would like to change the credit card company used for taxes and clerk items to be Forte instead of Value Payment Systems. Fees charged for use are the same. Clerk Haag knows the team from Forte and feels she will get better customer service. There is a 30 written notice requirement to terminate the Value Payment Systems contract. Attorney Catalano spoke concerning the change of vendor.

A motion to authorize the Town Clerk, Susan Haag, to change credit card vendors and sign the Forte contract 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.

Resolution 33-2020, Retention and Disposition Schedule for New York Local Government Records, LGS-1.

Town Clerk Haag explained that NYS Archives has updated their retention and disposition schedule. The old schedule, the MU1 is what the Town of Austerlitz has been using and the Town is required to formally adopt the new schedule as the replacement.

A motion to adopt Resolution 33-2020, Retention and Disposition Schedule for New York Local Government Records, LGS-1 was made by R. Lagonia and seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

WHEREAS New York State Archives is revising and consolidating its local government records retention and disposition schedules and issuing a single, comprehensive retention schedule for all types of local governments, including the MU-1 Schedule for use by towns, and

WHEREAS the new Retention and Disposition Schedule for New York Local Government Records or LGS-1 is the replacement for the MU-1 Schedule, and

WHEREAS the Retention and Disposition Schedule for New York Local Government Records or LGS-1 will be released for use August 1, 2020, and

WHEREAS a local government must adopt the Retention and Disposition Schedule for New York Local Government Records or LGS-1 prior to its use,

BE IT RESOLVED that the Town Board of the Town of Austerlitz hereby adopts for use by all officers in legally disposing of valueless records listed therein, the Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records.

BE IT FURTHER RESOLVED that in accordance with Article 57-A:

- a.) Only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein; and
- b.) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

Chatham Rescue Squad Contract

It was noted that the Chatham Rescue Squad has sent a well put together and comprehensive request and contract. Supervisor Lagonia would like to discuss this contract with the Town of Ghent before any decisions are made. There really is not another option available. Member Wilson questioned the payroll figures used in this request. This will be tabled until the

September Town Board Meeting. R. Lagonia noted that maybe a virtual meeting could be set up with the Chatham Rescue Squad to answer questions.

Public Comments

Louis Hedgecock thanks the Town Board for the time to discuss Town Highway procedures and decisions. L. Hedgecock realizes that the Town Highway Superintendent position is an elected position and he was encouraged to speak with Superintendent Meehan, but notes that the Town Board approves expenses and the Highway Form 284 which lists major projects each year.

L Hedgecock is concerned how residents are alerted to major highway projects. He was not aware that there would be paving done on Beale Road or work on the north end of Reed Road. The Town's Comprehensive Plan, done 16 years ago, calls for slow growth and most of the residents wanted gravel roads, not paved ones. A lot of time has been spent on dealing with the speeding on Town roads, and yet there is still speeding on Beale Road. Gravel roads are better to hold down speeding on Town roads and to keep the rural character. No one on Beale Road was consulted about this paving project ahead of time. L. Hedgecock does not want gravel roads paved. He feels how the process is completed to determine what roads are paved and which ones are left as gravel needs to be discussed and there needs to be better communication with residents concerning this process and decisions that are made.

Supervisor Lagonia advised that all these concerns fall under the jurisdiction of the Highway Superintendent and need to be discussed with R. Meehan. The only part the Town Board plays in this process is to determine funding for projects the Highway Superintendents wishes to complete in any given year. From there, communication is in the hands of the Highway Superintendent. Some of the issues that L. Hedgecock is raising are the reasons why the Town Board is looking to make this position appointed instead of elected, so the Town Board has more control. R. Lagonia would love to see more planning and communication.

Attorney for the Town, Joseph Catalano, advised that Supervisor Lagonia is correct and the only authority the Town Board has is budgetary. This includes the Highway Form 284. The manner in which the Highway Superintendent goes about his duties is beyond the Town Board authority. If this position becomes appointed, the Town Board will have direct authority over the position at that time.

Member Wrightsman noted that residents of Beale Road have come before the Town Board making presentations concerning the condition of the road asking for changes. Supervisor Lagonia noted that the intention of Towns across Columbia County is to get as many dirt roads paved as possible because they cost less to maintain. Member Vogler advised that C.H.I.P.s funding from the State is aimed at getting roads paved, not to maintain gravel roads. C.H.I.P.s money is for long term road projects and culverts.

Sharon Grubin seconded L. Hedgecock's comments concerning communication. With the Beale Road project, the culvert ditching caused problems with how much of her land the Highway Department took. S. Grubin had work done putting in paths and clearing areas which was destroyed with the ditching. S. Grubin also spoke to the speeding on Beale Road noting a specific spot she felt was dangerous. If the speed limit can not be reduced, S. Grubin asked that

the speed limit sign be taken away so hopefully people will go slower. Town Board Member Wrightsman noted he asked Highway Superintendent Meehan to put a caution sign in this same area.

Supervisor Lagonia noted that there are Towns in the County where the Town Board does not have a very good working relationship with the Highway Superintendent. The Town of Austerlitz is fortunate that the Town Board has a good relationship with R. Meehan. The Highway budget is the biggest part of a Town's budget and R. Lagonia feels that the Town Board should have more of a say over highway issues, but the Town Board does not have the authority some believe they do. Member Schober noted that the issues raised tonight will be taken into consideration as the Town Board proceeds with making the Highway Superintendent position an appointed position instead of an elected one. Member Vogler would love to see a Road Maintenance Plan in the future.

Supervisor Lagonia advised that after last winter the Town had so many complaints concerning the condition of Beale Road. L. Hedgecock noted he read the previous meeting minutes concerning the gravel used and R. Meehan should have changed the stone being used instead of paving the road. Supervisor Lagonia advised that the Town Board did authorize R. Meehan to try gravel from Massachusetts.

Louis Hedgecock ended saying that he did not want to see Beale Road paved or have anyone else on any dirt road 'buy' the paving with a donation. The Town Board should take every resident's feelings into consideration, just not one man who wants to buy paving.

Adjournment

A motion to adjourn was made by G. Vogler and seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

Meeting adjourned at 8:19 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk