

**REGULAR MEETING
OF THE TOWN BOARD
OF THE TOWN OF WESTERLO
FEBRUARY 7, 2012**

The Town Board of the Town of Westerlo met on the 7th day of February, 2012 in the “new” Town Hall at 933 C R 401. The meeting was called to order at 7:30 p.m. by Supervisor Richard H. Rapp with the Pledge to the Flag.

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 Deputy Town Clerk Gertrude A. Smith, Town Attorney Aline D. Galgay, CEO Edwin H. Lawson, several Town employees and approximately 30 residents. Absent was Town Clerk Kathleen Spinnato, due to a death in the family.

Supervisor Rapp asked for a motion to approve the December Town Board minutes and also the January Minutes. Councilman Zeh asked that a correction be noted in the January minutes, that of the salary for the Councilmen; from \$7,250 to \$3,625. With this change, he made a motion to accept the minutes as corrected. Motion was seconded by Councilman Sherman and passed with a unanimous decision.

Supervisor Rapp asked CEO Edwin Lawson to explain the situation with unsafe buildings. Mr. Lawson said that there are presently two unsafe buildings within the Town, one which had burned and one that is a mess, with garbage and rodents. He proposed a local law so that the Town would have a tool to work with. Several questions were brought up, and Town Attorney Galgay answered them. She also answered questions about the proposed law.

Councilman Rash asked about the building code and laws pertaining to the code, which CEO Lawson explained. After a discussion regarding who owns property which has burned, site visits by the Board, reports done by the CEO, who has authority regarding what is unsafe, etc., CEO Lawson explained other aspects of the proposed law and what the Town Board can or cannot do regarding unsafe buildings. Councilman Zeh made a motion to hold a public hearing for adoption of the proposed Local Law #1-2012 on Tuesday, March 6, 2012 at 7:35 p.m.

Supervisor Rapp brought up the subject of a Board of Ethics. Councilman Zeh asked about a resolution to adopt the Code of Ethics, which was not done at a previous meeting. A review of the Code of Ethics and a resolution to adopt it will be on the agenda for the March meeting.

Supervisor Rapp informed the Board that the Planning Board is in need of two members. He suggested two names, Dorothy Verch to be chairperson, and Doyle Shaver to be a member of the Planning Board. Councilman Sherman noted that there are still several applications on file, and the Board has already interviewed Mr. Shaver. It was also discussed that those who applied last time should be called. Councilmen Sherman and Field will interview Mrs. Verch after the meeting.

Supervisor Rapp read a letter of thanks from former Councilman Robert Snyder.

Supervisor Rapp informed the Board that the employee handbook needs to be reviewed. Councilman Zeh said that the Town Board has full responsibility regarding the handbook, and should meet in executive session in order to do this. Town Attorney Galgay suggested that the Board also review the policy changes for the Highway Department, which are amendments to the employee handbook. It was decided to meet on Thursday, February 23rd at 7 p.m., in the old court room at 671 C R 401.

Supervisor Rapp informed the Board that the issue of Town Hall usage needs to be addressed. Councilman Zeh has several issues; the building is not secure, therefore anyone who uses it now, has free reign to the entire building. Deposits were discussed, and insurance is also a concern. Town Attorney Galgay noted that there would need to be a fee for use of the building. Councilman Rash noted that he would like to see the building used for activities of groups. More discussion ensued. Councilman Sherman said a usage policy needs to be developed.

Supervisor Rapp informed the Board that the Board needs to act on the purchase and financing a new truck. Councilman Zeh asked if the other short-term debts have been paid off, which was answered in the affirmative. He made a motion to adopt the following resolution:

WHEREAS: the Highway Department is in need of a new truck, be it
RESOLVED: that Supervisor Rapp be authorized to enter into a Statutory Installment Bond in the amount of \$73,000 for the purchase of one 2012 Ford F550 4-Wheel Drive truck. (see attached)

Councilman Rash 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 #5-2012 was thereby duly adopted.

Supervisor Rapp informed the Board that the Museum Board has asked that the following persons be approved by the Town Board to serve on the Museum Board: Donald Britton and Elaine Nevins, and made a motion to approve these two persons for the Museum Board. Motion was seconded by Councilman Zeh and passed with a unanimous decision.

Supervisor Rapp informed the Board that Superintendent of Highways John Nevins wishes to sell some old equipment. Councilman Zeh made a motion, seconded by Councilman Sherman and passed to allow Mr. Nevins to sell any old equipment.

CAC Chairwoman Alline D. Galgay had asked for permission to decorate the light poles in the two hamlets; Westerlo and South Westerlo, and asked for the Board's approval. The CAC needs to apply to Central Hudson and Verizon for permission, and the Highway Department will install the clamps, etc. A resident asked about Dormansville, but there is no lighting district in Dormansville. Councilman Zeh made a motion to allow the CAC to proceed with this endeavor. Councilman Field seconded the motion which passed with a unanimous decision.

Supervisor Rapp brought up the subject of Lake Onderdonk. Town Attorney Galgay gave a brief history of who owns the lake, and who is responsible for repairing

the dam. The Town needs to come to an agreement with DEC about who owns the dam, and who is responsible for maintaining it. After a discussion, with Town Attorney Galgay explaining several reasons why the Town needs to get the mess straightened out; there are safety issues about the possibility of the dam breaching, and ownership needs to be established. The Town only owns the surface of the road, which goes over the dam, but responsibility of the dam and its maintenance is in question. The Town should have an emergency repair plan, according to DEC. Councilman Zeh suggested that Mrs. Galgay write to DEC and arrange for a meeting with them for a better understanding of their regulations.

Supervisor Rapp made a motion to adopt the following resolution:

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

RESOLVED: that the following bills be paid:

Voucher #1 through #75 -----\$145,415.42

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 #6-2012 was thereby duly adopted.

There being no further business, Supervisor Rapp made a motion to adjourn, seconded by Councilman Field and passed. Meeting was adjourned at 9:29 p.m.

Respectfully submitted,

Gertrude A. Smith
Deputy Town Clerk