

Town of Austerlitz
Regular Town Board Meeting
November 16, 2023

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

Town Clerk Susan Haag absent due to IIMC Mid-Year Meeting.

Attorney for the Town, Joseph Catalano, present.

Regular meeting called to order at 6:59 p.m.

Moment of Silence followed by the Pledge of Allegiance.

Minutes

A motion to accept the October 19, 2023 Public Hearing/Regular Meeting minutes was made by J. Wrightsman and seconded by C. Schober.

R. Lagonia: yes

G. Vogler: abstain

C. Schober : yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 4:1

Auditing of Accounts and Claims

A motion to authorize payment of the November General Fund, #417-423 & #425-449 in the amount of \$15,807.91 and Highway Fund, #187-214 in the amount of \$273,444.69 was made by C. Schober and seconded by G. Vogler.

R. Lagonia: yes

G. Vogler: yes

C. Schober: yes

M. Wilson: yes

J. Wrightsman: yes

Motion carried 5:0.

Note: Voucher #424 in the amount of \$745.20 was not approved for payment. That amount was deducted from the above General Fund total.

Reports

Supervisor's Report

Monthly Cash Disbursement Report for the Month of October 2023 submitted. There is roughly \$2,609,324.34 in the bank.

On a County level, the budget for the County has been completed.

Member M. Wilson brought up the topic of a warming station for residents whose power goes out due to winter storms. Supervisor Lagonia discussed warming stations and that Roy Banker of the Austerlitz Fire Department has agreed to provide a warming station. The Spencertown Fire Company has become so busy with calls that they have removed themselves as a possible warming station. Supervisor

Lagonia stated that we should put the information about the location of warming stations on the internet and in other places where it will be seen by town residents.

Supervisor Lagonia asked the Highway Superintendent, P. Fitzpatrick, about hiring a company to do tree limbing and perhaps planning a week of limbing. P. Fitzpatrick had already looked into this and has a company in mind who can reduce branches to a much smaller chip and leave them roadside. The town chipper is not capable of chipping trees with the same size chip outcome. Mr. Fitzpatrick is looking into the costs of moving forward soon, as well as; creating a forward plan to limb certain roads at certain times each year.

Member Wilson brought up the new speed sign and asked the Highway Superintendent what its status is. Superintendent Fitzpatrick has already had the new sign on multiple Town roads. He stated that the sign has WIFI capacity and that it will count cars and record their speed. He is going to experiment with lighting the new sign up like the old sign to see whether the lighting of the sign makes a difference in the velocity of traffic. The new sign cannot be attached to a state sign but can be attached to a Town sign.

Supervisor Lagonia also discussed the Town Website and summarized the difficulties with the site and CivicPlus.

Supervisor Lagonia stated that the Walking Bridge on Crow Hill Road, (County Route 7), has pylons in the stream and blocking the County so, the County is now involved. We are looking to have a maintenance agreement and the project is currently stopped.

Highway Report:

Frost is on the Pumpkins and it's almost time for Turkey!!

We did purchase a powerful leaf blower that runs off the tractor PTO, it works very well and is proving to be very efficient helpful in getting the leaves off the road and out of ditches. Long term this will save many aggravations in grading and plugged ditches and culverts. We haven't been everywhere with it yet but are steadily working our way around town.

The grader has been out steadily fixing things up for the upcoming winter season. Some places just receiving a touch up, others getting more material and more major reshaping. Specifically, Braley Gleason, Norton, and the Dirt portion of Dugway received more than just a touch up, material and reshaping.

Some spot ditching and cleaning of culverts has been taking place to limit trouble spots.

We have mounted plow frames and Sander screens in preparing the trucks for the upcoming winter. We are finishing checking over sanders and plows making sure they will be ready when needed.

As the weather gets colder, we will begin to work on some of our "housekeeping" projects around the shop and more involved equipment maintenance projects. As well as, transitioning the tractor from the grass flail mower to the boom brush mower to help with winter trimming.

We have some more erosion control and a couple more pipes that we hope to get to before winter arrives.

Hope everyone has a good Thanksgiving!

End of Report

Town Clerk Report for the month of October, 2023 submitted.

Planning Board Report for a special meeting held in October, 2023 submitted. Supervisor Lagonia brought up the interest that someone has in the old Spencertown Store. He was told that the project would be on the Planning Board Agenda for December 2023. Also, the Town Board questioned whether there was any follow up re: the required Berm on the Hartka property. There was no update available.

No Comprehensive Plan Advisory Committee Report. Member Vogler stated that the Comprehensive Plan committee continues to meet and that 90% of the drafting has been completed on a draft plan. The plan should be finished by the first quarter of next year, 2024, and will then be available to the Public and the Planning Board. The CPAC has already received greater than 50 recommendations across a broad range of subjects. The Comprehensive Plan is the Town's starting point toward creating the best possible future. R. Lagonia, G. Vogler and, Attorney for the Town, J. Catalano, are continuing to work on zoning laws and will present them as soon as they're broken down enough to discuss.

Building Inspector/Code Enforcement Report for the month of October, 2023 was submitted.

Justice Cassuto Justice Court Report for the month of October, 2023 submitted.

Justice Grubin Justice Court Report for the month of October, 2023 submitted.

Dog Control Report for the month of October, 2023 submitted.

No Climate Smart Report for the month of October, 2023 submitted. Member Wrightsman stated that we have a wonderful new video, shot by an Emmy award winning documentarian, which he participated in. The video will be published to the website soon.

A motion was made to accept the monthly reports 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.

Correspondence

None

Unfinished Business

None

New Business

BAR Member (Tabled)

2024 Chargeback Agreement

The Chatham Rescue Squad has agreed to be paid the amount of \$148,373.00 which is the same amount that we paid them last year. The Chargeback Agreement which is a result of Resolution Number 287-2002 by the Columbia County Board of Supervisors dated 10-9-2002. In the resolution it is stated that the Columbia County Treasurer is authorized to establish chargeback accounts for any municipality wishing to have its expenditure for emergency medical service imposed upon the County real property tax bills. The Town of Austerlitz has determined that the County Treasurer shall charge back the amount of \$148,373.00 to the real property taxpayers of the Town of Austerlitz. The County Treasurer will issue payment, after collection of said Chargeback, directly to the Chatham Rescue Squad. The Chargeback Agreement was signed and dated on October 20 and 21 respectively by Town Supervisor Robert Lagonia and County Treasurer Paul J. Keeler, Jr.

Resolution #43-2023, Exempting Certain Referrals Mandated by General Municipal Law Section 239-m

A motion to adopt Resolution #43-2023, Exempting Certain Referrals Mandated by General Municipal Law Section 239-m 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.

WHEREAS, New York State General Municipal Law Section 239-m requires that certain planning and zoning actions be referred to the County Planning Board before final action is taken by the city, town or village having jurisdiction, and

WHEREAS, many of these mandated referrals have no identifiable countywide or inter-community impact, and

WHEREAS, New York State General Municipal Law, Section 239-m-3-c, allows for the municipality having jurisdiction and the County Planning Board to enter into an agreement that exempts certain actions from mandatory referral, and

WHEREAS, the Columbia County Planning Board has determined that the following actions will not have an identified countywide or inter-community impact:

1. Any area variance seeking relief from a front yard, side yard or rear yard setback on an existing or prior approved parcel.
2. Any variance, site plan review or special permit for an oversized sign, for additional signage in excess of what is permitted in a specific zone or any sign that exceeds the maximum allowed height.
3. Any variance, site plan review or special permit required for the conversion of a single-family residence into a two-family residence, providing provisions are included in the local ordinance for Health Department approval of any on-lot system serving such conversion.
4. Any variance, site plan review or special permit required for any temporary use established pursuant to the provisions of the local ordinance.

5. Any variance required for any fence including height, setback, materials or construction methods, except that no fence required by the N.Y.S. Uniform Fire Prevention and Building Code shall be the subject of any variance considered by the local Zoning Board of Appeals.
6. Any Site Plan Review, Special Use Permit or variance required pursuant to a Historic District Review of an existing or new structure.
7. Any area variance required for the creation of an undersized parcel via the sub-division process, providing the Health Department has approved the on-lot well and septic system locations.
8. Any variance, site plan review or special permit required for the expansion of an existing business or commercial use providing the expansion is located in the side or rear yard of the parcel and that the expansion does not exceed 50% of the existing building size.
9. Any variance, site plan review or special permit required to establish a permitted home occupation within an existing residence or accessory structure.
10. Any variance, site plan review or special permit required for the replacement of an existing mobile home with another.
11. Any area variance, site plan review or special permit required for the erection of any permitted accessory structure or use within the required side or rear yards of an existing parcel.
12. Any variance, site plan review or special permit required to establish more than one residence on a single parcel providing that each residence is located in a manner that would allow for a theoretical sub-division at a future date.
13. Any variance, site plan review or special permit for a mining operation of a scale that would not require a Mined Land Reclamation Permit from N.Y.S.D.E.C.
14. Any action by a local municipal board that would establish a temporary developmental moratorium providing the length of the moratorium does not exceed three (3) months.
15. Any area variance, site plan review or special permit required for the installation of any type of radio communication antenna, but not including cellular or digital telephone towers or other personal wireless communications facilities.
16. Any variance, site plan review or special permit required for the installation of any requirements pursuant to the American Disabilities Act.
17. Any variance, site plan review or special permit required for the creation of a pond, provided no N.Y.S.D.E.C. permit is required due to the limited size and/or location of the pond.
18. Any variance, site plan review or special permit required for the establishment of a residential use on the second floor of a structure whose ground floor is occupied by a business or commercial use.
19. Any variance, site plan review or special permit required to establish a dwelling unit that is smaller in size than allowed by the local zoning ordinance.
20. Any variance, site plan review or special permit required to establish a second or subsequent business entity, not exceeding 10,000 square feet, operated by the owners of and located on an active farm operation.
21. Any variance, site plan review or special permit required to establish a residential solar energy system that provides energy for the use of the property.
22. Any Site Plan Review, Special Use Permit, or Area Variance required for a building integrated solar energy system proposed for an existing structure, provided the Local Fire Chief review is required.
23. Any Site Plan Review, Special Use Permit, or Area Variance required to establish a single-family, duplex or two-family residential dwelling in a single structure.
24. Any Site Plan Review, Special Use Permit or Area Variance required to establish a short-term rental use in an existing structure, or accessory structure.
25. Any abbreviated, and/or expedited Site Plan Review.
26. Any Site Plan Review, Special Use Permit, or Area Variance required to establish a Home Occupation in an existing primary or accessory structure.

27. Any Site Plan Review, Special Use Permit, or Area Variance required to install an electric vehicle charging device for single-family or multi-family-residential use of four (4) units or fewer, housed in the one (1) structure

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board of the Town of Austerlitz does hereby concur that the aforementioned exemptions do not have an identified countywide or inter-community impact and agree that such actions shall no longer be referred to the Columbia County Planning Board for review and recommendation, and
2. That the Town Board of the Town of Austerlitz hereby reserves the right to request a review and recommendation on any of the aforementioned exempt actions, if in their opinion such review and recommendation are warranted due to the specific circumstances of the requested action.
3. This Resolution shall take effect immediately.

Resolution #44-2023, Authorizing Submission of Decarbonization Grant Application

A motion to adopt Resolution #44-2023, Authorizing Submission of Decarbonization Grant Application 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.

Whereas, the Town of Austerlitz adopted Columbia County's first Climate Action Plan for Municipal Operations in June 2023, outlining a path to operate the Austerlitz Government at net zero by 2050; and

Whereas, the Climate Action Plan advises the town to prioritize cutting source 1 (direct combustion) from facilities as a first step in reducing greenhouse gas emissions; and

Whereas, the Town Highway Garage was identified as the largest source of emissions from facilities and the second largest source of emissions from all operations; and

Whereas, the Town commissioned a NYSERDA energy study to determine appropriate interventions for reducing GHGs at the Town Highway Garage; and

Whereas, the garage's fuel-oil powered boiler was determined to be the major source of emissions; and

Whereas, the Town of Austerlitz Climate Smart Community Task Force was empowered to solicit estimates to write a Building Decarbonization Grant from Partners for Climate Action to support an alternative HVAC system for the garage; and

Whereas, an estimate was solicited from the Radiant Store to determine cost of an air-to-water heat pumps to tie into the current hydronic radiant flooring system; and

Whereas, an estimate was solicited from Plug PV to expand the current solar array to 37kw to offset additional electricity demand from new heat pumps; and

Whereas, the Town of Austerlitz Climate Smart Community Task Force is seeking Town Board for approval to submit its Decarbonization Grant Application for \$95,000 to Partners for Climate Action to support air-to-water heat pumps for the town highway garage and accompanying solar array expansion;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Austerlitz does hereby approve the proposed project and grant application described above and authorizes the Town of Austerlitz Climate Smart Community Task Force to submit the Decarbonization Grant Application for \$95,000 to Partners for Climate Action on behalf of the Town.

Public Comment

Deb Oleynek thanked Supervisor Lagonia and Code Enforcement Officer Reis for taking care of the garbage situation on Reed Rd.

Peter Flierl, who has written articles for the Columbia Paper, attended the meeting and brought up the possibility of soon having tax credits available for journalism. He asked whether the Town Board had any thoughts on the subject. The Board stated their interest in it and their lack of information thus far. Mr. Flierl stated that it may allow for a way for local newspapers to survive. He stated that greater than 30,000 newspapers have disappeared since 2001 in New York State.

Adjournment

A motion to adjourn 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. Meeting adjourned at 8:40 p.m.

Respectfully Submitted,

J Lotus, Planning Board Clerk