

Town Of Austerlitz  
Regular Town Board Meeting  
April 15, 2021

The April 15, 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 7:05 p.m.

Moment of Silence, followed by the Pledge of Allegiance.

**Minutes**

A motion to accept the March 18, 2021 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 April 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 April General Fund, #114-142, in the amount of \$19528.52 and Highway Fund, #75-105, in the amount of \$18326.81 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.

Town Board Member G. Vogler questioned the voucher for \$1700 for IDK signs. Supervisor Lagonia advised that this was for the new signage at the Town Hall, both inside and out, and for the Historian's outside sign. This is the first phase. Additional outside signage with a kiosk will be done in the future.

## Reports

### Monthly Cash Disbursement and Supervisor Report

Monthly Cash Disbursement Report for the Month of March 2021 submitted. Supervisor Lagonia advised that there is roughly \$2.7 million in the bank. Sales tax revenues are exceeding expectations. Supervisor Lagonia anticipates that this will continue with all the people that have moved into the area using gas, entertainment venues and dining out either inside or by take out.

### Highway Report

Highway Superintendent Meehan reported that the Highway Crew has been out grading roads, almost all of the roads have been grading 2 times at this point. The Town has survived most of the mud. There was one road that was destroyed by a resident fixing their driveway, but has since been fixed by the Highway Crew. There are a couple of soft spots on Fog Hill Road and other roads. Highway Superintendent Meehan advised that there are quite a few dead ash trees around the area. The Highway Crew have been cutting 25-30 on West Hill Road and if this continues, the Highway Crew will not be able to keep up. The Highway Crew needs to cut up at least another 30 trees as it is. Town Board Member C. Schober asked if the Town can give that wood to needy families. R. Meehan noted that this is already being done. Town Board Member J. Wrightsman advised that hemlock trees are also getting hit with a disease. R. Meehan advised that if this keeps up, next year the Town will have to hire someone to keep up with it. Supervisor Lagonia asked that Superintendent Meehan get some preliminary pricing from an outside source for this and maybe the Town can do a little at a time. Superintendent Meehan noted that there are 2 trees up at the ballpark that need to come down. R. Meehan will take care of this next week when the ground dries up.

Member Vogler questioned the status of the Strawberry Hill bridge and the Bryarcliffe culvert projects. Superintendent Meehan advised that Engineer for the Town, Ray Jurkowski is working on the easement now. R. Meehan noted that a Town cannot start a project until June 15<sup>th</sup> per NYSDEC regulations, but he wants to be ready when this date rolls around. R. Meehan asked if R. Jurkowski can come to Town to look at and go over these scheduled projects so needed equipment can be ordered. Superintendent Meehan has not seen any plans yet. Supervisor Lagonia spoke with R. Jurkowski who advised that he is working on these projects and that we will have plenty of time for getting them done. The Bryarcliffe culvert replacement project is still waiting on the NYSDEC to approve the culvert, but again, R. Jurkowski feels there will be enough time to do this project. R. Meehan is looking to do as much as he can ahead of time on these projects. Engineer Jurkowski reached out the fabricators concerning the Schoolhouse Road project.

Town Board discussed C.H.I.P.s funding available. Supervisor Lagonia noted that with rollover funds and new funding for this year, it is proposed that the Town will get around \$350,000.00. The Town needs to use this money this year because it does not know what next year will bring. R. Lagonia wants to get Engineer Jurkowski out to the Town to look over these projects and give the Town a timeline.

Supervisor Lagonia advised that he and Member Vogler have been working with Trout Unlimited and have applied for some grants. Currently the Town is in a waiting pattern.

Supervisor Lagonia advised that vaccination locations are having a hard time filling pods. At this point, people are just not signing up. The situation with J&J was a game changer when they pulled the vaccine because many were holding off getting their shot until they could get just the one shot. The J&J vaccine should come back online. The younger population does not look like they are interested in getting vaccinated. The County is working on ways to get people involved with mobile units and maybe in schools. A third of the County, roughly 17,000 people have been fully vaccinated at this point. Vaccines have a shelf life and it is a problem if they are sitting on shelves and not getting into people's arms.

Town Board Member Schober questioned if there is any push back from the anti-vaccine group. Supervisor Lagonia advised that although this group has members all over the County, it doesn't seem to be a deterrent for people. There are other reasons for people not getting the vaccine, but most are just not interested. The County is trying to get out some positive press.

Historian Tom Moreland has alerted Supervisor Lagonia that he has finished the new Historian area at the old town hall and it should be ready to be opened soon. Historian Moreland would like to have a small opening ceremony in September. For now, there will only be Saturday hours. Supervisor Lagonia noted that T. Moreland did a great job and he is excited to see this opened. The consensus of the Town Board was to allow this small ceremony but limiting the amount of people inside the building and having refreshments outside.

Town Clerk Report for the month of March 2021 submitted.

Tax Report for the month of March 2021 submitted.

No Planning Board Report for the month of April 2021 submitted.

Comprehensive Plan Oversight Committee Report for the month of April 2021 submitted.

Supervisor Lagonia advised that he asked Comprehensive Plan Oversight Committee Chair Tim Stalker for meeting agendas and minutes. Chair Stalker does not want to use his personal email for Town business. R. Lagonia noted that not all Town employees have Town emails because the Town pays for these and it is quite expensive. R. Lagonia advised that this will be worked out. Town Board Member Maureen Wilson stated that she does not believe that the Town does a good job getting the word out for its residents. The Town Board needs to figure out a way to do a better job of this.

Member Wilson suggested the Town put up a kiosk outside the Town Hall. Supervisor Lagonia noted that the Town Clerk sign board was just put up and the signage outside hopefully will be up within the next month. Kiosks are not readable from the road, so maybe there could also be a notice board. The Town Board discussed options noting that maybe Member Schober could make something nice that fits in. R. Lagonia noted that a few years ago the Town Board did a hard drive for people to sign up to get email notices for website postings. The Town Board can try this again and maybe use the Spencertown Store once that is back up and running. Member

Wilson noted there are a lot of new residents and the Town needs to do a better job of communicating.

Member Wilson stated that the Town needs to update its Comprehensive Plan and the Comprehensive Plan Oversight Committee agrees with this. There is grant money available for this. Supervisor Lagonia felt this was a good idea, but would rather the Town Board concentrate on the Special Election first and then tackle an update on the Comprehensive Plan.

Building Inspector/Code Enforcement Report for the month of March 2021 submitted.

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

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

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

No Climate Smart Report for the month of April 2021 submitted. Climate Smart Chair Vogler noted that the April meeting is not until next week. Town Board Member Jere Wrightsman discussed green purchasing and advised that he will get back to the Town Clerk and Town Board with particulars. Member Wilson noted that a flyer was posted for a May workshop. Member Wrightsman noted that Highway Superintendent Meehan was very helpful in getting D. Veeder fuel consumption figures. The Town Board discussed options for the Town to earn points as a Climate Smart Community.

A motion to accept the monthly reports 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.

Supervisor Lagonia stated that there is new legislation in the State for larger scale solar projects where home rule is limited. Attorney for the Town, Joseph Catalano, was asked to look into this and advised the Town Board that the State Legislature passed a bill that is called the 'Accelerated Renewable Energy Growth and Community Benefit Act.' For solar installations of 25000 kw or more, the State has a new collaborative agency that has the authority to site these projects which takes away any involvement of local municipalities where the project is proposed to be located. The Town is no longer the lead agency to review SEQRA and the State does not have to abide by local zoning codes. A municipality and the public can still weigh in on the project through the State when a public hearing notice is sent. This would also include wind projects. It was noted that projects with 20000-25000 kw can petition the State to have their project handled by the State.

The Town Board discussed the ramifications of this new legislation. R. Lagonia stated that the County will put together a resolution concerning this. Town Clerk Haag mentioned that she

believed that the Association of Towns has taken a position on this. Attorney Catalano advised it was appropriate for the Town to write a letter to AOT. J. Catalano will send around more information to the Town Board.

### **Correspondence**

Erlyn Madonia: Issues with the Town website.

Supervisor Lagonia advised that several of the issues that E. Madonia brought up in her letter have already been addressed. R. Lagonia is not sure when the Town Board emails were disconnected, but that has been corrected. R. Lagonia stated that the Town website may not be able to do everything that the Town wants, but the Town is a government, not a business so the website functions differently. Edmunds GovTech, which hosts the Town website, is involved in many areas of the Town from IT, software, digital maintenance, etc and their service is excellent. He has no intention of changing this current setup.

Town Clerk Haag addressed some of the technical issues mentioned in E. Madonia's letter noting that philosophical decisions had to be made for changes in some of the areas noted. Town Board Member Vogler noted that a subcommittee could work together to decide website communication issues.

E. Madonia noted that the issue is better communication. Supervisor Lagonia noted that what is in place now is much better than what the Town was working with.

Member Vogler advised that the Town website is getting hundreds of hits so people are looking at the site. People know about it. E. Madonia believes it needs to be more informative and better used.

Supervisor Lagonia advised that many of the issues have already been fixed and some of them may not be fixable. A committee will look at these issues and we'll see where we end up. The Town will make its best effort.

Erlyn Madonia noted that website communication is the major outreach so it needs to be good.

### **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 and have finalized a number of outstanding issues.

\*The County Board of Elections will supply a list of registered voters/registration roll on or before 5/2/21 and will supply bland addendum pages for the Town Registration Day.

\*The Town will use similar or the same registration forms that the County uses.

\*The Board of Registration members and the Election Inspectors are from a list of election inspectors from the last general election and have been provided by the County Board of Elections.

\*Town will use paper ballots and drop boxes. Votes will be tallied by hand.

\*The County Board of Elections will prepare the absentee ballot application, ballots and envelopes and provide the absentee ballot at no cost to the Town. The Town will pay 15cents for

each ballot and only pay for the number of envelopes used. The Town will provide 200 absentee ballots. Voter roll and blank addendum pages will be provided at no cost to the Town by the Board of Election.

\*COVID-19 special mandates by the Governor for requesting an absentee ballot has not been extended.

Town Clerk Haag advised the Town Board of who has been lined up for election inspectors. There are 2 spaces that still need to be confirmed.

Attorney Catalano explained what was still outstanding for the Town Board to make decisions on and these would be approved through resolution.

\*Registration Day and time: proposed for May 15<sup>th</sup> from 10:00-3:00 p.m.

\*Appoint members of the Board of Registration: \$16.50/hour payable by submission of a voucher

\*Town wide notice of election to be sent:

\*Do notices have to be placed in other places within the Town. If so, where?

Supervisor Lagonia asked Town Board Member Wilson to take on a Town Board outreach to the residents in Town alerting them of the upcoming special election and registration day. This can be done on a postcard and R. Lagonia will be happy to review with the Town Clerk and the Town Board. This is an additional outreach, but not required by law. Attorney for the Town, Joseph Catalano, noted that a press release in the newspaper can also be done.

The Town Board discussed what needed to be included on the post cards and that these postcards could be sent by bulk mailing to all Town residents.

The Town Clerk will also place an additional 2 notices in the legal notices and the notice of Registration Day. The Registration Day notice must also be placed in 5 locations throughout the Town.

Attorney Catalano noted that Board of Election Commissioner Ken Dow has spent a lot of time with himself and Town Clerk Haag and has helped out a lot.

A motion to adopt Resolution #35-2021, Establishing Additional Procedures for the Special Election to be Conducted for Referendum on Local Law No. 1 of 2021 was made by G. Vogler and seconded by J. Wrightsman.

By roll call vote:

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

**Resolution #35 - 2021, Establishing Additional Procedures for the Special Election to be Conducted for Referendum on Local Law No. 1 of 2021**

**WHEREAS**, the Town Board adopted Local Law No. 1 of 2021 at its 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 Resolution #33-2021 adopted at its regular meeting held on March 18, 2021 established certain dates and procedures for the special election to be conducted for the referendum on Local Law No. 1 of 2021 including but not limited the date, polling place and hours of the election (May 25, 2021 at the Town Hall from noon to 7:00 pm) among other matters; and

**WHEREAS**, the Town Board, by this Resolution desires to establish such additional procedural matters for the conduct of the special election to be held on May 25, 2021 that have not been previously established by the Town Board;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. A registration day will be held on Saturday, May 15, 2021, at the Town Hall from 10:00 a.m. to 3:00 p.m. at which time the Board of Registration will meet for the purposes of processing voter registration applications from those individuals who are not already registered to vote with the Columbia County Board of Elections. Anyone who is registered to vote with the Columbia County Board of Elections as indicated on the voter registration roll to be provided to the Town by the County Board of Elections on or before May 2, 2021, will not have to register at the Town registration day. In-person registration is required; mail-in registration forms will not be accepted.
2. The following individuals are hereby named members to comprise the Board of Registration:
  - a. Patricia Madsen, Republican
  - b. Erlyn Madonia, Democrat
3. The following individuals are hereby named to be alternates to the members of the Board of Registration if needed:
  - a. Bridget Arnold, Republican
  - b. Laura Griffin, Democrat
4. The following individuals are hereby named to serve as Election Inspectors at the Special Election:
  - a. Patricia Madsen, Republican
  - b. Bridget Arnold, Republican
  - c. Erlyn Madonia, Democrat
  - d. Laura Griffin, Democrat

5. The following individuals are hereby named to serve as alternates to the Election Inspectors at the Special Election if needed:
  - a. Marie Meehan, Republican
  - b. Janina Deppe, Democrat
6. Of the election inspectors named above, two shall serve from the start of polling hours to final canvas of ballots; and two shall serve from 4:00 pm to final canvas of ballots.
7. All individuals named herein shall receive compensation from the Town at the rate of \$16.50 per hour to be paid upon submission of a completed Town voucher.
8. The Town Clerk is directed to publish and post notice of the registration day and special election as required by law and is authorized to provide additional notice as appropriate or as further directed by the Town Board. In addition, the Town Board authorizes a Town-wide mailing to provide notice and information about Local Law No. 1 of 2021 and the special election; such mailing to be prepared and sent at least 20 days before the special election date.
9. This Resolution shall take effect immediately.

### **New Business**

#### **Spencertown Academy Use of the Green**

Rae Gleason, on behalf of the Spencertown Academy, requested to use the Spencertown Green on Saturday, August 28, 2021 for the Spencertown Academy's Hidden Garden Tour Market. Set up would start around 7:00 am with clean-up finishing around 3:30 p.m. A rain date of Sunday, August 29, 2021 is set, understanding arrangements would be made with the St. Peter's Presbyterian Church if there was a conflict. This event is planned to be a small, socially distanced, COVID respectful market on the Green. The most this event has pulled in the past is about 20 people. This year the expected turnout is 10. This event is a fund raiser to benefit the Spencertown Academy.

Town Board Member Vogler noted that this event must comply with COVID rules and regulations. Supervisor Lagonia advised that they would have to supply a COVID plan showing how tables would be set up, how people enter and exit the area, how they plan on socially distancing, etc. Erlyn Madonia noted that she is on the committee and this event will function much like it has in the past, but with fewer vendors. The committee is totally willing to comply with the rules set up by the State,

A motion to allow the Spencertown Academy to use the Green on August 28, 2021 from 7:00-3:30 p.m., with a rain date of August 29, 2021, subject to a submitted COVID plan 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.

### **2021 Lawn Care and Ground Maintenance Bid**

One bid for Lawn Care and Ground Maintenance was submitted.

Howes Horticultural  
153 Stonewall Road  
Chatham, NY 12037

Price per mowing: \$180.00 with estimated amount of 24 mows  
Ground maintenance to include Spring and Fall clean up, weed killing, brush cutting and removal of debris and pest control at the rate of \$45.00/hour  
Ground maintenance to include weeding, edging, mulching, planting (if necessary) and trimming of any shrubs or small trees at a rate of \$45.00/hour  
Garbage pickup at \$30.00/week  
Cost of Materials: Mulch \$55.00/yard; perennials if needed will be between \$12.00 and \$45.00 depending on size; if any trees or shrubs are to be installed an estimate will be presented to the Town Board for approval.

Member Wrightsman noted that the Town can get Climate Smart points for material that is used in this area. Supervisor Lagonia will check to see what Dan Howes uses. Member Wilson noted that the Town can also get points for recycling.

A motion to award the Lawn Care and Ground Maintenance bid to Howes Horticultural 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.

### **2021 Highway Bids**

Highway Superintendent Meehan and Supervisor Lagonia will get together and look over these bids and bring back to the Town Board at the May Town Board Meeting.

### **Stimulus, Grant/Broadband**

Supervisor Lagonia submitted the following for Town Board review noting that this is a tremendous effort and one that Town Board Member Wrightsman is very involved in.

#### **Project Description**

The Towns of Ghent, Canaan, New Lebanon, and Austerlitz have joined together in a coordinated effort to provide broadband where it currently does not exist. Our goal is to provide broadband to as many unserved homes and businesses as possible through both network expansion and new construction. All four towns have long -standing Broadband Committees that

have mapped and identified gaps in access throughout our municipalities. Using these maps, we approached two providers in our area to give us proposals for the project.

Each municipality has agreed to commit their portion of the funds to this project and to subsidize any remaining costs to complete coverage in their towns.

New Lebanon- \$39,125 ( 20 homes/businesses)

Canaan- \$ 210,127 (110 homes/businesses)

Austerlitz-\$271,239 (108 homes/businesses)

Ghent- \$292,409 (101 homes/businesses)

Total- \$812,900

25% Contingency- \$203,225

Total Project Cost- \$1,016,12

Total homes/businesses passed- 339

\*Cost breakdown/road and maps shared in separate email.

80/20 match 80 town/20 consolidated.

**What are the benefits of this project and why is it a priority? \***

Recognizing that our towns are not only connected as a community, but many of our roads and service areas overlap, we concluded this would be the best, most efficient and cost- effective model to serve those residents without high -speed internet in our rural towns.

Providing high-speed internet to the unserved and underserved has been our priority for the past 6 years. Since the pandemic, what was once critical for our residents and businesses to succeed, has become a crisis. Affected residents, businesses, and students were handicapped without reliable internet. They were unable to work from home, utilize remote education, or access potential life-saving telemedicine needs. The immediate benefit of this project will increase property values, help our farmers and local businesses grow, encourage new businesses, and make access to remote learning available to all our children.

From Ghent's 2009 Comprehensive Plan; "As the regional economy fosters innovative work-at-home technologies, Ghent has responded by creating a provision in its zoning code to accommodate home-based businesses. Some of those businesses have even grown to the point where they have moved on to the Commerce Park and other commercial zones. To continue to take advantage of new technologies to boost local economic development and livability, Ghent will encourage the development of wireless broadband access. It is especially important that the Town take this expansive view of the future, where we have one foot in the soil, and a reliable connection to the worldwide web of ideas and commerce, in order to make it a community that offers economic opportunity for all, including its youth." Our Comprehensive Plans recognize the growing economic impact of home businesses and our municipality's responsibility to provide access to the best technology available.

As elected officials in our rural communities, we recognize that investment in this infrastructure is essential for small businesses to be profitable, for our children to thrive, and to protect the health and safety of our most vulnerable residents. For our four towns this project will make huge strides towards providing our residents without internet an overall better quality of life, more economic opportunity, access to better healthcare, and enhanced educational opportunities.

If we are awarded funding for this project, we hope our neighbors throughout your district will adopt this coordinated model to bridge the digital divide in our rural communities.

Supervisor Lagonia advised that the Town is not obligated to anything and it would be good if this was able to secure grant and stimulus money. The Towns involved did not want to make this group effort all encompassing since it would be hard to include everyone.

Member Wrightsman questioned if residents would have to pay anything. Supervisor Lagonia advised that they would not. This is 80/20% between the Town and Consolidated Communications. Member Vogler questioned what would happen if the Town left out a household and they come to the Town after the fact and say the Town should pay for them. Supervisor Lagonia noted that the Town did the best it could. If the Town gets this funding, it will go out and get a better idea of households that need broadband; a much more comprehensive idea. This project was put together so fast that each partner had to do the best they could. Options of identifying households that need broadband was discussed. Supervisor Lagonia noted the Town will do the best it can to identify who needs broadband. Member Vogler suggested giving the residents the opportunity to come forward and if they do not, it's on them. Member Wrightsman asked if the Town should keep this somewhat quiet for the time being.

### **Public Comments**

None

### **Adjournment**

A motion to adjourn 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.

Meeting adjourned at 9:05 p.m.

Respectfully Submitted,  
Susan A. Haag, Town Clerk