

**TOWN OF WESTERLO  
TOWN BOARD MEETING  
Of  
WEDNESDAY, SEPTEMBER 2, 2015**

The Town of Westerlo Town Board met on Wed., September 2, 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 Theodore S. Lounsbury III  
Councilman Anthony W. Sherman  
Councilman William F. Bichteman Jr.

**ABSENT:** Councilman Alfred L. Field

Also attending were: Town Highway Superintendent Keith Wright Sr., Planning Board Chairwoman Dorothy Verch, Planning Board Members Gerry Boone & Edwin Stevens, Zoning Board of Appeals Members John Sefcik & Amie Burnside, Town Justices Robert Carl & Kenneth Mackey, Town Historian Dennis Fancher, Clerk to the Assessor Claire Marshall, Town Clerk Kathleen Spinnato and approximately thirty-two residents.

Supervisor Rapp asked for a motion to accept the Town Board minutes of 8/4/2015. Councilman Bichteman made a motion to accept the Town Board minutes 8/4/2015, seconded by Councilman Lounsbury, motion unanimously carried by those in attendance.

Supervisor Rapp asked for a motion to accept the Emergency Town Board meeting minutes of 8/19/2015. Councilman Sherman made a motion to accept, seconded by Councilman Bichteman; Supervisor Rapp voted aye, Councilman Lounsbury abstained, motion carried.

Supervisor Rapp asked for a motion to accept the Supervisor's Report for July. Councilman Lounsbury made a motion to accept the Supervisor's Report for July, seconded by Councilman Bichteman, motion unanimously carried by those in attendance.

Supervisor Rapp asked for a motion to accept the Town Clerk's report for the month of August. Councilman Sherman made a motion to accept the Town Clerk's report for August, seconded by Councilman Lounsbury, motion unanimously carried by those in attendance.

Supervisor Rapp announced 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: the following bills be paid:

Voucher # 362 through Voucher #408 in the amount of \$141,913.45

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

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

NAYS: None.

**RESOLUTION #32-2015 was thereby duly adopted.**

Supervisor Rapp asked Planning Board Chairwoman Dorothy Verch to give a report. Dorothy reported the Planning Board met on 8/25/15. One Agricultural Data Report for a Solar Racking System was read into the minutes. No Special Use Permit or application was needed, informational only. On 8/31/2015 a Public Hearing was held for two applications by the Albany County Sheriff's Dept. for Public Safety Communications Towers. Application 15-003, for 158 Goodfellow Rd. was presented Mr. Steven Elsbree offered an informed presentation. He and Mr. Ralph Mariani answered any and all

questions from the interested attending residents. The public hearing was closed and the application approved. Application 15-004, for 6419 State Route 32 was presented. Mr. Elsbree & Mr. Mariani answered any and all questions and concerns from the interested attending residents. The Public Hearing was closed and the application approved. Supervisor Rapp asked for a motion to accept the Planning Board report, Councilman Lounsbury made a motion to accept the Planning Board report, seconded by Councilman Bichteman, motion unanimously carried by those in attendance.

Supervisor Rapp asked for a Zoning Board report. Zoning Board of Appeals Member John Sefcik reported the following: Met last week (8/24/2015) there was one previous application for ground mounted solar panels they needed a side lot variance for the distance. Made three site visits, worked with solar company and owner about boundary lines, no variance needed. One violation concern from a previous variance, ZBA Chairwoman Virginia Mangold will bring to the Town Board because there is no Code Enforcement Officer. No other business. Supervisor Rapp asked for a motion to accept the ZBA report as reported by ZBA Member John Sefcik. Councilman Bichteman made a motion to accept the ZBA report, seconded by Councilman Lounsbury, motion unanimously carried by those in attendance.

Supervisor Rapp reported on the results of the Town of Westerlo Special Election held on 9/1, 2015. He reported there were a total of 503 votes cast, 162 YES-ballots, 341 NO-ballots, the proposal was voted down for the renovation of Town Hall and the demolition & new construction of the Town Highway Garage. Supervisor Rapp reported the Town Board needs to meet with Delaware Engineering. Councilman Bichteman suggested meeting with Delaware Engineering at the next workshop meeting scheduled for Tuesday, September 15<sup>th</sup> at 7:00 PM in the Town Hall. Supervisor Rapp will contact Delaware Engineering. Supervisor Rapp asked if the Town Board was in agreement, all those in attendance unanimously agreed.

Supervisor Rapp advised that Code Enforcement Officer/Zoning Administrator Edwin Lawson was not in attendance, and he had nothing to report.

Supervisor Rapp asked for an update on the plans for the Town of Westerlo Bicentennial. Bicentennial Committee Chairperson Maryjane Araldi reported the parade plans seem to be moving along nicely, have heard from persons that want to March or have floats. She has tickets for the BBQ scheduled for Saturday the 26<sup>th</sup> and tickets for the Anti Rent Wars Performance on Friday Sept. 25<sup>th</sup> if anyone wants to purchase see her after tonight's meeting. The Mayor of Westerlo, Belgium will be here he will be flying in on Friday unsure of time. She also advised that there were monies in the Community Activity Committee account and they would like to request to be able to use some of that for the Bicentennial, she was told she needed to ask the Town Board for approval. Supervisor Rapp said he had no problem with that, do any of the Board members? One councilman responded no. Supervisor Rapp then made a motion to allow the Bicentennial Committee to request monies from the Community Activity Committee account, Councilman Lounsbury seconded the motion, Councilman Bichteman voted aye, and Councilman Sherman voted nay, motion carried by those in attendance. Supervisor Rapp reported briefly on placing of banners for the event.

Supervisor Rapp asked Councilman Bichteman if the Water Board had anything new to report. Councilman Bichteman advised there are plans to turn off the water supply for a 24 hour period in the month of October a date has not yet been set, need to coordinate with company doing repair work.

Supervisor Rapp asked the Town Clerk & Tax Collector Kathleen Spinnato to address the Town Board. She advised the Town Board received an e-mail today from Pattison, Koskey, Howe, & Bucci CPA's (PKHB) regarding the Town Clerk, Tax Collector, and the Justice Court Engagement letters dated 8/31/2015. To date PKHB has not reviewed the Town Clerk or Tax Collector accounts for the years 2013, 2014. The engagement letter discusses only the period of Jan. 1, 2014 through Dec. 31, 2014 she thought PKHB was waiting for the letters of engagement to be signed and returned before they will review the accounts. She had contacted PKHB this afternoon but had not heard back from them. She was concerned because the Town Clerk & Tax Collector accounts have not been examined. If an

engagement letter needs to be signed and returned she asked that the Town Board look into this and authorize the Supervisor to sign and return the letters. Councilman Bichteman advised it was his understanding that last year there was an issue, because PKHB was requesting additional monies to do this and they met in Executive Session, we dealt with that and PKHB agreed they would do those accounts. Discussion followed regarding PKHB's Letters of Engagement dated 8/31/2014 & 8/31/2015 for review of the Town Clerk, Tax Collector and Justice Court accounts. A possible error of the time period covered and differences in rate increase were noted in the Engagement Letter. Councilman Bichteman suggested seeking clarity from PKHB and then authorize at the next regular Town Board meeting. Justice Robert Carl advised the Court account could be reviewed by Town Board for cost savings and was unsure if the same could be done for Town Clerk and Tax Collector. Discussion followed. The Town Clerk was asked to contact PKHB, regarding concerns and questions with their past and present engagement letters.

Supervisor Rapp then opened the meeting to the Public.

Resident Richard Umholtz commented on the recent \$2.75 million bond proposal which was defeated. He gave a description of his employment and school budget finance committee backgrounds. He indicated the need to focus on basic needs and suggested the following: engaging proposals from 3-4 contractors for a new basic building vs. rehab., using an outside third party for consulting on best basic proposal, secure funding and or grant from State to provide the NYS Troopers with space, shared municipal service agreements. He appreciated everyone's time and effort, however, based on the vote must consider opinions of the citizens as the governing criteria going into the future. Supervisor Rapp thanked Mr. Umholtz.

Dorothy Verch asked about a Natural Resource Conservation Service project completed in the Town of Westerlo. Supervisor Rapp and Councilman Bichteman advised the Town did not pay a cent on the project. The Town had an agreement with NRCS that the Town would not pay anything until after monies were received from Soil & Water Conservation. When Soil & Water Conservation sent payment to the Town a check was immediately sent to the federal government for the same amount.

Town Historian Dennis Fancher advised as part of the Bicentennial he and his wife Sue were trying to accumulate photographs of Veterans. The photographs may be used in the Museum at some point and he has received several from World War II, Vietnam, and Korea. If the public knows a veteran who lived here then or now we would like to have photographs. Mr. Fancher will prepare a notice and the Board agreed to post the notice on the Town website.

Anita Marrone congratulated the voters whether pro or con, she advised that during the Permissive Referendum process postcards were mailed to voters and her husband did not receive one. She believes absentee ballots should be used and sent out in the future. She heard gossip the Town of Westerlo cannot meet payroll this could lead to bankruptcy, if this issue occurred a lien would be placed on taxpayers properties. She asked if this was true. Supervisor Rapp advised her this is **UNTRUE**. The Town has always made payroll and paid its bills. He believed the later could not be done but advised a legal opinion would be needed regarding a lien. Public comment followed from a resident regarding and advice she received from the election commission regarding liens. Clerk to the Assessor Claire Marshall advised Mrs. Marrone that the addresses for the mailing of voter postcards for the referendum vote held on 9/1/15 was provided directly by the Albany County Board of Elections not by the Town of Westerlo. Discussion followed regarding the need for any registered voters who did not receive the mailing to verify their mailing addresses and to correct with the Albany County Board of Elections.

Councilman Bichteman voiced concern about rumors and untrue social media statements made pertaining to tax rates, costs of the proposed project and the effect these statements had on the proposition for bond and resolution which was defeated at the vote held on September 1, 2015. He believes a large portion of the vote was based on misinformation and as a Board they need to provide

enough sound information. Discussion followed regarding rumors.

Resident Diane Sefcik indicated the basis for one of the rumors was made by a female County Assembly person. Councilman Bichteman found that to be unfortunate. When asked by the public to disclose the name of the person who made the comment about the Town's ability to pay bills she responded Deb Busch.

Councilman Bichteman commented on the repairs needed to the Town Hall building i.e. masonry, doors, heating system, etc. which were to be encompassed into the bigger project plan. The Board had made a conscious decision, in regards to the repairs to Town Hall to address this issue in the proposed project renovation process. It was the prudent thing to do. A resident commented on needed repairs to the flooring and concrete steps. Councilman indicated this was part of the plan for proposed renovations to the Town Hall. Discussion followed with public comment and questions regarding; cost of the Special Election and previous grants received by the Town, which were answered by Supervisor Rapp.

A resident asked about the Code Enforcement Officer position. Supervisor Rapp advised that Edwin H. Lawson is still the Building Inspector/Code Enforcement Officer. Supervisor Rapp advised the position has not been advertised yet, we are checking with Civil Service.

Diane Sefcik spoke regarding resident Richard Umholtz's comments. She also spoke about social media and would like to see some of Mr. Umholtz's ideas incorporated moving forward with the Public's input.

Leonard Laub spoke about the differences between the Town of Westerlo and the Berne Knox Westerlo School District. He suggested the Town has an opportunity to increase tax base. Whether centered on the Planning Board or the involvement or other Boards being active about i.e.; commercial development zone, business district, improvement district, and the permit process, these could improve the tax base.

Public comment continued on the following subjects:

- The repair issues with the Town Buildings being known to the public, but the estimated cost of \$2.75 million never being mentioned.
- Results of the Permissive Referendum Vote not posted on the website. The Town Clerk responded the Greenville Mountain View Pioneer and the Altamont Enterprise were both informed of the results from last night's vote.
- Questioned the possibility of repairing concrete steps and painting the soffits at Town Hall while the weather is warm for the upcoming Bicentennial Celebration. Supervisor Rapp responded we will try. The Highway Superintendent is limited with the amount of men he can spare.
- Suggested the use of volunteers to do repairs for electrical, painting soffits, etc. to Town buildings. Other residents advised of a liability issue.

There being no further public comment, Supervisor Rapp asked for a motion to adjourn the meeting. Councilman Bichteman made a motion to adjourn the meeting, seconded by Councilman Lounsbury, motion carried by those present. Meeting adjourned at 8:27 PM.

Respectfully submitted,

Kathleen Spinnato

