

Town of Austerlitz
Regular Town Board Meeting
January 18, 2024

Present: Robert Lagonia, Town Supervisor, Christopher Schober, G. Vogler, Cara Humphrey, Ken Kaplan, Town Board Members, Susan Haag, Town Clerk and Peter Fitzpatrick, Highway Superintendent.

Regular meeting called to order at 7:01 p.m.

Moment of Silence followed by the Pledge of Allegiance.

Minutes

A motion to accept the December 21, 2023 Meeting minutes was made by C. Schober and second by G. Vogler.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

C. Humphrey: abstain

K. Kaplan: abstain

Motion carried 3:2.

A motion to accept the January 2, 2024 Organizational Meeting minutes was made by G. Vogler and seconded by K. Kaplan.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

C. Humphrey: yes

K. Kaplan: yes

Motion carried 5:0.

2023 Budget Amendments

A motion to authorize the following Highway Fund budget amendments to the 2023 budget was made by G. Vogler and seconded by K. Kaplan.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

C. Humphrey: yes

K. Kaplan: yes

Motion carried 5:0.

	Increase to Appropriations	Decrease to Appropriations
Highway Fund		
DA9010.8 RETIREMENT		17,300.00

DA5110.41	HIGHWAY REPAIRS & MAINT	17,300.00	
DA5142.1	SNOW REMOVAL (PAYROLL)		3,990.00
DA5140.1	BRUSH & WEEDS	3,990.00	
DA9060.8	HOSPITALIZATION		2,010.00
DA9090.8	UNIFORMS	2,010.00	

A motion to authorize the following General Fund budget amendments to the 2023 budget was made by C. Schober and seconded by K. Kaplan.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

C. Humphrey: yes

K. Kaplan: yes

Motion carried 5:0.

		Increase to Appropriations	Decrease to Appropriations
General Fund			
A1990.4	CONTINGENT		63,100.78
A1010.1	TOWN BOARD	0.40	
A1110.1	TOWN JUSTICE	0.16	
A1410.1	TOWN CLERK	0.20	
A1420.4	ATTORNEY	11,100.00	
A1620.1	BUILDING	0.02	
A1620.4	BUILDING	30,000.00	
A1910.4	INSURANCE	2,000.00	
A3120.4	POLICE	20,000.00	
A3620.11	BUILDING INSPEC CLERK		4,625.10
A3310.4	TRAFFIC CONTROL	3,600.00	
A3510.4	DOG CONTROL	175.00	
A3620.1	BUILDING INSPECTION	0.10	
A3620.4	BUILDING INSPECTOR	850.00	
A5132.4	GARAGE		812.26
A4020.1	REGISTRAR	0.06	
A5010.1	HIGHWAY SUPER	0.20	
A5182.4	STREET LIGHTING	812.00	
A9010.8	RETIREMENT		6,347.00

A6772.4	AGED PROGRAMS		348.00
A7140.4	PLAYGROUNDS		
		2,500.00	
A7310.4	YOUTH PROGRAMS		
		1,382.00	
A7510.1	HISTORIAN		915.00
A7510.4	HISTORIAN		32.00
A7550.4	CELEBRATIONS		
		1,170.00	
A8025.4	JOINT PLANNING		7,554.00
	BOARD		
A8010.4	ZONING		69.00
A8020.11	PLANNING CLERK		
		7,400.00	
A8020.4	PLANNING		85.00
			68,538.14
		68,538.14	

Auditing of Accounts and Claims

A motion to authorize payment of the January General Fund, #1-43 in the amount of \$33497.09 and Highway Fund, #1-11 in the amount of \$8676.75 was made by C. Schober and seconded by C. Humphrey.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

C. Humphrey: yes

K. Kaplan: yes

Motion carried 5:0.

Reports

Supervisor's Report

Supervisor Lagonia advised that he spoke to the Accountant for the Town, Bryan Sherman, and he is working on the 2023 AUD for the Town. Once this is completed by the end of February, it will be filed with the State and will be forwarded to all the Board Members. Supervisor Lagonia noted the end of the year financials.

On a County level, Supervisor Lagonia noted he continues to be the Chairman of the Public Safety Committee. R. Lagonia is currently testing a new ATT phone and notes the service is much better than other carriers in our area. Supervisor Lagonia is very impressed with the new County District Attorney who is working hard to staff his office, both with attorneys and clerical help and that is almost complete. He is very easy to work with. There are also 2 new justices on the County level.

Supervisor Lagonia advised that the moratorium the Town has in place runs out in April and will need to be extended. The updated Comprehensive Plan will most likely be presented to the

Town Board and the public at some point next month, but still will not be complete. Until the updated Comprehensive Plan is adopted, and changes are made to our Zoning Code, the moratorium will need to continue to be in place. The Town Board will need to decide a time frame for the extension.

Highway Report:

Just like that, another year has passed. January is here and will soon be gone too!!

Temperatures have continued to be a rollercoaster, up and down. The lack of frost, high winds and abundance of rain has been challenging, and left us with several messes to clean up. All things considered, we have fared rather well and gotten most of the damages cleaned up. Had minimal snowfall so far, a couple snow events that went smoothly. One of the older plow blades did break and will need some welding, nothing we can't handle fixing and we do have a spare so minimal time was lost.

We were able to get a couple more compromised culverts changed out due to the warm winter we've had so far.

We did finish one of our projects fixing a worn plow moldboard and rebuilding the shoes, it's back in service plowing and we're very pleased with the outcome.

The boom mower has been mounted to the tractor and is ready to start the winter brush cutting season.

We have continued with cutting of dead ash and other trouble trees along another section of Fog Hill Road. This is a long-term project with very noticeable results. It's amazing the difference in the amount of debris and tree damage along the sections we've done compared to where we haven't after the storms we have had.

We got several battery disconnect switches installed so now most of our fleet has them. This is a new requirement of our insurance carrier for our heavy trucks, though we have always had them on much of our heavy equipment and some of the trucks.

The new grader tires performed very well after the last snow storm and will serve us well. We have some worn out pins to replace and rebush on the blade frame, this is one of our more involved winter maintenance projects we will be starting soon.

The next month we expect to be divided mostly between trimming brush and equipment maintenance between winter storms.

Stay warm and well, longer days are ahead!

End of Report

Highway Superintendent Fitzpatrick noted that there have been a couple of wind storms in the last few weeks which left debris everywhere. The small snow storms were not that bad. The crew continues to cut trees along the roads and will be cleaning up brush next week.

Supervisor Lagonia stated that previous Town Board Member, Maureen Wilson was a champion for a warming station at the Town Hall. This could not happen because we do not have a generator. The Austerlitz Fire Company has a generator and is willing to have a discussion concerning a warming station if people can be found to man the station when a situation arises. Interesting, no one ever asks the Town about a place to go if they lose power.

Town Board Member Vogler questioned Highway Superintendent Fitzpatrick concerning his progress towards a road plan. Highway Superintendent Fitzpatrick has not started a road plan yet, and is asked to do so. Member Vogler noted that a road plan will help to have all involved be more informed during budget preparation and adoption. It can also be used to inform the public what projects are slated when and how much these projects will cost. The Town's finances need to be utilized in the best possible way. Supervisor Lagonia explained to the new members of the Town Board what a Highway Form 284 is, how it works, and where the money comes from for highway projects.

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

Town Clerk Haag noted she paid the Supervisor the warrant amount for the 2024 tax cycle.

Planning Board Report for the month of January 2024 submitted.

The Town Board discussed a possible project coming before the Planning Board in the near future where the old Spencertown Store used to be.

No Comprehensive Plan Advisory Committee Report.

Town Board Member Vogler advised that the updated Comprehensive Plan draft is out for internal review. Once comments come back and are considered, with any possible changes, it will be put out for public review.

Building Inspector/Code Enforcement Report for the month of December 2023 and Year End was submitted. It was noted that one property owner on State Route 203 has been complying and cleaning up his property.

Justice Cassuto Justice Court Report for the month of December 2023 submitted.

Justice Grubin Justice Court Report for the month of December 2023 submitted.

Dog Control Report for the month of December 2023 submitted.

Climate Smart Report

Climate Smart Coordinator Kathryn Beilke submitted a report explaining why a revised CAP had to be completed and accepted by the Town Board. An error was found and since the CAP would be attached to the Comprehensive Plan update, this error needed to be corrected. Town Board

Member Cara Humphrey explained in more detail. Once the revision is approved, the new CAP will be sent to Nan Stolzenburg. The Climate Smart Community Task Force is looking to apply for silver status this year.

A motion to adopt the revised CAP dated January 2024 was made by C. Humphrey and seconded by K. Kaplan.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

C. Humphrey: yes

K. Kaplan: yes

Motion carried 5:0.

Member Humphrey questioned the Town hosting another Repair Café since the Town has been asked to commit for a 2024 date. The Town will host April 13, 2024 and the Town Board will discuss parameters as time gets closer.

The Climate Smart Community Task Force is working on compiling feedback for the Comprehensive Plan update. Videos are being put together in support of the climate smart goals. The Task Force would like to have a Saturday informational session for residents concerning solar: what's available, costs, grant opportunities, etc. Maybe this can happen mid-summer.

Supervisor Lagonia noted that Columbia County is having its 250th celebration. Each Town has been asked to form a committee and Supervisor Lagonia has asked Tom Moreland, Sam Tassinari, Barbara Smith, Nick VanAlstine and David Harrison. The celebration will be in 2 years.

A motion was made to accept the monthly reports by G. Vogler and seconded by C. Schober.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

C. Humphrey: yes

K. Kaplan: yes

Motion carried 5:0.

Correspondence

NY Department of Ag and Markets Municipal Shelter Inspection Report completed on 12/26/23. Dog shelter services were rated satisfactory.

NYS Department of Ag and Markets Officer Inspection Report completed on 12/26/23. DCO services were rated satisfactory.

Unfinished Business

Window Replacement: Historical Center

Two bids were received as follows:

Window Depot

71 Oliver Street
Cohoes, New York 12047
Gary Grimaldi, Board Member
\$6500.00
Trip Charge: \$200.00
Add \$2340.00 for external grids and \$900.00 to upgrade to triple pane

Weather Shield
PO Box 100
Medford, Wisconsin 54451
\$9307.35

The Town Board discussed options and how they would like to have the windows actually look in respect to grid and pane options. Discussed money available for this project. Member Schober noted he believes there is grant money to pay for this replacement project.

Member Humphrey advised she is working on updating the financial statements for the Climate Smart Community Task Force.

A motion to accept the bid from Window Depot, for \$8840.00 to replace the windows at the Historical Center was made by R. Lagonia and seconded by K. Kaplan.

R. Lagonia: yes
G. Vogler: yes
C. Schober : yes
C. Humphrey: yes
K. Kaplan: yes
Motion carried 5:0.

New Business

2022 Town Clerk/Tax Collector Audit

Bryan Sherman, Accountant for the Town, performed an audit of the Town Clerk and Tax Collector books for the 2022 year stating that no findings or instances of noncompliance with record keeping requirements were found.

A motion to accept the audit of the Town Clerk/Tax Collector for the 2022 year done by Smith Watson was made by G. Vogler and seconded by C. Schober.

R. Lagonia: yes
G. Vogler: yes
C. Schober : yes
C. Humphrey: yes
K. Kaplan: yes
Motion carried 5:0.

2022 Town Supervisor Audit

Bryan Sherman, Accountant for the Town, performed an audit of the Town Supervisor books for the 2022 year stating that no findings or instances of noncompliance with record keeping requirements were found.

A motion to accept the audit of the Town Supervisor for the 2022 year done by Smith Watson was made by C. Schober and seconded by K. Kaplan.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

C. Humphrey: yes

K. Kaplan: yes

Motion carried 5:0.

Supervisor Lagonia noted that the 2022-2023 audit of Court records will be done soon.

2024 Agreement to Provide Emergency Medical Services

A motion to authorize Supervisor Lagonia to sign the 2024 Agreement to Provide Emergency Medical Services with the Chatham Rescue Squad Inc. was made by C. Humphrey and seconded by G. Vogler.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

C. Humphrey: yes

K. Kaplan: yes

Motion carried 5:0.

Supervisor Lagonia noted that presentations are being done on the County level for EMS services.

Code Enforcement Legal Representation

Supervisor Lagonia presented the Town Board with an agreement from Devine and Bruno, LLP for legal representation in various matters involving enforcement of the Municipal Code, including general legal counsel, interpretation, litigation and any other areas within the scope of their ability.

Supervisor Lagonia noted that Attorney for the Town, Joseph Catalano is not a prosecutor to process code enforcement issues. The Town may not have cases that end up in court, but believes the Town should have someone available to them should the need arise. There is one case in the wings that might end in needing an attorney. Supervisor Lagonia advised that he will see if a lower rate can be negotiated.

Devine & Bruno, LLP

52 Corporate Circle

Suite 207

Albany, New York 12205\

Michael Bruno, Partner

Legal Assistants: \$75.00/hr

Michael Bruno, Esq: \$350.00/hr

Morgan Lynk, Esq: \$250.00/hr

Plus reimbursement of any reasonable actual expenses or disbursement incurred by the Firm on the Town's behalf as spelled out in the agreement.

A motion to accept the proposal agreement from Devine & Bruno, LPP to provide legal representation to the Town of Austerlitz for code enforcement issues for parameters as outlined in the provided documentation dated January 12, 2024 was made by K. Kaplan and seconded by C. Schober.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

C. Humphrey: yes

K. Kaplan: yes

Motion carried 5:0.

Public Comment

Debbie Oleynek thanks the Town Board for the Christmas program and gave a shout out to Dan Howes for beautiful Town Hall decorations.

D. Oleynek also advised the Town Board that she researched grant funding to reimburse the Town for the cost of CPR and Lifeguard training. Supervisor Lagonia stated D. Oleynek should check the County because they may do this training for free. D. Oleynek noted that there was nothing available and the cost range for the training is between \$500 and \$700.00 dollars. NYS Governor signed into law that an AED must be onsite for all recreation programs and sporting events. The County was not aware of this yet. The Spencertown Fire Company voted to purchase an AED for the Town of Austerlitz Summer Recreation Program. D. Oleynek will figure out storage for the device.

Between 78 and 80 Beale Road there are some hollow trees that are hanging over the road. Can Highway Superintendent Fitzpatrick take a look. Superintendent Fitzpatrick believes these trees involve power lines, but he will look. If they do, P. Fitzpatrick will contact NYSEG.

The Town Board discussed NYSEG cutting rights and complaints from town residents.

Adjournment

A motion to adjourn was made by C. Schober and seconded by K. Kaplan.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

C. Humphrey: yes

K. Kaplan: yes

Motion carried 5:0. Meeting adjourned at 7:56 p.m.

Respectfully Submitted,
Susan Haag, Town Clerk