

Town of Austerlitz
Workshop/Regular Town Board Meeting
March 16, 2023

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

Town Board Members Christopher Schober and Jere Wrightsman absent.

Attorney for the Town, Joseph Catalano present.

Workshop called to order at 6:00 p.m.

Workshop called to discuss Code Enforcement issues with Town of Austerlitz Code Enforcement/Building Inspector, Erin Reis

E. Reis provided the Town Board will 'Frequently Asked Questions' sheet that she thought might be a good idea to put on the website. The Town Board agreed.

Supervisor Lagonia noted the Town Board's concern about enforcement, follow-up and unresolved issues in Town.

Code Enforcement Officer Reis stated that everyone she notices building without a permit she has advised them of their need for a permit. For the events in Town that were operating without approval, the issues have been resolved or are in the process of being resolved. Discussed different types of events in other Towns that people know to get a permit for. Austerlitz is rural though and residents are putting on events that they do not realize they need approval for.

Supervisor Lagonia questioned junk in yards, extra cars and asked if Code Officer Reis has enough time in the office to deal with these types of infractions. E. Reis advised she sends out an initial letter with a notice of violation. In the summer it is harder to see these problems with the leaves on the trees, but in winter they become apparent. Town Board Member Wilson has brought to light some infractions that were listed on social media and one of these is currently before the Planning Board. For the second, the property owners have moved. Residents in Town bring issues to Code Officer Reis which is helpful.

Supervisor Lagonia questioned sites such as that by Stonewall Road on Route 203. There was a camper, a shed/garage and a pool. E. Reis followed up and there is a building permit now and the pool has been taken down. The Town of Austerlitz does not have anything in its Code concerning using an RV as a dwelling.

Supervisor Lagonia questioned liability issues for people who have pools with no permits when something happens. Attorney for the Town Joseph Catalano noted that the Town has no liability. Even if a permit was given, even mistakenly, there is no liability. There was discussion surrounding the difference between a building permit and an operating permit and Town Board

Member Vogler noted that a distinction needs to be made. E. Reis advised that in the new NYS updated Code, effective at the end of last year, included is operating permit changes.

Supervisor Lagonia feels that a lot of the issues the Town is seeing just popped up last summer when there was an influx of new residents who probably do not realize they need permits. R. Lagonia does not want Austerlitz to be over heavy with onerous rules and regulations, but events and projects need to have a permit. It does take time to deal with these situations. It was suggested that maybe there could be some type of welcome packet to new residents, in addition to something on the website.

Town Board Member Vogler questioned if the events that St. Peters and the Spencertown Academy put on, on the green, need a permit. Code Officer Reis would have to look at the specifics as compared to the Code. For some, probably yes.

The Town Board discussed the Ellsworth Kelly Foundation 100th Celebration this summer and both Code Officer Reis and Attorney Catalano noted that this would need a permit. E. Reis will reach out to them.

Town Board Member Wilson asked if it would be helpful if there was a complaint form. E. Reis noted that it might be, but she would have to come up with guidelines. It helps if citizens tell E. Reis when they see things. They can even email her.

Supervisor Lagonia asked what the procedure is once the Planning Board approves a project with conditions. Does E. Reis follow-up to see if those conditions are met. Code Enforcement Officer Reis noted that she does follow-up. Attorney Catalano advised that if there is some type of continuous condition to an approval, the Code Enforcement Officer would be the one who goes and checks from time to time to make sure the conditions are met.

Code Officer Reis assured the Town Board that she has time for enforcement. Supervisor Lagonia advised that the Town now has a new clerk that can help with clerical duties.

Board Member Vogler noted that the Building Inspector page on the Town's website really doesn't have a lot. There is much that can be added. Supervisor Lagonia stated that with the Town getting a new website, it is a good time to look at all the areas to see what can be added.

There was a discussion on the difference between the Building Code and the Zoning Code. The Building Code is for building projects, whereas, the Zoning Code is for the 'use' of a project.

Attorney Catalano noted that the Town is not adverse to putting businesses in, but there is a balance with how these effect the neighbors, roads, etc. The Planning Board takes care of the review of these projects. The Board discussed the different types of businesses in Town and what needs to go before the Planning Board and what does not.

