

Town of Austerlitz
Regular Town Board Meeting
September 21, 2023

Present: Robert Lagonia, Town Supervisor, Greg Vogler, Christopher Schober, Jere Wrightsman, Town Board Members, Peter Fitzpatrick, Highway Superintendent, Susan Haag, Town Clerk

Town Board Member Maureen Wilson absent.

Attorney for the Town, Joseph Catalano, present.

Regular meeting called to order at 7:00 p.m.

Moment of Silence followed by the Pledge of Allegiance.

Minutes

A motion to accept the August 17, 2023 Meeting minutes was made by J. Wrightsman and seconded by C. Schober.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

M. Wilson: absent

J. Wrightsman: yes

Motion carried 4:1.

Auditing of Accounts and Claims

A motion to authorize payment of the September General Fund, #356-387 in the amount of \$210697.67 and Highway Fund, #151-169 in the amount of \$49078.63 was made by G. Vogler and seconded by C. Schober.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

M. Wilson: absent

J. Wrightsman: yes

Motion carried 4:1.

Reports

Supervisor's Report

Monthly Cash Disbursement Report for the Month of August 2023 submitted. There is roughly \$2.726 million in the bank. There are no anomalies in the line items and everything seems to be on track.

Supervisor Lagonia noted that work continues on the Dugway Bridge replacement project. The County is currently working on budgets. Broadband in Town is almost complete. The grant money for the 4 roads taken out of the original project specs will be coming soon and hopefully this entire project will be complete by next year.

There will be a meeting between the Chatham Rescue Squad and all the Towns that use them. The Towns will probably all agree to use the Chatham Rescue Squad again, keeping all aspects of the contract the same. Regardless, this should only be for one more year since there should be some type of

County-wide service coming. The Chatham Rescue Squad is working better, response times are better and they are staffed as best as they can be. It is a better system overall. Each of the rescue services in the County cover for each other when one is on a call.

Highway Report:

Nights are getting cooler and days are shorter, Fall is knocking at the door!

Summer Storms have continued to cause trouble around the area. We and all our neighbors have had many downed trees, power lines and washes making for difficult situations! We are mostly cleaned up from the last storm.

We have received the rest of our Salt for this winter and already have most of our sand!

The Dugway project is well underway, the contractor poured footings last week and should be beginning the next step this week.

A few failing culverts have been replaced, one on East hill, one of Fog Hill and one on Greenfield Center.

Spent some time adding material to Norton, Macedonia and Middle Roads, and touching up various other roads.

We have some work coming up on Spencer, Braley Gleason and Bloody Hollow, both drainage and adding material.

I will be attending the yearly NYSAOT Superintendent of Highways conference next week.

I have begun looking into options for replacing our current medium sized excavator (Kobelco 115), It is about 18 years old and has served the town very well, but is beginning to show its age!!

Also starting to look into the next heavy duty plow truck. Truck 4 is the next primary plow truck that should be replaced and could take a long time to get.

Soon we will be dealing with falling leaves and digging out snowplows!!

Enjoy the warm sunny days!!

End of Report

Highway Superintendent Fitzpatrick noted that the Dugway Road Bridge project is moving along and they are working above water line now. Should be done in the next couple of weeks. The salt shed is already full for next year.

Looking forward for budget purposes, the large excavator that is 18 years old will either need to be replaced or have money sunk into it. One of the major plow trucks needs to be replaced as well. This is the second oldest truck in the fleet. Supervisor Lagonia asked Highway Superintendent Fitzpatrick to get numbers for the excavator comparing renting versus buying. Town Board Member Vogler noted that they needed to circle back on hiring an additional employee and putting together a road plan.

Town Clerk Report for the month of August, 2023 submitted.

Planning Board Report for the month of September, 2023 submitted.

Comprehensive Plan Advisory Committee Report. Chair and Town Board Member Vogler noted that the Comprehensive Plan Update process is almost at the point for an open house for the public to see what has been put together so far. This is not the Public Hearing which will take place after. Chair Vogler would like to have the Open House in October or November.

Building Inspector/Code Enforcement Report for the month of August, 2023 was submitted.

Justice Cassuto Justice Court Report for the month of August, 2023 submitted.

Justice Grubin Justice Court Report for the month of August, 2023 submitted.

No Dog Control Report for the month of August, 2023 submitted.

Climate Smart Report for the month of September, 2023 submitted. Chair and Town Board Member Wrightsman advised that there are grant opportunities where the money can be used for the St. Peter's Church, the Firehouse, the Academy, Edna Saint Vincent Malay Colony, etc. The Climate Smart Committee is trying to get the word out. The Town has received money from the Scout Grant to use for another year for Kathryn Beilke. Through the Electric Vehicle campaign, the Town can get \$5000.00 if 5 residents purchase electric vehicles from August 2023 on. The Committee is having a meeting with the Cornell Cooperative Extension planning for a countywide resilience program and Chair Wrightsman asked that Supervisor Lagonia attend. The Blueberry Festival went well.

Summer Recreation Report for the 2023 year submitted. Director Oleynek thanked the Town Board for letting her work on this program. The Town Board might want to think about a family rate, and a non-resident rate next year. Supervisor Lagonia will have discussion with Director Oleynek next year concerning registration noting that the current rates seem pretty fair.

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

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

M. Wilson: absent

J. Wrightsman: yes

Motion carried 4:1.

Correspondence

S. Rappaport: Requests that the speed limit on Punsit Road be decreased to 25 MPH.

Carrissa Fair: Requests that the speed limit on Punsit Road be decreased to 25 MPH.

Supervisor Lagonia noted that Townwide the speed limit is 30 MPH and there was nothing in recent minutes over the last 20 years to support 40 MPH for Punsit Road. Supervisor Lagonia has spoken with Attorney for the Town, Joseph Catalano, who advised that since the speed limit townwide is currently 30 MPH, the Town can make Punsit 30 MPH as well. The Town Board is comfortable making Punsit Road match the rest of the Town.

A motion to authorize Highway Superintendent Peter Fitzpatrick to post a 30 MPH speed limit on Punsit Road effective as soon as signs are posted was made by G. Vogler and seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

M. Wilson: absent

J. Wrightsman: yes

Motion carried 4:1.

As far as dropping the speed limit to 25 MPH, the Town would have to petition the County and the State for permission. Unless the Town Board wants to pursue this, the speed limit will stand at 30 MPH. Consensus of the Town Board to leave as is.

Unfinished Business

Attorney for the Town noted that these exemptions were discussed a few months ago by the Town Board. Columbia County lowered their sliding scale on income which happens every so often to align with income levels. This is for seniors. Ambulance and firefighter exemptions is new on the State level and allows the Town to provide a small exemption to these workers. Columbia County has passed legislation on these and when preparing this local law, Attorney Catalano mirrored their laws. The Town of Austerlitz' laws are codified, so this would be an amendment to our Code. A public hearing would precede the adoption of this new law.

Local Law #2-2023, Volunteer Ambulance Workers Real Property Tax Exemption

Local Law #2-2023 Volunteer Ambulance Workers real Property Tax Exemption was introduced.

Resolution #37-2023 Introductory Local Law #2-2023

A motion to adopt Resolution #37-2023, Introductory Local Law #2-2023 was made by G. Vogler and seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

M. Wilson: absent

J. Wrightsman: yes

Motion carried 4:1.

WHEREAS, the Town Board has been informed that the a recent amendment to the Real Property Tax Law allows local governments to provide a real property tax exemption for individuals who serve as volunteer firefighters and ambulance workers; and

WHEREAS, the Town Board recognizes the invaluable public service these volunteer first responders perform and the dedication they have to volunteer their time for such service; and

WHEREAS, given that the State has provided such authority for the first time and in recognition of these individuals as well as to encourage others to volunteer, the Town Board desires to make available such exemptions as soon as possible; and

WHEREAS, the Town Board also has been informed that the County of Columbia has increased the income levels for which seniors and disabled persons may receive a partial exemption on County real

property taxes and the Town Board desires to increase these income levels as well for Town tax purposes; and

WHEREAS, counsel for the Town has prepared a proposed Town Local Law (introductory Local Law No. 2 of 2023) to address the new real property tax exemption for volunteer firefighters and ambulance workers and increasing the income levels for seniors and disabled persons who own property in the Town of Austerlitz and the proposed law has been reviewed and discussed by the Town Board at a meeting of the Town Board;

NOW, THEREFORE, BE IT RESOLVED as follows:

- a) The Town Board hereby introduces and proposes for adoption introductory Local Law No. 2 of 2023 of the Town of Austerlitz which provides a real property tax exemption to qualifying firefighters and ambulance workers as set forth in Real Property Tax Law § 466-a with the maximum exemption and minimum qualifications allowed by said law and which also raises the income levels for eligible tax exemptions for seniors and disabled persons.
- b) The Town Board determines that the adoption of the proposed Local Law is an action that is identified as a Type II action under the State Environmental Quality Review Act (SEQRA) as local legislation involving continuing agency administration, and, as such, further environmental review is not required.
- c) The Town Board hereby schedules a public hearing for the proposed Local Law No. 2 of 2023, to be held at the Town Hall, on October 19, 2023, commencing at 6:45 p.m.
- d) The Town Board hereby directs 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.
- e) This Resolution shall take effect immediately.

New Business

Resolution #39-2023, Climate Smart Community Task Force

A motion to adopt Resolution #39-2023, Climate Smart Community Task Force was made by J. Wrightsman and seconded by C. Schober.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

M. Wilson: absent

J. Wrightsman: yes

Motion carried 4:1

WHEREAS, several years ago the Town Board of the Town of Austerlitz created the Austerlitz Climate Committee and then the Climate Smart Committee Task Force both of which were authorized to coordinate with State agencies for climate smart projects for the Town; and

WHEREAS, earlier this year, the Town Board combined the original Austerlitz Climate Committee and its subsequent Task Force, and renamed it the Town of Austerlitz Climate Smart Community Task Force, and

WHEREAS, a new member for the Climate Smart Community Task Force has been proposed to the Town Board for appointment;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Austerlitz hereby appoints James Oates to the Town of Austerlitz Climate Smart Community Task Force for a term to expire December 31, 2023; and

BE IT FURTHER RESOLVED, that the Town of Austerlitz Climate Smart Community Task Force now has the following membership all for a term to expire December 31, 2023:

Jere Wrightsman - Chair

Cara Humphrey

Paige Ruane

Jeffrey O'Donnell

John Miller

Tim Stalker

Michael Segell

Jennifer Thompson

James Oates

Resolution #40-2023, Town of Austerlitz Investment Policy Amendment

A motion to adopt Resolution #40-2023, Town of Austerlitz Investment Policy Amendment was made by J. Wrightsman and seconded by G. Vogler.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

M. Wilson: absent

J. Wrightsman: yes

Motion carried 4:1

WHEREAS, the Town's adopts or renews an investment policy each year for the purpose of providing guidance and authority for investing Town funds from time to time; and

WHEREAS, the investment policy renewed and adopted at the Town's organizational meeting this year designates two banks (Community Bank and Greene County Bank) as authorized depositories of Town funds, and

WHEREAS, the Town board desires to have more flexibility to take advantage of short-term investment opportunities for Town funds that are not needed for immediate use especially with the increase of interest rates that has occurred this year; and

WHEREAS, the Town Supervisor has explored other banks for investment purposes and found that TD Bank, N.A. provides a range of investment products that are more suitable to the Town's needs and with greater interest rates than the two depository banks the Town designated at the Town's organizational meeting,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Austerlitz hereby amends the Town of Austerlitz Investment Policy, as last renewed and adopted by the Town Board on January 3, 2023, by adding TD Bank, N.A. as a designated depository; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately and that any transactions with TD Bank, N.A. that have occurred or will occur in 2023 are hereby duly authorized and/or ratified as duly authorized.

Memorandum of Agreement: Town of Austerlitz and Teamsters Local 294

Teamsters Local 294 requested a wage adjustment. Effective January 1, 2024 working foreperson: \$25.00, highway equipment mechanic: \$24.50, Senior MEO \$23.25, MEO \$22.50, Laborer \$10.00. Supervisor Lagonia spoke with the Town's Labor Council and she noted that it would be smart to give \$1.00 effective January 2024 instead of a higher amount later on. Supervisor Lagonia and Member Vogler are working on a fund balance policy.

A motion to authorize Supervisor Lagonia to sign the Memorandum of Agreement between the Town of Austerlitz and Teamsters Local 294 concerning a wage adjustment effective January 1, 2024 was made by J. Wrightsman and seconded by C. Schober.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

M. Wilson: absent

J. Wrightsman: yes

Motion carried 4:1

User License Agreement with Permitium

This agreement is just for new pricing for VitalDirector which will be effective October 1, 2023.

A motion to authorize Town Clerk Haag to sign the User License Agreement with Permitium was made by G. Vogler and seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

M. Wilson: absent

J. Wrightsman: yes

Motion carried 4:1

2024 Town of Austerlitz Tentative Budget

The Town Board discussed the 2024 Tentative Budget. No changes were made. A public hearing for the 2024 Preliminary Budget will take place October 19, 2023 at 6:15 p.m. at the Town Hall.

Supervisor Lagonia noted the following:

2024 Austerlitz Budget Summary

1. Property taxes are raised 1.73%, below the state mandated tax cap of 2%.
2. Property taxes only fund approximately 36% of all town expenditures.
3. General Fund: Expenditures and revenues in 2024 are up \$88,500 (or 11.5%) to \$855,500. Increases in expenditures are mainly due to salary increases (6% to all employees except the

- town justices and the highway employees - see below), an allocation to paint the town hall, funding towards a property assessment revaluation, a return to full contingent funding, an increase for attorney fees, and the inclusion of the Climate Committee Coordinator's compensation. These are partially offset by a reduction to our Comp Planner fees as we expect this project to complete in the first half of 2024. Revenues increases are mostly a result of investing strategy changes to take advantage of much higher short-term CD rates, and anticipated increases in revenue from building permits and fines and forfeitures.
4. Highway Fund. Expenditures and revenue in 2024 minus state funding are up \$9,123 or about 1.2%. Each of the Highway personnel will receive their contracted pay raise plus an additional \$1/hour due to the high rates of inflation the past few years and to stay competitive with the compensation being given by other towns in Columbia County. These increases are partially offset by expected increases in sales tax revenue and lower, more accurate budgeting for health insurance.

Resolution #38-2023 Preliminary Budget for Fiscal Year 2024

A motion to adopt Resolution #38-2023 Preliminary Budget for Fiscal Year 2024 was made by G. Vogler and seconded by C. Schober.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

Maureen Wilson: absent

J. Wrightsman: yes

Motion carried 4:1

WHEREAS, the Supervisor of the Town of Austerlitz prepared a Tentative Budget for the Town's fiscal year 2024 and presented that Tentative Budget to the Town Clerk and the members of the Town Board at a meeting of the Town Board held on September 21, 2023; and

WHEREAS, the Town Board has reviewed the Tentative Budget and has discussed and analyzed it with the Town Supervisor, and

WHEREAS, the Town Board is prepared to adopt the Tentative Budget without changes made by the Town Board during the course of discussions regarding same as the Preliminary Budget;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Austerlitz hereby adopts the Tentative Budget for 2024, as presented by the Town Board, as the Preliminary Budget for the fiscal year of 2024 of the Town of Austerlitz; and

BE IT FURTHER RESOLVED, that the Town Board hereby schedules a public hearing on said 2024 Preliminary Budget for October 19, 2023 at 6:15 pm at the Austerlitz Town Hall and directs the Town Clerk to post and publish the required notice for said hearing.

Columbia County Memorandum of Understanding

Supervisor Lagonia had discussions with the Columbia County DSS and the County Youth Department to get the County to pay for transportation for Summer Recreation Programs throughout the County.

A motion to authorize Supervisor Lagonia to sign the Columbia County Memorandum of Understanding between the Columbia County Department of Social Services and the Town of Austerlitz concerning the

reimbursement of transportation services for the Summer Recreation program was made by J. Wrightsman and seconded by C. Schober.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

M. Wilson: absent

J. Wrightsman: yes

Motion carried 4:1

Certification Under Executive Order No 16 Prohibiting State Agencies and Authorities from Contracting with Businesses Conduction Business in Russia

Town Board Member Wrightsman noted that in order for the Town to receive funding from NYSERDA, the Town must complete this certification checking box #1. No approval is necessary since this form is just a factual statement.

Member Wrightsman's neighbor decorates for Halloween normally, but this year is not going to. She would like the Town to use her decorations for the Town Hall and Town Green. Supervisor Lagonia advised that she should reach out to Dan Howes and let them coordinate on the decorations.

Public Comment

Chic Vander Weit thanked the Town Board for lowering the speed limit on Punsit Road to 30 MPH, but noted that this still will not stop those who are speeding. Supervisor Lagonia will ask the Columbia County Sheriff's Department to patrol on Punsit and Highway Superintendent Fitzpatrick will move the speed sign to Punsit as well. C. Vander Weit appreciates anything the Town can do.

Carl Fisher represents neighbors of Harrington Drive and advised the Town Board of a wedding that took place at a residence that came before the Planning Board to get approval for a wedding venue but was halted due to the moratorium, so no approval for the venue was given. C. Fisher asked what steps the Town can take to fix and stop this from happening again. Supervisor Lagonia noted that the Town Board, Building Inspector and Attorney are all aware of this and are on board with making sure it does not happen again. Attorney Catalano advised that a notice of violation and a cease-and-desist letter was sent to the property owner. There has been no Town approval to use this property for anything other than a residential property.

Chris Zager advised the Town Board that a neighbor at the end of an easement section of Fog Hill Road removed dirt from her property and another neighbor's property and made a ditch so large that C. Zager cannot get to her property. C. Zager further discussed deeds and right-of-ways and noted that she has called the Austerlitz Town Court about this issue, but the Court Clerk has not gotten back to her. The Deputy Court Clerk advised C. Zager to come to the Town Board. C. Zager noted that the Highway Superintendent gave permission for the ditches to be cleared by her neighbor. Supervisor Lagonia noted that this is a civil matter and the Town Board has no jurisdiction. Attorney Catalano noted that a Town Court also has limited jurisdiction depending on the consideration sought. Attorney Catalano explained the process.

Deb Oleynek asked if a brain storming session for the Town Park would be happening at the October Board meeting.

Executive Session

A motion to enter executive session to discuss pending enforcement matters with the Town Attorney was made by G. Vogler and seconded by C. Schober.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

M. Wilson: absent

J. Wrightsman: yes

Motion carried 4:1 Executive Session entered into at 7:54 p.m.

Town Clerk Haag was not invited into the Executive Session and the remainder of the minutes were taken by Attorney Catalano.

A motion to exit Executive Session was made by R. Lagonia and seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

M. Wilson: absent

J. Wrightsman: yes

Motion carried 4:1 Executive Session was exited at 8:19 p.m.

It was noted that the Town Board made no decisions and took no action while in executive session about pending enforcement matters.

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: absent

J. Wrightsman: yes

Motion carried 4:1 Meeting adjourned at 8:20 p.m.

Respectfully Submitted,

Susan Haag,

Town Clerk