

**TOWN OF WESTERLO  
TOWN BOARD  
WORKSHOP MEETING  
OF  
TUE., FEBRUARY 17, 2015**

The Westerlo Town Board held a workshop meeting on Tue., Feb. 17, 2015 at Town Hall 933 County Route 401, Westerlo, NY. Supervisor Rapp opened the workshop at 7:00 PM with the Pledge of Allegiance to the Flag.

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

ABSENT: Councilman Theodore S. Lounsbury III

Also attending were: Brad Cummings & Gary Newkirk of Pattison Koskey Howe & Bucci CPA's, Highway Superintendent Keith Wright Sr., Deputy Highway Superintendent Jody Ostrander, Planning Board Chairwoman Dorothy Verch, Zoning Board member John Sefcik, Clerk to the Supervisor Patricia Boice, Clerk to the Assessor Claire Marshall, Town Clerk Kathleen Spinnato approximately fifteen residents, most members of the Town of Westerlo Volunteer Fire Company.

Supervisor Rapp made a motion for the Town Board to meet in Executive Session to discuss a request for proposal for accounting/auditing services with Brad Cummings and Gary Newkirk of Pattison Koskey Howe & Bucci, Councilman Bichteman seconded the motion, motion carried all present in favor. The Town Board entered Executive Session at 7:02 PM, Supervisor Rapp later requested Clerk to the Supervisor Patricia Boice join them in Executive Session. The Town Board returned from Executive Session at 7:34 PM. Supervisor Rapp made a motion to close Executive Session, Councilman Field seconded, motion carried by those attending.

Supervisor Rapp then opened the workshop to discuss the Town of Westerlo Volunteer Fire Co. Discussion followed between Councilman Bichteman, Councilman Field regarding language in a proposed 2015 Contract. Deb Filkins of the Town of Westerlo Vol. Fire Co. stated she had received and signed the 2015 Contract and she delivered it to the Town of Westerlo and was waiting for it to be signed and returned to the Fire Company. Councilman Bichteman indicated that if a contract was sent out he had no knowledge of it, it was not approved by him, if it was sent, it was an error. He had specifically made a point at the November Budget meeting that the Town Board pass the Fire Company Budget, but not a Contract.

Andy Joslin of the Fire Company and Councilman Bichteman discussed information which was requested by the Westerlo Town Board and submitted by the Fire Company. They then discussed a possible misunderstanding regarding the information which was requested. Further discussion followed from more members of the Fire Co. regarding the proposed 2015 Fire Contract, the 2015 Fire Co. Budget, and the pending submission of a Fire Co. Code of Ethics per proposed 2015 Fire Co. Contract. Councilman Field indicated he did not understand why the Town needs the Fire Co. Code of Ethics. The Town had written the Employee Handbook for the Town of Westerlo and then a month later the Board abolished the Code of Ethics in the Employee Handbook. Councilman Bichteman indicated that was not true the Town of Westerlo did not abolish the Code of Ethics. Councilman Field disagreed.

Kevin Flensted of the Fire Co spoke regarding the proposed 2015 Fire Contract, the need to purchase ice water rescue suits, fuel for equipment, payment of bills, comparison of surrounding Fire Co. Budgets, the age of Fire Station # 1, he indicated they need a contract signed. Councilman Field advised that no vote can be held tonight at the workshop, the Town Board could not vote until a regular Town Board meeting.

Supervisor Rapp advised in the past the Town has no funds by the end of each year, when enough monies are received through payment of Property Taxes, he would pay half of the Fire Co. Budget to the Fire Co. and then in June he would pay the other half of the Fire Company Budget to the Fire Co. The members of the Fire Co. advised they had no problem with that.

Councilman Bichteman advised the proposed 2015 Fire Contract contains the total amount that was requested in the Fire Company Budget. The only two other things in the new contract that are different are:

1. A request for the Fire Co. Code of Ethics
2. The Fire Co. has passed the threshold of \$300,000 and will have to provide an audit.

Discussion followed regarding rules and regulations of the NYS Comptroller and changes made in 2012 to the General Municipal Law, 209 Z and the \$300,000 threshold.

Councilman Field asked about liability issues to individual Fire Co. members for responding to a fire without a contract. Kevin Flensted responded there was none.

Councilman Bichteman indicated he appreciates the Fire Co, the dedication of its members, and for them showing up at tonight's workshop. As a Councilman I need to respond to other persons in the Town, not involved in the Fire Co. People have asked him serious questions about the monies involved in the Fire Co. He has never once thought there was anything going on that was wrong. I am looking at the fact to justify the expenses and the easiest way is to do this is to review the invoices. I understand that some might have taken offense, but that was never intended. No one is saying there are any improprieties. What was intended is to get a fair accounting of where the monies went.

Several Fire Company members spoke regarding the cost of an audit, the Fire Co. budget, taxes, the services provided, number of calls, the clarification of the information requested, Fire Company's attorney reviewing the proposed contract, past budgets and costs involved with progress and current regulations.

Deb Filkins spoke regarding keeping communications open and working together with the Town Board.

Supervisor Rapp asked the Town Board how they felt on the proposed Fire Co. contract. Councilman Field indicated to leave it the same in 2015 and address any issues in the 2016 Contract. Councilman Sherman asked if the Fire Co., was willing to have an audit, a Fire Co. member indicated if the Town pays for the cost. Councilman Sherman stated he just wants a contract. Councilman Bichteman indicated he was conflicted. He still had questions which he was sure that if he spoke to individuals within the Fire Co. he would get his questions answered. He can sympathize with both sides, its time sensitive.

Discussions followed regarding an audit of the Fire Co., internal audits done by the Fire Co and the Fire Co. Code of Ethics.

A member of the Fire Co. indicated he would turn off his radio. Tom Diedrich of the Fire Co. stated no decision will be made, this would be put off tonight. Councilman Sherman responded to Mr. Diedrich that at the last Town Board meeting it was indicated that tonight's workshop meeting was to have the discussion and no decision would be made at this workshop. We asked the Fire Co. if they had enough monies to function, he was prepared at the last meeting to make a motion to provide the Fire Co. with three months of coverage until there was a contract. It was also indicated that Fire services would not be stopped. Councilman Sherman asked again, if the Fire Co. has enough monies to pay their insurance, Andy Joslin responded yes. Councilman Sherman repeated this was an informational workshop, no decision can be made tonight. I want everybody in the Fire Company to be prepared because I am asking for this next year before budget. I am asking for you to come in next year to renegotiate the Contract, every agency that has a contract should have this.

Councilman Field gave Deb Filkins a copy of the proposed 2015 Contract. Kevin Flensted indicated it would not be done at the March Town Board meeting, because the Fire Co. Board of Directors needs to review the contract and they do not meet until the end of March so it would not be until potentially in April.

Councilman Sherman made a motion to adjourn the workshop, seconded by Councilman Bichteman, motion carried by those present. Workshop adjourned at 8:45 PM.

Respectfully submitted,

Kathleen Spinnato