

Town Of Austerlitz
Regular Town Board Meeting
March 18, 2021

The March 18, 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, Jere Wrightsman, Chris Schober, Maureen Wilson, 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 7:02 p.m.

Moment of Silence, followed by the Pledge of Allegiance.

Minutes

A motion to accept the February 18, 2021 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 March 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 March General Fund, #78-113, in the amount of \$27288.99 and Highway Fund, #50-74, in the amount of \$19056.75 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.

Reports

Monthly Cash Disbursement and Supervisor Report

Monthly Cash Disbursement Report for the Month of February 2021 submitted. Supervisor Lagonia advised that it is early in the year yet so the balances in each line item look good. If any Town Board Member has a question, feel free to ask R. Lagonia.

Covid vaccinations have opened up quite a bit more and additional people are eligible now. Some of the PODs are harder to fill now which is interesting. Pharmacies are finding the same issue. Moderna and Pfizer shots have been the majority used, although Johnson and Johnson are becoming available. Slowly people are getting back to work at the County and hopefully by April the County will be opened up to 100%. Pop-up Covid cases are still happening. The Governor is opening up more and more things, concerts, sports, but there are limitations attached. Vaccines are much more available so go on the County Health Department website and look if interested.

Town Board Member Maureen Wilson questioned Supervisor Lagonia on the status of the police reform on the County level. Supervisor Lagonia noted that a preliminary plan has been unanimously approved and will be sent to the Governor. Policies still need to be decided, adopted and put in place. This is a living document and was a big undertaking with a lot of work that went into it. R. Lagonia hopes that people stay engaged and involved.

Highway Report

Highway Superintendent Meehan noted that hopefully the Town is through most of the muddy season. The roads are looking good and hopefully it stays that way with the mud. Superintendent Meehan talked to the Town of Ghent because they are planning on paving their section of the Harlemville Road this year. The Town of Austerlitz should do their section at the same time since all the equipment will be there. This project was added to the 2021 Highway Form 284. School buses use this road so it should be kept up. The Town of Austerlitz' section is .12 mile, 650 feet and the Town of Hillsdale also owns a section about the same size. The Town of Ghent will do the actual paving, with the Town of Austerlitz crew doing some minor edging and flagging.

Superintendent Meehan noted that 20% of the C.H.I.P.s money was held back last year and fortunately the Town should get 15% of that back this year.

The Highway Crew has been clearing up downed trees from the storms. Road sweeping and ditching will begin soon. Supervisor Lagonia asked R. Meehan how much of the C.H.I.P.s money from 2020 was used to which Superintendent Meehan advised that not all of it was used.

Highway Superintendent Meehan noted that he some questions concerning Union rules since the Highway Crew joined the Union. Supervisor Lagonia advised that these types of discussions happen in Executive Session. For the public forum, Supervisor Lagonia can only acknowledge that he witnessed the Union cards today that were signed.

Town Board Member Vogler questioned the water run off on East Hill Road. Superintendent Meehan noted that it has not been that bad, but with the storms tonight, it might be a different story. Supervisor Lagonia noted that the easement for this area was discussed with Attorney Catalano. Attorney Catalano advised that there are still some concerns on the property owners'

part, but she is willing to continue to discuss. This resident has contacted an attorney. One concern is the placement of this drainage project could affect the future use of her property. The resident would like to change the location of where this drainage system would be put in. Engineer for the Town, Ray Jurkowski, had earlier advised that due to elevation, the location needs to be where it is projected to be. Attorney Catalano will continue to press forward and give Supervisor Lagonia information to reach out to this resident if necessary. Supervisor Lagonia advised that the Town does not want to take this by eminent domain, but rather would prefer to work with this resident.

Superintendent Meehan advised that he will need easements for the Strawberry Hill project as well. Attorney Catalano noted that Engineer Jurkowski did not believe they would be necessary, but Attorney Catalano will ask him to look into this again. Maybe a survey will need to be done to ascertain if easements are necessary. Attorney Catalano will find out for sure. R. Meehan also would like the Town to speak with Mrs. Kern because she owns land in this area as well. There is a boundary pin that needs to be replaced.

Town Clerk Report for the month of February 2021 submitted.

Tax Report for the month of February 2021 submitted.

