

Town Of Austerlitz
Regular Town Board Meeting
September 15, 2022

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

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

Moment of Silence, followed by the Pledge of Allegiance.

Minutes

A motion to accept the August 18, 2022 Regular Meeting minutes 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.

Auditing of Accounts and Claims

A motion to authorize payment of the September General Fund, #304-337, in the amount of \$28315.40 and Highway Fund, #141-157 in the amount of \$36744.25 was made by J.

Wrightsmann and seconded by C. Schober.

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 August 2022 submitted. Supervisor Lagonia advised there is roughly \$2.4 million in the bank. There is nothing out of the ordinary in line items as everything is tracking well. Sales tax numbers in the County are still up and mortgage tax numbers are still holding.

The County is working on their 2023 budget.

Highway Report

Highway Superintendent Fitzpatrick submitted the following report:

The night air is getting crisper and Fall is knocking on the door.

The high bidder for the '83 chevy c70 promptly paid and collected the truck.
The high bidder for JD595 rubber-tired excavator failed to pay! So, we still own it.
I recommend we relist it.

We are still waiting for delivery of the new little truck. The dealer had estimated 6 weeks to deliver and did inform me during the 5th week that it was going to be a few more weeks due to an unexpected bereavement leave.

The Schoolhouse and Harrington culverts have had their pavement patched and we are now waiting for the Guardrails on Harrington.

We added a significant amount of material to a section of Downing as well as Tenbroeck in order to reestablish the crown and greatly improve the hills' ability to shed water.

Spot grading of several hills has been occurring.

Have completed a few problem culverts on Pratt Reed and Stonewall.

Had some nice and needed rain that brought a little bit of cleanup of limbs but nothing to major.

East Hill is still on the list for receiving Material as well as a couple culverts in the near future.

We have some drag box patching on Pratt and Dugway to do.

End of Report

Highway Superintendent Fitzpatrick is hoping to see the new truck next week. Hoping to see new truck next week.

The John Deere 595 excavator that was put out to auction and sold, was not paid for. Therefore, it needs to go back out to bid. Auctions International tried to collect the sale, but was unable to do so. The 2015 GMC service truck was replaced by the new truck and therefore P. Fitzpatrick would like to put this vehicle out to bid as well.

A motion to put the John Deere 595 excavator back out to bid and to declare the 2015 GMC service truck as surplus and put it out to bid, both with Auctions International, 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.

The New York State Annual Highway State Conference is next week. Highway Superintendent Fitzpatrick will be going, but the Columbia County Highway Superintendent's Association is paying his way. P. Fitzpatrick would like to put in for mileage. Consensus of the Town Board to allow mileage reimbursement.

The sheds at the Highway garage are mostly full of salt and sand, but by the end of the year they will be filled-up completely. Millings from the Taconic State Parkway are piled for future use as is other material from the truck stop a few years ago.

Supervisor Lagonia would like to sit with Superintendent Fitzpatrick to go over where the 2022 budget lines currently stand, how much there is available and hiring for next year. Discussion was heard on how the 2023 budget line items will be allocated and how they are different from how R. Meehan budgeted and why.

Town Clerk Report for the month of August 2022 submitted.

Planning Board Report for the month of September 2022 submitted.

No Comprehensive Plan Oversight Committee Report for the month of August 2022 submitted.

Building Inspector/Code Enforcement Report for the month of August 2022 submitted.

Justice Cassuto Justice Court Report for the month of August 2022 submitted.

Justice Grubin Justice Court Report for the month of August 2022 submitted.

Dog Control Report for the month of August 2022 submitted.

No Climate Smart Report for the month of August 2022 submitted. Town Board Member Wrightsman noted that the Town is saving \$5000.00 in the budget for efforts made in climate control. The Climate Committee is going to go ahead with an energy study at the Highway garage. Sunday presentations on Climate Control will be held going forward at the Town Hall.

Member Vogler noted that some of the action items the Town completed in order for it to achieve bronze certification as a Climate Smart Community are expiring and need to be renewed soon so the Town may keep its certification.

Member Vogler continued that there is no funding in the proposed 2023 budget for a Climate Smart Communities Task Force Coordinator. This is because the grantor for funding for most of the cost has already said the Town can have that money. However, the Town still needs to formally apply for that funding. The balance of that funding needed already exists in unused money that the Climate Committee has already obtained.

Town Board Member Schober questioned Kathryn Beilke's invoice, specifically the number of regular hours billed. Town Board Member Vogler noted he believes she is performing way above expectations.

A motion to accept the above reports 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.

Correspondence

Daryl Schiffer: Resignation as Highway Clerk

A motion to accept the resignation of Daryl Schiffer 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.

Eric Spiegel: Resignation from Planning Board

A motion to accept the resignation of Eric Spiegel 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.

Hartford Steam Boiler Inspection: Inspection of Highway Garage

The NY069039L Buderus boiler was satisfactorily inspected and the Certificate of Operation was validated for 2 years. One recommendation was noted-boiler logs are not kept at the highway garage and should be maintained there. This boiler needed some work a couple of years ago, but the inspection has nothing to do with what those issues were at the time or what was inspected.

Highway Superintendent Fitzpatrick has incorporated recommendations. Member Wilson will get together with P. Fitzpatrick to discuss climate smart issues and energy savings at the Highway Garage.

NYS Department of Public Service: Notification that NYSEG and Rochester Gas and Electric Corp request to change annual electric and natural gas delivery rates and practices.

The Town Board directed that this correspondence be placed on the Town website. This will be placed as soon as Member Wilson writes an introduction for this information and submits it to the Town Clerk.

Unfinished Business

None

New Business

2022 Summer Recreation Program Report

Summer Recreation Program Director Deb Oleynek came before the Town Board noting the following points:

*35 Children

*Days filled with art activities, bracelet making, tie dye, stress balls, pool tournaments knock hockey, basketball, kickball, four square and swimming.

*Pizza Fridays

*Wednesdays visits from Leanna O'Grady from the Columbia Conservation Office.

*Thursday visits from Christine Gardner, Spencertown Academy.

*A number of letters submitted from parents praising the program.

Director Oleynek proposes to raise the registration fee for 2023 to:

In Town Individual: \$200.00

In Town Family: \$250.00

Out-Of-Town Individual: \$400.00

There are hardship cases that would be taken into consideration.

Member Vogler questioned why Director Oleynek wanted to raise the registration fee. Director Oleynek noted that minimum wage is going up. Town resident Karen Silvernale advised that other Town's programs cost more. K. Silvernale and D. Oleynek do not want to overcharge, but want to be competitive. Member Vogler likes that there are provisions for hardship cases, but this sort of provision needs to be fair across the board. Supervisor Lagonia stated that if there is a hardship, that determination needs to be confirmed by the Town Board.

Director Oleynek also noted there are grants she can apply for. Supervisor Lagonia noted that the County is looking for a new County Youth Director.

Supervisor Lagonia and the Town Board thanked Director Oleynek and noted that funding for the Summer Recreation Program is in the 2023 proposed budget.

BAR Appointment

Bridget Arnold's Board of Assessment Review member term is complete. B. Arnold would like to continue and Assessor Pam Cook would like her to continue.

A motion to appoint Bridget Arnold as a BAR member for a term beginning October 1, 2022 and ending September 30, 2027 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.

Local Law Enforcement of Updated Building Code

Attorney for the Town, Joseph Catalano, advised that the Town needs to adopt the updated NYS Building Code, but does not have to do anything from there. Attorney Catalano has reached out to AOT for clarification on some sections.

2023 Tentative Budget

Town Clerk Haag handed the 2023 Tentative Budget to the Town Board members.

Supervisor Lagonia noted the following:

1. The proposed total budget for 2023 is \$1,812,677. This is a \$38,583 increase over 2022 which was 1,774,094, or about a 2.2% increase.
2. Most of the increase in expenditures is due to increased wages and CHIPS spending (which is fully reimbursed by the state).
3. Highway wages are governed by the collective bargaining agreement between the town and the Highway employees who are represented by the International Brotherhood of Teamsters union, Local 294. The proposed budget includes increased spending of wages for all other employees of 5%, and an increase for youth programs from \$10,000 to \$17,000.
4. The increase in spending is partially offset by the ending of lease payments for the highway grader.
5. The proposed budget raises town property taxes \$7,384 or 1.1%.
6. The total property taxes raised for the town (ex-Red Rock Fire District) for 2023 is \$681,222.
7. Property taxes fund 37.5% of the town's expenses. Other main sources of funding continue to include state aid (e.g., CHIPS and the state tobacco settlement), sales taxes, mortgage taxes, fines and forfeitures, and fees from building permits.

A motion to accept the Town of Austerlitz 2023 Tentative Budget without changes as the Town of Austerlitz 2023 Preliminary budget 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.

A motion to set a public hearing for the Town of Austerlitz 2023 Preliminary Budget for October 20, 2023 at 6:30 pm held at the Town Hall 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.

Supervisor Lagonia thanked Member Vogler for the extra effort he puts in every year helping to put together the budget.

Planning Board Appointment

As the Town Board knows, Planning Board Member Eric Spiegel resigned his position. Supervisor Lagonia and Planning Board Chair Lans interviewed Dale Madsen for the position. Chair Lans could not be at the Town Board meeting, but provided the following: I think Dale will be a good addition to the Planning Board and was pleased when Jane Magee, when resigning, brought his interest to my attention:

1. He is very bright. That actually matters when trying to understand the governing laws. He also appreciates that the Board doesn't act with a free hand, but is governed by laws—something that isn't true of many in the town. (Said with a smile).
2. When I first joined the PB, the majority of members were people whose families had lived in Austerlitz for some generations. By attrition, there now are no members who have those roots or depth of history. I think it's valuable to have the perspective of those who have seen the town develop and know the history of its parcels.
3. By virtue of his work background, Dale has an understanding of aspects of construction, road grades, water flows, soil types, etc. that will be an important addition to our skill set.
4. I was impressed with how Dale handled himself during his own application to the Board, in terms of his understanding of his neighbors' concerns and willingness to modify his plans to address some of those concerns.
5. Unprompted by me, Dale raised the question of how he would handle a situation where, for example, he might have the possibility of business if a project before the Board were approved. We discussed how each of us handles conflicts of interest (such as neighboring projects) but I felt it was especially sensitive of him to realize going in that conflicts can arise and to understand how they would be handled.

I very much hope he is approved, as he will round out the Board in a very good way.
End of recommendation.

Town Board Members Vogler and Wilson would like to interview D. Madsen. Supervisor Lagonia noted that neither of the last two appointments to the Planning Board were interviewed. R. Lagonia noted that if this was going to be a new policy, because it has not been done in the past, then everyone who is appointed needs to be interviewed by each board member. Supervisor Lagonia noted he would like Dale Madsen to serve and so would Planning Board Chairman Deb Lans. This interviewing needs to happen quickly because the Planning Board has new, inexperienced members on it that need to be trained and that training should happen for all of the new members at the same time.

A correction in the term of Chris Ferrone's Planning Board term needs to be made.

A motion to correct Chris Ferrone's Planning Board term to end December 31, 2022 was made by G. Vogler and seconded by J. Schober.

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

Public Comment

Lisa Futtner is gravely concerned about the resolution that was passed by the County Board of Supervisors related to gun legislation. Supervisor Lagonia noted there were 2 resolutions that were passed: one was for farm workers changing the 60 hours per week allowance to 40. This one was tweaked, then passed. The second resolution concerned the gun law that passed in New York State. This resolution passed because the majority of the Board of Supervisors felt that this new law is unconstitutional. Some Supervisors abstained, but R. Lagonia voted the way he did because he agrees that parts of the new gun law are good and we do need gun control, but there needs to be changes to what was passed because the law went to far. There are provisions in this law for those carrying a gun that if they carry that gun somewhere alcohol is being served, if caught, it is a felony. Respectable people carry firearms all the time and never think about it when they go in a restaurant for dinner. If they were caught, they would be charged with a felony.

L. Futtner asked for a more open discussion on a County level for these resolutions and listening more to people who have grave concerns. She is hoping for a larger discussion. Supervisor Lagonia agrees, but this resolution was dealing with something that is already put into law in NYS. Laws governing getting a NYS pistol permit are very strict and Supervisor Lagonia explained the process. This resolution, as most others, come to the Board of Supervisors on a Friday for a Wednesday vote. The resolutions are put on the County Website ahead of time.

Member Vogler asked why there was a resolution to begin with if NYS had already passed the law. Supervisor Lagonia noted that this was brought up by a Town Supervisor on the County level to opposed the State law.

Supervisor Lagonia noted there are hundreds of resolutions that come before the Board of Supervisors. If someone in the community has any issues with any of the resolutions before the County Board of Supervisors when they are posted on the County website, bring those issues to him and he will be happy to discuss.

Erlyn Madonia had concerns with the timing and not being able to access the resolutions on the County website in a timely fashion. Why was this resolution on the gun law not tabled and given more discussion time. Why was it rushed. Supervisor Lagonia noted that resolutions are handled like this all the time. If the Board of Supervisors sees no need to table a resolution they don't.

Member Wilson questioned what this has to do with County business. She is concerned that until the election in November this type of thing will continue. This resolution was kept a secret and rushed through. M. Wilson gave her views on guns and gun laws.

Deb Oleynek questioned what the Town Board was thinking of doing for Christmas this year. The Spencertown Fire Company Auxiliary would like to have something with Santa. Supervisor Lagonia asked D. Oleynek to put some plans together and let the Town Board know.

Executive Session

A motion to enter Executive Session to discuss contractual issues 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. Executive Session entered at 8:11 p.m.

A motion to end 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 ended at 8:29 p.m.

Adjournment

A motion to adjourn 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.

Meeting adjourned 8:29 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk