

**PUBLIC HEARINGS
2013 PRELIMINARY BUDGET
& REGULAR MEETING
OF THE WESTERLO TOWN BOARD
Wednesday November 7, 2012**

The Town of Westerlo Town Board met on Wednesday November 7, 2012 in the Westerlo Town Hall located at 933 C R 401. Supervisor Rapp opened the Public Hearings followed by the regular meeting with the Pledge of Allegiance to the Flag at 7:30 PM. A copy of the 2013 Preliminary Budget and a draft copy of the proposed Local Law # 3-2012 were available at the Town Clerk's office and at the meeting for public review.

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

Also present were Zoning Administrator/Code Enforcement Officer Edwin H. Lawson, Planning Board Chairperson Dorothy Verch, Planning Board Member Edwin (Ned) Stevens, Planning Board Member Gerry Boone, Deputy Highway Superintendent Jody Ostrander, Town Clerk Kathleen Spinnato, several highway employees and approximately twenty residents.

Supervisor Rapp reported the 2013 Preliminary Budget of the Town of Westerlo Volunteer Fire Co. (TWVF) was unchanged from the previous year. The Supervisor asked if there were any questions or comments from the public, there being none, he asked for a motion to close the public hearing. Councilman Zeh made the motion to close the public hearing for the TWVF budget Councilman Field seconded and motion carried all in favor.

Supervisor Rapp opened the public hearing on the 2013 Preliminary Budget of the Westerlo Rescue Squad was unchanged from the previous year. The public had the opportunity to ask questions or comment, there being none, Councilman Zeh made a motion to close the public hearing on the Westerlo Rescue Squad budget, Councilman Sherman seconded and motion carried all in favor.

Supervisor Rapp opened the public hearing on the 2013 Preliminary Budget for the Town of Westerlo. Ned Stevens asked if the Town of Westerlo Library budget is included in the town budget and had it increased. Supervisor Rapp informed him that the library is included with the town budget and the increase for the library he believed was 1.9%. Mr. Stevens commented if the Fire Co. & Rescue Squad could keep their budget unchanged, he doesn't see why the library needs an increase. Mr. Stevens asked how much the town budget had gone up from last year. Supervisor Rapp advised around 2%.

Councilman Zeh advised that even though the budget is currently around 2% the Town Board should still hold a Public Hearing for Nov. 14th regarding a proposed local law to override the NYS property tax cap. He advised, in 2012 the Town had expended for Hurricane Irene and now those monies are starting to come in which are providing revenues for next year. He wants to make sure those revenues are reinvested into projects that the Town of Westerlo needs to have done such as roof repair to the building at 671

County Route 401 that houses the highway garage. Once those expenditures for roof repair are placed into the 2013 budget, the town will be slightly over the 2% NYS Property Tax Levy Limit. Councilman Zeh explained that more work needs to be done on the 2013 budget and there will be a public hearing regarding the budget on Wednesday, November 14th. There being no further questions or comments from the public, Councilman Zeh made a motion to close the public hearing on the Town of Westerlo Preliminary Budget, seconded by Councilman Field, motion carried, all in favor.

Councilman Zeh made a motion that the Town Board hold a Public Hearing on November 14th to establish a local law to override the NYS 2% Property Tax Levy Limit, Councilman Rash seconded and motion carried all in favor.

Councilman Zeh advised the original tentative budget was published with the same salaries as 2011. The Town Board had made changes to the salaries for employees of the town for the positions of Councilmen, Planning Board & Zoning Board those corrections are shown in the preliminary column.

Several short questions were asked by the public and answered by Councilman Zeh regarding the Library budget, the stages of the budget process, and the 2% property tax cap override.

Councilman Zeh then made a motion to adopt the following resolution:

WHEREAS: the Town Board needs to move the 2013 Tentative Budget, as modified with correction to salaries of Councilmen, Planning Board and Zoning Board to the 2013 Preliminary Budget be it hereby

RESOLVED: the 2013 Tentative Budget as modified, becomes the 2013 Town of Westerlo Preliminary Budget.

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

AYES: Supervisor Rapp
Councilman Zeh
Councilman Field
Councilman Rash
Councilman Sherman

RESOLUTION # 32-2012 was thereby duly adopted.

Supervisor Rapp then opened the Regular Town Board meeting. He asked for a motion to approve the Town Board minutes of October 2, 2012. Councilman Sherman made the motion to approve the minutes, seconded by Councilman Zeh and carried all in favor.

