

The regular monthly meeting, of the Town Board of the Town of Livingston, County of Columbia, and the State of New York was held at the town hall, 119 County Route 19, Livingston, NY on the 11<sup>th</sup> day of September, 2018.

Present:

Supervisor James Guzzi

Deputy Supervisor Will Yandik

Councilperson William Bender

Councilperson Phil Massaro

Councilperson Thomas Shumsky

Supervisor Guzzi opened the regular meeting of the Town Board with the pledge to the flag, at 7:00 p.m.

Resolution # 80

Motion to approve the August monthly minutes

A motion was made by Deputy Supervisor Yandik, seconded by Councilperson Bender, to approve the minutes of the August monthly town board meeting.

Votes: 5 Ayes, 0 No

Communications: none

Supervisor's Report

The following reports were read by Supervisor Guzzi:

Town Supervisor

Town Clerk- Total local shares remitted to town of \$1878.47 for August

Highway- mowed roadside and lawns, dug out clay on Upper Schudderhook and put fabric and millings in and graded. Dug out parking lot and put in milling, put up fence at corners at Twin Lakes. Cleaned up brush from storms. Fixed wash outs from heavy rain

Building Dept- 8 building permits, 0 C/O, 9 Abstract C/O's, 0 Mobile Home. 1 Fire Alarm Registrations, 0 Wedding. Total for month: \$1297.50 Year to Date: \$24963.65

Dog Control- No report

Assessor- No report

### Resolution # 81

#### Motion to approve the monthly reports as read

A motion was made by Councilperson Shumsky, seconded by Councilperson Bender to approve the monthly reports as read.

Votes 5 Ayes, 0 no

### Old Business

Representatives from Northern Dutchess Paramedics gave an update on their reaching out to residents for the 911 signage. They are still handing out the 911 information to insure signage is put up by residents

### New Business

#### Resolution # 82

#### Motion to to permit access for NYS DOT in connection with work affecting state highways in regards to Highway law Sections 52, 103 203 and/or 234

A motion was made by Councilperson Massaro, seconded by Councilperson Shumsky for the Town of Livingston per attached resolution granting access and operation upon state right of way for permits by the NYS DOT as received

Votes

5 Aye, 0 No

#### Resolution # 83

#### Motion to adopt the Columbia County Multi-Jurisdictional Hazard Mitigation Plan

A motion was made by Deputy Supervisor Yandik , seconded by Councilperson Bender, for the town to adopt the Columbia County Multi-Jurisdictional Hazard Mitigation Plan as its Natural Hazard Mitigation Plan and to execute the actions in the plan

Votes

5 Aye, 0 No

Supervisor Guzzi announced that there will be a memorial dedication of the Town Court on October 9<sup>th</sup> at 7pm in memory of Honorable Judge Robert Q. Moore

Fire Chief Paul Jahns gave a report on activity at the fire department the previous month. There were 198 man hours and dealt with such things as a diesel spill, high speed chase, car accident and a storm that blocked CR 19, CR 8 and Sparrowbush road at the same time. Supervisor Guzzi

asked the Chief for a report that could be put on the town website or mentioned in the monthly report.

### Committee Reports

Buildings-

Citizens Advisory- no report

Senior Council- the nutrition site will be moving to the Elizaville firehouse in the near future due to a monthly charge starting at the current site at the church, they hope to increase seniors coming from the Elizaville and Gallatin areas. They have also seen an increase in Meals on Wheels participants.

Planning and zoning- no report

Ethics- no report

Rec Park- There will be a nickel social in November.

Highway- as per the supervisor's report

Communications- no report

Office Support- no report

Historian- there were 14 visitors for the month. The historian will be presenting a talk on Sept. 20<sup>th</sup> at Town Hall offered by the Livingston Free Library.

County Environmental Management- no report

Emergency Management- Chairman Lewis Dimm is updating the list of contact people

Special Projects- no report

Twin Lakes: The donation box has been installed. Had a meeting on defining parking areas so the lot can be used better for people putting boats in the lake

Audit Committee:

### Resolution # 84

### Motion to pay bills

A motion was made by Councilperson Massaro, seconded by Councilperson Shumsky, to pay the bills as presented.

# 82-86 Highway

# 229-258 General



Vote 5 Ayes, 0 No

Public Comment

Supervisor Guzzi explained how the Board of Supervisors works per a resident's request. There are 27 committees and 4-5 sub committees. He is on the Finance committee and discussed how resolutions are discussed, read and voted on.

A resident asked who controls which roads are to be paved and Supervisor Guzzi said that the Highway Superintendant looks at the roads not paved and which ones need to be done

A resident had a question on the budget process. Per Supervisor Guzzi, he gets an estimate from each dept. which are due back by Sept 20<sup>th</sup> this year so they can be reviewed by Sept 30<sup>th</sup>. The Town Clerk submits the budget at the public hearing and then it receives final budget approval. The Supervisor and assistant met with the town accountant on Sept 10<sup>th</sup> as well.

Resolution # 85

Motion to adjourn the meeting

A motion was made by Councilperson Bender, seconded by Councilperson Shumsky, to adjourn the meeting.

Vote 5 Ayes, 0 No

The meeting was adjourned at 8:00 pm

Respectfully Submitted,

Tammy Molinski

Town Clerk



**UNDERTAKING**  
For the benefit of  
**The New York State Department of Transportation**  
In connection with work affecting state highways  
(For use by New York municipalities and federal agencies)

WHEREAS, the undersigned Town of Livingston (Municipality, County, Town, City or Village, or any agency of the federal government, hereinafter referred to as "Permittee") from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the "NYSDOT") and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, Permittee's access and operation upon state right-of-way is conditioned upon compliance with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee's operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses,

NOW, THEREFORE, in relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

**1. Permit Applications.** Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration

**2. Applicable Rules, Regulations & Conditions.** Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.

**3. Site Restoration.** Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.



**4. Payment & Release of Liens.** Permittee shall be responsible for the payment of all costs and materials relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by persons supplying services or materials to Permittee in connection with Permittee's work.

**5. Indemnity.** In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations, whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the Permittee's, activities or operations under any and all permits issued using this Undertaking.

FURTHERMORE, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations.

This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked by the Permittee or rejected by NYSDOT upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

IN WITNESS WHEREOF, Town of Livingston (Municipality-County, Town, City, Village or federal agency) agrees to the terms of this Undertaking, and has caused its execution by the authorized officer or employee (attach Resolution of Approval).

James Gazi  
Authorized Agent

9/11/18  
Date

JAMES GAZZI SUPERVISOR  
Print Name/Title

34 DAWSKI RD  
Address

(518) 965-6539  
Phone number

HUDSON . N.Y 12534  
Address

LIVINGSTONSUPERVISOR@YAHOO  
e-mail



**Supervisor**  
James Guzzi  
**Town Clerk**  
Tammy Molinski  
**Highway Superintendent**  
David Lyons

PO Box 65  
Livingston NY, 12541  
518-851-9441

[www.livingstontown.com](http://www.livingstontown.com)

**Councilpersons**  
William Bender  
Philip Massaro  
Thomas Shumsky  
William Yandik

## RESOLUTION 83

WHEREAS, the Town of Livingston, with the assistance from Columbia County Emergency Management, has gathered information and prepared the Columbia County Multi-Jurisdictional Hazard Mitigation Plan; and

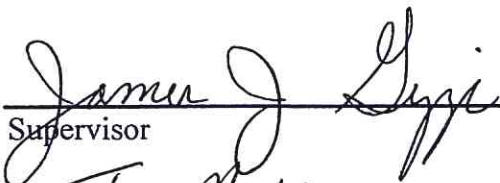
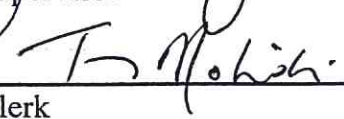
WHEREAS, the Columbia County Multi-Jurisdictional Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Town of Livingston is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the Town of Livingston have reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by the Town Board that the Town of Livingston adopts the Columbia County Multi-Jurisdictional Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

ADOPTED this 11<sup>th</sup> day of September, 2018 at the meeting of the Town Board.

  
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Supervisor  
  
\_\_\_\_\_  
Clerk