

**TOWN OF WESTERLO
TOWN BOARD
MEETING OF
TUESDAY, FEBRUARY 3, 2015**

The Westerlo Town Board held a meeting on Tue., Feb. 3, 2015 in the Westerlo Town Hall , 933 County Route 401, Westerlo, NY. Supervisor Richard H. Rapp opened the meeting at 7:30 PM with the Pledge of Allegiance.

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

Also attending were: Justices Robert Carl & Kenneth Mackey, Highway Superintendent Keith Wright Sr., Zoning Administrator Edwin H. Lawson, Planning Board Chairwoman Dorothy Verch, Zoning Board member John Sefcik, Town Clerk Kathleen Spinnato and ten residents.

Supervisor Rapp asked for a motion to approve the Town Board Public Hearing minutes of 1/6/2015. Councilman Bichteman made a motion to accept the Town Board Public Hearing minutes of 1/6/2015, seconded by Councilman Lounsbury, Councilman Sherman abstained, motion carried.

Supervisor Rapp asked for a motion to approve the Town Board Organizational minutes of 1/6/2015, Councilman Lounsbury made a motion to approve the Town Board Organizational minutes of 1/6/2015, seconded by Councilman Bichteman, Councilman Sherman abstained, motion carried.

Supervisor Rapp asked for a motion to approve the Regular Town Board minutes of 1/6/2015. The Town Attorney had previously suggested a revision should be made to Resolution # 5-2015 to include Delaware Engineering's Professional Services Agreement fee in the amount of \$25,000. Councilman Field made a motion to approve the minutes with the revision as suggested to Resolution # 5-2015 to include Delaware Engineering's Professional Services Agreement fee of \$25,000.00, Councilman Bichteman seconded the motion, Councilman Sherman abstained, motion carried.

Supervisor Rapp asked for a motion to accept the Town Clerk's monthly report for January 2015. Councilman Field made a motion to accept the Town Clerk's January monthly report, seconded by Councilman Sherman, motion unanimously carried.

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 monthly bills be paid:

Voucher # 9 through Voucher # 53 in the amount of \$ 51,318.22

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

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

NAYS: None.

RESOLUTION # 6-2015 was thereby duly adopted.

Supervisor Rapp explained that now that the Town has switched to Quickbooks at the recommendation of Gary Newkirk of Pattison Koskey Howe & Bucci. Gary has advised that a credit card is required for Quickbook charges of monthly fees and/or per check fees. The Town now needs to apply for a credit card with a \$1,000 limit to pay for future Quickbook fees incurred. Councilman Sherman discussed the credit card use. Councilman Bichteman then made a motion to adopt the following resolution:

WHEREAS: the Town of Westerlo needs to apply for a credit card with a \$1,000.00 limit

to be used for fees charged by Quickbooks, be it hereby
RESOLVED: the Town of Westerlo apply for a credit card with a \$1,000 limit for the
purpose of paying Quickbook fees incurred

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

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

NAYES: None.

RESOLUTION # 7-2015 was thereby duly adopted.

Supervisor Rapp advised the next item on the agenda is the Mohawk & Hudson Humane Society's (MHHS) contract. The Town Clerk was asked to report and stated Dog Warden Jody Ostrander had contacted the Town Attorney regarding redemption fees the Town is being charged for dogs that were redeemed by their owners in 2014. Attorney Galgay had contacted the MHHS regarding the current fee of \$300 per dog which may be raised to \$325 per dog according to the 2015 MHHS Contract. The Town Clerk explained although she has not seen the 2015 contract, the redemption fee the Town was being charged by the MHHS has varied this past year according to whoever is doing the billing from the shelter. It is difficult to get a response from the MHHS when messages are left as to what amount the Town will be billed when dogs are redeemed by their owners. The Dog Warden and Town Clerk are seeking a determination from the Town Board whether to charge a redemption fee amount per dog, or a redemption fee amount per number of days a dog is held at MHHS. A brief discussion followed regarding a dog redemption fee. Councilman Bichteman then made a motion to adopt the following resolution:

WHEREAS: the Town Board had discussed the redemption fee for dogs being redeemed by their owners in the Town of Westerlo from the Mohawk and Hudson Humane Society shelter facility, be it hereby

RESOLVED: the Town Board sets a Town dog redemption fee of \$350 per dog, plus the cost of dog licensing fees if necessary, fees payable to the Westerlo Town Clerk for dogs that need to be redeemed from the MHHS.

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

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

NAYS: None.

RESOLUTION # 8-2015 was thereby duly adopted.

Supervisor Rapp reported the next item on the agenda is the Town of Westerlo Volunteer Fire Company Contract. The Fire Company had previously been asked to submit information to the Town Board at the November Town Board meeting and letters were sent to the Fire Company on 11/10/2014 and 1/6/2015. Several members of the Westerlo Vol. Fire Co. were present. Andy Joslin of the Town of Westerlo Vol. Fire Company handed information to certain Town Board members. He explained the items included in the form he turned in. Councilman Bichteman asked questions regarding plowing, mowing. Tom Diedrich a member of the Fire Co. responded to his questions regarding plowing & mowing, and he then reported on training requirements, mileage for required training, vehicle use for training, Grant programs the Fire Co has applied for and received, liability issues for repairs on vehicles and equipment.