Supervisor Rapp asked Town Clerk Kathleen Spinnato to provide information on NYSERDA rebates for office machines. The clerk informed the Board that she had received an e-mail from the New Scotland Town Clerk Diane Deschenes that may help deter the cost of a copier, or other office equipment. NYSERDA is offering rebates to eligible municipal governments of 75% on the purchase of eligible energy star office equipment. She provided the Board with information on the Buy Green Save Green NYS Local Gov't Rebates which started 9/25/2012 with \$1,100,000 available for rebates. The funding is available on first come first serve basis until funding is exhausted or 2/1/2013 whichever comes first. There is a maximum of \$20,000 per eligible gov't. entity. She advised the board members if they need more information on the rebate it is available on the website which is included in the handout she provided to them.

Councilman Zeh read aloud the qualifying types of office equipment. Supervisor Rapp advised that the town needs a copier the current one is aging. Councilman Zeh asked the Supervisor of the approximate purchase price of a copier that had been looked at in the past. Supervisor Rapp thought around \$6,000. Councilman Zeh explained his concern and read that the purchase price for each individual item cannot exceed \$5,000 with a maximum of a \$20,000 rebate per gov't entity. He then read a section from the Rebate that states "before you can fill out a rebate application form, the entity must first purchase the energy star equipment (or program qualified, energy efficient advanced power strips). Supervisor Rapp advised the Town Board needs more information. Councilman Rash advised, gather the information and then let the board know if the Town of Westerlo can get a qualifying product and from a qualifying source. Councilman Zeh also advised that if the town is looking to spend \$6,000 on a copier it exceeds the requirements of the rebate individual purchase price. The town should try to find a copier that meets the qualifications of the rebate.

Supervisor Rapp then asked the Town Clerk Kathleen Spinnato to provide information on the Verizon Escrow. She advised the board that Administrative Aide Kim Slingerland had asked her to provide information regarding the Verizon Escrow accounts to the Town Board. A resolution for the return of Verizon Escrow Funds is needed. The balances for savings, checking and October interest were given to the board members. Councilman Rash believed the funds were there to cover removal of the cell tower. Councilman Zeh asked if the Verizon had made the request for the return of escrow funds. The town clerk was unaware of who had made the request. Councilman Zeh said the matter should be referred to the town attorney to review the special use permit to see what the requirements of the special use permit were in regards to the escrow balance.

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:

A 1410.4	\$ 700.00
A 1620.4	5,000.00
A 7620.4	100.00
A 9040.8	2,500.00
DA 5130.4	2,000.00
DA 9040.8	2,500.00

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

AYES: Supervisor Rapp
Councilman Zeh
Councilman Rash
Councilman Field
Councilman Sherman

NAYS: None.

RESOLUTION # 33-2012 was thereby duly adopted.

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 #432 through Voucher # 481 in the amount of
\$141,506.88

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

AYES: Supervisor Rapp
Councilman Zeh
Councilman Rash
Councilman Sherman
Councilman Field

NAYS: None.

RESOLUTION # 34-2012 was thereby duly adopted.

Councilman Zeh asked Deputy Highway Superintendent Jody Ostrander to give an update on Lobdell Mill Road. Jody reported on FEMA bluebook amount \$386,784.00. Callanan bid amount of \$386,560.00 for repairs for Hurricane Irene damage to Lobdell Mill Rd. and the terms of payment. The bid includes everything except cost to blacktop. Councilman Zeh stated that now that the Town of Westerlo has received confirmation from FEMA for the repairs to Lobdell Mill Rd. the repair work has started. He also clarified the original quote submitted by the Town to FEMA was to fully repair Lobdell Mill Rd. was \$990,000. Councilman Zeh reported that former Highway Superintendent John Nevins had advised FEMA that with the heavy equipment traffic to repair the road there may be more damage caused to the existing roadway, FEMA did not honor that request. The highway dept is planning the best they can to repair Lobdell Mill Rd. with existing materials, so if it was blacktop before it may not be blacktopped again when repaired. The Town can still try to fight for more funding from FEMA but does not want to burden taxpayers with the additional cost if FEMA does not pay the difference.

Councilman Zeh reported the Town Board needs to schedule a time for the Board to review the applications for the position of Highway Superintendent that was advertised in the Altamont Enterprise. At the same time the board needs to discuss filling the position but also discuss other issues concerning maintenance of Town of Westerlo buildings, maintenance of the Westerlo Water District # 1, and possibly having a Commissioner of Public Works vs. Highway Superintendent. He also suggested an appointed position instead of an elected position and a change of the job description, consolidating the services may help save monies. Councilmen Sherman and Councilman Field were in agreement. Councilman Rash suggested that there may be an additional challenge for the applicants that have already applied for the Highway Superintendent position. A brief discussion followed regarding a possible meeting date. Councilman Zeh made a motion to hold a Special Town Board meeting on Tuesday, December 4, 2012 to discuss the position of Highway Superintendent to be followed by the regular Town Board meeting. Councilman Field seconded and the motion carried all in favor.

Councilman R. Gregory Zeh Jr. then read his letter of resignation from the positions of Councilman and Deputy Town Supervisor effective immediately and

requested his letter be included with the minutes (see attached). He advised the reason for his resignation is due to the closing on the sale of his home in Westerlo.

Resident Ami Lahoff requested a speed limit reduction near her home on 15 County Route 312, Dormansville. Supervisor Rapp asked her to send a letter to him so it could be forwarded to Albany County. Councilman Zeh further explained the standard practice processes required to reduce the speed limit to Ms. Lahoff advising her that the Town of Westerlo does not have the authority to change a speed limit due to its class. The NYS DOT will need to review the request and will advise the Town of Westerlo of its decision/recommendations for a speed reduction. He advised her that the Town Board would also post a legal notice in the newspaper regarding a request for speed limit reduction on the same road so other residents are aware that a request is being made. A brief discussion followed and Sgt. Henry of the Albany County Sheriff's Department had been made aware of Ms. Lahoff's request and will also follow up.

Town of Westerlo Volunteer Fire Company Chief Tom Diedrich reported on NYSERDA energy audit on the fire company lighting along with Central Hudson. They may qualify for a program to replace the lighting in the fire houses and Central Hudson will pay for 70%. The cost to fire company is 30%. He also reported the fire co. has a crew of four firefighters and a piece of apparatus currently serving in Long Beach, LI as part of NYS Mutual Aid Program after Hurricane Sandy struck that community. He explained the rotation schedule and advised that any expense incurred while serving there would be reimbursed by FEMA. The TWVF does have to keep track of their expenses. The fuel for the trip down, because they had to fuel up in Newburgh due to shortages in NYC, cost \$80. He then provided more detailed information on the storm damages from Hurricane Sandy. He advised that the TWVF 2013 budget is \$185,000 lower than two other comparable fire companies whose budgets are near \$300,000.

Councilman Field provided his findings to the Town Board members regarding his research on the costs of recycling of commingled steel prices and services provided from Rensselaer Iron & Steel, Sims Metal Management and Eastern Metal Recycling vs. the Town of Westerlo hauling the same recyclable commingled steel with town employees and equipment. He provided the figures and quotes from each company and the cost comparisons vs. the Town of Westerlo hauling the scrap metals. Discussion on the topic followed with a comment from Councilman Rash. Councilman Field made a motion to provide the information and to the Deputy Highway Superintendent for his review and award to the highest (bidder) quote. Councilman Sherman seconded the motion, Councilman Zeh abstained, the motion carried

Sgt. Henry of the Albany County Sheriff's Department announced the open house on December 8th from Noon until 3:00 pm of their new office located at 58 Verda Avenue, Clarksville and the activities involved. The sheriff's offices had moved from their previous location of Voorheesville. In April they plan to offer a public safety day.

Ned Stevens thanked Councilman Zeh for his service and professionalism as Councilman.

Councilman Edward A. Rash announced his resignation from the position of Councilman due to personal circumstances effective January 1, 2013. He was grateful for the opportunity to serve the community and work alongside board members both past and present. He had served on various committees and as a Councilman for over two decades

and had made the decision to resign unaware of Councilman Zeh's resignation announced tonight. He provided the Town Clerk with his letter of resignation.

Councilman Zeh made a motion given the current revelation regarding tonight's announced resignations the Town Board enter executive session. Councilman Sherman seconded the motion, motion carried all in favor. The Town Board entered executive session at 8:26 PM. and returned from executive session at 8:40 PM.

The Town Board advised the public that due to the fact the Deputy Town Supervisor R. Gregory Zeh Jr. had tendered his resignation. The position of Deputy Town Supervisor was vacant and was offered to Edwin H. Lawson who has agreed to accept. Supervisor Rapp then made the motion to adopt the following resolution:

WHEREAS: the position of Deputy Town Supervisor is vacant due to the resignation of Councilman R. Gregory Zeh Jr. be it

RESOLVED: the Town Board appoint Edwin H. Lawson Deputy Town Supervisor effective immediately

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

AYES: Supervisor Rapp
Councilman Rash
Councilman Sherman
Councilman Field
Councilman Zeh

NAYS: None

RESOLUTION # 35-2012 was thereby duly adopted.

There being no further business Supervisor Rapp made a motion to close the meeting. Councilman Zeh seconded the motion and carried all in favor. Meeting adjourned at 8:45 PM.

Respectfully Submitted,

Kathleen Spinnato
Town Clerk

