

**TOWN OF WESTERLO
TOWN BOARD
MEETING OF
TUESDAY, AUGUST 4, 2015**

The Town of Westerlo Town Board met on Tuesday, Aug. 4, 2015 in the Westerlo Town Hall located at 933 County Route 401, Westerlo, NY. Supervisor Richard H. Rapp called the meeting to order 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
Councilman Alfred L. Field

Also attending were: Town Attorney Aline D. Galgay, Town Clerk Kathleen Spinnato, Town Highway Superintendent Keith Wright Sr., Deputy Highway Superintendent Jody Ostrander, Town Justice Kenneth Mackey, Town Historian Dennis Fancher, Planning Board Chairwoman Dorothy Verch, Planning Board member Edwin (Ned) Stevens, Zoning Board of Appeals member John Sefcik and approximately 21 residents.

Supervisor Rapp asked for a motion to accept the Town Board meeting minutes of 7/7/2015. Councilman Bichteman made a motion to accept the minutes of 7/7/2015 with an amendment. On page two for the Water Board report No. 2 the additional fee: **should be \$900** not \$500. Councilman Sherman seconded, motion unanimously carried.

Supervisor Rapp asked for a motion to accept the Town Board Workshop meeting minutes of 7/21/2015. Councilman Lounsbury made a motion to accept the minutes of 7/21/2015. Councilman Bichteman seconded, Councilman Field abstained, motion carried.

Supervisor Rapp asked for a motion to accept the Supervisor's Report previously submitted for the month of June. Councilman Sherman made a motion to accept the Supervisor's June Report. Councilman Field seconded, motion unanimously carried.

Supervisor Rapp asked for a motion to accept the Town Clerk's monthly report submitted for July. Councilman Sherman made the motion to accept the July Town Clerk's report. Councilman Lounsbury seconded the motion, motion 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: to pay the following bills:

Voucher # 318 through Voucher # 361 in the amount of \$72,722.97

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

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

NAYS: None.

RESOLUTION #25-2015 was thereby duly adopted.

Supervisor Rapp asked Planning Board Chairwoman Dorothy Verch for a report. Dorothy advised the Planning Board met on 7/28/2015 they accepted two Special Use applications received from the Albany County Sheriff's Dept.

1. Installation of Public Safety Communications Facility within the existing telecommunications compound area. Installation of a 60' extension to the existing 80'

monopole tower. Installation of a 12' x 16' communications building. Location NYS Route 32 Westerlo.

2. Application for a Communications Facility co-location on an existing 150' monopole and an installation of a 12' x 16' communications shelter within the existing equipment compound located at 158 Goodfellow Rd., Westerlo. A negative SEQRA declaration for both applications.

Public Hearing to be scheduled for August 25th @ 7:30 PM. It is to be noted that Westerlo will have access to these new facilities. Fire and EMS will be supplied with radios. If additional bandwidth is required there will be a charge that has not been assessed at this time.

The Zoning Recommendation Committee Report was also evaluated by the Planning Board and the consensus was to accept with reservations. The report, although well done and thorough, lacked other viewpoints. All research done was with agencies that were against hydrofracking. The committee did not reach out to local agencies, or any agency, with a positive hydrofracking viewpoint.

There was a brief discussion regarding a crane test, Councilman Lounsbury then made a motion to accept the Planning Board report, seconded by Councilman Bichteman, motion unanimously carried.

Supervisor Rapp asked for the Zoning Board report. Zoning Board of Appeals member John Sefcik briefly reported there was no old business. Ground mounted solar site visit was made and a Public Hearing is scheduled. Councilman Bichteman made a motion to accept the Zoning Board report, seconded by Councilman Lounsbury, motion unanimously carried.

The Town Board discussed a Special Election which must be held sometime between August 22, 2015 and September 4, 2015. The dates are a result of a Permissive Referendum period of 60 - 75 days due to the filing of a Petition filed in the Town Clerk's office on June 22, 2015. Discussion followed between the Town Board, Town Attorney and the Public regarding choosing a date to hold the Special Election, the possibility of absentee ballots, a change of date for the regular Town Board meeting in order to accommodate the Special Election, etc. Councilman Bichteman made a motion to adopt the following resolution:

WHEREAS: the Town of Westerlo needs to hold a Special Election due to permissive referendum for a proposed project of renovating the Town Hall located at 933 County Route 401 and the demolition of the existing Town Highway Garage located at 671 County Route 401 and the construction, at the same location, of a new highway garage, containing approximately 8900 square feet with an estimated maximum cost of the project set at \$2,750,000.00, be it hereby

RESOLVED: the Town will hold a Special Election with voting to take place on Tuesday, September 1, 2015 during the hours of 6 AM through 9 PM designating one polling place Westerlo Town Hall - 933 County Route 401, Westerlo, NY (District No. 2). There will be no Absentee ballots.