The Town Board discussed the new additions to the Building Code that went into effect January 1, 2023. In addition, liquor licenses parameters were discussed. The Town Board felt this information should be available to the public. Attorney Catalano advised where the Town would

have authority. Types of forms for permitting were discussed. It was also suggested that maybe the Town Board could hire someone additional to be on call for weekend events.

It was stated that sometimes people buy houses and change the use. Code Officer Reis noted that if she doesn't know the use was changed, she cannot follow-up. Residents in Town let her know and she goes out to look at the situation. What can be on the Town website was again discussed. E. Reis stressed that she can be asked anything or told anything and she will follow-up.

Liz Garger asked about a project that is near her home. How long are permits good for and does anyone follow-up with these projects. What is the follow-up procedure. After discussion it was ascertained that this was the Hartka project before the Planning Board. There has been some follow-up, but E. Reis will look at this again.

Deb Oleynek asked if a person needed a permit for a wedding. Yes, if there will be 200 or more attendees.

As far as fees go, E. Reis stated that the Town of Austerlitz is higher than other surrounding Towns so she would keep them as is. There could be an increase in the renewal fee for a permit. Supervisor Lagonia asked to have the Planning Board fees looked at.

There are no regulations for Air B&Bs yet. Attorney Catalano advised that there are a few gaps in the Town's Zoning Code and this is one of them. Retreats is another area that needs a good definition.

A motion to close the workshop was made by M. Wilson and seconded by G. Vogler.

R. Lagonia: yes

G. Vogler: yes

C. Schober : absent

M. Wilson: yes

J. Wrightsman: absent

Motion carried 3:2. Workshop closed at 6:56 p.m.

Regular meeting called to order at 7:00 p.m.

Moment of Silence followed by the Pledge of Allegiance.

Minutes

A motion to accept the February 16, 2023 Regular Meeting minutes was made by G. Vogler seconded by M. Wilson.

R. Lagonia: yes

G. Vogler: yes

C. Schober : absent

M. Wilson: yes

J. Wrightsman: absent

Motion carried 3:2.

Auditing of Accounts and Claims

A motion to authorize payment of the February General Fund, #89-130 in the amount of \$30256.11 and Highway Fund, #48-67 in the amount of \$13317.25 was made by G. Vogler and seconded by M. Wilson.

R. Lagonia: yes

G. Vogler: yes

C. Schober : absent

M. Wilson: yes

J. Wrightsman: absent

Motion carried 3:2.

Reports

Monthly Cash Disbursement and Supervisor Report

Monthly Cash Disbursement Report for the Month of February 2023 submitted. Supervisor Lagonia noted that there is roughly \$3.1 million in the bank. The Town received a sales tax check that was divided between last year and this year. R. Lagonia will make sure the AUD reflects this. Member Vogler noted the grant from the Scout Fund that is not shown in the financials yet.

Supervisor Lagonia advised the Town Board that he ordered the speed sign, with the stand and the data piece.

Supervisor Lagonia issued a State of Emergency for the Town for this last storm. This storm was particularly bad because of all the power lines that were down causing many roads to be unpassable and unable to be plowed. Electric crews from all over the Country were dispatched. The Town really needs to work on getting rid of the dead trees because these trees were down everywhere. Member Wilson discussed getting a generator for the Town for a warming station. Supervisor Lagonia is in talks with the County on this.

On a County level, Supervisor Lagonia is on a new committee, the Space Utilization Committee. Concerning Police Reform, this is currently in citizen review with the hope to have this finished up next month.

There was one bid for the split heating/cooling unit for the old Town Hall. The cost was very high though. Town Board Member Wrightsman has another business in mind that can maybe take a look and put in a bid. Might just end up putting in an air conditioning unit only. In order to use the grant money for this, Member Wilson noted that what is purchase must show it reduces greenhouse gases.

Highway Report

Highway Superintendent Fitzpatrick submitted the following report:

Spring is Flirting with us but Winter hasn't let go yet!!

We do have mud, potholes, and soft roads!!

