

**TOWN OF WESTERLO
EMERGENCY TOWN BOARD MEETING
OF
WEDNESDAY, AUGUST 19, 2015**

The Town of Westerlo Town Board met on Wed., August 19, 2015 at 7:00 PM in Westerlo Town Hall to discuss an unauthorized music event.

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

ABSENT WERE: Councilman Theodore S. Lounsbury III
Councilman Alfred L. Field

Also attending were: Town Attorney Aline Galgay, Justice Kenneth Mackey, Deborah Theiss-Mackey, former Code Enforcement Officer Edwin H. Lawson, Assistant to the Supervisor Patricia Boice and Town Clerk Kathleen Spinnato.

The Town Attorney Galgay advised the Town Board of the following information posted by Evenbrite (ticket sales) and PYL ENT (organizer) where nonrefundable tickets are being sold through PayPal for ticket price of \$25 and a fee of \$1.62 for a Mini-Fest being advertised as "Where the Wild Things Are!" this was also emailed to the Town Board and Dorothy Vech Planning Board Chairman. The location of the event is 22 Slade Hill Rd. and is scheduled to be held Sept. 5th at 12:00 PM through Sept. 7th @ 4:00 AM. To her knowledge no Permit has been filed with the Town of Westerlo, she has reached out to Planning Board Chairperson Dotty Verch to confirm. Planning Board Chair Dorothy Verch had received no application or information pertaining to this event. Information for the event was found by Justice Mackey and provided for their review. There are over 2,000 people who have viewed the event and are invited. It also states that there are campsites, small fires, stage with over 15 performers, vendors, bathrooms, onsite medical, onsite security, age 18 +, etc. The Town Attorney had reached out to Eventbrite stating to them that no permits had been obtained from the municipality, there was no infrastructure in place, and they have not communicated with any of our Law Enforcement agencies about this event. Eventbrite advised her of their safety team and she was provided a case number, a phone number and a contact person. To date no one has responded to her from the Safety Team. She also reached out to the NYS Police and advised the Board of her conversation with them.

Attorney Galgay advised the Town Board, in the past, an unrelated similar type event advertised through the social media of facebook had been planned in the Town of Westerlo. Code Enforcement Officer Edwin H. Lawson had issued a Cease & Desist Order and that particular event was not held. Attorney Galgay had advised Supervisor Rapp to reach out and contact Mr. Lawson the former Code Enforcement Officer. Mr. Lawson had submitted his letter of resignation effective August 15, 2015 the Town Board would need to grant Mr. Lawson the authority to address the current event scheduled for Sept. 5, 2015 through Sept. 7, 2015.

Councilman Bichteman made a motion to adopt the following resolution:

WHEREAS: the Town Board needs to address a non-permitted event scheduled to be held in the Town of Westerlo, be it hereby

RESOLVED: the Town Board reinstates Edwin H. Lawson to the position of Code Enforcement Officer authorizing him to address the non-permitted Mini-Fest "Where the Wild Things Are" Event through to the end.

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

AYES: Supervisor Rapp, Councilman Bichteman and Councilman Sherman.

NAYS: None.

RESOLUTION #31-2015 was thereby duly adopted.

The Town Board, Code Enforcement Officer (CEO) Edwin H. Lawson, and Town Attorney then discussed and reviewed the following:

- CEO Lawson wanted to be sure of the exact location.
- The location of property 22 Slade Hill Rd., owner Jeffery Blackman.
- The abutting properties of vacant land owned by William Gosh and Donald Dewey.
- Very generic calls sometimes received relating to Commercial Properties. CEO Lawson advises all callers Special Use Permits are necessary for Commercial Properties which take approximately a two month period of time to be reviewed for a decision.
- Discussed videos posted in regards to location of the event overlooking a shale pit.
- Reviewed two websites of scheduled “Headliner Performers.”
- Code Enforcement Officer Edwin Lawson asked the Town Board for a decision as to what the Town Board is directing him to do.

Town Attorney advised of other potential problems which could possibly involve Emergency Medical Services, Fire and Dept. of Health issues.

Code Enforcement Officer Edwin Lawson suggested that events such as these should be addressed in Zoning, or granted under conditions of approvals.

The Town Board members then came to a decision. Councilman Bichteman made a motion authorizing Code Enforcement Officer Edwin H. Lawson the authority to issue a Cease and Desist Order to be sent to property owner Jeffery Blackman by Certified Mail/Return receipt to sender. Attorney Galgay also suggested Certified Mail/Return Receipt should also be directed to PYL ENT and Eventbrite regarding cancellation of the event and ticket sales. Adjacent and abutting property owners should also be contacted. The Albany County Sheriff’s Dept. & NYS Police need to be notified as a continuation in case persons who may have paid for tickets show up. Councilman Sherman seconded the motion, motion carried by Town Board members present.

Code Enforcement Officer Lawson advised as a follow-up to this, it’s impossible for a Special Use Permit to be issued for this event due to the time frame, this is a violation. Attorney Galgay advised if everyone had read the notice the event was specifically scheduled at another location, it doesn’t state where. The organizer indicates they have a bigger location, so they clearly knew this event was in the works for planning for a very long time and they moved the event to 22 Slade Hill Rd. The legitimacy of the event and the potential that this may be a ticket sales scam was briefly discussed.

There being no further discussion Councilman Sherman made a motion to adjourn the Emergency Meeting at 8:07 PM, seconded by Councilman Bichteman and carried by Town Board members present.

Respectfully submitted,

Kathleen Spinnato