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 # 26-2015 was thereby duly adopted.

The Town Board was advised by the Town Attorney of the two options for printing and mailing of Voter Notification postcards for the Special Election, either in house or as recommended by Albany County Board of Elections by REM Printing. Board of Elections can send REM a excel spreadsheet with voter addresses, REM can print two sided postcard, postage paid, with voter address and proposal, and perform the mailing. Due to limited Town Clerk resources she suggested using REM Printing and not performing the voter mailing in house. She also suggested the Town Board authorize the expenditure of

up to \$2,500.00 for the purpose of printing notification postcards for the Special Election. A rough estimate had been previously obtained from REM Printing. They indicated the entire printing and mailing could be much less than \$2,500. Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: Notification of a Special Election needs to be mailed to voters, be it hereby
RESOLVED: the Town Board authorized an expenditure of up to
\$2,500.00 for the printing and mailing with REM Printing of Voter
Notification Postcards for the Special Election scheduled for Sept. 1, 2015.

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

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

NAYS: None.

RESOLUTION #27-2015 was thereby duly adopted.

Councilman Bichteman advised as previously discussed, the Town Board needs to change the day of the Town Board meeting for the month of September because of the Special Election, he made a motion to adopt the following:

WHEREAS: the Town Board needs to change the day of the next Town Board
meeting for the month of September, be it hereby

RESOLVED: the Town Board scheduled the next regular monthly meeting for
Wednesday, September 2, 2015 at 7:30 PM

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

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

NAYS: None.

RESOLUTION # 28-2015 was thereby duly adopted.

The Town Board and the Town Attorney discussed the advertising of the Special Election. Councilman Sherman made a motion to advertise in the following newspapers: Altamont Enterprise for two editions, Greenville Mountain View Pioneer for two editions if possible and the Times Union. Councilman Field seconded the motion, motion unanimously carried all in favor.

The Town Board discussed the possible preparation by Delaware Engineering (DE) of an informational mailing to the public concerning the proposed project. Councilman Field volunteered to contact DE. Councilman Bichteman made a motion designating Councilman Field as the person responsible for notifying Delaware Engineering regarding a public mailing. Attorney Galgay inquired if the Town Board was setting a limit as to the cost they want to spend. Councilman Bichteman thought DE may do this for no amount. Councilman Lounsbury seconded, motion unanimously carried all in favor.

Supervisor Rapp asked Bicentennial Committee Chairperson MaryJane Araldi to report on the upcoming Bicentennial Celebration. Mary Jane reported the Bicentennial Celebration is to be held on Friday, Sept. 25th through Sunday, September 27th. The Bicentennial Committee is meeting weekly and has met 3 times so far. Banners are being ordered and will go up in each hamlet: Dormansville, Westerlo, & South Westerlo.

- Friday 9/25/2015: A performance by OLD Songs from Voorheesville storytelling and singing about Anti-Rent Wars. Tickets will go on sale soon.
- Saturday 9/26/2015: Grand Opening of Museum, A parade at 1 PM- we invite the Town Board members to participate in the parade. Activities for children: bounce house, dunk tank, games, etc. Chicken/Rib BBQ: Tickets on sale soon. Crafters, Historic Displays, Round & Square Dance in the evening. Fireworks sponsored by Hannay Reels.

- Sunday, 9/27/2015: A 5K Race at 9 AM, Community Church Service at 10 or 10:30 AM, Community Picnic at Noon and a Cruise in Car Show from Noon through 3 PM.

Also selling of souvenirs. We are trying to offset some of the cost by charging for some things. Any and all volunteers are welcome.

Councilman Field suggested before the Bicentennial Celebration taking down, repairing, or replacing the Little League chain link fence in the Westerlo Town Park. Supervisor Rapp will look into the matter of curling fence and discuss with park maintenance crew.

Supervisor Rapp stated Town of Westerlo Highway Superintendent Keith Wright Sr. has submitted a 2015 Agreement for the Expenditure of Highway Moneys to the Town Board. Supervisor Rapp indicated the monies will be reimbursed by the State from the Consolidated Highway Improvement Program (CHIPS). Supervisor Rapp made a motion to adopt the following resolution:

WHEREAS: the Highway Superintendent Keith Wright Sr. has submitted the 2015 Agreement for the Expenditure of Highway Moneys in the amount of \$233,000.00, be it hereby

RESOLVED: Town Board agrees to the 2015 Agreement for Expenditures of Highway Monies in the amount of \$233,000.00 as submitted by Highway Superintendent Keith Wright Sr. (document attached)

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.

Town Attorney Galgay advised the document must be signed by the Town Board in duplicate. Both copies submitted to the County Superintendent.

RESOLUTION # 29-2015 was thereby duly adopted.

Supervisor Rapp asked Councilman Bichteman for a Water Board Report. Councilman Bichteman indicated he had spoken to Statewide Aquastore regarding repairs to the Westerlo Water District water storage tank. The tank will be repaired near the end of September. A date is yet to be determined, will need to coordinate with Statewide Aquastore's work crews. The Water system will be down for 24 hours. Water will be shut off at 11:00 PM. The Westerlo Volunteer Fire Company will be notified in advance and the Fire Hydrants will be inoperable for two days prior to repair and one day after repair. Discussion followed from the Public regarding cost of repairs, insurance coverage, etc. Their questions were answered by Councilman Bichteman. The Town Clerk inquired who would be notifying the Water District and the Fire Dept. Councilman Bichteman advised once a date has been determined the Town will notify both. Councilman Bichteman explained due to the expense of setting up a bladder system by Statewide Aquastore, we opted to have the system shut down instead. He advised the tank will be drained for repairs.

Supervisor Rapp inquired about holding a Town Board Workshop meeting in August. The Town Board agreed unanimously to cancel the Workshop meeting for the month of August.

Supervisor Rapp advised the Museum has submitted a request for the appointment of two Museum Board Trustees and he made a motion to adopt the following resolution:

WHEREAS: The Museum has submitted a request for the appointment of two Museum Board Trustees David Hannay and Margaret Hannay, be it hereby

RESOLVED: the Town Board appoints David Hannay and Margaret Hannay as Museum Board Trustees for a term of 5 years each to end 12/30/2020.

Councilman Bichteman 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 # 30-2015 was thereby duly adopted.

Supervisor Rapp opened the meeting to the Public.

Resident Diane Sefcik read her letter of 8/4/2015 to the Town of Westerlo Town Board Re: Open Meeting Law and wise decision-making and her alarm of violations to Open Meetings Law (OML) over the past several years. She suggested a presentation by NYS Dept. of State Committee on Open Government (COOG) Executive Director Robert Freeman to the Town Board and listed the public benefits of adoption of COOG Model Rules Public Access to Meetings and listed eight other detailed items that would be a benefit to the Public. She submitted a copy of her letter to the Town Clerk to be retained as public record.

Supervisor Rapp then read a letter of resignation submitted by Edwin H. Lawson from his positions of Code Enforcement Officer and Zoning Administrator effective August 15, 2015. The Town Attorney discussed the need to research for any Civil Service issues which may be involved before advertising for a replacement for the Code Enforcement position. Planning Board Chairperson Dorothy Verch suggested in the interim having the Code Enforcement Officer who serves for the Towns of Greenville and Rensselaerville serve temporarily until the position could be filled. Supervisor Rapp advised they would need to look into the matter. Attorney Galgay advised there may be a conflict of interest perspective because the Town of Westerlo borders both of those Towns.

The Fire Company thanked the Community for their support of the recent Brooks BBQ held on Sunday August 2nd by the Fire Co.

A resident asked about tax exemptions applied to properties in the Town of Westerlo and the need to require current documentation. Supervisor Rapp reported this is handled by the Assessor Peter Hotaling. Town Attorney Galgay advised there is an application process required for obtaining different types of property tax exemptions these are required to be submitted yearly to the Assessor. More discussion followed regarding religious exemptions.

The same resident advised the Town website needs to be more attractive and include Community events. She was advised about the Community News portion of the website, and the submission by local organizations of Community Activities/Events, and the posting of approved and appropriate content to the website. She then discussed the facebook page. She was advised the Town of Westerlo does not have a facebook page.

A resident inquired about the former Shepard Farm properties and work performed on the property by the current owner. The public discussed rumors about work done on the private property by the owner.

Councilman Sherman asked about a recent bill for a Conference attended by Sole Assessor Peter Hotaling. Supervisor Rapp advised Mr. Hotaling had made a request to him for attending the conference.

The Fire Company requested a list of building permits for roof mounted Solar Panel installations from the Code Enforcement Officer before his resignation for Fire Protection purposes.

A resident asked if the Town had passed a resolution in regards to a recent draft submitted by Mid-Hudson Cable for a Franchise Agreement due to expire in January 2016. Supervisor Rapp indicated the Town has not passed any resolution to date on the current draft submitted by Mid-Hudson Cable.

There being no further public comment, Supervisor Rapp requested a motion to adjourn the meeting. Councilman Lounsbury made a motion to adjourn, seconded by Councilman Field and unanimously carried. The meeting adjourned at approximately 8:57 PM.

Respectfully submitted,

Kathleen Spinnato

