

**TOWN OF WESTERLO  
TOWN BOARD MEETING  
OF  
TUESDAY, OCTOBER 7, 2014**

The Town of Westerlo Town Board held a meeting on Tuesday, October 7, 2014 at the Town Hall located at 933 County Route 401, Westerlo, NY. Supervisor Richard H. Rapp opened the meeting at 7:30 PM with the Pledge of Allegiance to the Flag.

**ATTENDING WERE:** Supervisor Richard H. Rap  
Councilman Anthony W. Sherman  
Councilman William F. Bichteman  
Councilman Alfred L. Field

**ABSENT:** Councilman Theodore S. Lounsbury III

Also attending were: Deputy Supervisor Edwin H. Lawson, Justices Kenneth Mackey and Robert Carl, Highway Superintendent Keith Wright Sr., Planning Board Chair Dorothy Verch, Zoning Board member John Sefcik, Town Clerk Kathleen Spinnato, Clerk to the Assessor Claire Marshall, several town employees and approximately fifteen residents.

Supervisor Rapp asked for a motion to accept the 9/10/2014 Town Board minutes as presented. Councilman Field made a motion to accept the 9/10/2014 minutes, motion seconded by Councilman Bichteman and unanimously carried by those in attendance.

Supervisor Rapp asked for a motion to accept the Town Board Workshop minutes of 9/16/2014 as presented. Councilman Sherman made a motion to accept the Town Board Workshop minutes of 9/16/2014, motion seconded by Councilman Bichteman and unanimously carried by those in attendance.

Supervisor Rapp reported the Town Clerk Kathleen Spinnato had submitted the Town Clerk's monthly report for September and he asked for a motion to accept the report as submitted. Councilman Sherman made a motion to accept the Town Clerk's September monthly report as submitted, motion seconded by Councilman Field and unanimously carried by those in attendance.

Supervisor Rapp asked for a motion to transfer funds. Councilman Field made a motion to adopt the following Resolution:

WHEREAS: an account is overdrawn, be it hereby

RESOLVED: that the Supervisor is hereby authorized to increase the following appropriation account from the available fund balance:

A-7550.4                      \$600.00

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

AYES: Supervisor Richard H. Rapp, Councilman Field, Councilman Bichteman  
and Councilman Sherman

NAYS: None

**RESOLUTION # 45-2014 was thereby duly adopted.**

Supervisor Rapp stated the monthly bills need to be paid and he 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 # 418 through Voucher # 463 in the amount of \$121,803.09

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

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

NAYS: None

**RESOLUTION # 46-2014 was thereby duly adopted.**

Supervisor Rapp reported the Town Clerk had presented the 2015 Town of Westerlo Tentative Budget to the Town Board as prepared by the accounting firm of Pattison, Koskey, Howe, and Bucci and asked the Town Board to set a meeting date to review the budget. The Town Board members present agreed to meet on Tuesday, October 21<sup>st</sup> at 7:00 PM to review the 2015 Tentative Budget.

Supervisor Rapp asked Planning Board Chairperson Dorothy Verch to give a September report. Dorothy reported the Planning Board had received an application from David Gumport for a minor subdivision on Sunset Rd. which was approved at a Public Hearing held on 9/23/2014. Received an application from Richard Prince for a minor subdivision on Righter Rd. the Public Hearing is scheduled for October 28<sup>th</sup>. Councilman Sherman made a motion to accept the Planning Board Report as submitted, motion was seconded by Councilman Field and unanimously carried by those in attendance.

Supervisor Rapp read the Zoning Board of Appeals report for September as submitted by Chairperson Virginia Mangold. The ZBA meeting of 9/28/2014 was canceled, due to the fact that no new or old business came before the board. Councilman Sherman made a motion to accept the ZBA report as submitted, motion seconded by Councilman Field and unanimously carried by those in attendance.

Supervisor Rapp reported the current accounting firm of Pattison, Koskey, Howe & Bucci (PKHB) wants to charge additional monies for reviewing the Town Clerk, Tax Collector, Town Court and Water District accounts at a fee of approximately \$1600 for each account. Councilman Bichteman stated he had reviewed the scope of services they provided at the beginning and there was no mention of this. They had the opportunity to review our accounting system beforehand and they had made no provision other than mentioning hourly rate, similarly the promise to provide Quickbooks training and then also wanting additional monies for that. Supervisor Rapp stated that Patricia Boice, Claire Marshall, and Kathleen Spinnato all attended a Basic Quickbooks 3 Hr. training course held at HVCC. Councilman Bichteman stated before the first of the year the Board should consider selecting another accounting firm and at the very minimum the Board should request proposals from PKHB as well as other firms. Supervisor Rapp asked the Board members if they were in agreement, all present agreed with Councilman Bichteman.

Supervisor Rapp asked Ed Lawson to report on the National Floodplain Insurance Program. Ed explained that during filing of paperwork with FEMA & NYS Department of Environmental Conservation he was listed as Floodplain Manager. The Town of Westerlo Highway Superintendent Keith Wright, Deputy Highway Superintendent Jody Ostrander & Code Enforcement Officer Ed Lawson were asked to participate in a phone conversation with NYSDEC to review flood mapping.

- NYSDEC recommends designating contacts for the Town of Westerlo, the offices of Highway Superintendent and Code Enforcement Officer were suggested as Floodplain Managers.
- There are new regulations and new construction methods if building within a floodplain.
- In 1989, the Town of Westerlo enacted a law which indicated the Town was involved in the Floodplain Program. The law needs to be changed to include the new regulations, and a resolution needs to be passed in order to continue to receive funding from the FEMA program.
- Deadline for draft local law submittal to NYSDEC is needed by December 16, 2014.
- Deadline for final local law passage and submittal is needed along with State filing by Feb. 13, 2015.
- Deadline for adoption of new flood management regulations needed by March 16, 2015.

- NYSDEC, Division of Water, Bureau of Flood Protection letter was left by Mr. Lawson in the Town Board mail boxes for their review.

He asked the Town Board members to make a motion to allow Town Attorney Aline Galgay to draft the documents necessary to comply with the new regulations and to designate contact offices.

Councilman Bichteman made a motion to adopt the following resolution:

WHEREAS: The Town of Westerlo needs to comply with updated National Floodplain Insurance Program regulations in order to continue to receive FEMA funding, be it hereby

RESOLVED: the Town Board authorizes the Town Attorney to draft the necessary law and documents in order to comply with the updated floodplain management regulations to maintain eligibility in the National Flood Insurance Program.

Supervisor Rapp seconded the motion, motion carried all present in favor.

**RESOLUTION # 47-2014 was thereby duly adopted.** A discussion followed regarding the floodplain and the new regulations.

Supervisor Rapp asked Code Enforcement Officer Ed Lawson to report on the Highway Garage Roof. Ed gave an update to Councilman Field stating that there are no additional fees from the architect if the Board chooses to move forward on the project. He summarized what had been discussed at a previous workshop and he had immediately advised the architect and is advising the Town Board that valued engineering is against the law. When public monies are involved the Town is bound by the laws of New York State the Town cannot solicit prices without competitive bidding, prevailing wages are a part of it as well. Councilman Field asked about unit pricing per sq. ft. on underlayment, insulation, roofing material, in case the contractor has overrun costs. Mr. Lawson indicated if there are overruns a change order would be needed and trade payment breakdowns were requested in the bid. Councilman Bichteman said that although there is sticker shock, the project is fairly priced, the roof still leaks and we need to move forward. The public asked questions about the low bid, the building, heating costs, financing of the project, which were answered by the Town Board members and Mr. Lawson.

Councilman Bichteman made a motion to adopt the following resolution:

WHEREAS: The Town Board needs to award the Highway Garage roof bid, be it hereby

RESOLVED: The Town Board award the contract to the low bidder Mid State Industries on the base bid amount of \$245,600.00, with Add Alternate # 1 in the amount of \$198,811.00, and Add Alternate # 2 in the amount of \$33,811.00. The Supervisor has the authority to borrow the maximum sum of the amount up to the total price \$478,222 for the sole purpose of financing roof repairs as awarded by the Town Board. The financing in the form of an installment bond series in which the annual repayment amount must not exceed \$100,000 and the term shall not be greater than ten years. The Supervisor can secure the financing through the financial institution providing the lowest interest rate under the financing plan set forth.

Supervisor Rapp seconded the motion, a roll call vote of those attending follows:

AYES: Supervisor Rapp, Councilman Bichteman

NAYS: Councilman Sherman, Councilman Field

**RESOLUTION # 48-2014 was not adopted.**

The Town Board discussed the remaining balance of grant monies which need to be used on improvements to the Town Hall. They also discussed the cost of repairs vs. an unknown cost of a new building to replace the current structure which houses the Court, Highway Garage, Records Room, & NYS Police satellite office. Councilman Field had made an inquiry and comparison to the cost of the new Highway Garage building in the Town of Windham. Ed Lawson indicated they should compare to an

identical structure, the new Town of Windham Highway Garage does not include the Town Justice Court, NYS State Police satellite office, and Records Room.

Supervisor Rapp asked Town Justice Robert Carl to report on a Grant the Justice Court wants to apply for. Justice Carl stated the Town Board needs to pass a resolution for the Justice Court to apply for a Grant from the Justice Court Fund. Supervisor Rapp made a motion to adopt the following resolution:

WHEREAS: The Municipal Court of the Town of Westerlo needs to apply for a grant from the Justice Court Fund, be it

RESOLVED: that the Town of Westerlo Municipal Court be hereby authorized to submit an application for a grant to the Justice Court Fund for enhancements and office equipment/furniture at 671 County Route 401, Westerlo

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

AYES: Supervisor Richard H. Rapp  
Councilman William F. Bichteman  
Councilman Alfred L. Field  
Councilman Anthony W. Sherman

NAYS: None.

ABSENT: Councilman Theodore S. Lounsbury III

**RESOLUTION # 49-2014 was thereby duly adopted.**

Supervisor Rapp asked Claire Marshall Clerk to the Assessor to report on new emails for the Town of Westerlo. Claire advised The Town has new emails and they will be posted on the Town website hopefully by tomorrow. The emails are basically for Town Board, Planning Board and Zoning Board a password is needed, please ask her or Dick for your password to gain access. The password is the same for all members of each individual Board, if there is a resignation, the entire Board would receive a new password.

Councilman Bichteman expressed the need to move forward on the proposed Highway building project and what direction the Town Board intends to take. Discussion followed between the Town Board, CEO Lawson, and the Public regarding differing opinions on whether to make repairs or erect a new building and the circumstances and or consequences involved with each direction the Board eventually intends to take. Councilman Field had compared cost of new highway buildings erected in three other towns, by architect Delaware Engineering. Councilman Sherman then made a motion to ask Delaware Engineering to give an estimate for replacement cost of the Highway Garage, State Police, and Justice Court building and also to send a letter to Mid-State Industries the apparent low bidder on the Highway Garage repairs asking them to extend their bid submitted on September 10<sup>th</sup> for an additional 30 days. Councilman Bichteman seconded the motion, and a vote resulted as follows;

AYES: Councilman Sherman, Councilman Bichteman, and Councilman Field.

NAYS: Supervisor Rapp

Motion carried. Councilman Field will contact Delaware Engineering.

Councilman Bichteman advised Planning Board Chair Dorothy Verch of his suggested recommendations for the recent draft Comprehensive Plan she had submitted a month earlier to the Town Board for their review.

The meeting opened to the Public. Gordon Cochrane of Cochrane Contracting & Infinite Renewable Energy reported to the Town Board on an estimated energy savings calculated by investors Energy in the Bank for a proposed solar installation for the Town of Westerlo. Mr. Cochrane read the two estimate options provided by Energy in the Bank, the Town Clerk asked for and gave a copy of the estimated savings for the Town Board members. Mr. Cochrane wanted to know if the Town Board wished to move forward and have a letter of intent drawn up by the investor. Councilman Bichteman

advised Mr. Cochrane he needs more information and the Board will need to discuss solar at a workshop.

Kenneth Mackey reported on the proposed "Band-Aid" presented to the Town Board by Albany County Sheriff Craig Apple and Commander Brian Wood several months ago. Westerlo Rescue had done their homework and had reached out to the other area rescue squads. Westerlo Rescue is recommending that the Westerlo Town Board not consider going for the "Band-Aid" which had been proposed. Westerlo Rescue is alive and well and doesn't plan on going away. The Town already pays Albany County for Advanced Life Support (ALS) and will continue to receive county support, now the County is proposing charging an additional fee for something they already do. Kevin Slingerland stated this past month Westerlo Rescue had 34 calls and they responded to all 34 calls. The Rescue Squad was applauded for their service and efforts.

There being no further business, Councilman Bichteman made a motion to adjourn the meeting, seconded by Councilman Field, motion carried by those in attendance. Meeting adjourned at 9:40 PM.

Respectfully submitted,

Kathleen Spinnato