

Town Of Austerlitz
Regular Town Board Meeting
June 17, 2021

The June 17, 2021 regular Town Board Meeting was held via Zoom in accordance with the Governor's Executive Order 202.1. Meeting instructions were on the Town website.

Present via Zoom: Robert Lagonia, Supervisor, Greg Vogler, Chris Schober, Maureen Wilson, Town Board Members and Susan Haag, Town Clerk.

Highway Superintendent Robert Meehan absent.

Attorney for the Town, Joseph Catalano also present via Zoom.

Town Board Meeting called to order at 7:01 p.m.

Moment of Silence, followed by the Pledge of Allegiance.

Minutes

A motion to accept the May 20, 2021 Meeting minutes was made by C. Schober and seconded by M. Wilson.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: abstain due to meeting absence

Motion carried 4:1.

Auditing of Accounts and Claims

Supervisor Lagonia noted that the June abstracts were sent to the Town Board Members for review. If any of the Town Board Members would like to see and sign the actual vouchers, please make arrangements with Town Clerk Haag.

A motion to authorize payment of the June General Fund, #187-219, in the amount of \$21934.75 and Highway Fund, #131-152, in the amount of \$36800.16 was made by J. Wrightsman and seconded by M. Wilson.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

Reports

Monthly Cash Disbursement and Supervisor Report

Monthly Cash Disbursement Report for the Month of May 2021 submitted. Supervisor Lagonia advised that there is roughly \$2.91 million in the bank. Mortgage and sales tax revenue up this year so far.

Town Board Member Vogler questioned the ridge line protection in our Zoning Code as it relates to a current building project. Supervisor Lagonia will ask Building Inspector Reis about this to make sure this section of the Code is being taken in consideration.

Supervisor Lagonia advised that he switched from Albany Elevator to Otis Elevator who are a pleasure to work with compared to Albany Elevator. Otis Elevator worked with us, helped us to get the lift fixed and were very nice to deal with. R. Lagonia will get a service contract with them going forward. There currently is no contract with Albany Elevator.

Supervisor Lagonia advised that the referendum was defeated so the Town will be moving forward with an elected highway superintendent as it has always done. The Town Board did all they could do. Currently Highway Superintendent Robert Meehan is retiring at the end of the year with the new Superintendent taking over as of January 1, 2022. There are a couple candidates interested in this position. The Republicans held their caucus and nominated one of the candidates. The Democrats have yet to hold their caucus.

Historian Tom Moreland has created a great set up at the old town hall which is now the Town of Austerlitz' History Center. Be sure to visit if you have not seen it yet. Unfortunately, when doing the building over the contractor painted the windows shut. Supervisor Lagonia will be calling the contractor to come back and fix the windows so air conditioning units can be put in. Town Board Member Wrightsman noted that there were about 20 people who attended the opening of this History Center.

Supervisor Lagonia advised that himself and Town Clerk Susan Haag are interviewing a possible replacement for Highway Clerk and Planning Board Clerk. The number of applications for the Planning Board has increased and there will be additional work on the highway side once the union contract has been signed so this position needs to be filled. The interviewee has worked for the County and taken minutes, etc. so there is experience to tap into.

Supervisor Lagonia attended a semi-emergency meeting with the Towns of Chatham and Ghent to deal with the Chatham Rescue Squad lack of staffing issue. The Chatham Rescue Squad has had trouble staffing ambulances which causes only one ambulance to be out for emergencies at a time. Some of the days this one ambulance is stationed up in Canaan instead of a central location between the service area which adds extra response time for calls in areas further away. The Chatham Rescue Squad has been asked to supply regular reports and updates. Supervisor Lagonia advised that there is a labor shortage in the County in every department and across the County as a whole. The Chatham Rescue Squad is having a big meeting to find ways to fix the current situation. Restructuring is a possibility. New York State and the Federal Government are requiring more training which costs more money and creating a loss of volunteers. This is a serious problem. In addition, the building that houses the Chatham Rescue Squad needs a lot of repair work. The Valatie Rescue Squad and most fire companies are having staffing issues. The

Town can contract with the Valatie Rescue Squad if this becomes a bigger issue. The Town needs to have some ambulance service, even though response time will be longer.

Mask wearing in the Town Hall is no longer required unless you have not been vaccinated. This is the same for most places. There are still some places that are requiring mask usage.

Highway Report

Highway Superintendent Meehan was not in attendance. Supervisor Lagonia has spoken with Engineer for the Town, Ray Jurkowski who reports that the Harrington Drive culvert replacement project is going out to bid; The Strawberry Hill bridge replacement project easements need to be signed; and the Schoolhouse culvert replacement project is being worked on. The Harvey Mountain Road drainage easement will be discussed in Executive Session tonight. The Town Board discussed these projects noting that the Town may have to take the Strawberry Hill project off Highway Superintendent Meehan's plate.

Town Clerk Report for the month of May 2021 submitted. Town Clerk Haag addressed the Town Board asking that each of the members keep individual folders for projects they are working on. Over the last year and a half, with everyone working from home and electronically, it has become difficult to keep track of all the projects and project paperwork and understand what files go with what projects when they all come in separate emails over a long period of time. Some paperwork never reaches the Town Clerk's desk. Part of the statutory duties of the Town Clerk is Records Management of all Town records. In an effort to make sure that all records are accounted for and projects folders are inclusive of all documentation, Town Clerk Haag asked this of the Town Board. In addition, if a F.O.I.L. request does come into the office for such records, that request can be handled timelier and more efficiently.

Tax Report for the month of May 2021 submitted. Town Clerk Haag advised that the tax roll has been turned back over to the County.

Planning Board Report for the month of June 2021 submitted.

Comprehensive Plan Oversight Committee Report for the month of June 2021 submitted.

Building Inspector/Code Enforcement Report for the month of May 2021 submitted.

Justice Cassuto Justice Court Report for the month of May 2021 submitted.

Justice Grubin Justice Court Report for the month of May 2021 submitted.

Dog Control Report for the month of May 2021 submitted.

Climate Smart Report for the month of May 2021 submitted as follows:

The Climate Committee met last night. Salient points discussed included:

- The Climate Smart Communities (CSC) Task Force, including:

- The Community Solar RFP has been distributed. Responses are due July 30.
- CPOC reported on the town wide questionnaire they are developing. They also discussed funding opportunities for an effort to update the Comprehensive Plan.
- The new town climate website is nearing completion.
- There is a recycling opportunity for the town to be discussed at the Town Board meeting.
- EMC has hired a coordinator for the county CSC Task Force. Good Earth Keeping awards from the EMC to be announced shortly.
- The possible use of the county's Natural Resources Inventory for town planning purposes. More to be discussed.
- Zero Waste group discussed possibility of a Repair Cafe, and collaboration with New Lebanon and Canaan.
- Began discussions about a Conservation Advisory Council (CAC). A few committee members met with the Columbia Land Conservancy.

Town Board Member Wilson reported that she spoke with those who work at the Town Hall and at the Highway Garage concerning garbage. Everyone noted that mostly paper is in the garbage, not much recycling items. Presently, trash is collected at the Town Hall and deposited at the Town Garage in a dumpster. Trash at the Town Park is disposed of by D. Howes. Member Wilson spoke to C. Barbato who advised that the Town could have an additional dumpster at the Town Garage for just recycling material which would be picked up twice a month for \$25.00. Both the Town Hall recycling and the recycling at the Town Park could be disposed of in this dumpster. In addition, the Town could purchase trash cans marked for recycling for the Town Hall, Town Park and Town garage.

The Town Board discussed different types of recycling containers, the cost of extra trash cans and dumpsters, and the logistics of how this would flow. The Town Board decided to buy recycling cans for the Town Hall, the Town Garage and a small container for the Town Park. If after a month recycling is going well, the Town can then invest in something more permanent. D. Howes and L. Mesick need to be informed of the new procedures.

Member Wilson also discussed a possible day for residents to get rid of their electronic waste. Member Vogler was concerned about residents dropping off old computer hard drives that contained personal information. It was noted that there is no charge for this on a County level. Member Wilson will look more into this and get back to the Town Board.

Correspondence

NYSDOB: American Rescue Plan Act (ARPA and Distribution of Coronavirus Local Fiscal Recovery Funds.

The Town of Austerlitz has been identified as a Non-Entitlement Unit which entitles the Town to receive funding. Two 50% payments will be made, one 12 months after the first. The Town must either decline the funding or request the funding by July 9, 2021. This is administered by New York State.

A motion was made to adopt Resolution #38-2021, Request ARPA Funding, by J. Wrightsman and seconded by M. Wilson.

By roll call vote:

R. Lagonia: yes
G. Vogler: yes
C. Schober: yes
M. Wilson: yes
J. Wrightsman: yes
Motion carried 5:0.

Resolution #38-2021, Request ARPA Funding

BE IT RESOLVED that the Town Board of the Town of Austerlitz hereby authorizes the Town Supervisor to request the Town's allocation of the ARPA Coronavirus Local Fiscal Recovery Funds, and for the Town Supervisor to complete and sign the forms provided by NY State, including assuring compliance with the civil rights requirements, and the terms and conditions of the funding, on or before the July 9, 2021 deadline as the authorized representative of the Town of Austerlitz.

Friends of Historic St. Peter's Church Inc., Barbara Smith, Chair: Request to use the Town Hall and the Town Green.

Friends of Historic St. Peter's Church Chair Smith requested use of the Town Hall and Town Green on August 1, 2021 to mark the 250th Anniversary of the St. Peter's Presbyterian Church. The Town Hall will be used for a reception complete with refreshments. Volunteers will set up the Town Hall and ensure a thorough cleanup afterwards.

Supervisor Lagonia noted that there can not be any alcohol use in the Town Hall. The Town Board needs to design an agreement document that will be signed by anyone wishing to use the Town Hall. There should also be a fee charged. Member Vogler suggested a security deposit that could be returned if the Town Hall is left in good working condition after an event. Supervisor Lagonia is concerned with the cleaning aspect. Not necessarily with this event, but as a general rule of thumb. There needs to be a point person for each event that will sign the agreement and be responsible. Member Wilson advised that when the Austerlitz Fire House is used there is an agreement to sign and they ask for insurance coverage to be put in place, as well as, a fee charged. Supervisor Lagonia noted that Attorney for the Town, Joseph Catalano, could draw up an agreement for the Town Board to look at.

Further discussion was heard concerning rates charged and if there should be those, such as nonprofits, who the Town would not charge. Attorney Catalano advised that if the Town does not charge for events held, and fees associated with these events, such as cleaning, would come out of the taxpayer's funds. Member Schober agrees with having an agreement. Attorney Catalano will look into how much to charge as compared to associated costs.

The Town Board agrees to allow the Friends of Historic St. Peter's to use the Town Hall, but will work out the details concerning an agreement to be presented at the next Town Board meeting in July.

Unfinished Business

None

New Business

Ambulance Service

Discussed.

Resolution #36-2021, Standard Workday and Reporting Resolution

This is required by NYS Retirement System. Code Enforcement Officer/Building Inspector Reis has turned in her retirement reporting calendar and the Accountant for the Town has calculated the reporting figures.

A motion to adopt Resolution #35-2021, Standard Workday and Reporting Resolution was made by M. Wilson and seconded by C. Schober.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

Resolution #36-2021, Standard Workday and Reporting Resolution

BE IT RESOLVED that the Town of Austerlitz, location code #30889, hereby establishes the following as standard work days and 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 time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

<u>Title</u>	<u>Name</u>	Social	Registration	Standard	Term	Participates	Days/Months
		Security	<u>Number</u>	Work	Begins/	In	(based on
		Number		Day	<u>Ends</u>	Employer's	Record of
		(Last 4		(Hrs/Days)		Keeping	<u>Activities</u>)
		<u>Digits</u>				System	
						<u>(Y/N)</u>	
Appointed Officials							
Code Enforcement Officer/Building Inspector	Erin Reis	██████	██████	6 hrs	1/1/21-12/31/21	N	5.9

**Social security numbers and registration numbers deliberately blacked out for security.

Resolution #37-2021, Re-creation of the Town of Austerlitz Climate Smart Communities Task Force

A motion to adopt Resolution #37-2021, Re-creation of the Town of Austerlitz Climate Smart Communities Task Force was made by G. Vogler and seconded by C. Schober.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes
M. Wilson: yes
J. Wrightsman: yes
Motion carried 5:0.

WHEREAS the Town of Austerlitz has passed the Climate Smart Communities Pledge Resolution; and

WHEREAS the Town of Austerlitz seeks to take actions that will reduce its energy consumption, transition to renewable energy, and improve its resilience to the impacts of climate change; and

WHEREAS the NY State Climate Smart Communities program lists the creation of a Climate Smart Communities Task Force as a mandatory step in the progress; and

WHEREAS a Task Force was initially created by the Austerlitz Town Board on April 23, 2020 with Resolution #30-2020; and

WHEREAS the NY State Climate Smart Communities program lists the creation of the role of a Climate Smart Communities Task Force Coordinator as a mandatory step, in the program;

NOW THEREFORE BE IT RESOLVED, that the Town Board of Austerlitz hereby re-creates the Climate Smart Communities Task Force; and

BE IT FURTHER RESOLVED that the Climate Smart Community Task Force shall consist of at least five members of the community, including the Climate Smart Communities Task Force Coordinator and at least one government representative (either elected official or staff); and

BE IT FURTHER RESOLVED that the Town Board of Austerlitz names DeeAnn Veeder as the CSC Task Force Coordinator; and

BE IT FURTHER RESOLVED that the Climate Smart Community Task Force consists of the following members: Greg Vogler, Jere Wrightsman, Paige Ruane, Cara Humphrey, Emma Gregg, DeeAnn Veeder, and Tim Stalker; and

BE IT FURTHER RESOLVED that the Climate Smart Community Task Force shall provide the Town Board with information about establishing and implementing climate smart initiatives, to propose new ideas to the Town Board, to identify funding sources for projects and paybacks from investments, and to manage climate-related projects; and

BE IT FURTHER RESOLVED that the Climate Smart Community Task Force will meet as part of the Climate Committee Meetings on the third Wednesday of each month. Be it further resolved, that the members of the Climate Smart Communities Task Force shall serve at the pleasure of the Town of Austerlitz Town Board.

Miscellaneous

Attorney Catalano discussed the new New York State Marijuana Regulation and Taxation Act. New York State has legalized the use of marijuana as a recreational drug. If the Town wants to participate in the tax revenue that the State is counting on for this, the Town would have to allow dispensaries and public locations where marijuana could be offered and taken on premises. If the Town does not want to allow this, the Town has to affirmatively opt out of the participation. If the Town Board wants to opt out, this has to be done by local law with a permissive referendum and this local law has to be done by the end of the year. In addition, if the Town opts out, the Town will receive none of the revenue from the sale of marijuana products. If the Town wants to participate, nothing has to be done. Even if there are no dispensaries in Town, the Town would still share in the county portion of the tax. If the Town wants to share in the revenue, it can not prohibit dispensaries in Town. This is an all or nothing option. The only way a Town can prohibit dispensaries is to opt out. A Town's Zoning Code would still apply as to approval process and permitting. The Town can revise it's code to make dispensaries a specific use and limit the locations of the use. This is a highly regulated area on a State level and the State has yet to release its regulations to date. It will take a while before dispensaries will be applying for a permit. This will also apply to growers and distributors. All of these areas will also have to go through an approval process with the State.

The consensus of the Town Board is to continue discussions on this.

Public Notice Boards

Town Board Member Wilson has done some research on notice boards for outside the Town Hall. After discussing the different types and options, Member Wilson will bring 2 options back to the Town Board: one sign board that holds paper and one that will be for announcements.

Public Comments

None

Executive Session

Supervisor Lagonia included Attorney Elena Defio Kaan, who specializes in Union Law.

A motion to enter Executive Session for the negotiation of a road and drainage easement and collective bargaining negotiations was made by G. Vogler and seconded by C. Schober.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0. Executive Session entered at 8:15 p.m.

A motion to exit Executive Session was made by R. Lagonia and seconded by M. Wilson.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0. Executive Session was ended at 8:40 p.m.

Attorney Catalano noted that after negotiations with the collective bargaining unit for the Town of Austerlitz Highway Department, the Town Board is prepared to approve the negotiated contract.

A motion to authorize the Town of Austerlitz' Supervisor, Robert Lagonia, to execute the collective bargaining agreement between the Town of Austerlitz and the Teamsters Local 294 for a collective bargaining agreement between the date of execution thru December 31, 2024 and all related documents necessary to effectuate the contract was made by G. Vogler and seconded by M. Wilson.

By roll call vote:

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

A motion to resolve to authorize the Town of Austerlitz Supervisor, Robert Lagonia, to execute a memorandum of agreement which allows for a COVID 19 bonus of \$300.00 for each Highway Department Employee was made by R. Lagonia and seconded by M. Wilson.

By roll call vote:

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

A motion was made by G. Vogler and seconded by M. Wilson to issue a COVID 19 bonus of \$300.00 to each of the following officers or employees of the Town of Austerlitz: Town Clerk, Town Assessor, Town Highway Superintendent, Town Code Enforcement Officer, Town Court Clerk and Town Custodian.

By roll call vote:

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

The COVID 19 bonuses will be paid by separate, individual check.

A motion to enter Executive Session to discuss the negotiation of a road and drainage easement was made by C. Schober and seconded by J. Wrightsman.

G. Vogler: yes
C. Schober: yes
M. Wilson: yes
J. Wrightsman: yes
Motion carried 5:0. Executive Session entered at 8:51 p.m.

A motion to exit Executive Session was made by J. Wrightsman and seconded by M. Wilson.
R. Lagonia: yes
G. Vogler: yes
C. Schober: yes
M. Wilson: yes
J. Wrightsman: yes
Motion carried 5:0. Executive Session was ended at 9:07 p.m.

Adjournment

A motion to adjourn was made by J. Wrightsman and seconded by M. Wilson.
R. Lagonia: yes
G. Vogler: yes
C. Schober: yes
M. Wilson: yes
J. Wrightsman: yes
Motion carried 5:0.
Meeting adjourned at 9:08 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk