

Town of Austerlitz
Regular Town Board Meeting
February 16, 2023

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

Moment of Silence followed by the Pledge of Allegiance.

Meeting called to order at 7:02 p.m.

Minutes

A motion to accept the January Regular Meeting minutes was made by G. Vogler 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 February General Fund, #53-88 in the amount of \$39288.40 and Highway Fund, #27-47 in the amount of \$19704.87 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 January 2023 submitted. Supervisor Lagonia noted there was roughly \$3,000,000.00 in the bank and he is working with a financial advisor to get better interest rates. Once completed, Supervisor Lagonia will bring information to the Town Board. It is still to early so all the line items numbers are still in line.

Supervisor Lagonia submitted a voucher on the County level for the Town of Austerlitz' Summer Recreation Program busing fees and he feels confident that there will be reimbursement for these costs.

Bids are due February 28, 2023 for the Dugway Bridge Project and Supervisor Lagonia understands there will be at least one bidder.

The Town Board discussed code enforcement in the Town and Supervisor Lagonia noted that the Town can hire an additional person to work in the Code Enforcement Department with current Code Enforcement Officer Erin Reis. As the Comprehensive Plan update is completed and possible Zoning changes are made with the Town needing more enforcement, hiring an additional person in that department may be the way to go.

On a County level, police reform review should be completed by March with an action plan and a citizen review board.

There is a County Judge position up this year.

Highway Report

Highway Superintendent Fitzpatrick submitted the following report:

Winter continues to slide by in a rollercoaster fashion!

Flirting with freezing temps then warming up and raining for a couple days with a 20 below zero mixed in!!

This rollercoaster is very hard on our roads causing early mini mud seasons and numerous potholes which are very difficult to deal with this time of year!

We have been out trying to patch what we can, and keep the water flowing.

We have had a few more storms, some snow some rain some ice and some all of the above, definitely interesting weather!!

Definitely troublesome plowing with our lack of frost and rollercoaster temperatures, hard on both the roads and the equipment.

We did have to replace a few worn sprockets that broke on the older little sander, it's now over 20 years old!!

The Little sander we purchased last year with the Dodge picked up the slack very well and kept us moving, a huge help!!

Last month I mentioned the Leaking Hydraulic oil cooler on the John Deere 644 loader was leaking, and was rotten beyond practical repair!

The aftermarket coolers were all backordered with no estimated availability time frame!

The Cooler was readily available from John Deere, had it in a few days and back together a few days later.

Things like this cooler being backordered is happening more and more often, supply chain issues, all around!

Regularly I hear we don't have, we can't get, or something similar!

With many things there is no comparable alternative so we are stuck with a substitute!

Two very important items I'm currently dealing with are tires and tire chains.

Basically there's no options and very limited availability!

Winter maintenance and organization projects have begun on various equipment and will continue. Like work signs, sign racks, mowing tractor, etc.

Between things we have been busy cleaning up fallen debris, cutting trees and trimming brush back.

End of Report

Supervisor Lagonia has done research on the ash tree born disease. The Town can hire a company by the day to cut down some of these trees. This company has special equipment to handle these types of trees with less danger. Town Board Member Wrightsman noted that the Town needed to make sure the public knows about this. Supervisor Lagonia noted that trees would be cut in wooded areas away from homes. Trees that are in the right of way, not on personal property. R. Lagonia noted that this would be a coordinated effort between this company and the Highway Crew.

Town Clerk Report for the month of January 2023 submitted.

Tax Collector Report for the month of January 2023 submitted.

Town Clerk Haag noted that the Town has collected 86% (87% as of today) of the total tax levy which is normally where the Town ends up at the end of May. This is a first to have collected so much this early in the season.

Planning Board Report for the month of January 2023 submitted.

Attorney for the Town Catalano discussed the Hartka Planning Board Project. For the original project years ago, an escrow was collected for road improvements for a 3 lot subdivision. Last fall, one of these original lots was subdivided again into 3 lots using this same road, but the current Planning Board only approved the use of this road for the new 2022 3 lot subdivision, not for entrance for the original subdivision lots. This road was never brought up to specs so the Town still holds the escrow. Part of the Planning Board approval for the new 3 lot subdivision, was to block access or use of this road to the remaining 2 lots in the original subdivision, which has access through another avenue. The Planning Board, under advisement by Attorney Catalano, would like to return the escrow funds to Dale Hartka. The Planning Board Chairman will not sign any survey maps until this road is brought up to specs.

The Town Board discussed why this road has gone so long without having it brought up to specs under the original subdivision and how this falls under code enforcement in Town. The Town Board feels that the Town needs to get a handle on code enforcement. Attorney Catalano noted that current Code Enforcement Officer Erin Reis' hours are not enough for her to handle everything she needs to, including enforcement issues. Hiring an additional person for this department was discussed and Town Board Member Vogler feels an action plan needs to be put in place. Attorney Catalano noted that the law the Town Board passed at the end of last year which updated Code Enforcement, contains all the sections necessary to put something in place. Supervisor Lagonia feels that current Officer Reis does a good job, the Town Board just needs to inform her of what the expectations are for code enforcement.

