

Town Of Austerlitz
Regular Town Board Meeting
June 16, 2022

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

Town Board Member Jere Wrightsman absent.

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 12, 2022 Regular Meeting minutes was made by G. Vogler and seconded by M. Wilson.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

M. Wilson: yes

J. Wrightsman: absent

Motion carried 4:1.

Auditing of Accounts and Claims

A motion to authorize payment of the June General Fund, #188-227, in the amount of \$43,459.02 and Highway Fund, #88-104 in the amount of \$27,982.43 was made by C. Schober and seconded by M. Wilson.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

M. Wilson: yes

J. Wrightsman: absent

Motion carried 4:1

Reports

Monthly Cash Disbursement and Supervisor Report

Monthly Cash Disbursement Report for the Month of May 2022 submitted. Supervisor Lagonia advised there is roughly \$2.5 million in the bank. Line items are where they should be. Sales tax revenue is up and the Town should meet the budget number easily.

Broadband is still in a holding position with zero assistance from the USDA and zero assistance from Representative Delgado's Office. The Town of Ghent and the Town of Austerlitz continue discussions with Mid-Hudson Cablevision and Consolidated Communications. Supervisor Lagonia can not discuss details at this point. A meeting with the Towns of Canaan and New

Lebanon will happen to see if either Town wants to join with the Towns of Austerlitz and Ghent. If all goes well, the Town will only need to use ARPA Funding for the broadband work.

Supervisor Lagonia presented the Town Board with outdoor signage options. He will email the Town Board further suggestions.

Tri-County Refrigeration submitted a proposal for a EEV replacement for \$3388.00. A motion to accept the proposal and move ahead with the replacement was made by G. Vogler and seconded by C. Schober.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

M. Wilson: yes

J. Wrightsman: absent

Motion carried 4:1

Supervisor Lagonia received cost estimates from Wallace Architecture for lighting in the Park area behind the Spencertown Academy and in the parking area and for the sound proofing in the Town Hall meeting room. Estimate for the lighting is \$118000.00 and \$114750.00 for the sound proofing. Supervisor Lagonia believes the Town Board should put this on hold due to the costs involved, but will check to see if there is a scaled down way to do the lightening in the park. There might be some money available for the sound proofing.

Architect Bill Wallace suggested that the Town use Contractor Mike Furnari to fix the outstanding items at the new Town Hall and the windows in the old Town Hall. An estimate for the work at the new Town Hall came in around \$1800.00 plus materials. R. Lagonia will manage getting this work done. B. Wallace will also get an estimate for the windows in the old Town Hall and for the dehumidifier system in the downstairs of the new Town Hall.

Eve Zatt asked the Town Board if the company putting on the Shakespeare in the park could use the area for a rehearsal the day before. The Town Board consensus was to allow this use.

Supervisor Lagonia advised the Town Board that there was a shooting in Columbia County that was gang related. The shooter is currently in the County jail.

The State is mandating the County do a domestic terrorism threat plan and R. Lagonia is part of the team working on this. There was a preliminary meeting to get all the players and pieces together. David Harrison is heading up this effort.

Highway Report

Summer has arrived!

We setup a water truck using an old tank we had and the purchase of some fittings, hoses and pump. This will allow us to add moisture while grading to achieve better compaction which will improve the grading and help with dust control.

The Grader was down for two weeks waiting on a part from Cat for the emissions system, it is fixed and we have been out working our way across town doing the major spring grading. With a few more roads to go, if you haven't seen us go by yet you will soon. Grading, watering, rolling, and beginning of dust control are all in full swing.

Been a few heavy rain storms that have caused some damage, one of which left 2.5" of rain in only a few hours!!, both trees and washes, most of which have been fixed and picked up at this point.

We have begun "cutting road shoulders" so the water can get off the roads and into the ditches better, as well as, continuing to clean ditches of leaves and silt.

Both Elm Street and the hardtop portion of Reed Road have been prepared for being blacktopped and should happen very soon.

I did attend the yearly Highway Superintendents School in Ithaca last week. It was a good experience with valuable information that I'm glad I took the time to go to!

Our yearly Safety training session is happening this week in Chatham jointly with the other towns in the County. As well as our yearly Fire extinguisher check.

We haven't started hot patching holes yet but will be soon. And in the next month we should be preparing and blacktopping over the culverts that were replaced last year on Schoolhouse and Harrington.

End of Report

Highway Superintendent Fitzpatrick advised the Town Board that he would like to sell the 1983 Chevrolet C70 truck and the 1987 John Deere 595 wheeled excavator on Auctions International. Both of these are still operational, but P. Fitzpatrick would like to sell them when there is still some money to get out of them.

A motion to declare the 1983 Chevrolet C70 truck and the 1987 John Deere 595 wheeled excavator as surplus and put out to auction at 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: absent

Motion carried 4:1

Abby's Sealcoating LLC presented Supervisor Lagonia with a quote to sealcoat and line strip the Town Hall parking lot. Supervisor Lagonia also called a couple more companies for verbal bids, but received no responses.

Abby's Sealcoating LLC
795 State Route 23
Craryville, NY 12521
Sealcoating of parking Lot: 2000.00
Crack filling: 400.00
Cleaning of oil stains: 100.00
Line striping: 550.00
Total \$3050.00

A motion to accept the bid from Abby's Sealcoating LLC was made by G. Vogler and seconded by M. Wilson.

R. Lagonia: yes

G. Vogler: yes

C. Schober : yes

M. Wilson: yes

J. Wrightsman: absent

Motion carried 4:1

Supervisor Lagonia advised that he reached out to Copeland for the tennis court resealing, but does not yet have a quote.

Highway Superintendent Fitzpatrick advised that he and Supervisor Lagonia met with Nick VanAlstine concerning the fence in the ball field. One side of the ball field fence will be pulled. Supervisor Lagonia noted that work in this area is a lengthier discussion that needs to happen, but for now, The Spencertown Academy's celebration will be held July 9th and the area where the fence will be taken down will be done by then.

The Austerlitz Historical Society has 4 new historical markers that need to be put up and the Highway Crew has put up one so far. P. Fitzpatrick noted the Crew will get to the rest of them when time permits.

The Dugway Road culvert replacement project still needs to move forward, but continues to have issues with the engineer. Supervisor Lagonia put pressure on Engineer George Schmidt from Clark Patterson Lee because he has not gotten back to the Town. R. Lagonia also went to G. Schmidt's boss. Also, Supervisor Lagonia talked with Ray Jurkowski, the Town's previous Engineer who is the Engineer for the County and was also working for CPL for a time. R. Jurkowski will reach out to one of CPL's principals and have something for the July Town Board meeting. The Town still needs a bid package and revised easement maps. The NYSDEC has the information they require at this point.

Supervisor Lagonia discussed an event that was to take place on East Hill Road noting that Code Enforcement Officer, Erin Reis, will follow-up. Attorney for the Town, Joseph Catalano, noted that the Comprehensive Plan Update Cmt should look at 'events' in the Town's code and possibly add something. It is summer time and events are planned this time of year. Per the Town Board's request, Attorney Catalano will email the Comprehensive Plan Update Cmt Chair,

Greg Vogler and the Comprehensive Plan Update Planner, Nan Stolzenburg, to have this added to their agenda.

Town Clerk Report for the month of May 2022 submitted.

Tax Collector Report for the month of May 2022 submitted. Town Clerk Susan Haag noted that the taxes have been turned over to the County and everything is in order.

Planning Board Report for the month of June 2022 submitted.

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

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

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

Justice Grubin Justice Court Report for the months of April and May 2022 submitted.

Dog Control Report for the month of May 2022 submitted. There was an incident Memorial Day weekend and Supervisor Lagonia will reach out to Dog Control Officer Kyle Miller concerning this.

Climate Smart Report for the month of May 2022 submitted.

- The CSC Task Force Coordinator, Kathryn, discussed
 - Community Education Series on Waste – currently in planning, tentatively set for the 2nd Sundays starting July 10 at the Town Hall and possible the local venues as well
 - The Municipal Climate Action Plan is under development
 - The Climate Carnival is set for July 17 at the Chatham Fairgrounds. Out committee to be represented and conversation centered on a banner for the event, finalizing on volunteers and what to highlight. Our town has accomplished much but we want to also engage more people, including youth, and talk about future activities
 - Terracycling Project - Austerlitz Recycles! Plan to be developed.
- The NE Repair Café was held Saturday, May 14 in Chatham in collaboration with a few other towns. Maureen and Cara were there. Between 50-100 people came.
- Accounting. No reserve fund for Climate Committee to be established on recommendation from the Town Attorney, so an Excel Spreadsheet to keep track of committee revenues and expenditures has been created.
- CPOC/Comprehensive Planning. Inaugural Comp Plan Committee meeting set for June 22, 2022 at 6pm.

A motion to accept the above reports was made by C. Schober and seconded by G. Vogler.

R. Lagonia: yes
G. Vogler: yes
C. Schober: yes
M. Wilson: yes
J. Wrightsman: absent
Motion carried 4:1.

Correspondence

Lee Tilden: Letter of Resignation

Planning Board Chairman Lee Tilden resigned as of June 10, 2022 due a move to North Carolina. Supervisor Lagonia thanked Chair Tilden for his years of service and dedication.

A motion to accept the resignation of Lee Tilden was made by G. Vogler and seconded by M. Wilson.

R. Lagonia: yes
G. Vogler: yes
C. Schober : yes
M. Wilson: yes
J. Wrightsman: absent
Motion carried 4:1

NYSDOT: Gayle Sudder. Response letter to the Town's request asking for a speed reduction on State Route 203 from Reed Road to Route 22. The request was denied.

Joel Dyslin, St. Peter's Presbyterian Church: Request to use the Spencertown Green each Sunday from June 19-August 28, 2022 from 11:00 am-1:00 pm. The Town Board consensus is to allow the use of the Green.

Unfinished Business

Dugway Road Culvert Replacement Project

Discussed

Seal and Repaint Town Hall Parking Lot

Discussed

Tennis Courts

Discussed

Broadband

Discussed

Electric at the Town Park

Discussed

Sound Proofing: Town Hall Meeting Room

Discussed

New Business

Resolution #40-2022 Standard Workday and Reporting

A motion to adopt Resolution #40-2022, Standard Workday and Reporting, was made by G. Vogler and seconded by M. Wilson.

- R. Lagonia: yes
 - G. Vogler: yes
 - C. Schober: yes
 - M. Wilson: yes
 - J. Wrightsman: absent
- Motion carried 4:1.

Note: Social Security numbers and Registration numbers deliberately left blank.

BE IT RESOLVED, that the Town of Austerlitz, location code #30889, 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 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>	<u>Social Security Number</u> (Last 4 Digits)	<u>Registration Number</u>	<u>Standard Work Day</u> (Hrs/Days)	<u>Term Begins/Ends</u>	<u>Participates In Employer's Time Keeping System</u> (Y/N)	<u>Days/Months</u> (based on Record of Activities)
Appointed Officials							
Assessor	Pam Cook			6 hrs	10/1/19-9/30/2025	N	9.59
Town Clerk/Tax Collector	Susan Haag			6hrs	1/1/22-12/31/25	N	13.68
Highway Superintendent	Peter Fitzpatrick			6 hrs	1/1/22-12/31/25	N	16.43

Planning Board Chairman Appointment

A motion to appoint Deborah Lans as the Planning Board Chair effective immediately until December 31, 2022 was made by G. Vogler and seconded by C. Schober.

- R. Lagonia: yes
 - G. Vogler: yes
 - C. Schober: yes
 - M. Wilson: yes
 - J. Wrightsman: absent
- Motion carried 4:1.

Planning Board Application: Oleynek, Waiver Request

Attorney Catalano explained that the Oleynek family has come to the Planning Board requesting a waiver for a private road. Attorney Catalano submitted the following to the Town Board:

The Oleynek family has applied for a minor subdivision with respect to Lot 2 of lands that had been previously subdivided in 2008. Lot 2 is approximately 35 acres that is separated by the private road also approved in the 2008 subdivision. They wish to subdivide Lot 2 into two lots:

30 acres and 5 acres (existing house is located on the proposed 5 acre lot). Pursuant to the 2008 subdivision approval there are currently 5 lots that have access via the private road.

The 2008 subdivision map has a restrictive note that there can be no further subdivision of any of the lots that are accessed via the private road unless and until the private road is reconstructed to meet all of the specifications for a new Town Road. These requirements include, among other requirements, a width of paved surface of at least 20 feet wide and road surface finish of at least 2.5 inches of Type 2 asphalt. The complete set of requirements for a new Town Road are set forth in section 160-2 of the Town Code. The current private road is approximately 18 feet wide and is not paved. The Oleynek family claims that the cost of bringing their private road up to specifications for a new Town Road will be cost-prohibitive and is unnecessary since the current road is adequate to service an additional lot for a total of six.

Although the Planning Board has jurisdiction and authority to alter the restrictive note on the 2008 subdivision map (provided all record owners of the lots in the subdivision consent), section 160-3(F) precludes the Planning Board from doing so as a matter of law since it sets the maximum number of parcels allowed on any private road with a single access to a public road as 5 parcels. However, section 160-5 of the Town Code contains a waiver provision that allows the requirements or restrictions of section 160-3 relative to private roads to be waived or varied upon a specific request to do so and upon the approval of the Planning Board, the Town Board and the Highway Superintendent.

The Oleynek family has made such specific request to the Planning Board and the Planning Board has accepted the minor subdivision application for the limited purpose of referring this matter to the Town Board and the Highway Superintendent for their respective determinations on whether to grant the waivers necessary to allow a 6th lot to be accessed by the private road.

Since it is the Planning Board's understanding that the Town Board and Highway Superintendent and Planning Board all have to agree of this road matter, the Planning Board is hereby officially referring this request to the Town Board and Highway Superintendent before the Planning Board conducts any further review or processing of this application. If either the Town Board or Highway Superintendent do not approve, then the Planning Board will be obligated to deny the subdivision application. The Planning Board has not made any decision or provided any opinion with respect to this road matter.

The Planning Board suggests that the Highway Superintendent first provide the Town Board with a written report of the current condition of the private road and his opinion what, if any, improvements are required and whether he approves of the waiver request, with or without conditions. A copy of the report should also be provided to the Planning Board.

Section 160-5 of the Town Code provides the following guidance with respect to waivers or variances of the road specifications:

Waivers and variances may be subject to appropriate conditions and guarantees. Waivers and variances shall be specific to particular applications, shall be consistent with the intent of this article, and shall be made only upon a finding of the Town Board that the interests of justice will thereby be served without impairing the public health, safety and general welfare. Waivers and

variances shall not nullify the intent of this article and shall only be given when, in the judgment of the Town Board, sections of this article are deemed inappropriate and when the interests of the public health, safety and general welfare of the Town are not served by strict compliance with the standards in this article.

End of Memo

The Town Board and Attorney Catalano discussed the requirements as set forth in the Town's code. Highway Superintendent Fitzpatrick has not yet provided a written report to the Town Board detailing the condition of the road with his opinion concerning the request. P. Fitzpatrick did go out and measure the width of the road with Steve Oleynek. The original subdivision has a waiver from the Town Board at that time for an area of the road that has an electrical pole. Most of the road is at 20 feet, except a section at the beginning where it is 18 feet wide and the area around the electrical pole. Superintendent Fitzpatrick believes the beginning section of the road has to be brought to a width of 20 feet, but he is fine with the area by the electrical pole that was previously waived to less than the code required. Superintendent Fitzpatrick is also fine with keeping this a gravel road instead of it being paved since it is a private road. The Town Board discussed setting a precedence to what the current code calls for, with no decisions made at this point.

Highway Superintendent Fitzpatrick will provide the Town Board with a written report for the July Town Board meeting. At that time, the Town Board will discuss and make a decision.

Town Board Member Maureen Wilson would like to understand the project better. Supervisor Lagonia noted that the complete Planning Board file is available with the Town Clerk, Susan Haag.

Public Comment

None

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: absent

Motion carried 4:1.

Meeting adjourned 7:55 p.m.

Respectfully Submitted,
Susan A. Haag, Town Clerk