

Town Of Austerlitz
Regular Town Board Meeting
July 15, 2021

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

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 June 17, 2021 Meeting minutes was made by C. Schober and seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

Auditing of Accounts and Claims

A motion to authorize payment of the July General Fund, #220-254, in the amount of \$76,554.80 and Highway Fund, #153-171, in the amount of \$38006.01 was made by G. Vogler 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 June 2021 submitted. Supervisor Lagonia advised that there is roughly \$2 million in the bank. There are no anomalies. The Highway Fund is on track but slightly high on dust control and bush and weeds. Highway Superintendent Meehan noted that there have been a lot of storms with storm damage to clean up.

Supervisor Lagonia advised that the fire alarm went off at the Town Hall again due to the leak in the roof allowing water to get into the alarm itself causing it to malfunction. The leak was supposed to be fixed the last time this happen. R. Lagonia has spoke to Architect Bill Wallace about the contractor who did the work. There are a few other issues with the building that need to be corrected. The windows in the old Town Hall were painted shut and when the contractor came to open them so the air conditioners could be put in, they were damaged and now they have to be retrimmed. If the original contractor does not correct these issues, the Town may have to

bring in a new contractor to fix the items that are not under the original contract. Highway Superintendent Meehan noted that the drainage opening for the back room of the old Town Hall was covered up when the new siding was put on.

Supervisor Lagonia noted that he attended the first in-person meeting at the County today and it was nice to see people.

Highway Report

Highway Superintendent Meehan reported that he tried calling Engineer Ray Jurkowski to discuss the Dugway Bridge replacement project. Engineer Jurkowski did get a permit for the Harrington Drive culvert replacement project and a bid for the construction of this culvert.

The Highway Crew has been working on the roads, but are a little behind because of all the storms. They have been cleaning up a lot of storm damage. Two culverts on Fog Hill Road failed and have been replaced. Oil and stone will be done later in the summer because Peckham is behind due to the rain. Discussion on the Fog Hill Road culverts.

Supervisor Lagonia has discussed the Dugway Bridge Replacement project with Attorney for the Town, Joseph Catalano. Attorney Catalano has sent questions to Engineer George Schmitt, also from Clark Patterson Lee, to understand where the Town is with this project. Engineer Jurkowski will sign off on the bridge certifying its continued use if the project does not get done this year; but this project should get done and needs to get done this summer.

Town Clerk Report for the month of June 2021 submitted.

Planning Board Report for the month of July 2021 submitted.

No Comprehensive Plan Oversight Committee Report for the month of July 2021 submitted.

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

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

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

Dog Control Report for the month of June 2021 submitted.

No Climate Smart Report for the month of July 2021 submitted as the committee meets next Wednesday.

A motion to accept the above reports was made by J. Wrightsman and seconded by C. Schober.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

Correspondence

Tracy and Sam Tassinari: Culvert Replacement

Tassinaris are concerned about a culvert that runs under State Route 203 and across their property at 1108 Dugway Road. This culvert brings run off from State Route 203 above the tennis court to a box on Dugway Road that has deteriorated to a point where there is a visible depression in their lawn in the back yard. This culvert replacement has been discussed in the past and now the Tassinaris request that the Town replace this culvert.

Highway Superintendent Meehan advised that this problem has been around since Jeff Braley was Supervisor. R. Meehan explained the water flow from across State Route 203 noting that there is a culvert underneath State Route 203 that empties onto the Tassinari's leech field. R. Meehan believes that their septic system is leaking into the pipe. The NYSDOT has advised in the past that this is not a State problem. Engineer Jurkowski did look at this issue a few years ago as well advising this is not a Town problem.

Supervisor Lagonia questioned how the Town determines who is responsible for this issue. Highway Superintendent Meehan noted that this culvert pipe has been in its current location forever. R. Lagonia asked to have Engineer Jurkowski look at this again. Superintendent Meehan will ask R. Jurkowski to come back out to determine whose responsibility this issue is, but he does not believe it is the Town's. This is a NYSDOT drainage culvert.

NYS Division of the Budget: ARPA Coronavirus Local Fiscal Recovery Fund Award

Based on the Town of Austerlitz' All Funds Budget, it is eligible for a total ARPA payment of \$161,494.00, which half will be paid this Summer and half in the Summer of 2022. Supervisor Lagonia advised the he and Town Clerk Haag are filling the paperwork to secure this funding. This money should be used for broadband purposes.

St. Peter's Presbyterian Church: Use of the Town Hall and Green

The St. Peter's Presbyterian Church is asking to use the Spencertown Green and the Town Hall August 1, 2021 for their 250th Anniversary Celebration. They are requesting that County Route 7 be closed from 10:00 am-1:00 p.m. in front of the church. The Town Hall will be used for a reception.

A motion to allow the St. Peter's Presbyterian Church to use the Spencertown Green and the Austerlitz Town Hall August 1, 2021 subject to the signing the Town of Austerlitz Town Hall Use Agreement and its conditions was made by G. Vogler and seconded by M. Wilson.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

Unfinished Business

Ambulance Service

Supervisor Lagonia advised that the Chatham Rescue Squad has some prospects so things are looking up, but the Town needs to take this into consideration for the 2022 budget.

Town Hall Use Agreement

The following Town Hall Use Agreement was submitted for approval and use:

AGREEMENT
for
Temporary Use of Austerlitz Town Hall

The Town of Austerlitz agrees to allow the following organization to use the main meeting room of the Austerlitz Town Hall, located at 816 Route 203, Spencertown, NY, for a private function under the following terms and conditions and the organization agrees to said terms and conditions.

Name of Organization: _____

Address _____

Contact Person: _____

Home Phone _____ Cell Phone _____

Date of Use _____ Number of Guests Attending _____

Time Period to Begin _____ Time Period to End _____

- A. FEE & PAYMENT PROCEDURE: The organization shall pay a fee that is a reasonable estimate for the costs incurred by the Town for the time of use of the Town Hall. Such costs include but are not limited to utilities and cleaning and are reasonably estimated to be \$_____. This fee shall be paid to the Town of Austerlitz and remitted to the Town Clerk prior to the date of the event.
- B. TERMS OF USE:
 - 1. By law, ALL interior facilities are **non-smoking areas** – NO exceptions.
 - 2. The organization will be responsible for all damages to the Town property resulting from the organization’s use of the property. The organization shall be responsible for reimbursing the Town of Austerlitz for the cost of any damages within seven (7) days of written notification by the Town.

3. The organization will be completely responsible for the conduct of their guests.
4. In the event of any problem or act of a serious nature, the organization will use good judgment in the notification of the appropriate local authorities as well as making contact with the designated fire company event coordinator.
5. The organization and its guests shall have access to and use only the area specified in this agreement. Failing to comply with this agreement will be subject to additional fees.
6. No decorations may be attached to the walls and ceilings of the interior facilities.
7. Number of guests cannot exceed posted maximum occupancy limits.
8. Town officials or their agents will have free access to the rented facilities and the right to enter the premises at any time during the use period.
9. No animals except legitimate service animals are allowed within the interior of the rental property.
10. No person shall enter any other area of the Town Hall except the main meeting room, the lobby and lobby restroom.
11. The organization, their guests and users, agree to hold the Town of Austerlitz, its officers and employees, harmless from any and all suits, claims, and demands for damages for loss of property, injury to persons or property, arising from any cause whatsoever. The organization agrees to pay all attorney fees regarding any claim against the Town of Austerlitz, and its officers and employees.

D. MAINTENANCE AND CLEANING:

1. The organization is responsible to maintain the cleanliness of the facilities during its use.
2. Upon completion of the use period the facilities are to be properly cleaned and returned to their pre rental state.
3. The organization is responsible for the removal of ALL items brought into the Town Hall, for picking up ALL trash and liter, and its removal from the facilities and grounds.
4. Cleaning provisions additionally apply to bathrooms and the parking areas.
5. Failure to clean and return the premises to the original condition may result in additional fees being imposed.

E. ALCOHOLIC BEVERAGES / ILLEGAL DRUGS / WEAPONS:

1. The organization agrees that alcoholic beverages will not be provided.

2. The organization warrants and agrees that illegal drugs, firearms and weapons will not be allowed or used on the premises.

F. CANCELLATION: The organization may cancel its reservation up to 24 hours prior to the scheduled event by providing notice to the Town Clerk or Town Supervisor and the fee will be returned.

