

**TOWN OF WESTERLO
TOWN BOARD
PUBLIC HEARINGS & TOWN BOARD MEETING
OF
WEDNESDAY, NOVEMBER 6, 2013**

The Westerlo Town Board held four Public Hearings on Wed. November 6, 2013 scheduled to start at 7:00 pm in the Westerlo Town Hall located at 933 CR 410, Westerlo. The Public Hearings were regarding:

- Proposed Local Law No. 3-2013 an amendment to Local Law No. 1 Of 1989 - Zoning Law
- Proposed 2014 Budget -Town of Westerlo Volunteer Fire Co.
- Proposed 2014 Budget – Westerlo Rescue Squad
- Proposed 2014 Budget – Town of Westerlo

The Public Hearings were advertised in the newspaper and posted on the bulletin board and Town of Westerlo website. A draft copy of the Proposed Local Law and the Preliminary Budget was available in the Town Clerk's office prior to the Public Hearings and was also available at the Public Hearings. The Public Hearing regarding proposed Local Law No. 3-2013 was opened at 7:15 PM by Supervisor Rapp with the Pledge of Allegiance to the Flag.

Present Were: Supervisor Richard H. Rapp
Councilman Anthony W. Sherman
Councilman Theodore S. Lounsbury III
Councilman Alfred L. Field
Councilman William F. Bichteman Jr.

Also attending were: Edwin H. Lawson Deputy Supervisor, Kenneth Mackey Jr. Town Justice, Dorothy Verch Planning Board Chairwoman, Gerry Boone Planning Board Member, John Sefcik Zoning Board Member, Keith Wright Sr. Highway Superintendent, Kathleen Spinnato Town Clerk and approximately twenty two residents.

Supervisor Rapp asked if there were any public comments regarding the proposed Local Law No. 3-2013. Deputy Supervisor Lawson read aloud the proposed amendment to the Zoning Law (Local Law No. 1 - 1989) and explained why the revision was proposed. He also read the current language contained in the present Zoning Law. The Town Board heard comments and opinions from residents, Leonard Laub and Helena Kosorek. Deputy Supervisor Lawson, Councilman Sherman, Councilman Bichteman, and Councilman Field responded to their questions and or participated in the discussion that followed. Councilman Sherman suggested the Town Board add the following language to Article 7, Section 7.80 (A) (#1) include the words at the end of the last sentence: "as well as all other Zoning requirements." All those wanting to be heard having been heard, Councilman Field made a motion to close the Public Hearing at 7:40 PM on proposed Local Law No. 3-2013, Councilman Lounsbury seconded the motion, motion carried, all in favor.

Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: the Town Board has held a Public Hearing on proposed Local Law No. 3-2013 an amendment to Local Law No.1 -1989 revising Article 7, Section 780 (A) [1], be it hereby

RESOLVED: the Town Board adopts Local Law No. 3-2013 with an amendment to add the text "as well as all other Zoning requirements." to the last sentence as previously suggested at the Public Hearing.

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

AYES: Supervisor Rapp, Councilman Sherman, Councilman Bichteman, Councilman Field, and Councilman Lounsbury.

NAYS: None.

Resolution # 66-2013 was thereby duly adopted.

Supervisor Rapp then opened the Public Hearing on the proposed 2014 Budget for the Town of Westerlo Volunteer Fire Company. Councilman Sherman questioned a discrepancy in the amount of \$0 (new truck fund) in their 2014 Budget request. He asked if the amount should be \$35,500. The error was noted and Councilman Field asked the Fire Company to submit a corrected budget request to the Town of Westerlo with the correct figure in the amount of \$35,500 (new truck fund) for the years 2013 & 2014. Councilman Bichteman asked questions regarding the Fire Company's proposed budget which were answered and by Andy Joslin. Tom Diedrich advised the Board of areas where monies are expended within the Fire Co. The Town Board heard public comment from a resident. All those who wanted to be heard having been heard, Councilman Field made a motion to close the Public Hearing on the proposed 2014 Budget for Town of Westerlo Volunteer Fire Company at 7:58 PM, seconded by Councilman Bichteman, motion carried, all in favor.

Councilman Bichteman made a motion to adopt the following resolution:

WHEREAS: the Town Board has received and reviewed the proposed 2014 Town of Westerlo Volunteer Fire Company Budget, be it hereby

RESOLVED: the Town Board accepts the 2014 Town of Westerlo Volunteer Fire Company Budget with the correction: \$35,500 (new truck fund)

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

AYES: Supervisor Rapp, Councilman Bichteman, Councilman Field, Councilman Lounsbury, and Councilman Sherman.

