

**REGULAR MEETING
OF THE
TOWN OF WESTERLO TOWN BOARD
TUESDAY OCTOBER 2, 2012**

The Town of Westerlo Town Board met on Tuesday Oct. 2, 2012 in the Westerlo Town Hall located at 933 County Route 401 in Westerlo. The meeting was opened by Supervisor Richard H. Rapp with the Pledge of Allegiance to the Flag at 7:35 P.M. with the following present:

PRESENT WERE: Supervisor Richard H. Rapp
Councilman Anthony W. Sherman
Councilman Alfred L. Field
Councilman R. Gregory Zeh Jr.

ABSENT: Councilman Edward A. Rash

Also present were Zoning Administrator/Code Enforcement Officer Edwin H. Lawson, Justice Robert Carl, Planning Board Chairperson Dorothy Verch, Planning Board Member Edwin (Ned) Stevens, Albany County Legislature Deborah Busch, Town Clerk Kathleen Spinnato, several town employees, and approximately 22 residents/interested persons.

Supervisor Rapp requested a moment of silence in honor of deceased former Justice Joseph Dean.

Supervisor Rapp read correspondence from resident Leonard Laub regarding his gratitude and thanks to the several agencies and persons who responded to an auto accident.

Supervisor Rapp asked for a motion to approve the Town Board minutes of Sept. 4, 2012. Councilman Sherman made a motion to accept the minutes, seconded by Councilman Field and carried. Councilman Zeh abstained.

Supervisor Rapp then asked Justice Robert Carl to speak. Justice Carl reported that he and Justice Kenneth Mackey had interviewed four candidates for the advertised position of Clerk to the Justices. Jessica Tronco was chosen by the Court Justices for the position. They were seeking the Town Board's appointment of Jessica to the position. Justice Carl also advised that last year 10 hours per week was budgeted for the former Clerk to the Justices. Clerk Flo Derry devoted much more time than that to the position. He was hoping to increase the hours to 12 hours per week and was informing the Town Board for budget purposes.

Justice Carl also reported the Court needs to start scheduling trials which will increase costs for the Town of Westerlo and the Town Board should budget appropriately. He made a comparison to the Town of Knox which recently had a trial that lasted from 9 am through 7:30 pm and required a court stenographer. Also, while interviewing for the position of Clerk to the Justices, the Court ran into an issue. The issue is a statute on the books regarding the hiring of an individual from within the Town of Westerlo if they apply first. He was hoping that they could pass a town law that would allow the hiring outside of the Town of Westerlo for the most qualified person instead. He would like to see that change, not this time around, but for the future. He also suggested a money saver. He reported the Town prosecutor makes \$6,000 per year to prosecute Vehicle and Traffic cases. The Town Board may want to check with the

Albany County District Attorney's office to see if the DA's office will prosecute cases to save the town \$6,000. (Note: Later in the meeting Councilman Zeh advised he would look into the matter to see if the DA's office will prosecute cases, to hopefully save the Town of Westerlo money.) In Greene County the ADA prosecutes all the tickets. There are several towns that already do this in Albany County. He also advised, starting in January 2013, Court will be held one night per week on Wednesdays (instead of the current two nights per week).

Councilman Zeh asked Justice Carl to clarify. If the Court is decreasing the number of nights it's open and they are anticipating the increase in DWI cases, how will this work. Justice Carl advised the Board that he will increase the hours on Wednesday evenings if need be, the case load will remain the same.

Justice Carl asked about the status on the roof at 671 County Route 401, with the recent heavy rain the leaks continue. Supervisor Rapp responded that there were people looking at it today.

Ned Stevens asked if the Clerk to the Justices position had been posted in the newspaper, he didn't remember it being announced at the Sept. 4th meeting. Councilman Zeh reported that it had been advertised and that the voucher for payment of the bill from the Altamont Enterprise was to be paid this evening, as far as it not being mentioned last month, he was not in attendance at that meeting.

Councilman Zeh made a motion to adopt the following resolution:

WHEREAS: the Westerlo Town Court has advertised, the Justices have interviewed and made their recommendation for the position of Clerk to the Justices to the Town Board be it

RESOLVED: to appoint Jessica Tronco Clerk to the Justices.

Councilman Field seconded the motion and a roll call vote resulted as follows:

AYES: Supervisor Rapp
Councilman Zeh
Councilman Field
Councilman Sherman

NAYS: None.

RESOLUTION # 28-2012 was thereby duly adopted.

Supervisor Rapp reported that the Tentative Budget has been submitted to the Town Board members and it has been kept under the 2% NYS property tax cap. The Town Board will need to get together and review it before presenting to the public. The Town Board members present agreed that they will let him know what night they can all get together to review the Tentative Budget.

Councilman Zeh suggested that they schedule the meeting like they did last year. If they are able to budget under the 2% NYS property tax cap, we can then cancel the meeting. But, in case they don't schedule the meeting and they don't come under the time line for the budgeting process, in preparation if we don't fall within the 2% tax cap that they have a meeting scheduled ahead of time on the books. Councilman Sherman, Councilman Field, and Supervisor Rapp were in agreement with Councilman Zeh's suggestion.

Councilman Zeh then explained that New York State requires the Town of Westerlo to pass a budget that's under the 2% property tax increase from the prior year excluding certain items ie: state retirement, etc. If the Town of Westerlo cannot stay

within the 2% tax cap a local law must be passed allowing the Town to go above the 2% property tax cap increase. Last year a meeting was scheduled because of the financing of two trucks purchased. Even though the Tentative Budget as it now stands looks to be below the 2%, given the information received tonight from Justice Carl about Court cases, he would rather schedule the meeting. No date was determined or scheduled for the potential meeting.

Supervisor Rapp made a motion to pay the monthly bills and to adopt the following resolution:

WHEREAS: the Town Board has audited the monthly bills, be it

RESOLVED: that the following bills be paid

Voucher # 394 through #431 in the amount of \$32,715.98

Councilman Zeh seconded the motion and a roll call vote resulted as follows:

AYES: Supervisor Rapp

Councilman Zeh

Councilman Field

Councilman Sherman

NAYS: None.

RESOLUTION # 29-2012 was thereby duly adopted.

Supervisor Rapp made a motion to transfer funds and to adopt the following resolution:

WHEREAS: some accounts have been overdrawn, be it

RESOLVED: that the Supervisor is hereby authorized to increase the following appropriation accounts from available fund balance:

A1620.4 \$4,000.00

A9040.8 \$5,000.00

DA9040.8 \$5,000.00

Councilman Zeh seconded the motion and a roll call vote resulted as follows:

AYES: Supervisor Rapp

Councilman Zeh

Councilman Sherman

Councilman Field

NAYS: None.

RESOLUTION # 30-2012 was thereby duly adopted.

Supervisor Rapp then opened the meeting to the public.

Ned Stevens stated it's been one year since Hurricane Irene how is the Town of Westerlo making out with FEMA. Supervisor Rapp reported that they have received some monies, but need a lot more coming. Mr. Stevens asked about Lobdell Mill Road. Supervisor Rapp reported that a portion of that road is still closed. Mr. Stevens asked if the Town had received enough funds to pay back funds borrowed while waiting for FEMA payments. Supervisor Rapp responded that the Town had received enough to pay that loan. Mr. Stevens then asked about the dam on Lake Onderdonk has any decision been made as to who owns it and who is responsible. Supervisor Rapp responded he has heard all sorts of stories. In the forty-five years he has been here that has come up at least once a year.

Dawn Jordon Chairman of the Town of Berne Hydrofracking Committee had read an article in the Altamont Enterprise pertaining to the Westerlo Hydrofracking

Committee holding closed meetings. She asked is that accurate. Councilman Field responded, yes. Hydrofracking Committee member Larry Verch responded to Dawn Jordan's question indicating that he had also read the article. He advised that there is no secrecy and the meetings are open, discussion between Mr. Verch and Dawn Jordan followed. When asked when the next Hydrofracking Committee meeting is Councilman Field responded on Thursday October 18th.

Anita Marrone asked about the Ethics Committee and who was on it. Supervisor Rapp responded that they are still working on it. Councilman Zeh commented that they had received applications from persons who were interested but the Town Board needs to schedule a time to interview applicants and appoint individuals. Supervisor Rapp made a note to do so with the Town Board, no date or time was set.

Ned Stevens asked about a moratorium on solar panels. Supervisor Rapp advised there is none. Mr. Stevens briefly discussed the topic.

Supervisor Rapp announced the retirement of Westerlo Highway Superintendent John Nevins. The Town of Westerlo will advertise the position and hold interviews.

Councilman Zeh made a motion to adopt the following resolution:

WHEREAS: the position of Town of Westerlo Highway Superintendent is vacant due to retirement, be it

RESOLVED: to have the Town Clerk post the position of Town of Westerlo Highway Superintendent in the official town newspaper asking interested parties to apply for the position.

Councilman Field seconded and the motion and a roll call vote resulted as follows:

AYES: Supervisor Rapp
Councilman Zeh
Councilman Sherman
Councilman Field

NAYS: None.

RESOLUTION # 31-2012 was thereby duly adopted.

An individual asked when can the public expect an interim report from the Hydrofracking Committee. Councilman Field indicated when they have collected the proper information, the committee will then provide their findings to the Town Board.

Councilman Field responded to Jack Milner's questions at the September 2012 Town Board meeting regarding scrap metal recycling. Councilman Field had gone to 3 metal scrap yards Simms/Shibo, Rensselaer Iron & Steel and Eastern Metal Recycling asking for prices with the same arrangements that the Town currently has with Rensselaer Iron where they provide the container, leave it and they pick-up and we receive payment by the gross ton. He had heard from two of the three recyclers Simms/Shibo and Eastern Metal, he reported the prices per gross ton and any charges he was quoted. He also advised the prices can and do fluctuate depending on market prices so these charges are for current market prices. He had not heard from Rensselaer Iron as of today. Mr. Milner responded to Councilman Field's research and discussion ensued regarding the Town of Westerlo transporting any scrap metals vs. the recyclers transporting scrap metal. Councilman Zeh suggested Councilman Field contact the recyclers again and get current prices of the cost if the Town delivers the scrap metal vs. the metal recyclers providing their services. Councilman Zeh will contact the highway dept. to calculate the cost to the town for transporting.

Anita Marrone inquired about the retirement of John Nevins as Highway Superintendent. Supervisor Rapp responded that they held a retirement party for him and John received many compliments that night.

Henry Lasher advised that his road, Lobdell Mill Rd., has a safety issue. The safety issue is in regards to the inability to turn fire company apparatus around on the road. Fire company apparatus will need to back up down the road. The road was severely affected by damages caused by Hurricane Irene in 2012. He was wondering where the process was on FEMA. Mr. Lasher reported it would now take him 15-20 minutes to drive to a fire company scene. Councilman Zeh asked Mr. Lasher to clarify if this was his concern as an individual, or was he representing the Westerlo Volunteer Fire Co. Mr. Lasher responded that he was not representing the Fire Co. He was concerned as a home owner and resident of Lobdell Mill Road should there be a fire on Lobdell Mill Rd. A brief discussion continued on the topic. Councilman Sherman asked Town of Westerlo Deputy Highway Superintendent Jody Ostrander if there were any concerns/difficulties plowing snow on this same road. Jody responded that at the beginning of 2012 there were no difficulties in plowing Lobdell Mill Road, but there were also no major snow storms at the start of 2012. Jody then advised of the procedure the highway crew used in plowing that road.

There being no further questions or comments Supervisor Rapp made a motion to adjourn the meeting. Councilman Zeh seconded the motion and carried with all Town Board members who were present in favor. The meeting adjourned at 8:15 P.M.

Respectfully Submitted,

Kathleen J. Spinnato
Town Clerk