

**REGULAR MEETING
OF THE
TOWN OF WESTERLO
TOWN BOARD
TUESDAY FEBRUARY 5, 2013**

The Westerlo Town Board met on Tuesday Feb. 5, 2013 in the Westerlo Town Hall, 933 County Route 401, in Westerlo. The meeting was opened by Supervisor Richard H. Rapp with the Pledge of Allegiance to the Flag at 7:30 PM with the following present:

PRESENT WERE: Supervisor Richard H. Rapp
Councilman Anthony W. Sherman
Councilman Alfred L. Field
2-Vacant Councilperson positions

Also present were Highway Superintendent Keith Wright Sr., Planning Board Chairwoman Dorothy Verch, Planning Board Member Edwin Stevens, Planning Board Member Doyle Shaver, Zoning Administrator/Code Enforcement Officer/Deputy Supervisor Edwin H. Lawson, Albany County Sheriff Sgt. Tracy Henry, Town Clerk Kathleen Spinnato, several town employees and approximately 24 residents.

Supervisor Rapp asked for a motion to accept the Organizational Meeting minutes of Jan. 3, 2013. Councilman Field made the motion to accept the minutes as presented, Councilman Sherman seconded, motion carried all in favor.

Supervisor Rapp asked for a motion to accept the Regular Town Board minutes of Jan 3, 2013 with corrections. Town Clerk Kathleen Spinnato advised that at the Regular Town Board meeting of Jan. 3, 2013 she reported the minutes in the way in which they occurred, in particular, the vote to fill two vacancies on the Town Board. After the meeting the Town Attorney Aline Galgay advised the two Town Board appointments of Mr. William Bichteman and Mr. Theodore Lounsbury III were invalid. The Town Board is normally five members, three aye votes were needed for a quorum, **RESOLUTION # 2-2013 did not pass adoption** . The Town Clerk had called and advised Mr. Bichteman and Mr. Lounsbury III that their swearing in was not official. She asked the Town Board where they want the revision to occur; in the minutes of Jan. 3, 2013, or to be reflected in the Feb. 5, 2013 minutes. Supervisor Rapp and Councilman Field responded the revision should be reflected in the Feb. 5th minutes. Councilman Field then made a motion to accept the Regular Town Board minutes of Jan. 3, 2012 as presented, Councilman Sherman seconded, motion carried all in favor.

Councilman Sherman reported Town Clerk & Tax Collector Kathleen Spinnato has provided the Town Board with the Tax Collector's report of Feb. 5, 2013 and the Town Clerk's monthly report of Jan. 2013. Councilman Sherman made the motion to adopt the following resolution:

WHEREAS: the Town Clerk Kathleen Spinnato has submitted the monthly report for January 2013, be it

RESOLVED: to accept the Town Clerk's monthly report.

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

AYES: Supervisor Rapp, Councilman Sherman, Councilman Field

NAYS: None.

RESOLUTION# 6-2013 was thereby duly adopted.

Councilman Sherman made the motion to adopt the following resolution:

WHEREAS: Tax Collector Kathleen Spinnato has submitted the Tax Collector's report of February 5, 2013, be it

RESOLVED: to accept the Tax Collector's report.

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

AYES: Supervisor Rapp, Councilman Sherman, Councilman Field

NAYS: None.

RESOLUTION #7-2013 was thereby duly adopted.

Supervisor Rapp advised that Resolution # 2-2013 was invalid and two vacancies remain on the Town Board. He then asked for a motion to appoint a Town Board member.

Councilman Field made a motion to adopt the following resolution:

WHEREAS: there remain two vacancies on the Town Board due to resignations of Councilman R. Gregory Zeh Jr. and Edward A. Rash, be it

RESOLVED: to appoint William Bichteman Jr. to the position of Town Board Member.

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

AYES: Supervisor Rapp, Councilman Field, Councilman Sherman.

NAYS: None.

RESOLUTION #8-2013 was thereby duly adopted.

The meeting was briefly held in waiting while William Bichteman Jr. was sworn in by Oath of Office to the position of Town Board Member by Deputy Town Clerk Gertrude Smith. He joined Supervisor Rapp, Councilman Field and Councilman Sherman for the remainder of the Town Board meeting as Councilman Bichteman.

Councilman Field made a motion to adopt the following resolution:

WHEREAS: there still remains one vacancy on the Town Board due to a resignation

RESOLVED: to appoint Theodore Lounsbury III to the position of Town Board Member.

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

AYES: Supervisor Rapp, Councilman Field, Councilman Bichteman

NAYS: Councilman Sherman.

RESOLUTION #9-2013 was thereby duly adopted.

The meeting was briefly held in waiting while Theodore Lounsbury III was sworn in by Oath of Office to the position of Town Board Member by Deputy Town Clerk Gertrude Smith. Councilman Lounsbury joined Supervisor Rapp, Councilman Field, Councilman Sherman, and Councilman Bichteman for the remainder of the Town Board meeting.

Supervisor Rapp reported that at the Organizational meeting of Jan 3, 2013 there were not enough votes for a quorum to pass a resolution regarding an official newspaper. He asked for a motion to name an Official Newspaper. Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: the Town of Westerlo needs to name an official newspaper, be it

RESOLVED: that the Times Union become the Official Newspaper for the Town of Westerlo.

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

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

NAYS: None.

RESOLUTION #10-2013 was thereby duly adopted.

Supervisor Rapp then read a letter from Robert Fisher, regarding his examination of Departmental Cash and other records for the fiscal year 2012. The following Departments were included in his review: Town Clerk, Town Clerk as Tax Collector, Town Clerk as Water Dist. Collector, Court Records for Justice Carl and Justice Mackey, Town Supervisor Rapp's accounting records, all of the above records appear to be up to date, accurate, all monthly and periodic reports have been filed. They should be commended on a job well done.

Councilman Sherman advised that at the 2013 Organizational Meeting the Town Board had been advised that Consultant Robert Fisher would soon be retiring. Councilman Field has been reaching out to surrounding municipalities to ask who they have for accounting purposes. The CPA firm of Pattison, Koskey, Howe & Bucci serves approximately 30 townships between Greene and Albany Counties. Councilman Field made a motion to adopt the following resolution:

WHEREAS: Consultant Robert Fisher will be retiring, be it

RESOLVED: the Town Board allow Mr. Brad Cummings of the CPA firm of Pattison, Koskey, Howe & Bucci, CPAs to review the Town records in order to provide a quote for potential accounting services to the Town of Westerlo.

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

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

NAYS: None

RESOLUTION #11-2013 was thereby duly adopted.

Supervisor Rapp advised the Town of Westerlo needs to advertise bids for highway materials. Councilman Field made a motion to adopt the following resolution:

WHEREAS: the Highway Department needs to obtain bids on stone and asphalt concrete materials, be it

RESOLVED: that Keith Wright Highway Superintendent is authorized to advertise for bids on stone and asphalt concrete materials. Bids must be returned on or before Monday March 4, 2013 by 5PM for a bid opening to be held on Tuesday March 5, 2013 at the Town Board meeting.

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

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

NAYS: None.

RESOLUTION # 12-2013 was thereby duly adopted.

Supervisor Rapp announced that 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

RESOLVED: that the following bills be paid:

Voucher # 554 through #604 in the amount of \$81,344.88

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

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

NAYS: None.

RESOLUTION #13-2013 was thereby duly adopted.

Supervisor Rapp then asked Dianne Sefcik who had asked to be placed on the agenda to speak. Resident Dianne Sefcik then provided her letter dated Jan. 31, 2013 to the Town Board members and the Town Clerk regarding the conduct of the Town of Westerlo Gas Drilling Investigation Committee (TOWGDIC). She read from her letter which included a summary of questions she has concerning: the TOWGDIC compliance of Open Meetings Law, compliance of original intent of the committee, compliance with conditions of Aug. 2012 gas Drilling Moratorium Law, its selection process for committee members, its claim to be non-bias, the information gathering process, its meeting process, and its timely action.

Supervisor Rapp asked if the Town Board had any comments.

Councilman Field reported as Chairman of the TOWGDIC. He advised the project of gathering information is almost complete and the Committee hopes to be finished by approximately the end of March. The issue of hydrofracking in the Town of Westerlo will be on the November election ballot for the citizens to decide; if the whole town votes on this topic then everyone has a voice. We will provide information to anyone who wants it, so they can be informed. The Committee is being criticized on their method of taking so much time. When the Committee started out they knew nothing of the Gas Drilling industry, so for the committee, it has been a learning curve. When the TOWGDIC has finished there will be a special meeting for everyone in the Town of Westerlo who is interested in attending. The documentation is as factual as the TOWGDIC can present to the people of the Town.

Diane Sefcik asked a question concerning the expiration of the Moratorium in August prior to the Election. Councilman Field responded that a six month extension can be added to the current Gas Drilling Moratorium. She then asked about the recommendation of wording on the ballot. Councilman Field responded the actual wording would have to be set up by an Attorney so that it is clearly stated on the election ballot.

Resident Leonard Laub asked if there was a meeting date set for this special meeting of the TOWGDIC. Councilman Field responded that no date has been scheduled to date. A legal notice will be published in the newspaper. He will advise either the Town Clerk or Kimberly Slingerland to post on the Town of Westerlo website. The Town Clerk advised him that he would need to give enough time for notification to be given to a third party that actually updates the website.

Helena Kosorek spoke making a suggestion that Town Attorney be informed of the Slotkey contact information. She also suggested the TOWGDIC look at the regs. of Constituents in regards to hydrofracking in NYS.

Supervisor Rapp then opened the meeting to the public:

Anita Marrone asked about the vote for the official newspaper of the Town of Westerlo. All along it has been the Altamont Enterprise. Why did the Town Board change to Times Union? Councilman Sherman responded to her question and gave his reasons for choosing the Times Union newspaper over the Altamont Enterprise.

Anita Marrone asked if the information being submitted to the newspaper will be available on the Town website. Councilman Sherman responded yes. She then congratulated Councilman Sherman on the birth of his children.

Councilman Bichteman asked if legal notices are posted on the website. Town Clerk Kathleen Spinnato advised that in the past the most legal notices were only noticed in the official newspaper and previously not normally posted on the Town of Westerlo website. Leonard Laub asked if there were any reason why the legal notices were not on the Town of Westerlo website. The Town Clerk responded that the matter is not her decision but up to the Town Board. Councilman Sherman advised that it would still need to be advertised in the official newspaper. Leonard Laub asked about the costs and comparison of rates for advertising. The Town Clerk reported on her telephone conversation with a staff member of the Altamont Enterprise, the staff member had advised that it depends on the number of lines and the words in each ad that needs to be published. The cost would vary depending on the content.

Councilman Sherman then made a motion for the following resolution:

WHEREAS: the Town Board has received a request to publish all legal notices on the Town of Westerlo website, be it

RESOLVED: that all legal notices be published in the Official Newspaper, as well as on the Town of Westerlo's website: townofwesterlony.com

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

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

NAYS: None.

RESOLUTION #14-2013 was thereby duly adopted.

Helena Kosorek will email a link regarding Agenda 21 for Public Officials – UN Agenda for the 21st Century to the Town Board & the Planning Board. She spoke briefly on the topic.

Joe Boone asked if there had been any progress on the selection of a Board of Ethics Committee. Councilman Field advised that they had received only one application since approximately May of last year.

Mr. Michael Sharkey who owns Greene County Sanitation requested a license to collect trash in the Town of Westerlo and deposit in the Westerlo Transfer Station. He currently has approximately 17 customers in the Town of Westerlo. Councilman Sherman asked where his other customers are located and what sites does he currently take garbage to? He responded all in Greene County: Catskill, Windham, Coxsackie. Councilman Sherman asked how will he separate his Westerlo customer's trash & recyclables from Greene County customers. Mr. Sharkey explained it would be a completely separate route. Councilman Field made a motion to table this topic until next month, until he could look into the matter further. Mr. Sharkey explained that he already has some customers in the Town of Westerlo and he has been taking that trash to the Greene County sites.

Chuck Benninger who operates the Westerlo Transfer Station responded to a question asked by Councilman Bichteman and spoke regarding the current 3 independent trash haulers who currently have permits with the Town. Councilman Sherman asked if Mr. Sharkey had separate recycling containers. Mr. Sharkey responded yes, in Westerlo he would have customers separate recycling however they want to save on the cost of containers which cost

approximately \$70. He hauls with a pick-up truck and a trailer with separate compartments: 10 yd. tipping for garbage and 4 yd. tipping for recycling.

Supervisor Rapp made a motion to allow Mr. Michael Sharkey owner of Greene County Sanitation to receive a License to collect trash in the Town of Westerlo and deposit in the Westerlo Transfer Station. Councilman Bichteman seconded and motion carried, Councilman Field was opposed. Mr. Sharkey needs to pay fee and acquire a License from the Town Clerk and provide a list of customers and provide updates on customer lists.

Helena Kosorek reported on two upcoming Lobby & Rally days in Albany NY outside of the NYS Capitol Building on Feb. 12 regarding the Safe Act and on Feb. 28th NYS Rifle & Pistol Assoc. held in the NYS Legislative Office Building.

Town Clerk Kathleen Spinnato announced Rabies Clinic to be held on March 23rd in the Town of Berne, other dates to be held in Bethlehem, Colonie, and Green Island are also listed on poster in the Westerlo Town Hall for anyone who needs to have pet vaccinated.

Councilman Field also reported that there is an opening on the Town of Westerlo Zoning Board of Appeals due to the resignation of Mr. Pete Woodruff. Mr. Sherman thanked Mr. Woodruff for his service. The position will be advertised in the Times Union and on the website with an application response due date of Feb. 28th.

There being no further business Supervisor Rapp asked for a motion to adjourn. Councilman Field made the motion to adjourn, seconded by Councilman Lounsbury and carried all in favor. The meeting adjourned at 8:47 PM.

Respectfully Submitted,

Kathleen J. Spinnato