The Town Board set a workshop for March 16, 2023 beginning at 6:00 pm to discussed code enforcement with Officer Reis and to also compare building fees charged.

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

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

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

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

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

No Climate Smart Report for the month of January 2023 submitted.

Town Board Member Wrightsman noted that the committee met last Wednesday and the committee discussed the Climate Action Plan. Member Wrightsman sent the plan to the Town Board and noted this will be discussed in April. Town Board Member Vogler stated that this plan needs to go to the Comprehensive Plan Advisory Committee first to see how the Action Plan will fit into the updated Comprehensive Plan. Member Wrightsman noted that this Action Plan needs to be approved soon so efforts can be started on. There is a grant that is involved in this process.

Member Wrightsman noted the vulnerability study that is ongoing.

The Town Board discussed Town Board Member membership on this committee. Town Board Member Schober will no longer be on this committee as he is heading up a project with Cornell. C. Schober will not attend the Climate Smart Committee meetings.

Attorney for the Town, Joseph Catalano, asked for clarification as to the name change of this committee. It was explained that this committee is just the Austerlitz Climate Smart Community Task Force. Members on this committee outside of Town Board Members was also discussed. A resolution will be brought to the Town Board next month to finalize changes.

A NYSERDA grant for \$5000.00 has been submitted.

Town Board Member Wilson discussed the Repair Café being held March 4, 2023 noting that a bike repair station will be included. A tarp will be put down on the floor if the Town Board is okay with this. Consensus was to allow.

Supervisor Lagonia noted that it would be good if the Town has its own FaceBook and could use it for communication with Town residents. Supervisor Lagonia noted he will be willing to post to this.

Historian Report for the 2022 year submitted.

Attorney Report

Attorney for the Town Catalano noted that at the end of the year the Governor signed into law a bill that allows for the first time an exemption for emergency workers and volunteer fire and ambulance workers. It would be a tax exemption up to 10%. The Town Board would have to authorize this exemption by local law and choose the exemption percentage. In order to qualify for the exemption, a fire fighter or emergency worker would have to be a member in good standing. The Town Board can decide length of service to qualify as well. The Town Board would also decide who is a qualified individual. Supervisor Lagonia noted that there are a lot of moving parts to this new law and work is already being done on a County level. Once the County decides its parameters, maybe this can be brought back to the Town. Attorney Catalano noted that it is too late to put something in place for this tax cycle, so the Town Board has time to make a decision for the coming year. This is for volunteer workers, not for paid staff. This new law was put in place to try to attract, as well as, retain volunteer fire fighters and ambulance personnel.

Town Board Member Vogler advised that the Town Wide Comprehensive Plan survey will be functional online next week and a mailing to every resident in Town will be going out notifying them of this survey and to encourage them to participate. Member Wilson stated that this should also be announced on the sign out front of the Town Hall.

Supervisor Lagonia updated the Town Board advising that broad band has been brought to 21 homes to date. Consolidated Communication continues to lay the fiber. The price and the hookup process seem to be good. Service is good. Consolidated is moving quickly through Town. Mid-Hudson has not started yet and they are still working through where lines are going to be laid. Mid-Hudson does not have that many homes in Town they will be servicing.

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: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

Correspondence

Lisa Futtner, Austerlitz Democratic Committee: Request to use the Austerlitz Town Hall for 4 meetings. Consensus of the Town Board is to approve. L. Futtner will provide the Board with additional dates.

Rae Gilson and Phyllis Diamond, Spencertown Academy: Request to use the Spencertown Green on June 24, 2023 for the annual Spencertown Academy's Hidden Garden Tour. Town Board consensus was to approve.

Allison Squires, Verizon Wireless: Interest Inquiry for a Ground Lease with Verizon Wireless. Supervisor Lagonia advised that Verizon thought that the Town owned this property, but in fact the State owns where they are looking to place a tower. R. Lagonia spoke with Verizon and discussed the possibility of finding property the Town does own to place a tower. This would be

a good source of income for the Town. Attorney Catalano noted that this project would have to go before the Town Planning Board for approval so there is a whole process to work through. Member Wilson noted she is not in favor of cell towers in the middle of residential areas. Supervisor Lagonia was thinking possibly by the old Town garage. The Town Board discussed this type of project, optional places to put the tower and how a Planning Board does not have the authority to deny this type of project. The consensus of the Town Board by roll call was to move forward with this process. Member Wilson would like the Engineer for the Town to be involved in this process.

Unfinished Business

Deputy Court Clerk

A motion to appoint Kelly Baccaro as the Deputy Court Clerk for a term beginning January 1, 2023 and ending December 31, 2023 or until a replacement is found was made by J. Wrightsman and seconded M. Wilson.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

Highway/Planning Board Clerk

The Town Board appointed Darlene Madsen to the position of Highway/Planning Board Clerk at the January 2023 Organizational meeting. D. Madsen was unable to fulfill that appointment. Since that date, the Town hired Denise George, who worked a week and had to step down due to the illness of family members. Supervisor Lagonia noted that an interview for a potential hire is set for tomorrow.

New Business

Ellsworth Kelly Foundation 100th Celebration

Supervisor Lagonia met with Jack Sheer and Maryann Lee to discuss the Ellsworth Kelly Foundation's 100th Celebration. There are many events happening for this celebration, but one will be a dedication plaque placed on the front of the Town Hall. In addition, the bicentennial banners on the NYSEG poles along the roads will be taken down and replaced with the Foundation's Celebration banners. The Foundation will pay for the plaque and banners.

2023 Highway Form 284

Highway Superintendent Fitzpatrick went over the figures and projects listed on the 2023 Highway Form 284. Superintendent Fitzpatrick noted that he did not want to do any additional work on Dugway Road until the bridge was completed and would only be cleaning culverts and ditching. If possible, once some of the projects are completed, Slate Hill might be added. Supervisor Lagonia noted that there is a lot more that the Town wants to do, but first and foremost, the Town needs to see where the Dugway Bridge project will come in at. The 284 can be revisited later.

A motion to accept the 2023 Highway Form 284 was made by G. Vogler and seconded by Maureen.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

**Town of Austerlitz
2023 Highway Form 284**

This agreement is entered into by the Town of Austerlitz Highway Superintendent and the undersigned members of the Town Board of the Town of Austerlitz pursuant to section 284 of the Highway Law as set forth below and shall be effective for the fiscal year of 2023:

We hereby agree that the monies levied and collected for the repair and improvement of the Town highways, and those monies received from the State of New York for the repair and improvement of Town Highways, shall be as follows:

1. General Repairs: The sum not to exceed of \$348,000.00 may be expended for general repairs and maintenance upon 61.7 miles of Town highways including sluices, culverts, drainage ditches and bridges having a span of less than five feet and boardwalks or renewals thereof.

- Highway Staff Payroll – General Repairs \$157,000.00
- Highway Clerk Payroll \$11,000.00
- Highway Repairs and Maintenance \$165,000.00
- Dust Control \$15,000.00

2. Improvements. The following sums shall be set aside for the improvement of Town highways as described below:

a) Strawberry Hill Bridge: There shall be expended the sum, not to exceed, of \$225,000.00, provided that at least 100% of said amount is to be taken from the NYS CHIPS funding program.

Type: Culvert Repair, C.H.I.P.s.

b) School House Road: There shall be expended the sum, not to exceed, of \$150,000.00, provided that at least 100% of said amount is to be taken from the NYS CHIPS funding program.

Type: Blacktop Project, C.H.I.P.s.

3. It is hereby acknowledged that the foregoing is best estimates based upon information of road conditions and pricing that the Highway Superintendent has at the time this agreement is executed. It is also hereby acknowledged that the foregoing is best estimates of revenue for the above projects based upon information that the Town Board has at the time this agreement is executed regarding revenues and expected NYS C.H.I.P.s funding that the Town of Austerlitz expects to receive in the fiscal year 2023. If there are changes in the scope of work, available

materials, or pricing, and/or revenues or NYS C.H.I.P.s funding amounts, this agreement may be modified in writing by the parties hereto.

This agreement shall take effect when approved by the Town Board and executed by the Highway Superintendent and at least a majority of the members of the Town Board.

This agreement shall be effective from February 16, 2023 and shall remain in effect through December 31, 2023.

A discussion was heard concerning material currently being used on some roads that was provided by the State and came off of the Taconic Parkway.

Member Wilson asked about putting together a 5 year plan. Supervisor Lagonia and Highway Superintendent have been discussing this and are in the process of getting a clearer picture to present to the Town Board.

Installation of High-Efficiency Heating and Cooling System RFP

A motion to accept and put out to bid the RFP for the installation of a high-efficiency heating and cooling system for the old Town Hall was made by J. Wrightsman seconded by M. Wilson.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

Electronic Speed Sign

Supervisor Lagonia and Member Wilson have been collaborating on the purchase of a speed sign. After further research, a speed sign can go on State Route 203, but not on a NYSDOT speed sign. Superintendent Fitzpatrick has been consulted concerning types of signs.

A motion to authorize Supervisor Lagonia to purchase an electronic speed sign with a stand not to exceed \$3500.00 was made by M. Wilson and seconded by J. Wrightsman.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

Member Wilson is trying to work with the local NYSDOT for additional road signage for State Route 203. The end of Big Woods Road is an area that is very concerning and a dangerous intersection.

Public Comment

Kelly Harrison asked if the Climate Smart Committee minutes are online and was told yes. Asked about the Vulnerability Study to which J. Wrightsman noted he will give K. Harrison the slides, as well as, have them put on the website. Discussed the Hartka Planning Board application.

Helen Lobel discussed the Hartka application.

Adjournment

A motion to adjourn was made by J. Wrightsman and seconded by G. Vogler.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

Meeting adjourned 8:24 p.m.

Respectfully Submitted,
Susan Haag, Town Clerk