

**TOWN OF WESTERLO
TOWN BOARD
MEETING OF
WEDNESDAY, NOVEMBER 5, 2014**

The Town of Westerlo Town Board held the regular monthly meeting on Wed. Nov. 5, 2014 in the Town Hall located at 933 County Route 401, Westerlo, NY. Supervisor Rapp opened the meeting 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 III
Councilman William F. Bichteman Jr.
Councilman Alfred L. Field

Also attending were: Edwin H. Lawson Deputy Supervisor/Code Enforcement Officer, Keith Wright Sr. Highway Superintendent, Dorothy Verch Planning Board Chairperson, Gerry Boone Planning Board member, John Sefcik Zoning Board of Appeals member, Kathleen Spinnato Town Clerk, several Town employees, and approximately twenty interested residents/persons.

Supervisor Rapp asked for a motion to accept the Town Board meeting minutes of 10/7/2014 as submitted. Councilman Sherman made a motion to accept the Town Board minutes of 10/7/2014, motion was seconded by Councilman Bichteman, motion unanimously carried.

Supervisor Rapp asked for a motion to accept the Town Board Workshop minutes of 10/21/2014 as submitted. Councilman Field stated he had not received the minutes, when asked by the Town Clerk the other Town Board members stated they had not received the same minutes by email as well. After all the Board members had the opportunity to read and review the draft minutes available at the meeting, Councilman Sherman made a motion to approve the Town Board Workshop minutes of 10/21/2014, Councilman Lounsbury seconded the motion, motion unanimously carried.

Supervisor Rapp stated the Town Clerk had submitted the Town Clerk's monthly report for October and asked for a motion to approve the report. Councilman Lounsbury made a motion to approve the Town Clerk's monthly report for October, seconded by Councilman Bichteman, motion unanimously carried.

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: the monthly bills be paid

Voucher # 464 through Voucher # 509 in the amount of \$229,709.73

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

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

NAYS: None

ABSTAINED: Councilman Field

RESOLUTION # 50-2014 was thereby duly adopted.

Supervisor Rapp reported Attorney Jeff Baker had requested to be on the agenda. Attorney Baker stated he is the Attorney for client Jacqueline A. Milham who was submitting an application for a Special Permit for travel trailer on her property located on Lake Road. He submitted a packet with the description and photographs of the Park Model RV Travel Trailer and he spoke regarding the intended seasonal use April through October. The packet included an undated, unsigned acceptance of proposal from his client for installation of a 1,000 gal. holding tank from John Van Wormer Septic Systems, Inc. of Altamont NY. Attorney Baker indicated the plan for the holding tank was also included

in the packet and there will be a service agreement with Mr. Van Wormer for service/clean out of the holding tank. It will be disconnected and winterized at the end of the season. Water supply will be bottled water for cooking and drinking needs, there is a dug well on the property which they may connect and will use for non- potable purposes, which will also be disconnected at the end of the season. Electricity will be brought in by a pole located on the property with a meter from Central Hudson. The trailer is situated on a crushed stone surface and is stabilized by 8-10 piers. He also indicated as part of the application, the owners are asking to install an unattached deck approximately 8' wide, on the southern side of the trailer. The property is a preexisting substandard lot with an existing run down garage/building as seen in the photograph submitted which will be used as storage. It cannot be used year round, it is not a mobile home.

Councilman Bichteman asked if it could be moved over highway without a permit. Attorney Baker responded yes, it has to be registered, but it does not require an escort vehicle or a special license. Councilman Bichteman had concerns about the following: the width & NYS DMV permit to move, sanitary facilities may not be within the Town's jurisdiction, if an alarm system would be on the septic holding tank, and had questions regarding the dug well. Discussions followed with questions and responses between Attorney Baker, Councilman Bichteman, Councilman Sherman, Councilman Field, owner Jacqueline Milham, Zoning Administrator Edwin Lawson and the public regarding the Park Model RV Trailer, other RV's, regulations, the Town of Westerlo Zoning Law & Section 14.110, the well, the septic, special permits, and variances. Councilman Sherman suggested and the Town Board agreed a Public Hearing should be held regarding matter. Attorney Baker stated he had no objection to a Public Hearing. Attorney Baker asked Zoning Administrator Ed Lawson about notification needed for the Public Hearing. Mr. Lawson advised him regarding the notification process. Councilman Bichteman wants to see more detail regarding an alarm on the holding tank with battery backup brought to the Public Hearing. The Town Board agreed to hold a Public Hearing & Special Town Board meeting on Tuesday, November 18th at 7:00 PM regarding the application for Special Permit from Jacqueline Milham.

Supervisor Rapp reported the 2014 NYS Local Retirement System (NYSLRS) Standard Workday Resolution was submitted to the Town Board by the Town Clerk. The Town Clerk received no record of time for Doug Story, and she was advised by NYSLRS that another Standard Workday Resolution would need to be resubmitted for him. It was determined by the Town Board that Doug Story is not an appointed or elected official, he is a part-time employee and should not be included on the Resolution. Councilman Bichteman made a motion to adopt the following resolution:

WHEREAS: the Town of Westerlo needs to establish a Standard Workday for elected and appointed officials and report to NYS Local Retirement System, be it hereby

RESOLVED: the Standard Workday & Reporting Resolution form RS2417-A & B 2 pages of November 5,2014 is adopted with the following correction; part-time employee Doug Story be removed from the Resolution. The Town Clerk shall post for 30 days on the Town of Westerlo website and send to NYSLRS for filing.

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 # 51-2014 was thereby duly adopted.

Supervisor Rapp asked Planning Board Chairperson Dorothy Verch to give a report. She reported On Oct. 28th a Public Hearing was held for Mr. Prince, with a minor subdivision on Righter Road. There was a negative SEQRA declaration. The application for the two parcel subdivision was

approved. An application from Mr. Dolce or Town Line Auto was also accepted and approved for a name change from: Zacher's Self Storage, to: Town Line Self Storage. Councilman Field made a motion to accept the Planning Board report, seconded by Councilman Lounsbury and unanimously carried.

Supervisor Rapp asked for the Zoning Board Report. Town Clerk reported she received an email from Zoning Board of Appeals Chairperson Virginia Mangold which stated on Oct. 24th there was nothing to report, no meeting was held, no new applications or new business. Councilman Field asked how many months a year do they meet they have missed three meetings in a row. Zoning Board member John Sefcik advised they meet every time there is something to do, unless there is nothing for them to consider.

The Town Board reviewed the 2015 Tentative Budget as submitted by Pattison, Koskey, Howe, & Bucci (PKHB) on 11/05/2014. Councilman Bichteman reported there was an error that needs correction: Code A-8010.1 Zoning, need to correct figure from \$12,600 to \$13,875. The Town Clerk will advise PKHB about the needed correction.

The Town Board then reviewed the proposed budget by sections:

- 2015 Town of Westerlo Vol. Fire Co. Budget as submitted. The Fire Co. 2014 Budget was \$187,805 and 2015 Fire Board adopted Budget is \$191,305 an increase of \$2,775. Councilman Bichteman advised he was not satisfied and would like a breakdown of items with a more detailed explanation of figures before the Public Hearing. He would like to see clarification on the following :
 1. Whether the Fire Co. is required to produce an Annual Report according to General Municipal Law or Tax Return.
 2. Foreign Insurance Monies-2% monies should have a separate fund balance line listed in their budget.
 3. A copy of their Financial Statement.
 4. Would like to see the Capital Reserve Fund - for equipment and apparatus.
 5. The sale of property and purchase of property in Westerlo. Would like justification as to what part of that money went towards purchase, if any.

Councilman Field abstained from the Fire Company budget conversation because he is a life member. Councilman Bichteman will draft a letter to the Fire Company President Deborah Filkins and will give to the Town Clerk. Tom Diederich from the Fire Company responded addressing some of Councilman Bichteman's concerns. Discussion followed.

Councilman Field asked if there was a report from the Zoning Recommendation Committee. Edwin Lawson responded they have met 2 weeks so far, they generally meet weekly on Wednesday evenings unless preceding a Holiday it is also posted on the website and sign board. The persons on the Committee besides himself are: Diane Sefcik, Kathleen Bobb, Patricia Britton, and Pam Schreiber. A Notice was placed in the paper and seven persons responded. They are currently assessing all the information and will produce a document for the Town Board to review and make their recommendations.

Councilman Field asked about the website and the new emails and if they are working. Discussion followed.

Councilman Bichteman suggested they continue on to the next item on the agenda the National Flood Plain Insurance Program. The Town Board discussed the designations of Administrator(s): Highway Superintendent and Code Enforcement Officer, the designation of a Coordinator: Highway Superintendent, the designation of the Zoning Board of Appeals being the appeals Board for any variances, and whether to charge a fee or not. A brief discussion followed regarding a current variance fee of \$40. Councilman Bichteman then made a motion to adopt the following resolution:

WHEREAS: the Town Board needs to modify the draft of the Resolution to apply to Participate in the National Flood Insurance Program and a draft of proposed Local Law # 1-2015 entitled Flood Damage prevention Local Law in order to meet the latest standards to participate in the National Flood Insurance Program in order to be eligible to receive FEMA funding, be it hereby

RESOLVED: the Town Board modifies and adopts a Resolution To Apply to Participate in The National Flood Insurance Program (see attached) , and modifies the Proposed Draft of Local Law No. 1-2015 Flood Damage Prevention to include the: designations of the Highway Superintendent and Code Enforcement Officer as Administrator(s), the designation of the Highway Superintendent as the Coordinator, the designation of the Zoning Board of Appeals to review requests for variances, and the implementation of a \$40 application fee for a Floodplain Development Permit. Town Attorney Aline Galgay to make the changes as recommended by the Town Board.

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

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

NAYS: Councilman Field.

RESOLUTION # 52-2014 was thereby duly adopted.

Councilman Bichteman reported the next item on agenda being the Request for Proposals for Accounting Services drafted by the Town Attorney at their request. The Town Board agreed to discuss it at the November 18th workshop.

The Town Board then discussed the Highway Garage proposed project. Councilman Bichteman reported the steps needed to advance:

- Bond Council-When asked by Councilman Bichteman, Attorney Galgay responded she can be the Bond Council for a potential new highway building project.
- Need to adopt a resolution to appropriate a fund balance to support the project if they move forward on the potential new building project.
- For indebtedness purposes, will need more supporting information as far as cost for entire project. The Board could agree to take funds set aside for (highway) repair project to appropriate a fund balance to support the project, if the Town Board is in agreement
- Incorporate the proposed reconstruction of the Highway Garage and the renovations/ repairs necessary at Town Hall in a Bond Anticipation Note.
- Fred Grober of Delaware Engineering will need to make another review of buildings for more specifics and scope of work.

Councilman Field reported he had spoken with Fred Grober of Delaware Engineering. Mr. Grober is willing to come to a workshop to discuss any concerns the Town Board members may have. Councilman Bichteman stated he would like Mr. Grober to come once there is a proposed task assigned, not to just answer general questions. Councilman Bichteman then made a motion to adopt the following resolution:

WHEREAS: the Town Board needs to move forward on a proposed Highway Garage reconstruction project, be it hereby

RESOLVED: the Town Board is in favor of using Bond Anticipation Note monies originally intended for Highway Garage repairs as the starter for funding of preliminary phases of the proposed Highway Garage reconstruction project

and the proposed renovations/repairs of Town Hall as presented by Delaware Engineering.

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 # 53-2014 was thereby duly adopted.

The Town Clerk asked if the Town Board wanted her to notify the three previous bidders for the Highway Garage Repairs that their bids have been rejected. Councilman Bichteman responded yes.

The meeting opened to the Public.

A resident asked if the proposed Highway Garage project was approved, Councilman Bichteman responded no. Discussion followed.

A resident asked if there was a time limit on the remaining \$66,000 Grant for the Town Hall improvements. Supervisor Rapp responded he has hopes to use the funds towards a new boiler in the coming year.

Deborah Mackey of Westerlo Rescue Squad informed those present regarding EBOLA and other communicable diseases, if ever there should be area person that meets the criteria there are only four agency ambulances that will respond for transport: Albany County Sheriff's Ambulance, Colonie Ambulance, Mohawk Ambulance, and the Arsenal. She detailed the protocol and procedures that will be followed due to certain criteria.

Dorothy Verch asked the Town Board about the status of the Draft Comprehensive Plan that was submitted to the Town Board. Councilman Field and Councilman Bichteman responded they have read the Draft Comp. Plan, but reported there are still some Town Board members that have not completed their review.

The Town Clerk asked the Town Board if it was their intention tonight to move from the Tentative Budget with the previously mentioned correction to the Preliminary Budget, if so a resolution would be needed. Councilman Field made a motion to adopt the following resolution:

WHEREAS: the Town of Westerlo Town Board has reviewed the 2015 Tentative Budget, be it hereby

RESOLVED: the Town Board approves to move from the 2015 Tentative Budget to the 2015 Town of Westerlo Preliminary Budget with a correction to an amount in account code A8010.1 –Zoning from \$12,600 to \$13,875, to be adjusted by accounting firm PKHB.

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 # 54-2014 was thereby duly adopted.

A resident asked questions regarding the Preliminary Budget which were answered by the Town Board.

There being no further business, Councilman Bichteman made a motion to adjourn, Councilman Sherman seconded, motion unanimously carried. Meeting adjourned at 9:30 PM.

Respectfully submitted,

Kathleen Spinnato

