

Town of Austerlitz
Regular Town Board Meeting
July 8, 2010

Meeting called to order at 7:00 p.m.

Moment of Silence followed by the 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 accept the June 10, 2010 Regular Town Board Meeting minutes was made by P. Bernstein and seconded by M. Verenazi.

J. Braley: yes

Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

A motion to accept the June 17, 2010 Town Board Workshop minutes was made by M. Verenazi and seconded by C. Pinto.

J. Braley: yes

P. Bernstein: abstained due to meeting absence

C. Pinto: yes

B. Geel: abstained due to meeting absence

M. Verenazi: yes

Motion carried 3:2.

Budget Amendment

General Fund

Celebrations A7550.4 increase by \$1215.00

Records Management A1460.4 increase by \$1000.00

Engineers A1440.4 increase by \$2000.00

Buildings A1620.4 decrease by \$4215.00

A motion to approve the above budget amendment was made by B. Geel and seconded by P. Bernstein.

J. Braley: yes

P. 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 #202-229 in the amount of \$10426.70, and Highway Fund #125-134 in the amount of \$22706.43, was made by C. Pinto and seconded by M. Verenazi.

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 June 2010 were presented.

Supervisor Braley reported that the Summer Recreation Program is up and running. There were approximately 60 children the first day. Highway Superintendent Meehan has built a new sandbox for the children. Due to the heat, the children have been going up to Fox Hill early for swimming. Supervisor Braley alerted the Town Board to the staffing changes as previously discussed.

Supervisor Braley has heard from Jimapco advising that the draft Town road map is done and ready for proofing. Supervisor Braley is not sure what all will be included on the face of this map, but advised that the Town Board will have input and maybe the fire company could as well. Fire district boundaries, State forests, points of interest, and the like are some of the possibilities. It needs to be remembered that this will be the official Town Road Map and is for Town business, not to hand out to the general public. In the future, the map can be digitalized as well for an additional fee.

On the County level, Supervisor Braley noted that not much is going on. The DSS Committee is working, but behind closed doors. Not too much to report.

Town Clerk Report for the month of June 2010 submitted.

Highway Superintendent Meehan reported that the Highway Crew has been working up at the playground getting it ready for the Summer Recreation Program. Some drainage has been put in, but now he must work around the summer program. The Highway Crew has also been helping the Town of Canaan. A couple bad trees have been taken down up at the park by the back fence, as well as, on River Road. Some calcium has been put down. Due to the dry conditions, a heavy amount of calcium will be used this year.

Superintendent Meehan continues noting that some blacktop has been put down. Pratt Hill is to be oiled and stoned, as well as, some paving on North Cross Road. C.H.I.P.s money will be used if possible. The culvert on Big Woods Road was discussed noting that Superintendent Meehan is trying to justify the cost of a concrete culvert.

The County is currently working on getting easements with property owners to replace the bridge on Dugway Road which is in the Town of Hillsdale. Once these easements are secured, the County hopes to go out to bid in November or December, with reconstruction work to begin around May of 2011. Supervisor Braley advised that Town resident Charles Lawson has asked that a letter be written to the County requesting that this reconstruction process be sped up for safety and convenience reasons.

Supervisor Braley has spoken with the County Attorney concerning the land owner's cooperation with the bridge replacement for the County owned bridge on Upper Hollow Road in the Town of Austerlitz. There are some issues that need to be worked through.

Planning Board Report for the month of June 2010 submitted.

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

Building Inspector/Code Enforcement Report for the month of June 2010 submitted. Supervisor Braley advises that the Shared Municipal contract for Code Enforcement has been signed. The Town of Austerlitz is the headquarters for the Towns of Austerlitz, Canaan and Hillsdale, although Building Inspector/Code Enforcement Officer G. Smith has office hours in all 3 Towns.

Justice Lagonia Court Report for the months of May and June 2010 submitted.

Justice Roberts Court Report for the month of May submitted.

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

J. Braley: yes

P. Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried.

Correspondence

Columbia County Environmental Management Council Position: Letter from current member Karl Gabosh advising the Town Board that his position expires September 10, 2010 and he does not wish to be reappointed. K. Gabosh suggest Town resident Chris Ferrone as his replacement. The Town will advertise for a replacement.

Low Sodium Made Easy: Letter from Terri Wilkens requesting that the Town Board join First Lady Michelle Obama's Let's Move campaign by compiling a list of low sodium recipes to be shared throughout the United States. Town Board will consider.

Berkshire Taconic Foundation Grant: The Town of Austerlitz was awarded \$1000.00 for the grant Shawn Hancock submitted on behalf of the Town. This was an historic preservation grant that will be used to work on the Town's historic overlay. Congratulations S. Hancock. Supervisor Braley advised that the Town Board may have to co-fund this so the board will need to look into this.

Unfinished Business

Austerlitz Fire House Land Subdivision: The closing for this project will be held on Friday, July 9, 2010. Town Board Member Geel advised that all is in order and the closing should be cut and dry. Previous Town Board Member Maryanne Lee has been asked to join the closing since she was instrumental in moving this project forward. In the end, the Town of Austerlitz will acquire an additional acre of land and Highway Superintendent Meehan again requests that survey stalks be placed to identify the boundaries. This way the Town of Austerlitz' land is clearly marked.

Voting Machine Storage: Town Board Member Verenazi will have the Spencertown Fire Company send a bill for storage for next month. The agreed fee is \$500.00/year

Supervisor Braley advised that Columbia County dropped its current lawsuit and everyone will be using the electric machines this November.

Building Permit Fee Structure: Supervisor Braley reminds the Town Board that a resident came before the Town Board requesting that certain building permit fees be lowered. The Town Board discussed current fees and time limits for building permit renewals. Supervisor Braley advised that he has discussed this as well with Attorney for the Town, Tal Rappleyea, who advises that the Town Board can change these fees very easily since they were adopted through a resolution and not a law. Supervisor Braley would like to give Town residents some relief since there are those who are building their own homes and this does take a while. The Town Board agrees to change these fees. Supervisor Braley advises that fees already paid under this fee structure will be refunded.

New Business

Resolution #28-2010, Standard Workdays for NYS and Local Employees

BE IT RESOLVED, that the Town of Austerlitz hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

<u>Title</u>	<u>Name</u>	Social Security Number (Last 4 Digits)	Standard Work Day (Hrs/Days)	Term Begins/ Ends	Participates In Employer's Time Keeping System (Y/N)	Days/Months (based on Record of Activities)
<u>Elected Officials</u>						
Supervisor	Jeffrey Braley, Sr.		6 hrs	1/1/10-12/31/13	N	9D/3M
Town Clerk/Tax Collector	Susan A. Haag		6 hrs	1/1/10-12/31/13	N	20D/3M
Town Justice	Cheryl Roberts		6 hrs	1/1/08-12/31/11	N	1D/3M
Highway Superintendent	Robert Meehan		8 hrs	1/1/10-12/31/13	N	20D/3M
<u>Appointed Officials</u>						
Building Inspector/ Code Enforcement	Glenn Smith		6 hrs	1/1/10-1/1/11	N	10D/3M
Highway Clerk	Sally VanWagner		6 hrs	1/1/10-1/1/11	N	10D/3M
Justice Clerk	Eileen Olsen		6 hrs	1/1/10-1/1/11	N	8D/3M

A motion to adopt Resolution #28-2010, Standard Workdays for NYS and Local Employees 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.

Resolution #29-2010, First Niagara Credit Card Approval

WHEREAS the Town of Austerlitz uses the internet on many occasions in the day to day transactions of Town business, and

WHEREAS the Town of Austerlitz deals with service providers that will not accept vouchers, and

WHEREAS the Town of Austerlitz has a need to does business with those service providers, and

WHEREAS the Town of Austerlitz makes purchases and does financial transactions by electronic means, and

WHEREAS the Town of Austerlitz follows procedures that ensure our electronic transactions are made through secure means, and

WHEREAS the Town of Austerlitz has a credit card use policy in place and ensures all users understand its policy, and

WHEREAS the Town of Austerlitz already has used cards successfully in the past with Home Depot and Lowe's, and

WHEREAS the Town of Austerlitz has found the need for a bank credit card to facilitate some of the day to day business of the Town, and

WHEREAS the Town of Austerlitz needs one card only to be kept at Town Hall, and

WHEREAS the Town of Austerlitz Clerk will be the custodian of the card,

NOW THEREFORE BE IT RESOLVED the Town Board of the Town of Austerlitz hereby authorizes the Town Supervisor to apply for a credit card with the First Niagara Financial Group to be used exclusively for Town business only.

A motion to adopt Resolution #29-2010, First Niagara Credit Card Approval was made by C. Pinto and seconded by M. Verenazi.

J. Braley: yes
P. Bernstein: yes
C. Pinto: yes
B. Geel: yes
M. Verenazi: yes
Motion unanimously carried.

The Town Board discussed putting the Dugway Bridge and Upper Hollow Road Bridge replacement information on the Town website.

Public Comments

Jennifer Mosher, a regular visitor to Town and John Pindt's daughter, came before the Town Board playing a video, via her computer, showing the dust and noise created by the motorcycle riding on the end of Rigor Hill Road, on property owned by Otto Maier. J. Mosher questions the Town Board as to their intent on correcting the health issues caused by this activity. What is the stand of the Town Board on health issues verses zoning issues.

It is noted for the record that twice during the exchange between the Town Board and parties to this discussion, that the Town Clerk informed all that she was unable to take minutes due to the fact that multiple conversations were happening at the same time.

Supervisor Braley informed the Pindts, Moshers and R. Hoyt that he has rode by night times and seen the dirt piles. J. Braley states that his position is not to tell anyone what they can or cannot do with their own property, but what O. Maier is doing is reprehensible and he has tried to talk with Mr. Maier. There is no noise ordinance in the Town of Austerlitz or similar types of laws for dust.

Supervisor Braley also advises that during the Town Board workshop in June, this topic was discussed at length with the Attorney for the Town, Tal Rappleyea.

Discussion on the law suit for this issue against O. Maier that the Town of Austerlitz lost. The Pindts and R. Hoyt were reminded that a majority of the issues they are facing are criminal and the police need to be called in, not the Town Board, and they have been repeatedly advised they needed to hire an attorney to handle the criminal issues.

J. Pindt showed pictures to the Town Board of the dirt piles O. Maier has constructed on his property for the motorcycles to jump over.

Town Board Member Verenazi stated that it is too difficult to enforce a noise ordinance in a Town.

Robert Hoyt, Sr. advised the Town Board that he has called the NYSEPA and they have stated that there is a State law that deals with dust. The NYSEPA has informed R. Hoyt that they will investigate this issue and get back to him.

Town Board Member Pinto stated that the Town Board formed a committee to work on some of the difficult sections of the current Zoning Law. As they review the document, this committee can investigate ways to legislate all problems created by the motorcycle riding and race track on the O. Maier property.

Town Board Member Geel advised that currently there are no Town laws to address noise or dust problems and it is very difficult to legislate these issues.

J. Pindt ask the Town Board to appeal the lost court case since O. Maier perjured himself. Again discussed the court case against O. Maier that the Town of Austerlitz lost.

Town Board Member Bernstein advised the Pindts and R. Hoyt that the NYSDEC has an investigative department that they can call. P. Bernstein has talked with officers from this department.

The Town Board sympathizes with the Pindts and with R. Hoyt. The Town Board had decided to close this issue, but the problems seemed to have escalated again. The newly formed committee will address these concerns.

Ron Mosher stated that the Town Board is lucky that no one has gotten hurt due to the motorcycle riding, race track issues that are occurring on the O. Maier property to date. R. Mosher feels that should an accident happen, the Town would be liable since they took no preventative action.

Adjournment

A motion to adjourn was made by P. Bernstein and seconded by C. Pinto.

J. Braley: yes

Bernstein: yes

C. Pinto: yes

B. Geel: yes

M. Verenazi: yes

Motion unanimously carried. Meeting adjourned at 8:13 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk