

Town Of Austerlitz
Regular Town Board Meeting
January 21, 2021

The January 21, 2021 regular 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, Highway Superintendent Robert Meehan and Susan Haag, Town Clerk.

Attorney for the Town, Joseph Catalano also present via Zoom.

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

Moment of Silence, followed by the Pledge of Allegiance.

Minutes

A motion to accept the January 4, 2021 Organization Meeting minutes 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.

Auditing of Accounts and Claims

Supervisor Lagonia noted that the January 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 January General Fund, #1-6, 8-46, in the amount of \$32708.91 and Highway Fund, #1-24, in the amount of \$22775.17 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.

Reports

Monthly Cash Disbursement and Supervisor Report

Monthly Cash Disbursement Report for the Month of December 2020 submitted. Supervisor Lagonia advised that Town Departments did really well in watching their individual budget lines.

This was big and helped the Town to end the year in good shape. The 2020 AUD will be filed next month. The Town currently has \$1.389 million in the bank. The 2021 tax payment was deposited today for \$875000.00. Adding this gives the Town roughly \$2.2 million.

Supervisor Lagonia has been straight out on the County level dealing with COVID and vaccine availability and administering. This has been very difficult because changes are constant and information can change from morning to night. The Columbia County Health Department now has a call center to handle the increased telephone calls.

Supervisor Lagonia noted that Columbia County did get a shout out from Governor Cuomo for its vaccine set up. The County could handle 1000 shots a day if it had the supply. President Biden has a very aggressive COVID plan so hopefully there will be additional vaccines available and distributed.

The positive COVID cases has increased drastically in the last 20 days with 36 people in the ICU and the deaths rate is creeping up. Dealing with this is very exhausting and a big challenge. It has become a full-time job for Supervisor Lagonia.

Town Board Member Maureen Wilson asked about residents in the Town of Austerlitz who do not have the ability to get the shot due to lack of information, no internet, ability to use the internet, etc. Supervisor Lagonia advised that there is a real concern for the small number of people in every Town who do not have internet, friends to help out, contact with others, etc. Many County Departments are making lists so that individual Towns can get to these individuals and offer them vaccines. If anyone on the Town Board would like to help out and gather information for the Town of Austerlitz, please let Supervisor Lagonia know. This list can be used for other types of emergencies as well.

Highway Report

Highway Superintendent Meehan reported there have not been to many breakdowns, going through sand with all the little storms and there have been lots of trees down. The Highway Crew has been pretty safe and following COVID guidelines. The Town of Chatham Highway Department had to shut down for a week and a half.

Highway Superintendent Meehan discussed projects set to do in 2021 noting that he needs Engineer for the Town, Ray Jurkowski, to update the Town as to where he is on the engineering part of these projects. The Herrington Drive culvert needs to go out to bid this month if the Highway Crew is going to do this in 2021. R. Jurkowski needs to prepare the bid documents. Superintendent Meehan needs to know where Engineer Jurkowski is with the Strawberry Hill bridge. Supervisor Lagonia believes Engineer Jurkowski was waiting on the Army Core of Engineers, but will check. Supervisor Lagonia will try and touch base with R. Jurkowski and have him update the Town as to project statuses.

Supervisor Lagonia noted that depending on the projects put on the Highway Form 284 will depend on which engineer the Town uses. For projects that R. Jurkowski has already done a lot of work on, the Town will keep him on. For new projects, the Town Board may consider using someone different.

R. Meehan questioned Attorney Catalano concerning the state of the Harvey Mountain easement project. Attorney for the Town, Joseph Catalano, advised that the property owner needs to agree to what the parameters of this project are in order to get this project started. To date, the property owner has agreed to the easement, but is reluctant to go out of her house to get the paperwork notarized due to COVID. There may be a possibility that the Town can get a letter of authorization so the project can get started. Attorney Catalano will check into this and will try and see what can be accomplished with the property owner. Highway Superintendent Meehan noted that there will be a pipe run from the road to the creek. The engineer design work has already been completed and C.H.I.P.s money can be used for this.

Highway Superintendent Meehan advised that he needs to sit with Supervisor Lagonia to go over the needs of the Highway Department and to discuss the Highway Form 284. The bucket truck needs to be replaced and Dugway Road needs some work and should happen this year. Supervisor Lagonia advised he is available next week.

Town Clerk Report for the month of December 2020 submitted.

Planning Board Report for the month of January 2021 submitted.

Zoning Board of Appeals Report for the months of December 2020 and January 2021 submitted.

No Comprehensive Plan Oversight Committee Report submitted.

Building Inspector/Code Enforcement Report for the month of December 2020 submitted. Supervisor Lagonia noted that he and new Building Inspector, Erin Reis, took a ride through Town so R. Lagonia could show her where problem areas are and where houses are being built that might not have a permit. Supervisor Lagonia would like things done correctly and followed up on. R. Lagonia feels that so far E. Reis is doing a good job. She has a good demeanor, is confident and is representing the Town very well.

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

Justice Grubin Justice Court Report for the months of November and December 2020 submitted.

Dog Control Report for the months of November and December 2020 and January 2021 submitted. Supervisor Lagonia advised the Town Board of an ongoing possible dangerous dog situation in Town. Dog Control Officer, Kyle Miller, has spoken to both R. Lagonia and Attorney Catalano who has explained to K. Miller how to handle this situation, what he can do and what he cannot. So far, this dog has not bit anyone, but a person has felt threatened. Attorney Catalano has reached out to the person who submitted the verbal complaint. The complainant is going to make a formal dangerous dog statement to K. Miller, but it is difficult in our Covid world since the complaint has to go to the Town of Austerlitz Court. Attorney Catalano has discussed this situation with Court Clerk, Kelly Baccaro. A formal complaint goes to the Court which in turn holds a hearing for all parties. Again, due to Covid, this is difficult since no in-person hearings are being held right now. The Town of Austerlitz' Court is also not

holding virtual hearings either. This falls under the Courts jurisdiction. The Dog Control Officer can not take the dog unless it bites someone. More discussion on the case and procedures. The Court is there to sort out the situation and provide remedies if the dog is found to be dangerous and to date, there is no direct evidence of this. The Complainant had good things to say about Dog Control Officer Kyle Miller. Currently since it is Winter, the Complainant is not outside and in contact with this dog. Come Spring, this may be a different story. Attorney Catalano believes this dog is licensed.

Supervisor Lagonia noted that the Town's dog law is very general. The Town Board may want to look at this at some point in the future. Attorney Catalano advised that the Town's law mirrors Ag and Market's for the licensing and dangerous dog sections, but not in the leash section or nuisance section.

Climate Smart Report

Town Board Member Vogler submitted the following report:

- The climate website is coming along.
- We did not get the grant offering from Lifeboat for a Climate Smart Community (CSC) Coordinator. However, another funder has offered to provide a grant to continue our work towards CSC certification. A formal agreement is under development. The committee seeks approval from the Town Board at tonight's board meeting, pending Supervisor Lagonia review.
- A press release has been developed and will be issued soon to ask residents for pictures for the climate website.
- The concept of Repair Cafe's was introduced. More to come in analyzing whether this might make a community event in town.
- Discussion was help around a Natural Resources Inventory. One has been completed across the county and there will be follow-up to see how useful it is by the town.
- CPOC is developing a questionnaire for the town and would like to include environmental/climate questions. Two committee members will work on providing CPOC those questions.

Attorney Catalano advised that any monies received should be earmarked for this specific purpose.

A motion to accept the monthly reports was made by C. Schober and seconded by M. Wilson.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

Correspondence

None

Unfinished Business

Climate Smart Community Coordinator Appointment

Town Board Member Wilson questioned if there was a job description for the Climate Smart Community Coordinator position. Member Vogler advised that there is one and it was put out when searching for candidates. Several people were interviewed and DeeAnn Veeder was chosen.

A motion to retain DeeAnn Veeder as the Town of Austerlitz Climate Smart Community Coordinator contingent on the receipt of funds from a private donor for a period not to exceed 6 months and not to exceed \$8000.00 for compensation and will be a contract employee 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.

New Town Hall Signage

Supervisor Lagonia advised the Town Board that he has been working on signage for the Town Hall. Choices have been run by Historian Tom Moreland and Jack Shear. The old Town Hall needs an exterior sign. Member Vogler noted that there needs to be a message board outside. Town Clerk Haag noted that there needs to be a Town Clerk sign board. Supervisor Lagonia stated that Contractor DaLoia was supposed to make something, but he did not. Supervisor Lagonia will look for options and review with the Town Board. Town Board Member Schober noted that if there was a specific design, he could make something for the Town.

New Business

Resolution #31-2021, Introductory Local Law #1-2021

Attorney Catalano advised that this proposed resolution and local law is very similar to what was discussed over the summer. Those were tabled because of timing needed to place the proposition on the ballot for the November election cycle according the Town and General Municipal Law and State Election Law timing for getting material to Board of Elections.

The Attorney and the Town Board discussed the proposed law. This proposition requires a local law and a Town wide referendum. This law is being introduced tonight, would need to go to a public hearing, the Town Board would then decide to vote on the law or table it. If the Town Board votes to approve the law, it would go out for a Town wide referendum vote. Timing of this is process is important because the Highway Superintendent position is up this year and would need to be on the November ballot if the Town at large votes against changing the Highway Superintendent position from elected to appointed. There would need to be time for prospective candidates to caucus. Attorney for the Town, Joseph Catalano advised that if the Town Board wants to move forward, it needs to set a date for the special election which would need to happen 60 days past the adoption of the proposed local law. Attorney Catalano chatted with the Board of Elections and they will get back to him on date timing.

Supervisor Lagonia has a concern about how Covid will effect the voting process. Can mail in ballots be used. Attorney Catalano noted they could. Discussed procedures and the Board of Election's participation with supplying voting machines. Supervisor Lagonia wants every resident in the Town to have every opportunity to vote in a way that is comfortable for them.

Attorney Catalano advised that the Town Board needs to do an outreach so that residents know about the vote and how to vote, etc. May is a good time to schedule the special election so that sufficient notice and reach out can be done.

The Town Board decided to wait until the February Town Board Meeting to set a special election date.

A motion to adopt Resolution #31-2021, Introductory Local Law #1-2021 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.

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 a 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 2021 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 2021, to be held on February 18, 2021, 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 hereby schedules a special election for June __, 2021, at which the proposition or referendum for approval or disapproval of the Local Law No. 1 of 2021 may be voted on by the electors of the Town of Austerlitz.
6. This Resolution shall take effect immediately.

Pandemic Response Plan

Supervisor Lagonia is putting together a Pandemic Response Plan that he will send around to the Town Board. Attorney Catalano noted that this is required by the State and must be in place by April. This is another unfunded mandate where the Town is identifying essential services and dealing with pandemic protocols. This is geared towards Covid 19. If there were ever to be a time where State funding is available for Covid, this would be a pre-requisite for emergency funding.

Public Comments

None

Adjournment

A motion to adjourn was made by M. Wilson 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 8:16 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk