

**TOWN OF WESTERLO
TOWN BOARD
MEETING OF
TUESDAY, MARCH 1, 2016**

The Westerlo Town Board held the regular meeting on Tue., March 1, 2016 at the Town Hall 933 County Route 401, Westerlo, NY. Supervisor Richard Rapp opened the meeting 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
Councilwoman Amie L. Burnside
Councilman William F. Bichteman Jr.

Also attending were: Town Justices Kenneth Mackey & Robert Carl, Code Enforcement Officer (CEO) Edwin H. Lawson, Highway Superintendent Keith Wright Sr. and Deputy Hwy. Supt. Jody Ostrander, Zoning Board of Appeals Chairwoman Virginia Mangold & ZBA members Guy Weidman and John Sefcik, Planning Board Chairwoman Dorothy Verch and PB member Gerard Boone, Town Historian Dennis Fancher, Clerk to the Assessor Claire Marshall, Clerk to the Supervisor Patricia Boice, Deputy Town Clerk Karla Weaver, Town Clerk Kathleen Spinnato and approximately seventeen residents.

Supervisor Rapp asked for a motion to approve the Building Committee minutes of 1/28/2016. Councilman Bichteman made a motion to approve the minutes of 1/28/2016, Councilman Lounsbury seconded the motion, motion carried all in favor.

Supervisor Rapp asked for a motion to approve the Town Board minutes of 2/2/2016. Councilman Lounsbury made a motion to approve the minutes of 2/2/16, seconded by Councilman Bichteman, Councilman Sherman abstained, motion carried.

Supervisor Rapp asked for a motion to approve the Town Board Workshop & Building Committee minutes of 2/16/2016. John Sefcik commented on the minutes of 2/16/16 and he suggested the Town Board amend the Building Committee meeting portion of the minutes to include "the presence of asbestos was found". Code Enforcement Officer Lawson indicated the asbestos and asbestos reports are no secret. He had not received a report from PSI at the time of that meeting. Samples of the plaster walls were taken and they proved positive for asbestos. If the plaster walls are not disturbed there is no issue. Councilman Bichteman confirmed that the Code Enforcement Officer had only received a verbal response from PSI at the time of that meeting. The actual test results documents had not been received by the Town they were not received until several days later. Mr. Sefcik agreed they are correct, but felt it should be mentioned as much of the discussion of the meeting was based on affirmation of PSI's test results for the year 2016. Councilman Bichteman made a motion to approve the minutes of 2/16/2016 with an amendment as follows: page 1, paragraph 5, first sentence, include the following words: affirmed asbestos is present. Councilwoman Burnside seconded the motion, motion unanimously carried.

Supervisor Rapp announced 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 following bills be paid

Voucher # 55 through Voucher # 103 in the amount of \$ 154,734.70

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

AYES: Supervisor Rapp, Councilman Sherman, Councilman Lounsbury,
Councilman Bichteman, and Councilwoman Burnside.

NAYS: None.

RESOLUTION # 9-2016 was thereby duly adopted.

Supervisor Rapp advised the Town Board had received Kathleen Spinnato's Tax Collector's Summary Report of 2/26/2016, he asked for a motion to accept the report as submitted. Councilman Sherman made a motion to accept the Tax Collector's report as submitted, seconded by Councilman Bichteman, motion unanimously carried.

Supervisor Rapp advised the Town Board had received the Town Clerk's monthly report for February and he asked for a motion to approve. Councilman Sherman made a motion to accept the Town Clerk's February monthly report as submitted, Councilman Lounsbury seconded the motion, motion unanimously carried.

Supervisor Rapp advised the Town Board had received the Supervisor's report for the months of December and January and he asked for a motion to accept. Councilman Bichteman made the motion to accept the Supervisor's reports for the months of December and January as submitted, Councilman Sherman seconded the motion, motion unanimously carried.

Supervisor Rapp indicated the Town of Westerlo Library wants to fill an open vacancy on the Library Board of Trustees and is recommending the appointment of Nicole Egan. In correspondence dated 2/25/2016 Library Director Sue Hoadley indicated Nicole previously held the position from April 2010 through Aug. 23, 2012. The new five year term would commence immediately and expire on 8/23/2020. Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: the Town of Westerlo Public Library has had a vacancy on the Library Board of Trustees for approximately 2 years, and it hereby recommends the appointment of Nicole Egan to the position of Library Board Trustee, therefor be it hereby

RESOLVED: the Town Board appoint Nicole Egan to the position of Library Board Trustee, her new 5 year term to commence immediately is due to expire on 8/23/2020.

Councilwoman Amie Burnside seconded the motion and a vote resulted as follows:

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

NAYS: None

RESOLUTION # 10-2016 was thereby duly adopted.

Supervisor Rapp asked Zoning Board of Appeals Chairwoman Virginia Mangold to give a report. Virginia reported the ZBA met on 2/22/16 at 7:00 Pm for a regular meeting. The ZBA welcomed new member Guy Weidman. The ZBA reviewed and approved the minutes of 1/25/2016 and there was no old business to discuss. The ZBA then proceeded with a Public Hearing on Application #16-001 for Judson Filkins regarding a Zoning Appeal Article 8 - Section 8:40, Subsection 4A. The ZBA followed up with a SEQRA 617.20 Appendix B, declaring negative impact. Public hearing was opened; the ZBA heard and answered questions then closed the Public Hearing and held a vote to approve or disapprove. Vote result was all in favor to approve. There was no new business to discuss. Next scheduled ZBA meeting is Monday, March 28, 2016 at 7:00 PM. Councilman Sherman made a motion to accept the ZBA report as submitted, seconded by Councilwoman Burnside and unanimously carried all in favor.

Supervisor Rapp asked Planning Board Chairwoman Dorothy Verch to give a report. Dorothy reported the Planning Board met on 2/23/2016 and held a Public Hearing for property owned by Mario Pollan Sanchez SBL # 139.-2-4.20. Application for a Special Use Permit for 5-6 acres of 58 acre parcel for staging of weddings, corporate functions, auctions, and other special events will be continued. The information for a final decision was not available and the applicants were not in attendance. Special Use Permit #16-001 from Frank & Regina Bryant for Goats and Gourmets SBL # 132.-2-14.1 located at 288 SR 143 was presented and accepted. Application received a negative SEQRA declaration. Special Use Permit application was submitted to renovate an existing barn and convert into a small

“farm to table” restaurant. Public Hearing is scheduled for March 22 at 7:30 PM. Dorothy reported on line extension forms for cable service submitted to Mid-Hudson Cable Chief Engineer David Fingar. Dorothy also reported the Planning Board had discussed and unanimously agreed at their meeting of 2/23/2016 to ask the Town Board to appoint the Planning Board as the lead agency in matters pertaining to the research of Broadband in the Town of Westerlo. She would also like to request the Town Board address a revision of the Zoning Law as it pertains to the Planning and Zoning Boards. Currently, the procedure that is being followed is more efficient than the Local Law. The Planning Board is recommending the Local Law be revised and rewritten to reflect the current process. Councilman Sherman made a motion to accept the Planning Board report as submitted, seconded by Councilman Lounsbury, motion unanimously carried

Councilman Bichteman asked that either Dorothy Verch or Virginia Mangold submit the proposed new language in writing to the Town Clerk. The Town Board could then review the Planning & Zoning Boards recommendations for proposed revision of the procedures in Local Law No. 1 of 1989.

The Town Board discussed the option of tasking the Planning Board with research of Broadband communications. Any decisions pertaining to Broadband in the Town of Westerlo would be made by the Town Board. The Town Board suggested that a Broadband Committee be formed comprised of Planning Board members and possibly two or three qualified residents. The Broadband Research Committee (BRC) meetings would be held separate from the Planning Board’s regular meeting but possibly on the same evening. The Town Clerk asked who will be advertising meetings and taking Broadband Committee minutes and if that person could inform the Town Clerk of upcoming BRC meetings so they are posted on the Sign Board and the website. Dorothy Verch agreed to ask Jennifer Bungay Clerk to the Planning Board, Zoning Board & Water Board to advertise meetings and take any minutes. Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: the Planning Board has suggested the Town Board task the Planning Board with the research of Broadband in the Town, be it hereby

RESOLVED: the Town Board has agreed to create a Broadband Research Committee consisting of the Planning Board members and possibly three interested volunteer residents to serve on the Committee

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

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

NAYS: None.

RESOLUTION #11-2016 was thereby duly adopted. Planning Board Chairwoman Dorothy Verch volunteered to Chair the BRC and she will ask Jennifer Bungay to advertise in newspaper for interested residents to volunteer to serve on the Broadband Research Committee.

Supervisor Rapp then asked Councilman Bichteman to give a Water Board report. Councilman Bichteman advised the Water Board will meet on Wed., March 16th At 7:00 PM agenda items to discuss include:

- rate adjustment to reflect current Bond repayment schedule
- review the idea of including the water bond payment as a part of the property tax bill for properties located in the water district
- review a written plan to deal with water relievis due to a resolution passed by Albany County.

Questions were asked by the Public regarding the Water District, Supervisor Rapp and Councilman Bichteman responded to their questions. Supervisor Rapp asked for a motion to accept the Water Board report. Councilman Lounsbury made a motion to accept the Water Board report, seconded by Councilwoman Burnside, motion carried all in favor.

Supervisor Rapp then asked Councilman Bichteman to give a Building Committee report.

Councilman Bichteman indicated the Building Committee minutes of the prior meetings reflect what happened. The next Building Committee meeting is scheduled for Tue., March 15th at 7:00 PM.

Councilman Sherman advised that the Town Clerk has made a request to attend two conferences and one training for herself and her Deputy Clerk he then made a motion to approve the requests, motion was seconded by Councilman Lounsbury, motion carried all in favor.

The meeting was then opened to the Public.

A resident asked questions concerning asbestos reports for the Town Hall. Code Enforcement Officer Edwin H. Lawson responded to her inquiries reviewing the history of asbestos report issued when Berne-Knox-Westerlo CSD had ownership of the property. Discussion continued with Councilman Bichteman and several residents joining the conversation offering their comments and opinions on the subject.

Resident Dianne Sefcik submitted to the Town Board and read aloud her correspondence of 3/1/2016 addressed to the Supervisor RE: Asbestos in the Town Hall building. CEO Ed Lawson responded to her inquiries regarding previous renovation made to Town Clerk & Code Enforcement offices. Discussion followed between Mrs. Sefcik and CEO Lawson regarding asbestos tests.

Resident (former Councilman) Clinton "Jack" Milner commented & gave his opinions on the Transfer Station and Town Attorney.

There being no further comments or opinions, Supervisor Rapp asked for a motion to adjourn the meeting. Councilman Lounsbury made a motion to adjourn, seconded by Councilman Bichteman, motion unanimously carried. Meeting adjourned at 8:44 pm.

Respectfully submitted,

Kathleen Spinnato
Town Clerk

