

**REGULAR MEETING
TOWN OF WESTERLO
TOWN BOARD
TUESDAY, AUGUST 6, 2013**

The regular meeting of the Westerlo Town Board was held on Tue. Aug. 6, 2013 at the Westerlo Town Hall located at 933 County Route 401, Westerlo. Supervisor Rapp opened the meeting at 7:30 PM with the Pledge of Allegiance.

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

Also attending were: Planning Board Chairwoman Dorothy Verch, Deputy Supervisor Edwin H. Lawson, Town Justices; Kenneth Mackey & Robert Carl, Planning Board Member Edwin Stevens, Zoning Board Member John Sefcik, Albany County Legislature Deborah Busch, Town Clerk Kathleen Spinnato and approximately twenty-one interested residents.

Supervisor Rapp asked for a motion to approve the Town Board meeting minutes of July 2, 2013. Councilman Field made the motion to approve, seconded by Councilman Lounsbury and carried all in favor.

Supervisor Rapp asked for a motion to approve the Town Board Workshop meeting minutes of July 9, 2013. Councilman Bichteman made the motion to approve, seconded by Councilman Sherman. Supervisor Rapp was in agreement of approval. Councilman Field and Councilman Lounsbury abstained as they were unable to attend the workshop meeting held on 7/9/2013.

Supervisor Rapp asked for a motion to approve the Public Hearing & Special Town Board minutes of July 25, 2013. Councilman Sherman made the motion to approve, seconded by Councilman Lounsbury and carried all in favor.

Supervisor Rapp stated the Supervisor's Trial Balance of June 2013 had been submitted to the Town Board. He then made a motion to adopt the following resolution:

WHEREAS: the Town Board has received the Supervisor's Trial Balance for June 2013, be it hereby

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

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

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

NAYS: None.

RESOLUTION # 47-2013 was thereby duly adopted.

Supervisor Rapp asked Planning Board Chairwoman Dorothy Verch to give the Planning Board Report. Dorothy reported that they met on July 23 and decided to hold a joint workshop meeting with the Town Board to be held on August 13th @ 7:00 PM for the purpose of discussing potential revisions to the draft of the Comprehensive Plan.

Supervisor Rapp informed the Town Board the Town Clerk Kathleen Spinnato had submitted the Town Clerk's monthly report for July 2013. Councilman Field made a motion to adopt the following resolution:

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

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

Councilman Lounsbury 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 # 48-2013 was thereby duly adopted.

Supervisor Rapp advised that a Freedom of Information (FOIL) Appeals Officer needs to be designated by the Town Board. Councilman Field made a motion to adopt the following resolution:

WHEREAS: the Town of Westerlo Town Board needs to designate a FOIL Appeals Officer, be it hereby

RESOLVED: the Town Board designates Councilman William Bichteman Jr. as the FOIL Appeals Officer for the Town of Westerlo.

Councilman Lounsbury 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 # 49-2013 was thereby duly adopted.

Supervisor Rapp announced that no applications had been received for the previously advertised positions of Zoning Board of Appeals member and Board of Assessment Review member. The Town Board agreed, all in favor, of having the Town Clerk readvertise both positions once more.

Supervisor Rapp reported the six year term of Sole Assessor Peter Hotaling expires September 30, 2013. Councilman Field made a motion to adopt the following resolution:

WHEREAS: the Town Board needs to renew the appointment of Sole Assessor Peter Hotaling be it hereby

RESOLVED: the Town Board reappoints Assessor Peter Hotaling.

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

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

NAYS: Councilman Sherman.

RESOLUTION # 50-2013 was thereby duly adopted.

Councilman Bichteman asked the recently hired Water District Operator Doug Story to give a report on the Westerlo Water District No. 1. Mr. Story provided a report on the Westerlo Water District. He based his report on a comparison to the Town of Rensselaerville's Water District. Mr. Story reported the Westerlo Water District pumps approx. 20,000 gal. of water every third day, which would equal approximately 150,000 gal. per month. He is absolutely convinced the water district is leak free. The Town of Rensselaerville treats nearly 600,000 gal. per month, processing 7,000 gal. per day. He reported on things that need to be addressed and will need time to do:

1. Hydrants flushed
2. Check the calibration on water meters
3. Second well should be brought on line to phase into the system
4. Charts recording – can be worked around for now until it can be budgeted.

He also advised about annual THM HMA tests. He will mail monthly water samples in.

Councilman Bichteman advised that the Westerlo Water District No. 1 has failed to have an annual meeting. He suggested forming a committee of people within the water district that are familiar with the operation of the system. The Committee would give a report to the Town Board, and would obviously not be allowed to spend money. He has canvassed the district and has three members interested in serving on the volunteer committee; himself, William Slaver and Wayne LaGrange. Councilman Bichteman made a motion to nominate those named to form a Water District Committee. Councilman Sherman seconded the motion and carried, all Town Board members voting in favor. A brief

discussion followed between Councilman Lounsbury and Councilman Bichteman regarding the committee.

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: the following bills be paid:

Voucher # 835 through Voucher # 881 in the amount of \$ 56,028.03

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 # 51-2013 was thereby duly adopted.

Supervisor Rapp asked Code Enforcement Officer/Zoning Administrator Edwin H. Lawson to speak. Mr. Lawson advised that he had received a letter from an attorney representing a client. The letter was in reference to a building in South Westerlo on the corner of County Route 401 and County Route 405. The letter asks the Town Board to waive the process of the application for a Special Use Permit under the Zoning Law for this property. Mr. Lawson stated the client had come to his office, regarding the Special Use Permit process prior to his receiving the recent letter from the attorney. He read the letter to the Town Board advising that there was an error in the letter he received regarding commercial property, he had a telephone conversation and explained that there is no zoned commercial property in the Town of Westerlo. He also advised the Town Board of the building's history: prior use as a former realtor's office, the property had been vacant for more than one year, no parking, a concern about the availability of potable water, the septic system for the building is located on a separate parcel adjacent to the property and the potential new owner (client) was unaware if the separate lot with the septic system would be included with the purchase of the Carriage House building. He offered to answer any questions the Board may have pertaining to this matter and asked the Town Board for their decision on the matter. Discussion followed among the Town Board members. Councilman Field suggested not superseding the permit process instead try to make a condition to include both parcels. The Board agreed that the process not be waived and suggested a Special Use Permit would be potentially possible when compliance is addressed by the Planning Board. Mr. Lawson was asked to respond with a letter.

Supervisor Rapp stated Audrey Kropp of Cornell Cooperative Extension of Columbia & Greene Counties was here to speak about Hudson Estuary Watershed Resiliency Project (HEWRP) is an educational program related to streams and flooding. Ms. Kropp gave an overview of the project. The HEWRP Project is an initiative of the NYS Water Resources Institute, NYSDEC Hudson River Estuary Program with support from the NYS Environmental Protection Fund. Her organization is working in the Catskill Creek Watershed and the Greater Stockport Watershed. Climate models are showing more intense participation from storms and flooding. They are trying to assist communities to mitigate damage from flooding and educate communities to plan and be proactive in regards to flooding. They hosted a training called Flood Stream Intervention for Highway personnel and she gladly reported the Town of Westerlo Highway Department attended. They are planning presentations on stream science geared towards Planning Boards. Other upcoming regional seminars will be geared towards; dams & safety and streamside landowners. She provided a packet to each of the Town Board members and stated. their URL is: www.hudsonestuaryresilience.net. People can view videos about the recent flood insurance changes to the National Flood Insurance Program passed by Congress in 2012, Community Ratings System program and other talks. She thanked the Town Board for the opportunity to make her presentation.

Supervisor Rapp stated that the NYS Employees Retirement System requires the Town Board to establish a Standard Workday Resolution for Library employees. He then made a motion to adopt the following resolution:

WHEREAS: the Town Board needs to establish a Standard Workday Resolution for Part Time Library employees, be it hereby

RESOLVED: the Town Board adopts a Standard Workday for Library Manager PT and Library Clerks PT of six hrs/day.

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 # 52-2013 was thereby duly adopted.

The meeting was then opened to the Public.

Planning Board member Edwin Stevens stated the Planning Board is business friendly and he was glad the Town Board did not supersede the Special Use Permit process for the property in South Westerlo as discussed earlier.

Resident Anita Marrone thanked the Planning Board, Town Board, Highway Dept., and Town Clerk for their reports, working on the employee handbook, determining cost savings for the water district, the passing of the Extension of the Moratorium on Hydrofracking, highway training participation & cost savings from the purchase of used highway equipment.

Residents John & Diane Sefcik asked if the Town Board has done anything about revising the Hydrofracking Report. Councilman Bichteman informed he had asked Diane about her interest in serving on a committee and more time is needed to assemble additional input and form another committee to modify the Hydrofracking report. No decision will be made by the Town Board until the report is modified and a decision can then be made by the Town Board to accept or not accept the report from the committee with revisions.

Justice Carl reported again on leaks in the roof at 671 County Route 401 which houses the Town Court, NYS Troopers satellite station & Town Highway Garage building. Supervisor Rapp reported that it will get fixed but he could not say when. Discussion followed on the situation, the previous history regarding the roof, the building, architect, engineer, estimates, NYS energy codes, prevailing wage, and procurement policies were detailed by Edwin Lawson for the two new Board members. The Town Board discussed the situation further and the public also commented on the subject, no decision was made by the Town Board at this time.

There being no further business Councilman Field made a motion to adjourn the meeting, seconded by Councilman Lounsbury and carried all in favor. The meeting adjourned at 9:01 PM.

Respectfully Submitted,

Kathleen Spinnato