

**PUBLIC HEARING & REGULAR MEETING
OF THE TOWN BOARD
OF THE TOWN OF WESTERLO
TUESDAY, MARCH 6, 2012**

The Town of Westerlo Town Board held a Public Hearing regarding proposed Local Law # 1-2012 titled "Unsafe Buildings, Collapsed Structures and Burned Out Buildings" to supersede an outdated Ordinance titled "Unsafe Buildings and Collapsed Structures Ordinance". The hearing followed by the regular meeting was held in the Westerlo Town Hall 933 County Route 401, Westerlo, NY. Supervisor Rapp called the Public Hearing to order with the Pledge of Allegiance to the Flag at 7:35 PM on the 6th of March 2012.

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

Also present were Town Clerk Kathleen J. Spinnato, Zoning Administrator/Code Enforcement Officer Edwin H. Lawson and approximately thirty-two residents.

Supervisor Rapp asked Ed Lawson if he would give the residents attending an overview of the proposed draft local law. Mr. Lawson explained the reason for the law was to address situations in regards to Unsafe Buildings, Collapsed Structures and Burned Out Buildings and update the law to current standards. At a past meeting they have spoken about a couple of situations in the Town of Westerlo that currently exist. One situation in which a neighbor has complained about an abandoned building and quite a bit of garbage and other concerns on a property. Mr. Lawson has contacted the NYS Department of Environmental Conservation and the Health Department and the Town needs some kind of mechanism in place to address the issue. Another situation is a burned out building where the insurance company and homeowner are at odds, the building is not boarded up. The proposed law is an attempt to address these issues.

Councilman Zeh read the draft of the proposed local law to the residents. Residents Leonard Laub, Jerry Boone, Russ Dibello, Anita Marrone and Edwin Stevens voiced their concerns and questions. Zoning Administrator/CEO Edwin Lawson, Councilman Zeh and Councilman Rash responded.

Supervisor Rapp asked if there were any further questions from the public. There being none, Councilman Zeh made a motion to table any decision for now, postpone and continue the Public Hearing on proposed Local Law # 1-2012 until April 3rd 2012, and post a draft of the proposed Local Law # 1-2012 for the public to view on the Town of Westerlo website www.townofwesterlony.com. Councilman Field seconded, motion carried all in favor. Councilman Zeh made a motion to close the Public Hearing for this evening, Councilman Field seconded, motion carried all in favor.

Supervisor Rapp opened the regular meeting asking for a motion to approve the Westerlo Town Board minutes of February 7, 2012. Councilman Zeh made the motion and seconded by Councilman Zeh to approve the minutes, motion carried all in favor.

Supervisor Rapp informed the Board members the Town of Westerlo needs to advertise bids for crushed stone, and asphalt concrete materials and authorized the Town

Clerk to advertise the bid notice and mail notices to bidders for a bid opening on April 3, 2012. The Town Board was unanimous in agreement.

Supervisor Rapp announced that they have interviewed and have two vacant Planning Board positions to fill. Supervisor Rapp asked for a motion to appoint Doyle Shaver and Dorothy Verch as Planning Board Members. Councilman Zeh made the motion for the following resolution:

WHEREAS: The Planning Board of the Town of Westerlo has two vacancies, be it

RESOLVED: that Dorothy Verch and Doyle Shaver be appointed as Planning Board Members.

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

Supervisor Rapp Aye
Councilman Zeh Aye
Councilman Rash Aye
Councilman Sherman Nay
Councilman Field Nay

RESOLUTION # 7-2012 was thereby duly adopted.

Supervisor Rapp announced that the Town Board will meet in Executive Session to review the Employee Handbook and review a Town Hall Usage Policy on Thursday March 8, 2012 at 7:00 PM in Town Hall located at 933 CR 401 in Westerlo. Councilman Zeh informed everyone present that this is a continuation of a prior executive session on the topic.

Supervisor Rapp asked Councilman Zeh to report on the proposed Board of Ethics. Councilman Zeh reported that last month he had asked for comments of what the Town Board would like to do for the next steps on a Board of Ethics and he has not received any comments back. Councilman Zeh asked that a draft copy of proposed establishment of Board of Ethics be posted on the Town of Westerlo website as well as at Town Hall.

Councilman Sherman said currently it is indicated in the draft that a Board of Ethics be composed of three (3) members he feels this should be five (5) members. Supervisor Rapp said that is what he proposed after talking to attorneys. A brief discussion followed between councilmen on the number of members on a Board of Ethics. It was decided to continue further discussion on this topic at next months meeting.

Supervisor Rapp reported that the Household Hazardous Waste Day normally held in the Town of Bethlehem is only open to residents in the Town of Bethlehem this year. He has heard that there may be something held at the Dept. of Public Works garage in Voorheesville he will let everyone know once it is confirmed, the date usually falls near the later part of May.

Supervisor Rapp announced the next item on the agenda. Westerlo resident Helena Kosorek wants speak to the Town Board about the Hydrofracking. Mrs. Kosorek wants to show a film on Hydrofracking called Gaslands produced by Josh Fox. Some concerns the Town Board raised are that the information on hydrofracking being presented should represent both sides of the argument, be factual, and should not coincide with a regular Town Board meeting. Councilman Zeh asked Mrs. Kosorek how many persons she expected to attend and if admission would be charged. She responded she was unsure of the number of persons attending and no admission would be charged. It

was determined she was asking for permission to use the Town Hall building for the purpose of showing the film. Councilman Zeh made a motion that they allow Mrs. Kosorek permission to use the Westerlo Town Hall at 933 CR 401, in Westerlo on Tuesday April 10th from 7 PM until 10 PM to show the film so anyone who wishes to see the film can. The motion was seconded by Councilman Field, and carried all in favor.

Resident Peg Duncan asked about the formation of a committee on hydrofracking and other towns having a moratorium. Councilman Zeh responded that Councilman Field was Chairman. Councilman Field replied, yes they are forming a committee. Ed Lawson gave a brief review of hydrofracking information from an article in the Association of Towns – Talk of the Towns Topics magazine he had provided to the Town Board and the public at a previous meeting. Discussion on hydrofracking and a committee continued.

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

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

RESOLVED: that the following bills be paid:

Voucher # 10 through #12, ...\$250.00

#76 through #81.....\$320,849.22

and #83 through #123.....\$53,572.51

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 # 8-2012 was thereby duly adopted.

Supervisor Rapp opened the meeting to the public. Anita Marrone asked why there has been so much activity on Tan Hollow Rd. It was the understanding of Councilman Zeh and Supervisor Rapp that a new FEMA team has come in to do their assessment and handoff from a previous team.

Dorothy Verch had asked about a presentation on solar energy that had been discussed prior to tonight's meeting. Supervisor Rapp responded that he has not forgotten that it will be done at a latter date, possibly end of April or May.

There being no further business Supervisor Rapp asked for a motion to close the meeting. Councilman Rash made the motion, seconded by Councilman Zeh and passed all in favor. Meeting adjourned at 8:50 PM.

Respectfully submitted,

Kathleen J. Spinnato
Town Clerk