G. INSURANCE:

The organization shall provide the Town of Austerlitz with a Certificate of Insurance evidencing in force general liability insurance with coverage limits of at least \$500,000.00 (Five Hundred Thousand Dollars) per occurrence. Said insurance certificate(s) shall name the Town of Austerlitz as an **Additional Insured**; and, also waive any right of subrogation against the Town of Austerlitz, its officials, agents, or employees.

By signing below, the organization agrees to the terms and conditions of this Agreement:

Organization:

Signature

Date

Printed name and title with organization

Town of Austerlitz:

Robert Lagonia, Town Supervisor

Date

The Town Board discussed the submitted agreement. Town Board Member Vogler thought that the fee charge would be a security deposit that would be returned. Supervisor Lagonia envisions a fee to cover cleaning, etc. Town Board Member Schober noted there is electricity use to think about. Town Board Member Wilson mentioned non-profits noting that the Austerlitz Fire House does not change for use, but tax-payers will be footing the bill for the Town Hall use if no fee is charged. Town Board Member Wrightsman noted that insurance is expensive for day. Supervisor Lagonia noted that the Town could take a chance and allow people to use the Town Hall. If problems arise, the Board could discontinue the use. Those wishing to use the Town Hall could be vetted, maybe only let organizations instead of individuals. Or let anyone use it, or maybe just residents. Another issue to consider is who is going to be responsible for opening up the Town Hall and closing up. Supervisor Lagonia suggests to start with only allowing organizations and this can be expanded if the Board chooses. R. Lagonia would like to charge a fee of \$200.00. Member Schober noted that once people start to use the Town Hall for functions,

word will get out and then the Board would see how much business it would get. R. Lagonia noted that it is very expensive to rent facilities now-a-days. Member Vogler suggested that to start, only let non-profits use the Town Hall and he is fine with a fee of \$200.00. Member Wrightsman is good with this. Member Schober is good with this, but would like to keep the conversation going.

The Town Board discussed allowing the local political parties use the Town Hall.

Resident Erin Stamper, resident and Election Specialist at the Columbia County Board of Elections, noted that for Caucuses, the Board of Elections can help with the insurance coverage. Insurance coverage really helps the Town in case something happens that may damage property etc. E. Stamper asked about small groups of people using the Town Hall. Member Vogler stated that maybe the Town could be very specific about who can use the Town Hall, with Member Wilson advising that the Town needed to be very fair across the board. E. Stamper questioned what the idea of the Town Hall is for the public good. Supervisor Lagonia noted that events are different from quick meetings. Some of the meetings can be held downstairs. Bigger ones upstairs on a case-by-case basis.

A motion to approve the use of the Agreement for Temporary Use of the Austerlitz Town Hall form and its parameters noting that only non-profits can use the Town Hall and the charge for use will be \$200.00 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.

New Business

TextMyGov

Town Board Member Wilson advised that she and Town Clerk Haag sat in a demonstration from TextMyGov. TextMyGov uses smart texting technology to communicate with citizens 24/7. Local government agencies can answer questions, send links to their website, and provide details on garbage pickup, utility payment, town news, events, office hours, department locations and more. In addition, TextMyGov uses smart texting technology to engage with citizens. Citizens can easily report code violations, public works issues like potholes, signs down, drainage problems, tree trimming, sewer smell, and more. Agencies can engage citizens, start a workflow, and ask specific guided question regarding location, address, street name and more. Also, TextMyGov uses smart texting technology to maximize a town's website (compatible with any website). Citizens can text in key words like festival, parking, ticketing, and more. The smart texting technology can answer the question, or send a link from the Town's website with additional information.

Town Board Member Wilson was skeptical at first, but after watching a demo of this product, she thought more of the idea. Member Wilson explained the system noting that she likes the fact that this product gives the Town a record of interaction. Using this system would cut down on

calls for information. The cost is \$2000.00 a year with an additional initial cost of \$800.00 for set up and training, A 2 year contract is required. Member Wilson asks the Town Board to set up a Zoom demo to look at this product.

The Town board would like to look over this program and see if it is cost justified and worth it. The Town does not seem to have an issue with residents getting a hold of anyone. Member Wilson can set up something outside of a regular meeting to view this product.

Cardiac Life

Town Board Member Greg Vogler presented a quote for an onsite defibrillator for \$1558.00 and a quote for AHA Heartsaver Training at \$1088.00 for 10 registrants. This has been set aside due to covid, but now is back on the table. Member Wrightsman noted that there is a defibrillator at the St. Peter's Presbyterian Church, but not many have been trained on it and it is just that far away that if you only have minutes to save someone, you will not get the Church's in time. There is an annual maintenance fee of \$289.00 for onsite inspections. Supervisor Lagonia noted that there should be training for the Town Board, Planning and Zoning Boards, Justice Court, etc. The Town Board discussed the possibility of needing an electrician to do special wiring for this unit. Member Schober would like to see some signage as well.

A motion to purchase an onsite defibrillator from Cardiac Life for \$1558.00, pending knowledge about electrical needs, and to purchase the training for \$1088.00 and to authorize Supervisor Lagonia to sign a contract with Cardiac Life was made by R. Lagonia and seconded by G. Vogler.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

Resolution #39-2021, Property Clerk/Highway Clerk Appointment

A motion to adopt Resolution #39-2021, Property Clerk/Highway Clerk Appointment was made by C. Schober and seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

BE IT RESOLVED that the Town Board of the Town of Austerlitz hereby appoints Angela Rothermel as Clerk of the Town of Austerlitz Planning Board, Zoning Board of Appeals and Highway Department, for a term commencing on, and effective as of, June 22, 2021, through December 31, 2021, as a part-time employee of the Town of Austerlitz at a salary of \$16.63 per hour for up to 25 hours per week with no other employee benefits.

2022 Town Budget

Supervisor Lagonia advised that 2022 budget requests forms have been given to department heads and are due back by August 1, 2021.

Harrington Drive Culvert Construction Bid

One bid was received and opened for the Harrington Drive Culvert Construction
Bervy Excavation
61 Flints Crossing Road
Canaan, New York 12029
\$\$259,000.00

The Town received a letter from Clark Patterson Lee, Ray Jurkowski, advising that his office has completed a review of the bid proposal for the Harrington Drive culvert Replacement project from Bervy excavation. Engineer Jurkowski is familiar with Bervy Excavation and has worked with them in the past. The components of the Bervy Excavation's bid appear to be in order. R. Jurkowski recommends award of the construction to furnish and install the new 2 sided culvert on Harrington Drive to Bervy Excavation Corp in the amount of \$259,000.00.

Supervisor Lagonia understands they are purchasing material for this project. Highway Superintendent Meehan notes that both guardrail and black top will be added for a cost of roughly \$300,000.00. This culvert should last for 100 years.

A motion to award the Harrington Drive Culvert Construction bid to Bervy Excavation for \$259,000.00 was made by G. Vogler and seconded by M. Wilson.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

Miscellaneous

Member Vogler questioned the status of the School House Road culvert replacement project. Superintendent Meehan advised that the culvert has been ordered and should be here by the end of the month. The Highway Crew will be installing this culvert, which is an aluminized arch culvert.

Member Vogler noted that he and Comprehensive Plan Oversight Committee Chair Tim Stalker and Member Barbara Smith have been working for 2 years on subdivision changes and wording for a boundary line adjustment section. There has been discussion with the Attorney for the Town, Joseph Catalano, and the recommendations are basically finished. Next steps will be for the recommended revisions to be given to Attorney Catalano for review, and then to the Town and County Planning Boards. Once all reviews have been completed, the finalized product will be given to the Town Board, probably in a couple months. Member Schober would like to have a copy of the proposed changes to look at when they are given to the Town's Planning Board.

Member Vogler wanted to make sure that noise abatement for the upstairs meeting room and the downstairs common area was still a consideration now that Boards are meeting back in person. Supervisor Lagonia noted that there was a company out of Albany that had come down to look and he will revisit this. R. Lagonia will also reach out to Architect Bill Wallace for suggestions.

Member Vogler also noted signage for outside. The Town Board discussed different types of signs that could be bought or made. It was decided that prices would be brought back to the Town Board for consideration. If the Town's sign law needs to be amended, the Town Board would consider that as well.

Recycling bins for the Town Hall, upstairs and down and one for the Town Park will be purchased. Barbados will put a special dumpster up at the Highway Garage for recycling.

Public Comments

Charles Vander Weit questioned if there was a Town Board Meeting packet available. Town Clerk Haag noted there was and also that this packet is on the website should anyone want to view it ahead of the meeting. C. Vander Weit is not interested in going online to view the packet.

Adjournment

A motion to adjourn 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.

Meeting adjourned at 8:21 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk