

Town of Westerlo
Town Board
Meeting of
Tuesday, October 6, 2015

The Town of Westerlo Town Board met on Tuesday, October 6, 2015 in the Town Hall at 7:30 PM. The meeting was called to order by Supervisor Richard H. Rapp with the Pledge of Allegiance to the Flag.

Present were: Supervisor Richard H. Rapp
Councilman Anthony W. Sherman
Councilman Theodore S. Lounsbury
Councilman William Bichteman Jr.
Councilman Alfred L. Field

Also present were: Zoning Board of Appeals Chairwoman Virginia Mangold and members John Sefcik & Amie Burnside, Planning Board Chairwoman Dorothy Verch and members Gerry Boone & Edwin Stevens, Town Highway Superintendent Keith Wright Sr. & Deputy Hwy. Superintendent Jody Ostrander, Town Justices Kenneth Mackey and Robert Carl, Clerk to the Assessor Claire Marshall, Clerk to the Supervisor Patricia Boice, Albany County Sheriff's Investigator Tracy Mance, Town Clerk Kathleen Spinnato and approximately 17 residents.

Supervisor Rapp asked for a motion to accept the Town Board minutes of 9/2/2015. Councilman Sherman made motion to accept the minutes of 9/2/2015, seconded by Councilman Lounsbury, Councilman Field abstained, motion carried.

Supervisor Rapp asked for a motion to accept the Town Board Workshop minutes of 9/15/2015. Councilman Field made a motion to accept the Workshop minutes of 9/15/2015, seconded by Councilman Bichteman, Councilman Lounsbury abstained, motion carried.

Supervisor Rapp advised that the Town Board has received the 2016 Town of Westerlo Tentative Budget totaling \$2,624,249.00 a decrease of over \$22,000 from the previous year. Councilman Bichteman asked questions regarding anticipation of more revenues and he briefly discussed Service Providers Agreements. Discussion of the 2016 Tentative Budget will be continued at the Town Board Workshop to be held on October 20th. The public asked questions about the proposed Mid-Hudson Cable and the Draft Franchise Agreement, ie; competitive bid, revenues received. Supervisor Rapp advised the approximate revenues received are about \$16,000. Councilman Bichteman indicated there may be more involved, will need to check with the Public Service Commission. A resident offered the suggestion due changes in technology over a 15 yr. span of a proposed renewal may want to consider a shorter renewal period.

Supervisor Rapp advised the Supervisor's Report for August had been submitted to the Town Board he then made a motion to accept the Supervisor's Report for August, seconded by Councilman Lounsbury, motion carried all in favor.

Supervisor Rapp advised that the Town Clerk had submitted a monthly report for September and he asked for motion to accept. Councilman Field made a motion to accept the Town Clerk's September report, seconded by Councilman Sherman, motion carried all in favor.

Supervisor Rapp advised 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 be paid:

Voucher # 409 through Voucher # 483 in the amount of \$66,238.07

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 # 33-2015 was thereby duly adopted.

Supervisor Rapp asked for a Planning Board Report. Chairwoman Dorothy Verch reported there was no quorum on Sept 22nd therefor there was no official meeting. She reported of meeting to be held at Town of Knox Town Hall sponsored by Assemblyman Santabarbara on Thursday Oct. 8th @ 6:30 PM pertaining to Broadband Communications. She reported on a letter she received from NYS Senator George Amedore regarding underserved and non-served communication issues to communities she responded as the Planning Board Chairwoman to his letter. The Planning Board will meet on Oct. 27th at 7:30 PM. She discussed a need to review Local Law # 1 of 1989. She believes revisions and updates need to be made to the following: Section 9.20 Applications and Section 7.40 Zoning Permits. Councilman Lounsbury made a motion to accept the Planning Board report, seconded by Councilman Field, motion carried all in favor.

Supervisor Rapp asked for the Zoning Board Report. Chairwoman Virginia Mangold reported there was no old or new business for the September 28th meeting. The next scheduled meeting is on October 26th at 7:30 PM, prior to that we are going to have a review of the Zoning Law. Councilman Sherman made a motion to accept the Zoning Board Report, seconded by Councilman Field motion carried all in favor.

Supervisor Rapp asked Councilman Bichteman for a Water Board Report. Councilman Bichteman advised that the Westerlo Water District maybe shutting off the Water for repairs approximately October 26th or 27th depending on when Statewide Aquastore can schedule the necessary work/repairs. A notice will be published on the website and letters will be sent to property owners he hopes to hear from them by the end of this week. When questioned about the water by Fire Co. members he advised the water level in the storage tank will need to be drained below fire protection levels. The whole process may take three days before fire protection levels are restored. He will contact the Westerlo Volunteer Fire Co. when confirmed. Councilman Field made a motion to accept the Water Report, seconded by Councilman Lounsbury motion carried all in favor.

Supervisor Rapp reported on the letters of Engagement for the year 2014 submitted by Pattison, Koskey Howe & Bucci CPA's (PKHB) for review of the 2014 Town Clerk, Tax Collector and Justice Court financial records discussed at a previous meeting. Councilman Field made a motion to adopt the following resolution:

WHEREAS: a signed letter of engagement is needed by PKHB for a review the 2014 Town Clerk, Tax Collector and Justice Court financial records, be it hereby
RESOLVED: the Supervisor is authorized to sign the letters of engagement from PKHB for review of the 2014 financial records of the Town Clerk, Tax Collector and Justice Court.

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

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

NAYS: None.

RESOLUTION # 34-2015 was thereby duly adopted.

Supervisor Rapp announced he would like to make a motion to reappoint Edwin H. Lawson as the Code Enforcement Officer and Zoning Administrator. He read a letter received from Edwin Lawson dated Sept. 14th rescinding his letter of resignation dated Aug. 15th with the Town Board's approval. Councilman Sherman suggested that Town Board should advertise for a position of Deputy Code Enforcement Officer. The Town Board discussed the reappointment of Edwin H. Lawson with no lapse in his duties and heard public opinions on the matter. Supervisor Rapp made a motion to adopt the following resolution:

WHEREAS: Edwin H. Lawson has submitted a letter rescinding his original letter of resignation from his previous positions of Code Enforcement Officer and Zoning Administrator and a Deputy Code Enforcement Officer position has been suggested, be it hereby

RESOLVED: The Town Board will advertise for a position of Deputy Code Enforcement Officer and they re-appoint Edwin H. Lawson back to his previously held positions of Code Enforcement Officer and Zoning Administrator.

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

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

NAYS: Councilman Field.

RESOLUTION # 35-2015 was thereby duly adopted.

Supervisor Rapp announced he would like to thank everybody involved with the planning, participation and execution of the Town of Westerlo's Bicentennial Celebration held in September it was an absolute good thing and it turned out well. Bicentennial Committee Chairwoman Mary Jane Araldi also thanked everyone for such a fantastic Bicentennial Celebration it was beyond her wildest dreams, from the attendance at the Anti-Rent Performance on Friday evening through to the Cruise-In Car Show on Sunday the community support was amazing. She read a special thanks to the Bicentennial Committee Members: Kate Latham, Dennis & Sue Fancher, Caroline Joslyn, Alicia Malanga, Tony Sherman, Debbie Mackey, Diane Figel, Elaine Nevins, Roland Tozer, Pat Rapp and Patty Boice. She also thanked the Westerlo Vol. Fire Dept., Fire Police, Westerlo Rescue Squad, Albany County Sheriff's, all the businesses, churches, or people who supported the event (too many to mention), all the volunteers (a long list of all the names was read) who stepped up in support of the event, a special thanks to Councilman Tony Sherman for his support at the Museum Grand Opening and the festivities. She again thanked everyone it was wonderful. All persons present at the meeting applauded in appreciation.

Supervisor Rapp advised a Town Board Workshop will be held on Tue., October 20th at 7:00 PM in the Town Hall.

Dorothy Verch asked if the position of Deputy Code Enforcement would be advertised. Supervisor Rapp responded yes. Town Clerk Kathleen Spinnato asked the Town Board to please provide her with description of applicant qualifications necessary or if this is a Civil Service position to fill the Deputy Code Enforcement position when they are ready to advertise. Councilman Field believed this was not a Civil Service position.

Supervisor Rapp opened the meeting to the Public.

Deborah Filkins of the Westerlo Volunteer Fire Co. reported they are seeking Town Board approval due to encumbering new debt beyond the life of their current contract for the proposed purchase of a new apparatus. The Fire Co. advised of the need for replacement of a 22 yr. old apparatus #39-23 a 1993 Pierce which utilizes a 1000 GPM pump and 750 gal. of water. The pump leaks and it did not pass required NFPA pump test performed in August and she reported the possibility of losing 5/5B ISO rating used in determining insurance rates. A Truck Committee was tasked with finding a replacement at the lowest possible cost while still meeting ISO Class 5/5B rating. She described the options considered including refurbishment cost to the dept. \$256,000. Two other units were also considered and detailed specs were created. Pricing for Engine/Tankers is a limiting factor based on the Westerlo Vol. Fire Co.'s budgeting target of \$400,000. Several apparatus manufacturers would not engage in discussion as their minimum pricing starts at \$450,000. The proposed apparatus is a 2016 Rosenbauer, with a net cost of \$398,000 for the apparatus. Apparatus construction includes a discount for pre-payment of the chasis, reducing the overall cost of the project by approximately \$5,000 in savings. The project takes approximately 12 months to complete outfitting and delivery of apparatus.

Councilman Bichteman proposed a two person committee of Town Board members meet jointly with the Town of Westerlo Volunteer Fire Co. to discuss the details of the Fire Company's budget in order to not hold up the budget processes. A brief discussion followed between members of the Fire Co. and Councilman Bichteman regarding other line items/building fund in the Fire Company budget that may also need to be discussed. Councilman Bichteman and Councilman Lounsbury volunteered to meet as a committee with the Town of Westerlo Volunteer Fire Co. to discuss their budget. A mutually agreed date was set between the Councilmen and the Fire Co. members to be scheduled for Mon., October 12th at 7:00 PM at the Westerlo Town Hall. The Councilmen will report back to the Town Board at the Workshop meeting to be held on October 20th about discussions held jointly with the Fire Co.

Anita Marrone asked if taxpayers would be held responsible for any unpaid debt owed by the Town of Westerlo? Supervisor Rapp advised that he had already advised that the Town of Westerlo is not broke and whoever started this rumor is full of "bullshit." The Town has always paid their employees, Jody Ostrander confirmed this when asked. Supervisor Rapp believed the answer to her question is no, but he will ask the council of the Town Attorney regarding her question. Mrs. Marrone suggested a written report given by each Department as done by the Town of Rensselaerville to clear up any rumors in the future. Supervisor Rapp reported that at every regular Town Board for the past 45 years the monthly bills are on the table anyone can look at them. All the Town Board members sign off on the bills, the Town Clerk signs them and he signs each voucher and each check. Discussion followed on the subject of a written report by each dept. as raised by Mr. & Mrs. Andrew Marrone for payment of bills and income received. Councilman Bichteman showed Mrs. Marrone the Supervisor's report and advised her he will speak with the neighboring Town of Rensselaerville who has a completely different accounting software program to see how they generate a report by each dept.

The Public and the Board briefly discussed what may happen to the highway garage and town hall buildings. Edwin Stevens raised potential safety concerns from water damage in the Court. Potential nonspecific temporary repairs were briefly discussed.

John Sefcik asked about the Deputy Code Enforcement Officer position, if it is advertised does the Town Board have to make an appointment? The Board agreed they do not have to make an appointment even if the position is advertised. Councilman Sherman indicated he thought it would be good thing to have a Deputy Code Enforcement Officer again as a backup to the Code Enforcement Officer (CEO). If the CEO should become ill or be on vacation this may prevent the Town from being in a similar predicament when a recent non-permitted event was scheduled. The Board had to scramble and ask Mr. Lawson to return to assist in preventing the situation. The Fire Company discussed a need to have a Code Enforcement Officer or a backup Deputy Code Enforcement officer in case of a structure fire and the potential condemning of a building.

There being no further public discussion Supervisor Rapp asked for a motion to adjourn the meeting. Councilman Lounsbury made a motion to adjourn, seconded by Councilman Field, motion carried all in favor. The meeting adjourned at 8:20 PM.

Respectfully submitted,

Kathleen Spinnato