Planning Board Report for the month of March 2021 submitted.

No Comprehensive Plan Oversight Committee Report submitted.

Building Inspector/Code Enforcement Report for the month of February 2021 submitted. Town Board Member Chris Schober had some questions concerning projects in Town. Supervisor Lagonia noted that the Town of Austerlitz covers a large area and before E. Reis was Building Inspector, things were missed. Supervisor Lagonia can ask Building Inspector E. Reis to come to the next Town Board Meeting to answer questions from the Town Board. Member Schober will stop in next week to speak with Building Inspector Reis. Supervisor Lagonia believes that some issues were missed by the previous Code Enforcement Officer, not that the Town Code needs to be fixed. R. Lagonia did drive around the Town with Building Inspector Reis pointing out projects that needed to be followed up on. Having the Town Building Inspector behind a project not only protects the Town, but also the home owner. Protecting the home owner is part of the Building Inspector's job. E. Reis just needs to be made aware of issues. If they get in front of her, she is great and dealing with them.

Justice Cassuto Justice Court Report for the month of February 2021 submitted.

No Justice Grubin Justice Court Report for the month of February 2021 submitted.

No Dog Control Report for the month of February 2021 submitted.

Climate Smart Report

Town Board Member Vogler submitted the following report:

- 1) DeeAnn Veeder reported on:
 - a. A quick reference guide she is maintaining of our CSC action items
 - b. Updating resolution for the task force to show her as Climate Smart Committee Task Force lead
 - c. A process for potentially additional volunteers to expand our efforts
 - d. Potential forestry program, Chris to investigate
 - e. DeeAnn continues to pursue LED street lighting with NYSEG

- 2) Featured Discussions:
 - a. Community Solar: Greg will bring to the town board the idea of pursuing Community Solar as outlined in the proposed summary presentation to the town board. (see below)
 - b. CPOC questionnaire: Tim reported on the questionnaire CPOC would like to survey with the town. It's still a work in process. The survey, with our consultation, will include questions on climate.
 - c. Website: Paige reported that we are getting close and going through final reviews.

- 3) Also discussed:
 - a. EMC: Cara reported that Good Earth Keeping Awards are coming up. Submissions will be accepted through mid-April. Zero Waste Columbia is gaining traction.
 - d. Chris attended meeting on Land Acknowledgements and discussed the idea of recognizing the Native Americans of this area. It was noted during the meeting that our history starts long before the town was incorporated in 1818 as notable as that is.

- 4) Next meeting is Wednesday, April 21 at 7pm.

The Climate Committee asked the Town Board for permission to pursue a community solar outreach campaign to inform the residents and small businesses about a NYSERDA endorsed program. If the Town Board allows, the Climate Committee will develop an RFP that will be presented to the Town Board for approval. Supervisor Lagonia questioned if this was strictly volunteer. Attorney Catalano questioned if this opens the Town up to allow for community assistance within the Town boundary. Member Vogler noted there are provisions in the solar law that prohibits this.

Consensus of the Town Board was to grant permission for the Climate Committee to pursue looking into a solar option that is beneficial to the Town, authorizing the Committee to gather information and explore.

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

None

Unfinished Business

Referendum Parameter Planning

Attorney Catalano advised the Town Board that he and Town Clerk Susan Haag discussed parameters of the upcoming referendum vote. Attorney Catalano explained what was necessary for the Town Board to make decisions on and these would be approved through resolution.

*Date of election, May 25, 2021 is late enough for the Town to prepare, yet early enough if the referendum is defeated to have time for caucusing.

*Poll hours, 12:00-7:00 p.m. The law requires 6 continuous hours and having the polls open until 7:00 p.m. should give residents time to vote after work.

*Personal registration day. There is no law that the Town has to have a personal registration day. In order to vote, a resident must be registered to vote with the County Board of Elections. The Town will have a personal registration day though for those not already registered with the County Board of Elections. This registration will only register a resident to vote in the Town's referendum. If this resident wants to register for any election, they must register with the County Board of Elections. Whatever day the Town Board chooses for registration day will be the cut off day for registering to vote in the Town's referendum. The Town will not allow any additional registrations after this day. There will be a Board of Registration which is a committee comprised of individuals from both political parties who will decide if people registering are eligible to vote. Proof of domicile is the main item for voting eligibility. A possible registration day of May 8, 2021 was discussed, but not decided on.

