

**REGULAR MEETING  
OF THE  
TOWN OF WESTERLO  
TOWN BOARD  
TUESDAY, SEPTEMBER 3, 2013**

The Town of Westerlo Town Board met on Tue. Sept. 3, 2013 in the Westerlo Town Hall located at 933 County Route 401, Westerlo. The meeting was opened by Supervisor Rapp at 7:30 PM with the Pledge of Allegiance to the Flag.

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

Also present were: Planning Board Chairwoman Dorothy Verch, Highway Superintendent Keith Wright Sr., Zoning Board member John Sefcik, Water Operator Doug Story, Deputy Supervisor Edwin H. Lawson, Town Clerk Kathleen Spinnato and approximately fourteen residents.

Supervisor Rapp announced the Town Board Workshop meeting scheduled for Sept 10th is canceled due to the Primary Election to be held on the same date.

Supervisor Rapp asked for a motion to approve the Town Board minutes of 8/6/2013. Councilman Field made the motion to accept the minutes, seconded by Councilman Lounsbury and carried all in favor.

Supervisor Rapp asked for a motion to approve the Town Board Workshop minutes of 8/13/2013. Councilman Lounsbury made the motion to accept, seconded by Councilman Bichteman and carried all in favor.

Supervisor Rapp asked for a motion to approve the Town Board Workshop minutes of 8/20/2013. Councilman Bichteman made the motion to accept, seconded by Councilman Field and carried. Supervisor Rapp voted in favor. Councilman Sherman and Councilman Lounsbury abstained as they were unable to attend on 8/20/13.

Supervisor Rapp reported the Supervisor's Trial Balance for July 2013 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 Trail Balance for July, be it hereby

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

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

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

NAYS: None.

**RESOLUTION # 53-2013 was thereby duly adopted.**

Supervisor Rapp asked Planning Board Chairwoman Dorothy Verch to give a Planning Board Report. Dorothy reported they met and have received 2 applications for the upcoming meeting Hope Konecny & Peter Rufa. They also met with Town Board at the workshop to review the draft of the Comprehensive Plan to address issues with the current draft, revisions were suggested. The Planning Board will hold a Comprehensive Plan meeting on Mon. Sept. 16<sup>th</sup> @ 7:30 PM. She also reported NYS Assemblyman Peter Lopez would like to make a presentation to the Town Board at a future meeting. The Town Board agreed that was acceptable.

Supervisor Rapp informed the Board, Town Clerk Kathleen Spinnato had submitted the Town Clerk's Monthly Report for August 2013. Councilman Field made a motion to adopt the following resolution:

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

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

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

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

NAYS: None.

**RESOLUTION # 54-2013 was thereby duly adopted.**

Supervisor Rapp reported the Town Board had received several applications for an open position on the Zoning Board of Appeals. No determination has been made to appoint an individual at this time.

Councilman Bichteman reported on a situation regarding the reservation of the Town Park Pavilion and the clean-up of a mess that was left after a recent reservation. He suggested besides the normal fee the Town of Westerlo currently charges for park use, an additional refundable deposit fee should be included, this may help in the avoidance of such matters. Councilman Sherman gave his opinion that there is no monitoring to determine who caused a mess after an event ends and how would they know if the park was left in good condition. He did agree that if the park or pavilion is left in bad condition there should be an additional expense. Discussion followed regarding a deposit fee, the cost to replace park bathroom keys if not returned, cameras and costs, vandalism to cameras in other local area town parks. Keith Wright also suggested when an individual calls to reserve the Park Pavilion until the fee is collected they should not be allowed use. The Town Clerk asked who would be collecting the deposit and making the Park deposit fee refunds? Suggestions were made by individuals regarding the possibility of how to handle Park deposit fees. The Town Clerk advised she would have to inquire regarding the proper handling of return of a potential Town Park deposit fee. Councilman Bichteman then made the following motion:

WHEREAS: the Town of Westerlo currently charges a fee for individuals reserving the Town Park, the Town Board feels the need for a security deposit for clean up and/or replacement key costs, be it hereby

RESOLVED: in addition to the park fee, a \$200 park deposit fee be included at the time of filing application, when reserving use of the Town Park. Upon return of park key and determinations made, the \$200 deposit will be refunded by check.

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

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

NAYS: None.

**RESOLUTION #55-2013 was thereby duly adopted.** Councilman Bichteman will ask the Town Attorney to make revisions to the Park Use Application form and Rules for Reservation of Park Facilities, the Town Clerk asked if they could also add phone contact information to the application.

Councilman Bichteman reported on the Water Committee meeting held on Thur. Aug. 22. The three Committee members and Doug Story the water system operator attended. They discussed various issues involving the system operations. Two particular issues were voted on to be brought to the attention of the Town Board they are:

1. Request that the Water Use Law of 2005 as amended in 2009 be further amended to make the Water Board Committee permanent and charge them with the responsibility of operation of the system and developing procedures for its use and to assume Sections # 801 & #802 of the law

which allows for grievances, annual meetings, and will make recommendations to the Town Board for establishing rates. Councilman Bichteman advised the Town Attorney is drafting modification language to the Water Use Law and he is asking that the Town Board hold a Public Hearing regarding potential amendments to Local Law #1 of 2005 Water Use Law. Councilman Bichteman then made a motion to adopt the following resolution:

WHEREAS: The Town Board has been asked to hold a Public Hearing regarding potential amendments to the Town of Westerlo Water Use Law #1 of , be it hereby  
RESOLVED: the Town Board will hold a Public Hearing regarding potential amendments to Water Use Law No. 1 of 2005 on Tuesday September 17<sup>th</sup> at 7:00 PM in the Westerlo Town Hall. The Public Hearing will be immediately followed by a Special Town Board meeting regarding the potential amendments to the Water Use Law, which will then be followed by a Town Board Workshop.

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

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

NAYS: None.

**RESOLUTION # 56 – 2013 was thereby duly adopted.**

Councilman Bichteman then reported on the Water Board Committee's second concern.

2. There are two users within the Water District that are not connected. Although they do pay for the bond and minimum usage he would like to see those property owners be connected to the water system. Discussion and questions regarding this concern followed from Councilman Sherman, Councilman Field and the Public.

Councilman Bichteman made a motion to adopt the following resolution:

WHEREAS: there are two properties within the Westerlo Water District which are currently not connected to the water system, be it hereby

RESOLVED: that those properties connect to the Westerlo Water District No. 1

Supervisor Rapp seconded the motion and a roll call vote resulted as follows:

AYES: Supervisor Rapp, Councilman Bichteman, Councilman Lounsbury.

NAYS: Councilman Sherman and Councilman Field.

**RESOLUTION # 57 -2013 was thereby duly adopted.**

Water District Operator Doug Story gave his report on the operations of the Westerlo Water District# 1. The fire hydrant in front of the Westerlo Fire House has been done, the valve needs some work before it can be turned back on. One meter has been replaced. The meter reader has been repaired. Mr. Story will retry to read 18 meters on Friday that were previously reading with error messages. Next week he will make appointments for repair with the residents that had meters or meter reading devices that weren't working properly. The system passed the Bacteriological tests last month. He will perform the arsenic and copper tests next week which are due this month. Within the next two weeks will be flushing all the laterals. The Committee will be sending out a notice to users in the Water District that there may be a discoloration of water during the flushing of the system scheduled tentatively near the end of the month. Councilman Bichteman added that it has been advertised that the Water Committee will be meeting on September 5<sup>th</sup> at 7:00 PM in the Town Hall. The Committee is comprised of William Bichteman Jr., Wayne LaGrange and William Slaver.

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 monthly bills be paid:

Voucher # 882 through Voucher # 912 in the amount of \$51,270.60

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

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

NAYS: None.

**RESOLUTION # 58 – 2013 was thereby duly adopted.**

Supervisor Rapp then opened the meeting to the Public.

Eugene McGrath made a suggestion the Town of Westerlo designate the Highway Garage, and Court a mixed use building and then approach companies to see if they are interested in opening a store in this area with Town offices on the second floor.

Anita Marrone complimented Highway Superintendent Keith Wright for the work completed on Tan Hollow Rd. following Hurricane Irene. She also spoke regarding the Comprehensive Plan, the Board of Ethics Committee, the filing of the Moratorium on Hydrofracking.

Stephen Nappe spoke regarding the construction of a neighbor's earthen dam near the adjoining property lines. He stated it is approximately 75' wide x 150' long and 4' high. He provided details of conversations he had with his neighbor's son, Code Enforcement officer Edwin Lawson, and NYSDEC. He also indicated the dam is not blocking any stream flow. Mr. Lawson advised him it would be considered a berm not a dam. Mr. Nappe would like to prevent a future problem and potential legal action for both himself and his neighbor. He was appealing to the Town of Westerlo for any assistance. Mr. Nappe showed photographs to the Town Board. Councilman Bichteman explained that the Town is limited in their authority. Discussion followed on the subject with comments made by Code Enforcement Officer Edwin Lawson, Councilman Sherman, Councilman Bichteman, Mr. Nappe and the public. Councilman Sherman suggested he would like to see Mr. Nappe's property first hand since the photographs were unclear. He asked Mr. Nappe if he would complete a Site Visit Consent Form (normally used by the Planning & Zoning Boards when there is an application before them) Mr. Nappe agreed and welcomed the Town Board members to visit his property to see for themselves.

Resident Diane Sefcik asked about the Hydrofracking Committee and what is happening since the last Town Board meeting. Councilman Bichteman responded to her question, indicating that he has reached out to the original members of the Committee to see who is willing to again serve on the Committee to modify and revise the Hydrofracking Report in its present drafted form. Some original members are hot then cold in their decision to serve again on the committee. He indicated there needs to be a balance to produce an unbiased report. The Town Board listened to opinions and comments made by Mrs. Marrone and Mrs. Sefcik on this topic.

Tom Diedrich of the Westerlo Volunteer Fire Co. thanked everyone who came to the Fire Company's 75<sup>th</sup> Anniversary celebration held in July as well as those who worked or helped with the event. For those that didn't participate he thanked them for their patience with traffic delays or noise from the fireworks display. He hoped all enjoyed the event.

There being no further comments Supervisor Rapp asked for a motion to adjourn. Councilman Field made the motion to adjourn the meeting seconded by Councilman Lounsbury and carried all in favor. The meeting adjourned at 9:00 PM.

Respectfully Submitted,

Kathleen Spinnato

