

Town of Austerlitz  
Regular Town Board Meeting  
May 13, 2010

Town Supervisor Braley, Town Board Members Geel, Bernstein, Verenazi and Pinto, Town Clerk Haag and Highway Superintendent Meehan met at 6:30 p.m. to open Highway Bids.

Bid specs noticed in official newspaper.

Liquid Calcium Chloride-Peckham Industries, Inc., Foot of Union St., Athens, New York 12015 Phone: 518-945-1120, Fax: 518-945-1298.

Liquid Calcium Chloride: Winter Calcium .978/gallon delivered, 32% Calcium, 68% water, Summer Calcium .978/gallon delivered and applied 35% calcium, 65% water.

Liquid Mag Chloride: .978/gallon delivered and applied, 29% mag, 71% water.

Trucking- Macfarlane Contracting, 39 Percy Hill Road, Old Chatham, NY 12136.

Material hauling for the Town of Austerlitz Highway Department. Tri-axle-dump Truck price per hour \$90.00. Average 23 ton per load, 475 HP motor.

Tommy Faxon Excavating, 45 Church Street, Chatham, NY 12037

1. Tractor Trailer: Truck #171-04 Kenworth, 550 Horsepower, Average Load Size of 34 Ton. Permitted for 107,000 Lbs. Truck #223-02 Kenworth, 550 Horsepower, Average Load Size of 35 Ton, Permitted for 107,000 Lbs. Hourly rate for tractor trailer will be \$115.00/hour. Hourly rate for steel rock trailer will be \$130.00/hour.

2. Triaxle: Truck #224-06 Sterling, 455 Horsepower, Average Load Size of 21 Ton. Permitted for 70,640 Lbs. Truck #225-05 Western Star, 455 Horsepower, Average Load Size of 22 Ton. Permitted for 71250 Lbs. Hourly rate for triaxle will be \$85.00/hour.

Sand and Gravel-A. Colarusso & Son, Inc., Crushed Stone, Sand and Gravel, Blacktop, PO Box 302, Hudson, NY 12534, Phone: (518) 828-3218, Fax: (518) 828-0546

Item	Description	FOB	Delivered	Location
Crush Stone	Item 4 Crusher Run	\$8.70	\$13.70	91 Newman Rd, Huds
"	Screen Fill	\$7.85	\$12.85	"
Gravel	Bank Run Gravel	\$5.25	\$11.00	Cty Rte 31, Hudson
"	Sand (snow)	\$9.25	\$15.00	"
Crush Stone	Crusher Run 2" Minus	\$8.70	\$13.70	91 Newman Rd. Huds
"	Gabion	\$10.90	\$15.90	"
"	Medium Stone Fill	\$12.25	\$19.00	"
"	Heavy Stone Fill	\$12.25	\$19.00	"
Gravel	Processed 1" minus	\$8.00	\$13.75	Cty Rte 31, Hudson
"	Item #4	\$8.00	\$13.75	"
"	Cobbles	\$7.00	\$12.75	"
Asphalt Base		\$57.65	---	91 Newman Rd. Huds
Asphalt Binder		\$58.15	---	"
Asphalt Type 6		\$63.50	---	"
Asphalt Type 7		\$68.60	---	"

Payment Terms: New 30 days, finance charges of 2% per month (24% per year) will be applied to the unpaid balance after 30 days. Payment not conditioned upon payment by third party. Any and all costs of collections, including attorney's fees will be added if legal action is necessary. If this quotation is acceptable please forward a purchase order.

All price quotes in U.S. ton unless otherwise specified. Pricing not valid after 30 days. Prices are based on current NYSDOT posted price index for asphalt. All increases in the cost of asphalt from the time of the quotation will result in a price increase to the above items. Asphalt Producers Price Index is \$523.00 per US ton as of May.

Guard Rail and Post Installation-Otsego Iron and Metal, 50 Rose Ave., Oneonta, NY 13820

New 6" x 6" x 3/16" galvanized box beam with hardware	\$34.00/ft
New 3" I posts with spade x 63"	\$48.00/each
Used 3" I posts with spade x 63"	\$21.00/each
New Type 1 End Sections	\$ 323.70/each
New Type 2 End Sections	\$865.80/each

Price includes delivery to the town garage or jobsite.

Aluminized and Steel Pipe-Otsego Iron and Metal, 50 Rose Ave., Oneonta, NY 13820

	<u>Gauge</u>	<u>Galvanized/Linear FT</u>	<u>Bands</u>	<u>Aluminized/Linear Ft</u>	<u>Bands</u>
12 inch	16	\$7.68	\$7.68	\$10.60	\$10.60
15 inch	16	\$11.58	\$11.58	\$13.28	\$13.28
24 inch	16	\$18.84	\$18.84	\$21.54	\$21.54
30 inch	16	\$24.18	\$24.18	\$27.55	\$27.55
36 inch	14	\$24.62	\$34.62	\$40.34	\$40.34
48 inch	14	\$46.20	\$69.30	\$54.34	\$81.51
95" X 67"	12 3x1	\$147.16	\$294.32	\$176.17	\$352.34
81" X 59"	12 3x1	N/A	N/A	\$152.50	\$305.00

Price included delivery to the town garage or jobsite.

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

Pledge of Allegiance.

Roll call. Present: Jeffrey Braley, Supervisor, Paul Bernstein, Carol Pinto, Bryan Geel, Matthew Verenazi, Town Board Members, Susan Haag, Town Clerk, Robert Meehan, Highway Superintendent.

Minutes

A motion to approve the April 8, 2010 Regular Town Board Meeting minutes was made by P. Bernstein and seconded by C. Pinto.

- J. Braley: yes
- P. Bernstein: yes
- C. Pinto: yes
- B. Geel: yes
- M. Verenazi: yes

Motion unanimously carried.

A motion to approve the March 25, 2010 Town Board Workshop Minutes was made by B. Geel and seconded by P. Bernstein.

- J. Braley: yes
- Q. Bernstein: yes
- C. Pinto: yes
- B. Geel: yes
- M. Verenazi: yes

Motion unanimously carried.

### Auditing of Accounts and Claims

A motion to approve General Fund #140-176 in the amount of \$13148.89, and Highway Fund #83-106 in the amount of \$23555.60, was made by M. Verenazi and seconded by B. Geel.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

### Reports

Monthly cash disbursements for the month of April 2010 were presented. Supervisor Braley reported that a budget amendment will be done in Records Management, Engineering and Celebrations next month. Accountant for the Town, Mark Fitzgerald, is currently out due to a hip replacement.

Supervisor Braley advised that our webpage is continuing to be worked on. Codifying the Town laws is beginning. The Census process is ongoing. Unfortunately only 53% of the Town replied to census letters received in the mail so census workers have started to go door to door to clean up the rest.

On the County level, Supervisor Braley noted that the County has had a summer internship program for many years now. No one from the Town of Austerlitz has ever taken advantage of this. This year they are paying \$10.00/hr, and will be hiring one teen from each town. If any teen is interested in this program, let Supervisor Braley know. The County Comptroller's position is open again and they are beginning the hiring process. Supervisor Braley has been put on the subcommittee of Space Utilization which in part makes recommendations for the placing of Columbia County DSS. This subcommittee has voted to recommend it stay in Hudson.

Memorial Day services for the Town will be held on the 31st at 7:00 a.m. Refreshments will also be served at the Town Hall.

Supervisor Braley advised that there seems to be some confusion as to who is going to run the Summer Recreation program this year. Previous Director, Sandy Fischer will not be running the day to day operations. This will be left up to Deborah Oleynek. The buses that transport the children from the ball park to Fox Hill for swimming have been rented, swimming at Fox Hill has been set up, and clean up of the playground is being taken care of. Supervisor Braley would like to increase the registration fee for non-resident children. The summer program as a whole is coming up to speed.

Town Clerk Report for the month of April 2010 submitted.

Tax Collector Report for the month of April 2010 submitted. Town Clerk Susan Haag noted that there are more outstanding bills left this year than in previous years.

Highway Superintendent Meehan reported that the tandem truck needed some work. It is currently back together and almost road ready. The 1988 truck needs some work, it blew the rear-end out and needs an axle. The 1995 truck is having the ejectors looked at currently at the Sunnyside Garage. The rest of the fleet is in good shape.

Superintendent Meehan continues reporting that there are some additional soft spots on Dugway Road that need repair and quite a few culverts need to be replaced. A large culvert on Big Woods Roads needs to be replaced soon. R. Meehan has placed signs on the beginning of Big Woods Roads restricting heavy

trucks from using the road. R. Meehan is looking to see what he can do so we can save as much money as possible when replacing this culvert. Dean Knox, from Columbia County, has come up to look at the issue and offered some advise. Superintendent Meehan would like to replace the culvert with concrete if possible. Finally, R. Meehan is looking for some warmer weather so blacktopping can be done.

Planning Board Report for the month of April 2010 submitted.

Comprehensive Plan Oversight Committee Report for the month of April 2010 submitted.

Building Inspector/Code Enforcement Report for the month of April 2010 submitted.

Justice Roberts Court Report for the month of April 2010 submitted.

Justice Lagonia Court Report for the months of March and April 2010 submitted.

A motion to accept the above reports was made by P. Bernstein and seconded by B. Geel.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

#### Correspondence

Town resident Fred Oleynek, who has also worked in many capacities for the Town of Austerlitz, was recognized by the Columbia County Board of Supervisors for his military service, devotion and ultimate sacrifice to his country in the name of Freedom. His family was presented the certificate below. This is part of the Columbia County Honor a Veteran program. A copy of the below certificate and pictures of the ceremony are on the Town's website.

## **CERTIFICATE OF RECOGNITION**

**Awarded to  
Fred Oleynek**

**12 May 1926 – 29 September 2009**

**On behalf of the Board of Supervisors, the 63,000 residents of Columbia County and the Nation as a whole, this Certificate of Recognition is presented in acknowledgement of Private First Class Fred Oleynek, service, devotion and ultimate sacrifice to his country in the name of Freedom.**

**Fred Oleynek was born on May 12, 1926 to Joseph and Emmy (Steinert) Oleynek in Essen, Germany. He grew up in New York City where he attended school.**

**Fred entered the United States Army on August 28<sup>th</sup>, 1944 in the Bronx, New York. Earning the riflemen's sharpshooter's badge in Basic Training, he was then trained as a heavy weapons specialist. Private First Class Fred Oleynek was assigned to the 2<sup>nd</sup> Battalion, Headquarters Company, 15<sup>th</sup> Infantry in the European Theater of Operations. The 15<sup>th</sup> Division reached the Rhine River (11/26/44), fought in the Colmar Pocket, broke through the Siegfried Line, captured Nuremburg and remained on garrison duty in Germany until September 1946. Engaged in heavy action in Central Europe and the Rhineland as a heavy weapons crewmember, PFC Oleynek earned the Combat Infantry Badge (CIB). Fred was injured in**

a jeep accident which required him to wear a body cast for a year. On June 5, 1947 he was Honorably Discharged.

In addition to the Rifle Sharpshooter's Badge and the CIB, PFC Fred Oleynek was awarded the: Good Conduct Medal, American Theater Ribbon, Victory Ribbon, Two Bronze Battle Stars, and the European-African-Middle Eastern Theater Ribbon.

Fred returned home and attended Chicago University of Aeronautical Engineering. Graduating in 1950 with a BS in Aeronautical Engineering, he married Gloria Florio on February 17, 1952. Together, they raised eight children: Joseph, Jean, Paula, Fred, Marguerite, Stephen, Gloria and Susan. Fred was employed as a private business owner, Air Compressor Plus and as a code enforcement officer for the Town of Austerlitz. He remained active in the community; he was a member of the Ghent VFW and the Spencertown Fire Co.

Fred died on September 29, 2009 in Austerlitz, New York. He was 83 years old. There is no greater duty than devotion and service to others. He honorably serviced his country and today we recognize and honor him for that service.

Therefore, The Columbia County Board of Supervisors does hereby recognize and express our debt to Private First Class Fred Oleynek, for his dedication and service for his County in the name of Freedom and Security to this Nation and its Citizens. And that the American Flag, presented by Congressman Scott Murphy of the 20<sup>th</sup> Congressional District today, will fly outside the Columbia County Office Building, 401 State Street, Hudson, NY for a period of Thirty Days in honor of the service and sacrifice given to our Country by Private First Class Fred Oleynek, after which time will be given to his family.

In appreciation thereof, this Certificate is given under my hand and the Privy Seal of the Columbia County Board of Supervisors, at the County Office Building, in Hudson, NY this 26<sup>th</sup> day of April in the Year of our Lord 2010.

#### Unfinished Business

Outdoor Wood Boiler Law: Supervisor Braley advised that the New York State DEC is currently putting together an Outdoor Wood Boiler Law that will surpass any requirements that the Town wishes to have in place. The Town Board will let this new law play out and see where things are at a later date.

Austerlitz Fire House Land Subdivision: Town Board Member Geel reported to the Town Board that the subdivision application has been approved and the maps stamped. These maps will need to be filed with the County Clerk. B. Geel has spoken with Attorney for the Town Jeff Baker concerning the legalities in finishing up this project.

Drainage Issues-Spencertown Ball Field: Engineer for the Town Pat Prendergast has presented the Town Board with his proposal on how to correct this water issue. Discussed proposal. Highway Superintendent Meehan noted that he will try to do some of the minor proposals. Neither Supervisor Braley or Superintendent Meehan plan on incorporating any of the corrective steps concerning the pond in back of the Town Hall since this is on private property. Any of the work done up at the ball field will need to be done in the fall. All the private property work is on hold for now. Town Board Member Pinto noted that she has serious reservations concerning the proposal done by Pat Prendergast, namely the cost for underground pipes, maintenance of these pipes, and the fact that these are on private property. Member Pinto also notes that there would be an increase in the amount of water directed to the catch basin across from Howe's where this is already a major water issue, and to a culvert under Route 203 that was too small to handle the water that already ends up there. Highway Superintendent Meehan noted that the other option would be to route the excess water across Route 203 up by Dugway Road. But, this has its issues as well. Sterling Engineers had this theory. Discuss current water flow noting that Supervisor Braley and Highway Superintendent Meehan will talk and see what work can be done and at what price.

Contract-Shared Services Code Enforcement: Supervisor Braley advises that the Shared Services Contract which was given to the Town Board members is in draft form and still needs to be reviewed by Canaan, and Hillsdale and their respective attorneys. J. Braley explained the project.

Enhanced Highway Patrol: Supervisor Braley explained the history of the Enhanced Highway Patrol noting that it has been in place for 20 years or so. At the beginning of the year Supervisor Braley signed a new contract with the Columbia County Sheriff for this service. Supervisor Braley speaks to the coverage over the last few years and the money involved with this program. J. Braley has tried to ascertain whether it is worth the money the Town pays for this service. He asks the Town Board where they would like to see this police protection concentrated. Town Board member would like to stop the patrolling on the back roads. Member Bernstein would like to go where the money is, namely the Taconic Parkway, then in the Hamlets of Spencertown and Austerlitz to keep the speed down. Member Verenazi believes that a police presence in the Hamlets is a must.

#### New Business

Highway Bids: A motion to accept the Liquid Calcium Chloride bid from Peckham Industries, Inc., the Trucking bid from Macfarlane Contracting and Tommy Faxon Excavating, the Sand and Gravel bid from A. Colarusso and Sons Inc., the Guard Rail and Post Installation bid from Otsego Iron and Metal, and the Aluminized and Steel Pipe bid from Otsego Iron and Metal bids as presented was made by P. Bernstein and M. Verenazi

Discussion on accepting both trucking bids due to cautioning of this past practice by the New York State Comptroller's office when in last December auditing the Town. Supervisor Braley feels an argument can be made for accepting all bids. Further discussion on the Comptroller's recent audit recommendations against this practice.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

Official Town Highway Road Map: Supervisor Braley and Highway Superintendent Meehan have been busy working on an official Town Highway Road Map. Jimapco has been retained to map the finished project providing 2 laminated wall maps, with the option of having this information electronically as well. Start up costs are \$300.00. Supervisor Braley asked the Town Board what additional land marks do they want to see on the map. Town Board Member Geel noted that ponds and water sources should be on so the Fire Company can access these.

Town Clerk Susan Haag advised that all those employed by the the Town of Austerlitz who are in the NYS and Local Retirement System, need to forward their completed time worked tracking forms to the Town Clerk. The Town Board must start the next step in the retirement reporting process to fulfill the system's requirements and protect those in the system from losing any future benefits.

#### Public Comments

Reverend Douglas Holmes thanks the Town Board and those in the audience on behalf of himself and the Congregation for the support for the St. Peter's Presbyterian Church's 250 celebration. He Invites all to the celebration on Memorial Day weekend.

John Pindt questioned the Town Board as to what has been done concerning the racetrack on the Otto Maier property and if the Town is going to do anything about the upcoming charity event being planned for this coming weekend. O. Maier has bulldozers on his property pushing the dirt into a huge pile for the motorcycles to jump. J. Pindt notes that he is having trouble selling his property due this racetrack. He believes the Town should enforce its regulations. Supervisor Braley will look into the situation and call the Town's Attorney for council. If there are violations, the Town will file charges.

Cono Fusco questions the state of ownership of the roads in the Bryarcliffe subdivision. Supervisor Braley advises that to date, the Town does not own Harrington Road and Partridge Drive. J. Braley will discuss this with Attorney Tal Rappleyea and move this item to the top of the list.

Cono Fusco also notes a section on Partridge Drive is being used as a dump. Supervisor Braley will look into who owns this property and have Code Enforcement Officer Smith handle.

Judith Choate and Supervisor Braley discussed the type, size and color of the rocks she would like replaced.

Town Board Member Verenazi advises the Town Board that he received a call from a resident over the weekend complaining about the hours available for assessment review. Discussed assessment review process and issues around this. Supervisor Braley will speak with Town Assessor Pam Cook.

Housing of the Town election machines was discussed. Currently they are housed in the Spencertown Fire House at no charge. It is not feasible for them to be moved after each election since the Town doesn't really have the equipment or the storage facilities. Payment of rent was discussed. This is an area that will be looked into.

Town Board Member Pinto questioned the process employed in deciding what engineer the Town is going to use for each project. C. Pinto understood that Sterling Engineering was to be used on any large project and Pat Prendergast was to be used for routine issues and that the Town Board as a whole would discuss and make the decision in each case. Member Pinto discussed the report given to the Town Board on the Town ball field water issues and noted that Sterling Engineering's report and plan was more viable. Supervisor Braley noted that if a road issue comes up, Highway Superintendent Meehan will just call Engineer Prendergast. J. Braley and R. Meehan called in Pat Prendergast to look over the ball field water situation. J. Braley noted that in a discussion with P. Prendergast after an analysis was done, more was discussed than appeared in the report. Superintendent Meehan noted that Sterling Engineer's report was done with different original parameters therefore giving different results. Supervisor Braley advised that for right now, minor fixes will be done, nothing on private property, and decisions will have to be made for the major portion of work. Discussion turned to the availability of donated money sitting in a reserve account that can be used to correct some of the water flow issues.

#### Adjournment

A motion to adjourn was made by P. Bernstein and seconded by J. Braley.

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried. Meeting adjourned at 8:41 p.m.

Respectfully Submitted,  
Susan A. Haag, Town Clerk