*In order for the referendum to pass, 50% plus one of those voting must vote affirmatively.

*There will be election inspectors the day of the referendum as there is with any other election day. Election inspectors will be from both political parties. Part of an election inspector's job is to determine if a ballot can be counted.

*Absentee ballots will be allowed. All absentee ballots must be received before the close of the polls on the special election day. Voters who wish to receive absentee ballots by mail must deliver an application for an absentee ballot to the Town Clerk no later than May 11, 2021, and voters who will be picking up the absentee ballot at the Town Clerk's Office must deliver an application for an absentee ballot to the Town Clerk no later than May 14, 2021. Discussion was heard concerning receiving applications for absentee ballots or ballots not being delivered by mail within the stated time frames. The Town Clerk noted she can not be held responsible for the time it takes for mail delivery. The Town Board advised that the dates noted are hard and fast with no exceptions. Town Clerk Haag noted that since the Town Board is making the determinations on these dates and guidelines, she would hope they would support her when residents are upset if they missed these dates and are not allowed to use an absentee ballot or vote because they are out of Town.

*The Town Board wants to make sure that residents know they have to get paperwork for this referendum from the Town, not the Board of Elections. The Town Board discussed advertisement for the referendum noting that additional mailings can be done at the discretion of the Town Board over the legal notices. Supervisor Lagonia would like something to go out, maybe a postcard, at the end of April. R. Lagonia does not want something to go out too far in advance so people would forget by the end of May.

A motion to adopt Resolution #33-2021, To Establish Procedures for the Special Election to be Conducted for Referendum on Local Law #1-2021 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.

WHEREAS, the Town Board adopted Local Law No. 1 of 2021 at its last regular meeting held on February 18, 2021; said Law providing for the abolishment of the elective office of the Town Highway Superintendent and replacement with an appointive position of Highway Superintendent to start on January 1, 2022; and

WHEREAS, this Local Law requires a mandatory referendum since said Law provides that an elective office is to be abolished; and

WHEREAS, the Town Board, by this Resolution, desires to establish the procedures for the special election to be conducted for the referendum on Local Law No. 1 of 2021;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. A special election will be held on Tuesday, May 25, 2021, for the purposes of a referendum on Local Law No. 1 of 2021.
2. Polls shall be open from 12:00 P.M. to 7:00 P.M.
3. The polling place shall be the Austerlitz Town Hall, Route 203, Spencertown, New York.
4. The referendum question shall be: "Shall Local Law No. 1 of 2021 of the Town of Austerlitz, which provides that the elective office of the Town Superintendent of Highways be abolished and the duties and responsibilities of the elective Office of Superintendent of Highways be transferred and vested in a newly-created appointive Office of Superintendent of Highways which is appointed by the Town Board, be approved?"
5. Personal registration shall be required to vote in this special election.
6. The Town Board, at a future date, will name a Board of Registration and establish the date or dates and hours on which the Board of Registration shall meet, at the Town Hall, to accept registration applications from those individuals who are not already registered to vote with the Columbia County Board of Elections.

7. The Town Board, at a future date, will also name the Board of Inspectors and the Election Inspectors for this special election.
8. Absentee ballots must be received by the Town Clerk before the polls close on the special election day.
9. Voters who wish to receive absentee ballots by mail must deliver an application for an absentee ballot to the Town Clerk no later than May 11, 2021, and voters who will be picking up the absentee ballot at the Town Clerk's Office must deliver an application for an absentee ballot to the Town Clerk no later than May 14, 2021.
10. The Town Clerk is directed to publish and post notice of special election as required by law and is authorized to provide additional notice as appropriate or as further directed by the Town Board.
11. This Resolution shall take effect immediately but Local Law No. 1 of 2021 shall not take effect until a majority of qualified electors of the Town of Austerlitz approves Local Law No. 1 of 2021 at the special election as scheduled herein.

Highway Form 284

Supervisor Lagonia thanks Highway Superintendent Meehan for putting together such a comprehensive 2021 Highway Form 284. Supervisor Lagonia noted that when looking at the money available, from this year's budget, capital highway reserves and C.H.I.P.s funding, the Town would have to come up with over \$400,000.00 out of the fund balance to cover all the projects listed. The Town will also be getting some stimulus money, but R. Lagonia is not sure if it can be used for these projects.

Supervisor Lagonia noted that the Strawberry Hill bridge repair and the Bryarcliffe culvert replacement have to get done. The Town Board discussed taking care of Dugway Road. Highway Superintendent Meehan stated that the section of Dugway to be done is from the tennis courts to almost Fire Hill Road; roughly a little over a mile. This section is rough and can probably be patched, but patching is probably just throwing money away. R. Lagonia noted that the Town has a good fund balance, but he would like to keep this in tack in case something happens. Maybe some of it could be used for Dugway.

The additional projects listed on the proposed 2021 Highway Form 284 were discussed. Superintendent Meehan noted that the Town could lose some of these roads over the next year. Rigor Hill Road and the Schoolhouse Road culvert both need to get done.

Supervisor Lagonia advised that he and Town Board Member Vogler talked with Trout Unlimited and there may be money available to use on some of these projects.

Supervisor Lagonia noted that the Town has replaced or repaired 3 bridges in Town in a very short period of time and these projects are where the bulk of the C.H.I.P.s money has gone over the last few years. R. Meehan advised that there are now new requirements for culverts where

the State is not requiring 3 sided box culverts. Supervisor Lagonia noted that once all these projects are complete, future C.H.I.P.s money can be used for the roads. This is a monumental task to keep up with all of this.

Town Board Member Wrightsman asked if there has been any pressure from the residents of Long View Drive to which Superintendent Meehan answered none.

R. Lagonia would like to include all the proposed projects except Dugway Road and add this if additional money comes in. Member Vogler noted that the Town can make Dugway Road a priority for next year. The Town Board discussed stimulus money and how this could be distributed, as well as, what project C.H.I.P.s funding could be used for.

A motion to adopt the 2021 Highway Form 284 without Dugway Road 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.

This agreement is entered into by the Town of Austerlitz Highway Superintendent and the undersigned members of the Town Board of the Town of Austerlitz pursuant to section 284 of the Highway Law as set forth below and shall be effective for the fiscal year of 2021: We hereby agree that the monies levied and collected for the repair and improvement of the Town highways, and those monies received from the State of New York for the repair and improvement of Town Highways, shall be as follows:

1. General Repairs: The sum not to exceed of \$100,000.00 may be expended for general repairs and maintenance upon 61.7 miles of Town highways including sluices, culverts, drainage ditches and bridges having a span of less than five feet and boardwalks or renewals thereof.

2. Improvements. The following sums shall be set aside for the improvement of Town highways as described below:

1. Strawberry Hill Bridge: There shall be expended the sum, not to exceed, of \$118,000.00, provided that at least 100% of said amount is to be taken from the NYS CHIPS funding program and that the total amount available to the Town of Austerlitz from the NYS CHIPS funding program in 2021 is not less than \$218,000.00.

Type: Culvert Repair, C.H.I.P.s.

2. Bryarcliffe: There shall be expended the sum, not to exceed, of \$250,000.00 provided that at least 100% of said amount is to be taken from the NYS CHIPS funding program and that the total amount available to the Town of Austerlitz from the NYS CHIPS funding program in 2021 is not less than \$218,000.00.

Type: Culvert Replacement, C.H.I.P.s.

- c) Riger Hill Road: There shall be expended not over the sum of \$45,000.00
Type: Oil and Stone, General
- d) Punsit Road: There shall be expended not over the sum of \$15,000.00
Type: Oil and Stone, General
- e) North Cross Road: There shall be expended not over the sum of \$15,000.00
Type: Oil and Stone, General
- f) South Cross Road: There shall be expended not over the sum of \$15,000.00
Type: Oil and Stone, General
- g) Harlemville Road: There shall be expended not over the sum of \$17,000.00.
Type: Blacktop, General
- h) Schoolhouse Road: There shall be expended not over the sum of \$30,000.00
Type: Culvert Replacement, General

3. It is hereby acknowledged that the foregoing is best estimates based upon information of road conditions and pricing that the Highway Superintendent has at the time this agreement is executed. It is also hereby acknowledged that the foregoing is best estimates of revenue for the above projects based upon information that the Town Board has at the time this agreement is executed regarding revenues and expected NYS C.H.I.P.s funding that the Town of Austerlitz expects to receive in the fiscal year 2021. If there are changes in the scope of work, available materials, or pricing, and/or revenues or NYS C.H.I.P.s funding amounts, this agreement may be modified in writing by the parties hereto.

This agreement shall take effect when approved by the Town Board and executed by the Highway Superintendent and at least a majority of the members of the Town Board.

This agreement shall be effective from March 18, 2021 and shall remain in effect through December 31, 2021.

Executed in duplicate this 18 day of March, 2021

New Business

Retainer Agreement-Labor Representation

Supervisor Lagonia advised that this particular attorney, Elena DeFio Kean, with Hinman Straub, works for the County handling just labor issues. If the Town signs the proposed agreement it is under no obligation. The only time charges would be assessed is if the Town called upon her services. Supervisor Lagonia spoke with Attorney Catalano who felt that this is an area that needs a specialized attorney. Elena DeFio Kean is seasoned and handling labor issues is all she does.

A motion to authorize Supervisor Lagonia to sign the 2021 Labor Representation Retainer Agreement with Elena DeFio Kean, Hinman Straub 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.

Resolution #34-2021, Recognizing Teamsters Local Union 294 as the Exclusive Bargaining Agent for the Town Full-Time Highway Employees

A motion to adopt Resolution #34-2021, Recognizing Teamsters Local Union 294 as the Exclusive Bargaining Agent for the Town Full-Time Highway Employees 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.

WHEREAS, the Town Board has received a formal request from Teamsters Local Union 294 to be recognized as the exclusive collective bargaining representative for all paid full time Highway Department employees; and

WHEREAS, it is the Town Board's understanding that a majority of the Highway Department employees employed by the Town of Austerlitz have designated International Brotherhood of Teamsters Local 294 as their sole collective bargaining agent by duly signing authorization cards;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That Teamsters Local Union 294 is hereby recognized by the Town Board as the exclusive bargaining representative for the above-described Town of Austerlitz Highway Department employees
2. This Resolution shall take effect immediately.

2020 AUD

Accountant for the Town, Nelson Furlano, filed the 2020 AUD. Supervisor Lagonia noted that the Town is in good shape considering COVID. Town Board Member Wilson questioned if the Town ever audited itself. Supervisor Lagonia noted that our Accountant audits the Court, Town

Clerk and Tax Collector every year. The AUD is not an audit, but rather a report filed with the State each year on the condition of the Town. An annual financial statement.

2021 Bids

Supervisor Lagonia advised that lawn care bids and highway bids will be noticed for next month's meeting.

Public Comments

Erlyn Madonia has concerns around when a zoom notice is posted on the website. This notice does not include a link to a meeting agenda or any other documentation. E. Madonia wants a link included because she feels this will encourage residents to attend.

In addition, Erlyn Madonia notes that there is a project before the Planning Board that is very debated and although neighbors were notified of this project, she does not know who the neighbors are who were notified. E. Madonia believes that this should be made known to everyone. Some Towns use FaceBook or newsletters for information purposes. E. Madonia wants to make sure people are aware of what is going on in the Town so they become more involved. This is not a criticism. Attorney Catalano advised that there is a provision in our law that states that neighbors or boundaries within 250 feet of a particular project are notified. The notice basically tells these residents that they are a neighboring property owner to a particular project and that is why they are getting the notice. Those who are getting notices will know who else is getting a notice based on the language. Town Board Member Schober advised that he believes that E. Madonia wants to know who was send notice letters so she can discuss this project with them. Attorney Catalano advised that there is a privacy issue where some residents do not want others to know. Board Member Wilson stated that if someone would like to know this information, they would have to go to the Town Clerk's office to see the project documentation. Attorney Catalano advised that even the residents who get the notices are told to go to the Town Clerk's Office to look at the project folder.

Erlyn Madonia wants to see have a friendly feel to the community. Attorney Catalano will take E. Madonia's comments into consideration when looking at procedures.

Executive Session

A motion to enter Executive Session for a discussion on union negotiations 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. Executive Session entered at 8:50 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 8:58 p.m.

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 8:59 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk