

Town of Austerlitz
Regular Town Board Meeting
July 20, 2023

Present: Robert Lagonia, Town Supervisor, Greg Vogler, Christopher Schober, Jere Wrightsman, Town Board Members

J Lotus in attendance taking minutes. Susan Haag absent due to NEMCIA meeting.

Peter Fitzpatrick, Highway Superintendent and Town Board Maureen Wilson absent due to vacation.

Attorney for the Town, Joseph Catalano, in attendance.

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 June 15, 2023 Meeting minutes replacing ‘The current law was crafted to have anything possible allowed anywhere in Town with many uses requiring a special use permit from the Planning Board,’ with ‘The current law was crafted with any development possible pretty much anywhere in Town if the Planning Board determines that the requirements for a special use permit are met since many uses are listed as allowed on the Table of Uses in the Zoning Code by issuance of a Special Use Permit’ 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.

A motion was made to accept the July 10, 2023 Workshop/Regular Town Board 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 July General Fund, #270-323 in the amount of \$59,303.51 and Highway Fund, #118-131 in the amount of \$249,355.91 was made 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.

Reports

Monthly Cash

Monthly Cash Disbursement Report for the Month of June 2023 submitted.

Disbursement and Supervisor Report

Supervisor Lagonia noted that town is over our budget with regards to police. There is \$9,800.00 of the original budgeted amount remaining at this time. We're halfway through the year and have used 67%. Suggestions: We could cut the police back to one day per week or continue operating as we currently are and shut it down in the fall. This issue will be revisited at the next meeting.

Supervisor's report:

Supervisor Lagonia had Attorney J. Catalano look into the legality of lowering the speed limit on town roads from 30 to 25 miles per hour. Atty. Catalano reported that, since the town has a population of less than 50,000 people, we cannot do so without contacting the DOT. Supervisor Lagonia stated that members of the community will feel much better with the lowered speed limit. Since there will be no additional cost to the town in lowering the speed limit, there would be no downside.

The Dugway Road bridge project is still on for the month of August.

Supervisor Lagonia spoke to P. Fitzpatrick, highway superintendent for the town, regarding individuals taking materials from the highway garage. Superintendent Fitzpatrick will put up a sign alerting people that the materials are not to be removed. The board discussed that there is a person trying to sell highway material from a minivan near the town diner and another person was seen filling their car trunk with highway materials. If anyone knows who it is, Supervisor Lagonia will have the sheriff deal with it.

Spencertown/Austerlitz Parks: Lights in park are up from dusk to dawn and are aimed in such a way so as not to disturb neighbors.

The pickleball courts will be resurfaced in September.

Upcoming Trainings: There is an upcoming CPR training on August 17, 2023. Members should arrive two hours before the regular town board meeting for CPR training. This training must be done every two years. The ADs (automated external defibrillators) got their annual inspection last Monday, July 17, 2023 and just a few parts were replaced.

Highway Report:

Highway Superintendent Fitzpatrick submitted the following report:

The Heat is on!! And the rain has returned!! We have been in a pattern of severe thunderstorms for a couple weeks now, causing downed limbs and trees as well as plugging culverts and creating washes!!

This has generated some unplanned work for all the highway departments in our region, many others having much bigger problems from this weather than our own.

We will continue clearing obstructions and making some repairs.

Hopefully everyone is safe and successful in reopening and repairing all their roads.

The last week of June saw this summer's paving projects come together very nicely. The hard top portion of Schoolhouse Road and Slate Hill Road received a fresh top of hot mix asphalt. We have received many compliments and thank yous for the outcome of these projects; we are pleased with the outcome and appreciate the positive feedback.

The Fountain in the Green needed a couple repairs but the pitcher is pouring again!! Thank You to the residents that reached out asking if there was anything we needed and extending compliments for seeing the water flowing again. We Like to see it running also!! Thank You

The Beavers have become more active around town and causing trouble in a few places and creating many extra hours of work every week, almost a part time job! One spot they have plugged a 4-foot diameter pipe under the road almost every day for two weeks or more, this causes the stream to divert down the side of the road, threatening both the road and two residents' driveways and property. Thankfully we have been able to catch this before we suffered any major damage.

I am in contact with the DEC about a solution and have obtained a permit for removal of the obstructions.

Mowing of road shoulders will continue, though they are slowed by the need to clean up after thunderstorms. The ones that have been done look much better with improved sight distance as well as appearance.

We have received the new radar speed sign but haven't gotten it out on the road yet, we have a bracket or two to make for mounting it and expect to have it out soon. The old speed sign is still alive and will be making appearances around town.

We have received much of our winter sand and will be accepting the rest of our salt order soon, As well as bringing in more winter sand.

We plan on continuing cleaning ditches and replacing a couple more culverts that have seen the end of their useful life.

We expect to see the wing wall project on Dugway start in the next few weeks. Dugway was closed by a tree company who put out cons.

I hope everyone is well and enjoying their summer.
Thank You

End of Report

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

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

Supervisor Lagonia requested an overview of the Hartka situation from Attorney Catalano which was provided.

No Comprehensive Plan Oversight Committee Report for the month of June, 2023 submitted.

Building Inspector/Code Enforcement Report for the month of June, 2023 was submitted. The Board discussed Hartka and making certain that the barrier was replaced by HiRoc.

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

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

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

Climate Smart Report for the month of July, 2023 submitted. J. Wrightsman gave an update. There is an incentive program beginning in July, 2023 whereby the number of residents purchasing solely electric vehicles (excluding hybrids) can earn the town financial rewards.

A motion was made to accept the monthly reports by C. Shoder, seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

M. Wilson: absent

J. Wrightsman: yes

Motion carried 4:1.

Correspondence

Barbara Smith: Thanks to Highway Superintendent Fitzpatrick and the Highway Crew for their work in the Spencertown Green.

Unfinished Business

Disability and Low-Income Exemption Law

Tabled. Must be completed by the end of 2023.

Firefighter Exemption Law

Tabled. Must be completed by the end of 2023.

Senior Citizen Exemption Law

Tabled. Must be completed by the end of 2023.

Attorney Catalano is to receive from Superintendent Lagonia information regarding what the County chose to do regarding the above unfinished business on Exemption Laws.

New Accountant Retainer Agreement

Supervisor Lagonia is still working on the Retainer agreement between the town and Smith Watson. The retainer agreement is to be revisited at the next Town Board meeting on August 17, 2023.

New Website

The migration to Civic Plus by Aug. 1 is in pretty decent shape. The website needs to be sent out to department heads to verify that the content is correct. It will be going live on Aug 1, 2023.

Updated 2023 Highway Form 284

We will update this at the next meeting when the Highway Superintendent is present.

Resolution #34-2023, Planning Board Fees

A motion to adopt Resolution #34-2023, Planning Board Fees 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’s Planning Board has recommended to the Town Board that the application fees for the various applications that are under the jurisdiction of the Planning Board be increased in order to adequately reimburse the Town for the cost of administration and the review process conducted by the Town Planning Board; and

WHEREAS, the Town Board agrees with the Planning Board that the existing fees are outdated and do not adequately reimburse the Town for the cost involved in the Planning Board process; and

WHEREAS, it is the desire of the Town Board to bring such fee amounts to the level that is consistent with the cost of processing and issuing them; and

WHEREAS, the Town Board has authority by resolution to change the amounts for administrative fees for zoning and subdivision applications pursuant to sections 195-7 (Zoning) and 167-402 (Subdivisions) of the Town Code;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board hereby amends the Town’s Planning Board fee schedule as follows:

Minor Subdivision \$150 for 2 lots; \$200 for 3 lots; 250 for 4 lots

Major Subdivision \$500 for 5 lots plus \$100 for each additional lot

Boundary Line Adjustment \$50

Special Use Permit Application \$500

Site Plan Review Application \$0 if reviewed as part of Special Use Permit application; \$400 stand alone; \$300 amendment or if submitted subsequent to issuance of SUP

Cellular Communication Facilities \$500

Cost of Publications Actual cost to be reimbursed by applicant

Consultant Fees Actual cost to be reimbursed by applicant

2. This Resolution shall take effect immediately.

Resolution #35-2023, Appointment of Clerk

A motion to adopt Resolution #35-2023, Appointment of Clerk was made 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.

WHEREAS, the position of the clerk for the Planning Board and Highway Department has been vacant since the resignation of the DeeAnn Veeder submitted May 1, 2023; and

WHEREAS, in consultation with the Town Clerk, the Town Board has selected J Lotus to fill the position previously held by Ms. Veeder; and

WHEREAS, it is the Town Board's understanding that Ms. Lotus will be available to provide assistance to the Town Clerk as well under the Town Clerk's direction and supervision;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board hereby appoints J Lotus to immediately fill the vacant position of Planning Board Clerk and Highway Department Clerk, effective as of May 26, 2023, to serve in such positions for a term ending December 31, 2023. At the direction and supervision of the Town Clerk, Ms. Lotus may provide assistance to the Town Clerk as needed.
2. The Town Board hereby approves the salary for Ms. Lotus at \$25.00 per hour, effective from May 26, 2023, to be paid on a bi-weekly payroll basis, with hours not to exceed 20 hours per week unless additional hours are needed for providing assistance to the Town Clerk from time to time.
3. The Town Board hereby ratifies and approves any actions taken by the Town Supervisor, Town Clerk and the Town administration in nominating and hiring Ms. Lotus.
4. This resolution shall be deemed to take effect as of May 26, 2023 for purposes of ratifying and approving any time that Ms. Lotus may have worked in the above-described roles prior to the adoption of this Resolution.

New Business

2024 Annual Budget: to be addressed at a future date.

Resolution #36-2023, Authorization for Highway Superintendent to Carry Firearm

A motion to adopt Resolution #36-2023, Authorization for Highway Superintendent to Carry Firearm 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.

WHEREAS, the Town Board has adopted a policy that prohibits Town officials and employees from carrying firearms on Town property, in Town vehicles or while conducting Town business except as may be authorized by the Town Board; and

Whereas, the Highway Superintendent, Peter Fitzpatrick, has requested permission to carry a firearm in a Town Highway vehicle while conducting Town business for the purpose of eradicating nuisance beavers that have caused flooding damage to Town roads or impeded drainage along Town drainage facilities pursuant to a Nuisance Beaver Permit issued to Mr. Fitzpatrick by the NYS DEC on July 10, 2023 and expires on December 31, 2023 (Permit #2023-32338) and also to euthanize wild animals on Town roads that may have been struck by vehicles or rabid animals that may be on Town roads; and

WHEREAS, it is the Town Board's understanding that Mr. Fitzpatrick is duly licensed by New York State to carry a firearm;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board hereby consents and approves the Town Highway Superintendent to carry a firearm on Town property and in a Town Highway vehicle while conducting Town Highway business for the limited purpose described above.
2. This consent and approval shall begin on July 21, 2023 and expire on December 31, 2023.
3. This resolution shall take effect immediately.

Public Comment

Helen Lobel asked whether Mr. Fitzpatrick would shoot the beavers at will. Supervisor Lagonia suggested that H. Lobel call the DEC and ENCON to receive an answer to her question.

Sue Geel runs a Rehab Center for injured animals and stated that the landowner must hold the gun permit where he is killing the beaver. The Board responded that the DEC only allows beaver extermination for town roads and town drainways. C. Schober mentioned that he offered a place to move the beavers to on his own land but the Highway Superintendent did not want to trap them (due to manpower & expense).

Supervisor Lagonia invited S. Geel to reach out to the Highway Superintendent to discuss possible options other than extermination. S. Geel explained that the families of beavers cannot survive without both parents. She doesn't like that Mr. Fitzpatrick has the authority to euthanize animals and explained that there are well documented ways to mitigate the damage that the beavers are causing i.e.: fencing around culverts, fencing around the trees. G. Vogler queried whether Ms. Geel had a conversation with Geoff Cox from the DEC re: the beaver issue. Ms. Geel asked whether the town has anything in writing from the DEC describing what has happened that has led them to this permission and decision. Supervisor Lagonia suggested that Ms. Geel speak with the Highway Superintendent directly which Ms. Geel agreed to do.

Adjournment

A motion to adjourn was made 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

Meeting adjourned at 7:48 p.m.

Respectfully Submitted,

J Lotus, Planning Board Clerk