I ask that everyone be patient and please wait for mother nature to dry things out and allow the roads to tighten up.

Limiting your trips and our heavy truck traffic this time of year greatly improves the road conditions for our residents!

All things considered we are in pretty good shape though there are some rough and soft areas, we've seen much worse in the past.

The Sand Barn is looking good, with fewer storms than usual we haven't used as much Sand and Salt as typical.

A few more storms with wet heavy snow on soft ground has left our roads riddled with divots! We have been out putting band aids on them and fixing what we can as the snow melts and things dry,
This will continue through the spring until the weather allows a full grading.

With nicer days we have been cutting brush, both by hand and with the mower, between cleaning up after the storms.

The task of keeping culverts and ditches open for water to flow is especially important this time of year as the snow melts.

I have begun looking into future haul truck options, our current primary haul truck is a 1987 and has served the town very well!!

The cab is showing its age with rot in the floor structure and is the next truck that I anticipate needing major attention.

Our Yearly Materials bid was posted and...

The Dugway project bid we received and though I would always like a lower number. It is in the ballpark of what I was expecting and am happy with that.

Enjoy the longer warmer days and soon the bulbs will be pushing up!

End of Report

Highway Superintendent Fitzpatrick would like to thank the highway crew for all the work they accomplished over the last few days. All of the trucks are still intact and no major incidents. This was the worse storm he has ever had to plow in with 30 inches of snow in Austerlitz. Superintendent Fitzpatrick thanked David Harrison and Eric Pilkington, as well as, NYSEG for getting the power lines cleaned up and out of the way.

The Town roads lost lots of material off the top because the roads are soft from the warm weather of late. Just a mention that when garbage cans are in the road, they will get hit. All the roads are open at this point. Not every road is at its full width yet, but by tomorrow they will be.

The order for the LED lighting fixtures for the highway garage is in, but some of them still need to be installed.

Town Clerk Report for the month of February 2023 submitted.

Tax Collector Report for the month of February 2023 submitted.

Planning Board Report for the month of March 2023 submitted.

No Comprehensive Plan Oversight Committee Report for the month of March 2023 submitted.

Building Inspector/Code Enforcement Report for the month of February 2023 submitted.

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

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

Dog Control Updated Report for the month of February 2023 submitted.

Climate Smart Report for the month of March 2023 submitted. Member Wilson noted that the Repair Café was a big success.

A motion to accept the above reports was made by G. Vogler and seconded by M. Wilson.

R. Lagonia: yes

G. Vogler: yes

C. Schober : absent

M. Wilson: yes

J. Wrightsman: absent

Motion carried 3:2.

Correspondence

NYMIR: Notice of Policy Renewal Expiration May 15, 2023.

The Town Board will renew.

Tobacco-Free Action of Columbia and Greene Counties: Changes to Program. Will table this for next month.

NYS Department of Public Service: Broadband Survey Hearing Notice. The County is working on this and the Town of Austerlitz will be completed soon. The Town is so far ahead of the rest of the County in Broadband services.

Spencertown Academy: Request to use the ballpark June 30, 2023 in the evening for a production of Romeo and Juliet by the Rooted Voyageurs.

A motion was made by M. Wilson and seconded by G. Vogler to allow the Spencertown Academy to hold this event if Code Enforcement Officer Erin Reis deems it does not have to have any additional permitting.

R. Lagonia: yes

G. Vogler: yes
C. Schober : absent
M. Wilson: yes
J. Wrightsman: absent
Motion carried 3:2.

Unfinished Business

Dugway Bridge Replacement Project

One bid was received from: A. Colarusso and Son, Inc., 91 Newman Road, Hudson, NY 12534 for \$215600.00. All paperwork was in order.

Attorney Catalano has already sent out updated easements for this project. When they come back Supervisor Lagonia needs to countersign them. This will be a summer project when the water level is low. There will be a pre-construction meeting in late spring, early summer. This project must be complete before mid-September.

A motion to award the Town of Austerlitz wingwall and stream bank stabilization of the Dugway Road bridge for \$215,600.00 to A. Colarusso pursuant to bid documents dated February 28, 2023 was made by M. Wilson and seconded by G. Vogler.

R. Lagonia: yes
G. Vogler: yes
C. Schober : absent
M. Wilson: yes
J. Wrightsman: absent
Motion carried 3:2.

Work Place Violence Training

Supervisor Lagonia noted that Town personnel will be required to take the work place violence training through NYMIR. Specifics will be emailed and an affidavit will be signed by each person once the training is complete stating they took the training. There may also be the option of someone from the County coming up for an in-person training for those who miss the online training.

Resolution #29-2023 Climate Smart Committee Task Force

A motion to adopt Resolution #29-2023 Climate Smart Committee Task Force was made by M. Wilson and seconded by G. Vogler.

R. Lagonia: yes
G. Vogler: yes
C. Schober : absent
M. Wilson: yes
J. Wrightsman: absent
Motion carried 3:2.

WHEREAS, several years ago the Town Board of the Town of Austerlitz created the Austerlitz Climate Committee that was tasked with coordinating with State agencies climate smart projects for the Town; and

WHEREAS, pursuant to State programs, the Climate Committee evolved and created the Climate Smart Committee Task Force, and

WHEREAS, to once again be consistent with current State programs relating to climate, it is desirable for the original Committee to be renamed and to combine the Task Force aspects of its work within the auspices of the Committee, as well as, to set its membership;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Austerlitz hereby acknowledges that the original Austerlitz Climate Committee and its subsequent Task Force is combined and shall be renamed the Town of Austerlitz Climate Smart Community Task Force with the following membership, hereby appointed all for a term to expire December 31, 2023:

Jere Wrightsman - Chair
Maureen Wilson
Cara Humphrey
Paige Ruane
Jeffrey O'Donnell
John Miller
Tim Stalker
Michael Segell
Jennifer Thompson

New Business

Highway/Planning Board Clerk

A motion to approve the hiring of DeeAnn Veeder to be the Highway Clerk and the Planning Board Clerk for a term ending December 31, 2023 was made by G. Vogler and seconded by M. Wilson.

R. Lagonia: yes
G. Vogler: yes
C. Schober : absent
M. Wilson: yes
J. Wrightsman: absent
Motion carried 3:2.

New Town Website

Supervisor Lagonia noted that he has been looking at website alternatives for the Town since Edmunds GovTech is getting out of the website business. R. Lagonia emailed links to the Town Board Members to look at sites that are hosted by Civic Plus. They have templated websites or build from the ground up options. The cost to revamp the Town's website will be \$850.00, with a yearly cost of \$4000.00 for a templated website and \$5000.00 for a custom build. If the Town Board would like, a local company can be looked into. The migration to the new site from the current site needs to happen by August. Town Board Members Vogler and Wilson will head this up.

Lawn Care Bids

2023 Lawn Care Bids

Howes Horticulture

153 Stonewall Road
Chatham, NY 12037

Lawn Care and Trimming from Spring through fall: Price per mowing: \$200.00

Ground Maintenance to include Spring and fall clean up, removal of ground debris, damage caused by storms and bee or wasp extermination as needed at the rate of \$50.00/hour.

Ground maintenance to include weeding, edging, mulching, fertilizing, planting (if necessary) and trimming of any shrubs or small trees at the rate of \$50.00/hour.

Cost of materials estimated at \$65.00 per yard.

Garbage pickup \$25.00/week.

A motion to accept the lawn care and ground maintenance bid from Howes Horticultural for the 2023 year was made by G. Vogler and seconded by M. Wilson.

R. Lagonia: yes

G. Vogler: yes

C. Schober : absent

M. Wilson: yes

J. Wrightsman: absent

Motion carried 3:2.

Highway Bids

Highway Superintendent Fitzpatrick would like the Town Board to accept all bids even though there is some overlap.

A motion to accept the lowest bids on all highway items and to accept the second lowest bid from the sand and truck bids as alternatives was made by M. Wilson and seconded by G. Vogler.

R. Lagonia: yes

G. Vogler: yes

C. Schober : absent

M. Wilson: yes

J. Wrightsman: absent

Motion carried 3:2.

Trucking

Bemiss Trucking Service Inc.

187 Tunnel Hill Road
Canaan, NY 12029
Jim Bemiss

Tractor Trailer Aluminum Trailer

\$140.00/hr average load permitted legally: 36

Tractor Trailer Steel Trailer

\$150.00/hr average load permitted legally: 32

Tri-Axle Dump Truck
\$120.00/hr average load permitted legally: 21

Haul material to Town Garage from Colarusso Sand and Gravel: \$6.25/ton
Haul material from Colarusso Sand and Gravel to the intersection of State Route 203 and State Route 22: \$7.25/ton
Haul material to Town Garage from Colarusso Quarry: \$5.25/ton
Haul material to Town Garage from Bolls: \$3.00/ton
Haul material to Town Garage from Rifenburg Construction: \$8.50/ton
Haul material from Rifenburg Construction to the intersection of State Route 203 and State Route 22: \$9.50/ton
Haul material to Town Garage from West Stockbridge: \$6.50/ton
Haul material from West Stockbridge to the intersection of State Route 203 and State Route 22: \$5.75/ton
Haul material to Town Garage from Polaro Gravel: \$8.25/ton

A. Colarusso and Son, Inc.
91 Newman Road
Hudson, New York 12534

Tractor Trailer Aluminum Trailer
\$160.00/hr average load permitted legally: 36
Tractor Trailer Steel Trailer
\$175.00/hr average load permitted legally: 28
Tri-Axle Dump Truck
\$130.00/hr average load permitted legally: 22

Stone/Gravel/Bituminous Asphalt
Polaro Sand and Gravel Inc.

PO Box 265
Poestenkill, NY 12140 Scott Polaro, President

Shale/Gravel/Stone/Sand
FOB Quarry
Sand (snow) 10.05/ton
Cobbles 9.25/ton

Bob Boll Excavating
Sand and Gravel
PO Box 408
Niverville, NY 12130

Item #4 FOB Quarry \$13.25/ton
Processed Gravel \$13.25/ton

Snow Sand	\$13.25/ton
Bank Run	\$8.95/ton
Shale	\$9.20/ton
3" Stone	\$15.00/ton
3-6" Stone	\$15.00/ton

A. Colarusso and Son, Inc.

91 Newman Road
Hudson, New York 12534

<u>Crushed Stone</u>	<u>FOB Quarry</u>	<u>Delivery Yard</u>	<u>Delivery 203 and 22</u>	<u>Delivery Job Site</u>
1A Washed	\$13.50/ton	\$21.50/ton	\$22.50/ton	23.50/ton
1B Washed	13.00/ton	21.00/ton	22.00/ton	23.00/ton
1 st Washed	13.00/ton	21.00/ton	22.00/ton	23.00/ton
#1	13.00/ton	21.00/ton	22.00/ton	23.00/ton
#2	12.50/ton	20.50/ton	21.50/ton	22.50/ton
#1 and 2 Mixed	12.75/ton	20.75/ton	21.75/ton	22.75/ton
#3	12.50/ton	20.50/ton	21.50/ton	22.50/ton
Screen Fill	10.00/ton	18.00/ton	19.00/ton	20.00/ton
Crusher Item 4	11.00/ton	19.00/ton	20.00/ton	20.00/ton
Crusher Run ≤ 2"	11.00/ton	19.00/ton	20.00/ton	21.00/ton
Light Stone Fill	1300/ton	21.00/ton	22.00/ton	23.00/ton
Medium Stone Fill	15.00/ton	35.00/ton	26.00/ton	27.00/ton
Heavy Stone Fill	16.00/ton	26.00/ton	27.00/ton	28.00/ton
Crusher Run In-Place With Paver Under 600 tons/day				51.50/ton
Crusher Run In-Place With Paver Over 600 tons.day				37.00/ton

<u>Shale/Gravel/Stone/Sand</u>	<u>FOB Plant</u>	<u>Delivery Stockpile</u>	<u>Delivery Job Site</u>
Sand	\$14.00/ton	\$24.00/ton	\$24.00/ton
Cobbles	12.00/ton	22.00/ton	22.00/ton