NAYS: None.

RESOLUTION # 67-2013 was thereby duly adopted.

Supervisor Rapp then opened the Public Hearing on the proposed 2014 Budget for the Westerlo Rescue Squad. Councilman Bichteman asked the question why the Rescue Squad does not do soft billing. Debbie Theiss-Mackey answered his question explaining the difference between soft and hard billing she advised of the amount of paperwork involved with billing patients insurance. The Rescue Squad currently does not have the time/manpower to do billing, they would have to hire someone or have a volunteer do it. She then informed the Board of recent operations of the Rescue Squad, the recently purchased vehicle, equipment received through a grant, etc. The Town Board heard public comment from a resident. All those desiring to be heard having been heard, Councilman Field made a motion to close the Public Hearing at 8:10 PM, seconded by Councilman Lounsbury, motion carried, all in favor.

Councilman Bichteman made a motion to adopt the following resolution:

WHEREAS: the Town Board has received and reviewed the 2014 Westerlo Rescue Budget, be it hereby

RESOLVED: the Town Board accepts the 2014 Westerlo Rescue Squad Budget as submitted.

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

AYES: Supervisor Rapp, Councilman Bichteman, Councilman Lounsbury, Councilman Field and Councilman Sherman

NAYS: None.

RESOLUTION #68-2013 was thereby duly adopted.

Supervisor Rapp then opened the Public Hearing on the 2014 Town of Westerlo Preliminary Budget. The Town Board heard and answered public questions regarding; medical insurance coverage for town employees, building repairs, the employee handbook. All those wanting to be heard having been heard, Councilman Field made a motion to close the Public Hearing at 8:27 PM, Councilman Lounsbury seconded, motion carried, all in favor.

Councilman Bichteman made a motion to adopt the following resolution:

WHEREAS: the Town Board has presented and held a Public Hearing on the 2014 Town of Westerlo Preliminary Budget, be it hereby

RESOLVED: the 2014 Preliminary Budget shall become the 2014 Town of Westerlo Adopted Budget

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

AYES: Supervisor Rapp, Councilman Bichteman, Councilman Field, Councilman Lounsbury and Councilman Sherman

NAYS: None.

RESOLUTION #69-2013 was thereby duly adopted.

Supervisor Rapp then opened the Town of Westerlo Town Board meeting at 8:28 PM.

Supervisor Rapp asked for a motion to approve the Town Board meeting minutes of October 1, 2013. Councilman Field made a motion to approve, seconded by Councilman Bichteman, motion carried all in favor.

Supervisor Rapp asked for a motion to approve the Town Board Workshops minutes of Oct. 8, 2013 and Oct. 15, 2013. Councilman Lounsbury made the motion to approve, seconded by Councilman Field, motion carried, all in favor.

Supervisor Rapp reported the Supervisor's Trial Balance for September had been submitted to the Town Board. Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: the Town Board has received the Supervisor's Trial Balance for September, be it hereby

RESOLVED: the Town Board accepts the Supervisor's Trial Balance as submitted.

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

AYES: Supervisor Rapp, Councilman Bichteman, Councilman Sherman, Councilman Lounsbury and Councilman Field

NAYS: None.

RESOLUTION #70-2013 was thereby duly adopted.

Supervisor Rapp reported the Town Clerk Kathleen Spinnato had submitted the Town Clerk's October 2013 Monthly Report. Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: the Town Board has received the Town Clerk's October Monthly Report, be it hereby

RESOLVED: the Town Board accepts the Town Clerk's Monthly Report as submitted

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

AYES: Supervisor Rapp, Councilman Sherman, Councilman Field, Councilman Lounsbury and Councilman Bichteman.

NAYS: None.

RESOLUTION #71-2013 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 the available fund balance:

A 1110.4	\$550.00
A 1410.4	\$950.00
A 3620.4	\$100.00
A 7620.4	\$460.00

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

AYES: Supervisor Rapp, Councilman Field, Councilman Lounsbury, Councilman Sherman and Councilman Bichteman

NAYS: None.

RESOLUTION #72-2013 was thereby duly adopted.

Supervisor Rapp stated the monthly bills need to be paid and made a motion to adopt the following resolution:

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

RESOLVED: that the following bills be paid:

Voucher # 955 through Voucher # 998 in the amount of \$62,744.15

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

AYES: Supervisor Rapp, Councilman Sherman, Councilman Field, Councilman Lounsbury and Councilman Bichteman

NAYS: None.

RESOLUTION #73-2013 was thereby duly adopted.

Supervisor Rapp reported the Town Board had interviewed applicants for the Zoning Board of Appeals to fill the vacant position held by former member Gail Snyder. Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: the Town Board needs to appoint a member to the Zoning Board of Appeals, be it hereby

RESOLVED: the Town Board appoints Amie Burnside as a member of the Zoning Board of Appeals.

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

AYES: Supervisor Rapp, Councilman Sherman, Councilman Bichteman, Councilman Lounsbury and Councilman Field

NAYS: None.

RESOLUTION #74-2013 was thereby duly adopted.

Supervisor Rapp asked Planning Board Chairwoman Dorothy Verch to give the Planning Board Report. Dorothy Verch reported on Oct. 22nd received an application submitted by Hope Konecny for a Special Use Permit for Arts and Crafts Gallery in the hamlet of South Westerlo. Public Hearing for the application is scheduled for Nov. 26th and will be chaired by Planning Board member Edwin Stevens. She then inquired about the status on the draft of the Comprehensive Plan that the Comprehensive Plan Committee had revised and resubmitted to the Town Board. Councilman Bichteman stated the current draft answers and addresses all the questions and concerns he had.

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

WHEREAS: the Town Board has reviewed the revised draft of the Comprehensive Plan previously resubmitted by the Comprehensive Plan Committee, be it hereby

RESOLVED: the Town Board accepts the Comprehensive Plan as recently resubmitted and Zoning Administrator Edwin H. Lawson will forward a signed copy to the Albany County Planning Board for their review.

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

AYES: Supervisor Rapp, Councilman Bichteman, Councilman Lounsbury, and Councilman Field.

ABSTAIN: Councilman Sherman.

RESOLUTION #75-2013 was thereby duly adopted.

Supervisor Rapp asked Councilman Bichteman to give a Water Committee Report. He reported the Water Board has met and recommends the Town Board seek contract bids for Utility Repair Crews for the year 2014 for the Westerlo Water District # 1 as needed for repairs or emergencies. He provided to the Town Board with a copy of a bid proposal & public notice example for bids with a receivable date of Tue. December 3, 2013 at 3:30 PM, with the bids to be opened at the Town Board meeting later that evening. Deputy Supervisor Lawson noted it does not state for Water District Services, Councilman Bichteman stated it was worded specifically without the Water District limitation in case the Town would require service for work other than the Water District.

Councilman Lounsbury made a motion to adopt the following resolution:

WHEREAS: the Westerlo Water Board recommends the Town Board seek bids for Utility Repair Crews for the year 2014, be it hereby

RESOLVED: the Town Board authorizes the Town Clerk to advertise the Public Notice for 2014 - Utility Repair Crews bids to be received by 3:30 PM on Tue. Dec. 3, 2013 at the Westerlo Town Hall.

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

AYES: Supervisor Rapp, Councilman Lounsbury, Councilman Field, Councilman Sherman, Councilman Bichteman

NAYS: None.

RESOLUTION #76-2013 was thereby duly adopted.

Supervisor Rapp announced the Board of Assessment Review is asking for a resolution to change the hours for annual grievance reviews and eliminate the break period between the afternoon and evening hours. Councilman Sherman asked Assessor Peter Hotaling if members of the Board of Assessment Review were in agreement on the change of hours, Mr. Hotaling responded yes. Supervisor Rapp made a motion to adopt the following resolution:

WHEREAS: the Real Property Tax Law requires that the Board of Assessment Review conduct annual tax grievance reviews for two (2) hours in the afternoon and two (2) hours in the evening on the 4th Tuesday of May; and

WHEREAS: the Board of Assessment Review has requested to change the time during which residents can present their tax grievances from the current set time; and

WHEREAS: the Board of Assessment Review would like to conduct continuous reviews for four (4) hours, be it hereby

RESOLVED: the Town Board of the Town of Westerlo does hereby change the hours for tax grievances for 2014, and all subsequent years, until either the Real Property Tax Law or the Board of Assessment Review requests another change, shall be as follows:

WHEN: 4th Tuesday in May

WHERE: Town Hall of the Town of Westerlo

933 County Route 401

Westerlo, NY 12193

TIME: 4 PM through 8 PM

The date, place and time shall be posted as required by law.

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

AYES: Supervisor Rapp, Councilman Field, Councilman Sherman, Councilman

Lounsbury and Councilman Bichteman

NAYS: None.

RESOLUTION #77-2013 was thereby duly adopted.

Supervisor Rapp announced NYS Assemblyman Peter Lopez Town Hall meeting date had been changed by Assemblyman Lopez's office. The Town Hall meeting is now scheduled for Tuesday, November 19th at 7:00 PM to be held in the Westerlo Town Hall.

Councilman Sherman announced that the Town Board Workshop meeting which would have fallen on Tuesday November 19th is canceled, due to Town Hall meeting scheduled by NYS Assemblyman Lopez.

Councilman Bichteman informed the Town Board that Beaver Shores Road was discussed at the Town Board meeting on October 1, 2013 but no action was taken. He has since been advised by Town Attorney Aline Galgay and she had included the Town Board in her response that Beaver Shores Road is a Town of Westerlo road. Councilman Bichteman made a motion to adopt the following resolution:

WHEREAS: the Town Board of the Town of Westerlo needs to add Beaver Shores Road to the inventory list of town roads for CHIPS purposes, be it hereby

RESOLVED: the Town Board shall include Beaver Shores Road to the inventory list of Town of Westerlo Highway Department roads .

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

AYES: Supervisor Rapp, Councilman Bichteman, Councilman Sherman and Councilman Lounsbury

NAYS: Councilman Field

RESOLUTION #78-2013 was thereby duly adopted.

Resident Anita Marrone gave her opinion on Beaver Shores Road.

Eugne McGrath asked if the Town Court could be held in the Town Hall Town Board meeting room. Justice Kenneth Mackey responded that it could not because the room is open to the public, the computers, files, paperwork for the Town Court is required to be in locked offices for security purposes.

Helena Kosorek asked questions regarding Town of Westerlo buildings, redesigning spaces within the Town Hall, shared offices, and availability of grants. Councilman Bichteman informed her that the problem with grants is that most require the spending of funds first which are usually reimbursed sometime afterwards. He explained the Town funds are limited to begin with so it is very difficult.

Leonard Laub congratulated Town Justice Kenneth Mackey, Councilman William Bichteman, Councilman Theodore Lounsbury, and Highway Superintendent Keith Wright in the 2013 Election.

Tom Diedrich asked if the Town of Westerlo could turn off the street light at the corner of County Route 413 and County Route 402. Since the roadways have been redesigned by Albany County in this area he believes it is no longer necessary to have lighting, this may save money for the Town of Westerlo.

Janet Houck asked if someone could correct the November meeting date on the Town of Westerlo website for the Planning Board. The Town Clerk advised her that the error was noticed and date corrections for meetings of the Zoning Board of Appeals on Nov. 25th and Planning Board on Nov. 26th had already been sent to the person who updates information on the Town of Westerlo website the correction should be posted within the next day or two.

John Sefcik asked who is currently on the Hydrofracking Committee. Councilman Bichteman advised him of the following persons: Doyle Shaver, Jerry Boone, Cliff Richardson and Bob Snyder. Jerry Boone advised he missed the first meeting and he may not be able to attend the second meeting.

Diane Sefcik asked questions regarding the Hydrofracking Committee and the draft report that was previously presented to the Town Board but was not accepted by the Board. She gave her opinion on the draft of the Hydrofracking Report , the current committee members, and the Hydrofracking Committee meetings. She reported it has minimally changed and it is a very poor product to put before

the Town Board and the people of the town. She presented to the Town Board information which she feels should be included in the public record.

Helena Kosorek asked about the addition of a fifth member to the current Hydrofracking Committee. Discussion followed between Mrs. Kosorek giving her opinion on the subject and Councilman Bichteman expressing his opinion on the subject matter. A continued discussion followed on the topic of the addition of a fifth committee member and the current draft of the Hydrofracking Report with more comments heard from several residents. No action was taken by the Town Board to add a fifth member to the Hydrofracking Committee.

Councilman Sherman informed the public he was glad for the residents who were providing their input and information on Hydrofracking. The Town Board has asked for an unbiased Hydrofracking Report and he has hopes that this is what the final version of the report will contain, it will not be rubber stamped. He indicated whether certain persons were chosen or not chosen to be on the committee, he hoped they would still "fight the fight."

Planning Board Chairwoman Dorothy Verch asked the Town Board for permission to move the December Planning Board meeting which falls on Dec. 24, 2013 to either: Dec. 17th or 18th. The Town Board agreed, she will check with the Planning Board members, advertise the date change when confirmed, and advise the Town Clerk which date is chosen.

Debbie Theiss-Mackey announced the Community Activity Committee Tree Lighting will be held on December 7th.

Anita Marrone asked about the Code of Ethics posted on the Town of Westerlo website she does not understand the wording in the document regarding the dates. Councilman Bichteman advised he will review document for an answer to her question.

There being no further comments Councilman Sherman made a motion to close the meeting, seconded by Councilman Lounsbury, motion carried all in favor. The meeting adjourned at 9:22 PM.

Respectfully Submitted,

Kathleen Spinnato

