

**Town of Westerlo  
Town Board  
Meeting of  
Tuesday, February 4, 2014**

The Town of Westerlo Town Board met on Tue. Feb. 4, 2014 in the Town Hall located at 933 CR 401, Westerlo. Supervisor Rapp called the meeting to order at 7:30 PM with the Pledge of Allegiance.

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: Deputy Supervisor Edwin H. Lawson, Highway Superintendent Keith Wright Sr., Justice Robert Carl, Planning Board: Doyle Shaver, Dorothy Verch, & Richard Kurylo, Zoning Board: John Sefcik, Town Clerk Kathleen Spinnato and approximately 22 residents.

Supervisor Rapp made a motion to approve the 1/7/2014 Organizational Meeting minutes, seconded by Councilman Field, and unanimously carried.

Supervisor Rapp made a motion to approve the 1/7/2014 Town Board Meeting minutes, seconded by Councilman Lounsbury, and unanimously carried.

Supervisor Rapp asked for a motion to approve the Special Town Board meeting minutes of 1/14/2014. Councilman Lounsbury commented he did not receive two days prior notice to the meeting date, the meeting. Councilman Field agreed and commented that he also did not receive two days prior notice. Councilmen Bichteman advised that the agreement was already entered into. Discussion followed between Councilmen Bichteman, Lounsbury, and Field regarding the reasons why the meeting was held, the urgency, the town attorney's involvement. Councilman Bichteman reported the original proposed project was a result of previous storm damages from Hurricane (Irene). The project sat dormant for months because the Supervisor rejected the application and would not authorize the town to enter into any debt for the proposed project. At the last minute the federal government was able to get funding for the project and came up with an immediate plan by which it could happen. Natural Resources Conservation Service (NRCS) pursued the project and the funding was due to expire. The Supervisor had given the proposed agreement to the Town Attorney to review, there is no cost, no engineering, and no inspections by the Town of Westerlo, and there were no secretive meetings. It was a dead issue right up until the federal government was able to come up with a plan to do the project on their own. Although three members who had attended the Special Town Board meeting held on 1/14/2014 had previously voted aye on the NRCS resolution agreement, Councilman Bichteman again made the motion to authorize the Supervisor enter into the NRCS contract agreement, Councilman Sherman seconded the motion, and a roll call vote resulted as follows:

AYES: Supervisor Rapp, Councilman Bichteman and Councilman Sherman.

NAYS: Councilman Lounsbury and Councilman Field.

**RESOLUTION # 4-2014 thereby remains, duly adopted.**

Councilman Sherman then made a motion to approve the Special Town Board meeting minutes of 1/14/2014, seconded by Councilman Bichteman with the vote result as follows:

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

NAYS: Councilman Lounsbury and Councilman Field.

Supervisor Rapp asked for a motion to approve the Zoning Board of Appeals SEQR training given by Town Attorney Aline Galgay on 1/20/2014. Councilman Sherman made the motion to approve the ZBA SEQR training, seconded by Councilman Bichteman and unanimously carried.

Supervisor Rapp asked for a motion to approve the Code of Ethics training held on 1/21/2014 attended by the Town Board, Planning Board, Zoning Board of Appeals(member Robert Beck absent), Deputy Supervisor and Town Clerk given by Town Attorney Aline Galgay. Councilman Sherman made the motion to approve the Code of Ethics training, seconded by Councilman Lounsbury and unanimously carried.

Supervisor Rapp asked for a motion to accept Town Clerk Kathleen Spinnato's January monthly report as submitted. Councilman Sherman made a motion to accept the Town Clerk's January monthly report, seconded by Councilman Field and unanimously carried.

Supervisor Rapp asked for a motion to accept Tax Collector Kathleen Spinnato's January report as submitted. Councilman Field made the motion to accept the Tax Collector's January report, seconded by Councilman Lounsbury and unanimously carried.

Supervisor Rapp advised 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 # 12 through Voucher # 57 in the amount of \$47,129.54

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 # 5-2014 was thereby duly adopted.**

Supervisor Rapp then asked for a motion to approve Curtis Cunningham as a Marriage Officer for the Town of Westerlo. Councilman Field made a motion to adopt the following resolution:

WHEREAS: the Town Board has received a request from Curtis Cunningham to be appointed as a Marriage Officer to perform his daughter's marriage ceremony in the Town of Westerlo, be it hereby

RESOLVED: the Town Board appoints Curtis Cunningham Marriage Officer with no salary

Councilman Field 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 # 6-2014 was thereby duly adopted.**

Supervisor Rapp asked Justice Robert Carl to report on the applications for the position of Clerk to the Justices and the applicant chosen. Justice Carl reported there were eight applicants, two applicants withdrew at the interviews, and agreement was made to hire applicant Sue Gruss as Clerk to the Justices. Councilman Sherman said he had spoken with Justice Mackey and he believed Justice Mackey is not in agreement. Justice Carl indicated that was not what he had expressed to him the night of the interviews. Councilman Sherman asked if Sue Gruss is a Town resident. An applicant for the position then spoke advising she is a Town resident but she was not chosen and asked what qualification had she not met. Justice Carl indicated that she was unfamiliar with the SEI program used by the court and the applicant chosen for the position had 10 years of experience with the program and met all the qualifications. Councilman Field then made a motion to adopt the following resolution:

WHEREAS: due to the resignation of Jessica Tronco, the Town of Westerlo is seeking an individual to fill the position of Clerk to the Justices and has advertised the position and the Justices have interviewed applicants, be it hereby

RESOLVED: the Town Board waives the residency requirement and appoints Sue Gruss to the position of Clerk to the Justices.

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

AYES: Supervisor Rapp, Councilmen Field, Lounsbury and Bichteman

NAYS: Councilman Sherman.

**RESOLUTION # 7-2014 was thereby duly adopted.**

Supervisor Rapp indicated that the Transfer Station is in need of new containers. Employee Chuck Benninger had previously inquired about prices, but was not present to report. Councilman Bichteman asked if the containers currently being used could be taken out of service, repaired, and be used again. Highway Superintendent Keith Wright advised the containers are shot and should be scrapped. Supervisor Rapp then made a motion to adopt the following resolution:

WHEREAS: the Town of Westerlo Transfer Station is in need of new containers, be it hereby

RESOLVED: the Town of Westerlo purchase two new containers at an approximate cost of \$8,000.00 each for the Town of Westerlo Transfer Station

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

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

NAYS: None.

**RESOLUTION # 8-2014 was thereby duly adopted.**

Councilman Field then made a motion to allow Highway Superintendent Keith Wright to research the price of a pickup truck. He explained one pickup had been lost this summer due to a rotten frame and the pickup Keith is driving has a bad box. Councilman Lounsbury seconded the motion and motion unanimously carried.

Supervisor Rapp asked Councilman Bichteman to give the Water Board report. Councilman Bichteman gave a review of the bids received for the Utility Repair Crew for the Town of Westerlo. The contract is a multiple crew contract and there were several bids. It is the Water Board's recommendation for all repair crews, with the exception of repair crew number two; the contract is awarded first to J R Petropeli. On bid the for repair crew number two: for J R Petropeli the make and model of equipment is undersized, so the contract for repair crew number two should be awarded to Trinity Construction. Councilman Bichteman made a motion to adopt the following resolution:

WHEREAS: the bids for Utility Repair Crew contracts have been received by the Town Board and the Water Board has made a recommendation, be it hereby

RESOLVED: the bids for Utility Repair Crew be awarded as advised by the Water Board, for all Utility Repair Crew with the exception of repair crew number two first to: J R Petropeli, the bid for repair crew number two be awarded to Trinity Construction.

Councilman Sherman 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.

Councilman Bichteman will draft the finalized bid award document and give to the Town Clerk.

**RESOLUTION # 9-2014 was thereby duly adopted.**

Supervisor Rapp asked Planning Board Chairman Doyle Shaver to give the Planning Board report. Doyle reported that there was no new business in January. They are currently working towards making the adjustments to the Draft Comprehensive Plan as recommended by the Albany County Planning Board. He indicated that they hope the Draft Comprehensive Plan will be ready within a few months for resubmittal to Albany County. Supervisor Rapp asked for a motion to accept the Planning Board report, Councilman Sherman made the motion to accept the Planning Board report, seconded by Councilman Bichteman and unanimously carried.

Councilman Bichteman asked the Supervisor before he continued with opening the meeting to the Public he had two items of business. At the last workshop Councilman Field had indicated to him that the Employee Handbook section 407 for the Code of Ethics is incorrect and needs correction. He explained the handbook as previously approved has language in section 407 which needs to be eliminated and reduced to two paragraphs indicating that the Town has a Code of Ethics Policy and where it was derived from, secondly the distribution paragraph alert that any Town official, employee that they are in to receive the Code of Ethics. Councilman Bichteman made a motion to make the correction to section 407 of the Employee Handbook before printing, Councilman Lounsbury seconded, motion unanimously carried.

Councilman Bichteman asked Deputy Supervisor Edwin Lawson if he had been in contact with Architecture Plus. Mr. Lawson indicated he had not; he was waiting to hear from the Town Board as to how they want to proceed. Discussion followed between the Town Board and Mr. Lawson pertaining to the proposed fees of the architect and the Town Board's direction. Councilman Bichteman indicated that the Town provide the bids and maximum services, and let Architecture Plus develop the prices and add alternates. Councilman Bichteman then made a motion to adopt the following resolution:

WHEREAS: the Town of Westerlo needs to hire an architect for the building at 671 CR 401 which is in need of repairs, be it hereby

RESOLVED: the Town of Westerlo hires Architecture Plus

Councilman Sherman 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 # 10-2014 was thereby duly adopted.**

Richard Kurylo asked why the change of chairperson for the Planning Board. Councilman Lounsbury indicated he had believed Dorothy had resigned, after later speaking to her he had found out she had not. Councilman Bichteman had heard that she was more an advocate for the applicant; you are there to review the plans and be the advocate for the Town. Councilman Field made a motion to adopt the following resolution:

WHEREAS: Planning Board member Dorothy Verch was not reappointed Chairperson at the Organizational meeting, be it hereby

RESOLVED: Dorothy Verch be reinstated as Planning Board Chairperson

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

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

NAYS: None.

**RESOLUTION # 11-2014 was thereby duly adopted.**

The meeting then opened to the Public. Anita Marrone spoke regarding documents that had been submitted by her and others on the topics regarding Hydraulic Fracturing; she hoped they have been read by the Board members and were included in the Draft Hydrofracking Report.

Councilman Bichteman asked the Board to consider for the upcoming Special Town Board meeting on Feb. 18<sup>th</sup> for the purpose of hearing public comment on the Draft Hydrofracking Report, there be a time limit set for those wishing to speak have the opportunity to give their opinion. The Board had a brief discussion after which Councilman Bichteman made a motion to allow a time period of four minutes per speaker for the upcoming meeting, Councilman Sherman seconded the motion, unanimously carried.

Justice Carl asked if the Town would be hiring a cleaning person. Supervisor Rapp stated he would like to talk to the Board about this. A brief discussion followed, Councilman Sherman made the motion to advertise for a cleaning person, Councilman Field seconded the motion, unanimously carried.

It was mentioned by Councilmen Field and Bichteman that the applicants provide a price for cleaning. Helena Kosorek asked questions of the Board regarding documents she had submitted pertaining to Hydrofracking.

Jack Milner reported he had followed Greene County Sanitation from outside the Town of Westerlo hauling trash to Westerlo Transfer Station. A Board member advised that transfer station employees have been checking haulers loads and the company has been in violation of hauling trash from outside the Town of Westerlo was asked to stop and has not. Discussion followed. It was determined that Greene County Sanitation License # 79 to haul trash in the Town of Westerlo for deposit in the Town of Westerlo Transfer Station would expire on February 10, 2014. Councilman Field made a motion for the Supervisor to send a letter to Greene County Sanitation stating that his License will not be renewed, Councilman Bichteman seconded, unanimously carried.

Justice Carl reported that approximately 1.5 years ago he advised the Town is paying \$6,000 for a Town Prosecutor, some of Town Board members may not have been here then, and the ADA could prosecute V&T cases at no cost, saving the town \$6,000. The Supervisor would need to contact the ADA to prosecute. Councilman Field made a motion to have the Supervisor contact the Albany County District Attorney's office to investigate the matter, Councilman Bichteman seconded, unanimously carried.

There being no further business Supervisor Rapp asked for a motion to adjourn the meeting, Councilman Field made the motion to adjourn, Councilman Lounsbury seconded, unanimously carried. The meeting adjourned at 8:42 PM.

Respectfully Submitted,

Kathleen Spinnato