Councilman Bichteman responded the whole purpose of requesting the information is not to be critical of the Fire Dept., it is basically to do our due diligence in justifying the Fire Company's budget request, it's not personal on his part. Discussion followed between Councilman Bichteman and several members of the Fire Company regarding the Fire Company's budget and the information submitted, Councilman Bichteman indicated he needs time to review the information submitted this evening and he asked if the purchase of property was included in this information. Councilman Bichteman was

informed by Tom Diedrich the purchase of property was funded by the Firemen's Fund (2% monies) not taxpayer dollars. Tom Diedrich also reported on neighboring Fire Co budgets. Discussions followed between Councilman Bichteman and the Westerlo Vol Fire Co. regarding the budget and the contract. Councilman Bichteman asked if there was a hardship and if the Fire Company would require immediate funding, no immediate hardship was indicated. Councilman Field and Councilman Sherman both made motions which were not seconded or voted upon. Councilman Sherman then suggested the Fire Company come to the next Town Board Workshop to be held on Tue. Feb 17th at 7:00 PM to review and answer questions pertaining to information submitted this evening and answer potential questions regarding the 2015 Fire Co. Budget. Councilman Sherman also advised no decision could be made at the Town Board Workshop on Feb. 17th, a decision could be made during a regular Town Board meeting only. The Town Board agreed to his suggestion.

Supervisor Rapp reported on the Request for Proposals for Auditing Services. He advised that there is no requirement that the Town has to hire a CPA to audit the Town's books. Councilman Lounsbury responded wasn't that something we suggested and submitted to NYS Audit & Control the Town would hire a CPA. Supervisor Rapp stated he did not remember that. Councilman Bichteman suggested they invite the current CPA firm of Pattison Koskey, Howe & Bucci, along with two other suggested individuals one a bookkeeper, to the Town Board Workshop on Feb.17th to discuss potential auditing services. The Town Board agreed, Supervisor Rapp will contact the three parties to attend the Workshop on Feb. 17th.

Supervisor Rapp asked Planning Board Chairwoman Dorothy Verch to report. She reported the following: Public Hearing was held on 1/27/15 for a minor subdivision Timothy & Kathryn Pearson, 67 County Route 410, Westerlo Application # 14-006. A negative declaration was declared, all abutters were notified and return receipts were returned, the application for a minor subdivision was approved. Councilman Field made a motion to accept the Planning Board report as submitted, seconded by Councilman Lounsbury, motion unanimously carried.

Supervisor Rapp asked for the Zoning Board Report. Councilman Field asked Zoning Board member John Sefcik if a meeting was held in December. John advised that no business came before the Zoning Board in December no meeting was held. They do plan to hold continuing education sessions in the future.

Councilman Bichteman reported on a memo regarding the Town of Westerlo Court and the Assistant District Attorney (ADA) and Traffic Court nights. The Albany County District Attorney David Soares has contacted the Town Attorney and he has offered three recommendations:

1. Combine the Justice Court traffic ticket night and ADA night into one night.
2. Keep the Justice Court nights separate and pay the DA's Office to prosecute the traffic tickets and hire a Town Prosecutor.
3. Combine the Prosecutor duties with the Town Attorney Aline Galgay's duties, which she will do under the current stipend at no additional cost.

Councilman Bichteman reported the Town Board needs to make a decision as to which choice they intend to make. Councilman Field asked Justice Carl to report on Court nights. Justice Carl advised Court is held every Wednesday night, ADA night is held the second Wednesday of each month and V & T tickets are on the fourth Wednesday of each month. If the Town Attorney is willing to do this, it's a no brainer. Justice Carl also advised traffic tickets were for minor infractions only, all others ie: Aggravated License, DWI's, any Misdemeanors would be handled by DA's Office. Supervisor Rapp asked for a motion to make the Town Attorney Aline D. Galgay the Town Prosecutor. Councilman Bichteman made a motion to adopt the following resolution.

WHEREAS: the Town of Westerlo Justice Court has sought options for an alternative to an ADA, be it hereby

RESOLVED: the Town Board appoint Town Attorney Aline D. Galgay to serve as Town

Prosecutor for the Justice Court.

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

AYES: Supervisor Rapp, Councilman Bichteman, and Councilman Sherman

NAYS: Councilman Field and Councilman Lounsbury

Justice Carl was asked to contact the Town Attorney.

RESOLUTION # 9-2015 was thereby duly adopted.

Justice Carl reported the Justice Court has been approved for an approximate \$4,600 Grant.

There being no further comment, Supervisor Rapp asked for a motion to adjourn the meeting. Councilman Lounsbury made the motion to adjourn, seconded by Councilman Bichteman, motion unanimously carried. Meeting adjourned at 8:32 PM.

Respectfully submitted,

Kathleen Spinnato