<u>Bituminous Asphalt</u>	<u>FOB Plant</u>	<u>Delivery Job Site</u>	<u>In Place</u>
---------------------------	------------------	--------------------------	-----------------

Type 1 Base Course	\$58.00/ton	\$69.00/ton	\$86.00/ton
Type 3 Binder Course	61.50/ton	72.50/ton	90.00/ton
19 MM Binder Course	61.50/ton	72.50/ton	94.50/ton
12.55 MM Top Course	66.00/ton	77.00/ton	88.00/ton
Type 6 Top Course	69.00/ton	80.00/ton	98.00/ton
Type 7 Top Course	72.50/ton	83.50/ton	102.00/ton
Winter Mix Cold Patch	100.00/ton	111.00/ton	N/A

ADS Culvert Pipe/Guard Rail/Geotextile Fabric
Town and Country Bridge and Rail
PO Box 16395
Albany, New York 12212

<u>Culvert Pipe (HDPE)</u>	<u>FOB</u>	<u>Delivery Yard</u>
4" Corrugated Interior	\$.69/lf	\$.69/lf
6" Corrugated Interior	\$1.69/lf	\$1.69/lf
8" Corrugated Interior	\$4.22/lf	\$4.22/lf
10" Corrugated Interior	\$5.74/lf	\$5.74/lf
12" Smooth Flow Interior	\$7.69/lf	\$7.69/lf
15" Smooth Flow Interior	\$9.99/lf	\$9.99/lf
18" Smooth Flow Interior	\$14.95/lf	\$14.95/lf
24" Smooth Flow Interior	\$23.50/lf	\$23.50/lf
30" Smooth Flow Interior	\$36.29/lf	\$36.29/lf
36" Smooth Flow Interior	\$46.62/lf	\$46.62/lf
42" Smooth Flow Interior	\$63.56/lf	\$63.56/lf
48" Smooth Flow Interior	\$79.95/lf	\$79.95/lf

<u>Guard Rail</u>	<u>FOB</u>	<u>Delivery Yard</u>
Box Beam	\$44.00/lf	\$44.00/lf

Post	\$94.00/post	\$94.00/post
Installation	\$8.95/ft	\$8.95

<u>Arch Pipe (Galvanized)</u>	<u>FOB</u>	<u>Delivery Yard</u>
71” Highx103” Wide (or equal)	\$390.00/lf	\$390.00/lf

<u>Geotextile Fabric</u>	<u>FOB</u>	<u>Delivery Yard</u>
Non-Woven (Mirafi 140M or equal)	\$1.24/sy	\$1.24/sy
Woven (Mirafe 500x or equal)	\$.95/sy	\$.95/sy

Highway Form 284

Supervisor Lagonia would like to have Highway Superintendent Fitzpatrick bring back the Highway Form 284 for revision now that the Town has the Dugway Road Project number.

NYSDOT Speed Limits

Member Wilson updated the Town Board on the response from the NYSDOT concerning her requests to lower the speed limit and put up additional signage on State Route 203 running from Reed Road to State Route 22, noting that nothing will be done. The one entrance to Big Woods Road is very concerning and M. Wilson is looking for recommendations on how to handle this and would also like to have a meeting with the State Representatives on how to make this stretch of road safer. Highway Superintendent Fitzpatrick suggested that he could make this one entrance/exit of Big Woods Road an entrance only. This portion of the road is not abandoned. Attorney Catalano noted that the NYSDOT’s response is typical of what other towns are experiencing and stating that they are data driven. Attorney Catalano suggests Member Wilson reach out to a State Assemblyman or Senator asking them to get involved.

Public Comment

Deb Oleynek gave Highway Superintendent Fitzpatrick a big shout-out for his work on the roads during the latest storm. D. Oleynek noted there were only 111 more days until the Summer Recreation Program starts up this year.

Adjournment

A motion to adjourn was made by M. Wilson and seconded by G. Vogler.
R. Lagonia: yes
G. Vogler: yes

C. Schober : absent

M. Wilson: yes

J. Wrightsman: absent

Motion carried 3:2.

Meeting adjourned 8:10 p.m.

Respectfully Submitted,
Susan Haag, Town Clerk