

**WESTERLO TOWN BOARD
WORKSHOP MEETING
OF
TUESDAY, MAY 15, 2018**

The Town of Westerlo Town Board held a workshop meeting on May 15, 2018 at the Town Hall located at 933 County Route 401, Westerlo, NY. Supervisor Rapp opened the workshop at 7:03 PM with the Pledge of Allegiance to the Flag.

Attending were: Supervisor Richard H. Rapp
Councilman Anthony W. Sherman
Councilwoman Amie L. Burnside
Councilman Richard Filkins
Councilman Joseph J. Boone

Also attending were: Deputy Supervisor/CEO/ZA Edwin H. Lawson, Highway Superintendent Jody Ostrander, Highway Employee Salvatore Spinnato III, Planning Board Chairperson Dorothy Verch, Zoning Board member John Sefcik, Deputy Town Clerk II Karla Weaver and approximately four residents.

Hazardous Waste Day

Highway Superintendent Jody Ostrander mentioned that Berne, Knox and Westerlo are all committed to Hazardous Waste Day although a date has not been set yet and will need to be coordinated with DEC. Councilman Boone received a call from a Councilman in Knox asking if the Town of Westerlo was partaking and Councilman Boone indicated it hadn't been confirmed yet but that the Town expressed an interest. Mr. Ostrander will keep the Board informed.

Solid Waste Ordinance & Transfer Station

Highway Superintendent Jody Ostrander mentioned that the Town needs to address who is going to have privileges and who isn't at the Transfer Station because Local Law #2 of 1992 is not clear. The law also refers to a burn pit which the Transfer Station no longer has. Local Law #2 of 1992 was amended in 2009 to adopt the plan that the City of Albany adopted making everyone, including haulers recycle. In 2011 it was amended again to explain that you could take items out of the Transfer Station to reuse but not to sell. Mr. Ostrander believes this is where the Board needs to start when discussing the Transfer Station. Councilman Filkins agreed that the law needs to be clear prior to further discussions. In reference to the 2011 amendment as to the intention of removing items from the Transfer Station, Councilwoman Burnside asked how it would be regulated. Councilman Sherman explained that he was part of the Town Board in 2011 and his thought process then was if someone had items they no longer wanted but could still be used, these items would be put aside for someone else if they wanted or needed them. He then indicated that if at the end of the day the items were still there, the Transfer Station employees would dispose of them. He mentioned it is pretty clear to the Transfer Station employees what items are reusable and what items are for monetary gain.

Highway Superintendent Jody Ostrander believes it needs to be clear who should and shouldn't be given a Transfer Station permit. He also briefly discussed haulers and how helpful they are to the elderly however; other Towns do not allow them. He had concerns about increasing haulers rates or doing away with them altogether because residents would just start filling their homes with garbage if they couldn't afford the increased fee from the hauler or can't get to the transfer station to dispose of the garbage themselves. Councilman Sherman explained that haulers are a commercial business in the Town and in the past, some have been kicked out for bringing

garbage that was generated from other Towns. He added that haulers allow for less daily traffic in and out of the Transfer Station. Deputy Supervisor/CEO/ZA Edwin Lawson also suggested that the Town Board should decide whether construction debris will continue to be accepted or not. When looking at property taxes and the average costs of the Transfer Stations to residents, it was determined to be fairly inexpensive.

With the hope of deterring people from removing too many items from the Transfer Station, a resident recommended having a clipboard for people to sign listing the items they were removing. On the topic of haulers, this resident also suggested increasing haulers permit fees. Another resident suggested inviting the haulers to a meeting to get their insight. A resident advised there was a need for better fee signs at the Transfer Station as he did not know there was now a fee associated with TV disposal. A resident asked who was responsible for making changes to the law and Highway Superintendent Jody Ostrander responded that if referring to Local Law # 2 of 1992 it indicated the Town Board made the decisions. Mr. Ostrander expressed the importance of updating the law. With respect to updating the law, Councilman Boone believed that with the assistance of the Town Attorney, some of the text could be revised or removed to reflect what is necessary now.

Hometown Heroes Project

Councilwoman Burnside gave some background as to how Hometown Heroes came to be a private group/committee. She also informed the Board that Central Hudson and Verizon no longer accept applications from private citizens and would instead require the Town of Westerlo to complete the applications. She mentioned that the company that would install the banners, Advantage Tree Service, would provide insurance for the installation but the Town would need to submit a Certificate of Insurance saying they have the liability limits. She also indicated that she spoke with a representative at Verizon who confirmed that Verizon only needs a standard certificate naming Verizon as additionally insured. The Hometown Heroes group has already identified the poles and the process for hanging banners would be done in phases. First phase would be in the hamlet at the intersection at P & L Deli, second would be at the main intersection in So. Westerlo, third at Shepherd's corners and fourth in Dormansville. Councilwoman Burnside explained the costs, time frame and the possibility for an opening ceremony.

Councilwoman Burnside indicated that the Hometown Heroes Committee was now looking for a signature on these applications for Central Hudson and Verizon. One of their members mentioned that Verizon is requiring a Certificate of Insurance from the Town however; Central Hudson is requiring a Certificate from the person hanging the banners (Advantage Tree Service). The group has also asked Advantage Tree Service to name the Town as additional insured. She also indicated that as soon as the applications get submitted they can start selling banners. Banners will be double sided at 24" x 44", will hang approximately 14' and will be secured at the top and bottom of the poles. They will sell for \$110 and will include name, rank, if they are currently serving, wars fought and if requested, who they are sponsored by. In November they will be retired and given back to the family, sponsor or possibly to the Town to be displayed. The group is planning on having an opening ceremony and hope to have the moving wall next year.

Councilmen Sherman and Boone had several questions including how the group plans to select the criteria for banners, how to fill phases, what happens if they have more sponsors than poles, how they are handling the finances and if they plan to become a 501c3 not for profit organization. It was mentioned by one of the group members that anyone who has served or is

currently serving could participate. As for filling phases, the Hometown Heroes member explained they would start filling the first area then will spill to the next once the first is full and so on. If they have more sponsors than they have poles, they will push into the next year. As for the Hometown Heroes finances, Councilwoman Burnside indicated that other Towns have a separate account that the towns oversee. She mentioned that Hometown Heroes is a private group of individuals but now has to include the Town because of the requirements from Central Hudson and Verizon with the applications. A committee member revealed that it would take a year to become a 501c3 organization but the applications for this are ready if they decide to go that direction in the future. The member also explained that the group did not want to stall their project and since the applications have to go through the municipality and the Town's name will be on the applications and license, she felt the Town should also oversee the funds. She continued that if the Town was not agreeable to opening and overseeing an account for Hometown Heroes, they would open their own account but it would not be tax deductible.

The Community Activity Committee (CAC) was discussed and the possibility being able to sell a 501c3 status. Councilman Sherman mentioned that the CAC was not a 501c3 organization and that the CAC had a town checking account because it was organized, appointed and endorsed by the Town. He explained that all CAC money was raised through their activities or from donations. He believed there was still money in the account even though now it was pretty much disbanded. He felt that the people who were a part of the CAC should get together to figure out what to do with the remaining money. He indicated that the CAC may decide to donate it to the Town of Westerlo Youth Program or Hometown Heroes but it should not be absorbed into another committee without it being discussed. Later in the meeting Councilman Boone mentioned that the funds that were left in the CAC account were donated to the bicentennial. Councilman Sherman did not think all the funds were used but instead believed a dollar amount was requested. Councilman Boone was not sure if the account was still open or if there was a balance.

A resident questioned why our town was not following how other towns were handling Hometown Heroes. Councilwoman Burnside mentioned time constraints and having to wait every month to approve something was the main reason.

Deputy Supervisor/CEO/ZA Edwin Lawson questioned how much of the Certificate of Insurance Central Hudson and Verizon were requiring. According to a Hometown Heroes member, Central Hudson was requiring a combined two million liability; Verizon was requiring two million liability and one million auto and workman's compensation. She mentioned that whatever Verizon is requiring of the Town, the Hometown Heroes group has asked of Advantage Tree Service. Councilman Sherman asked if the insurance part of this is only for the hanging of the banners and the group indicated that was correct. Councilman Sherman then inquired what happens if a banner falls and damages someone's car during a wind storm. Councilwoman Burnside explained that it is a grey area and anyone could get sued which is why Central Hudson is asking the Town to name them as additional insured. She indicated there is a potential for it to come down on the Town.

Councilman Sherman also asked about the Verizon poles that are customer owned. He wanted to make sure Hometown Heroes had permission to hang on those customer owned poles moving forward. He also asked if Mid Hudson Cable needed to give permission but Councilwoman Burnside advised Mid Hudson Cable were not involved.

A resident asked what Hometown Heroes needs in order to move forward. Councilwoman Burnside explained that the next step was to obtain signatures from the Town on the two applications for Central Hudson and Verizon to allow inspections of the poles. Supervisor Rapp indicated he would have the Town Attorney review prior to signing and Councilman Sherman and Councilwoman Burnside agreed they could not vote on it this evening anyway.

Deputy Supervisor/CEO/ZA Edwin Lawson had insurance questions. He explained that when building permits are issued he requires contractors to submit liability coverage and workman's compensation naming the Town as additional insured and they typically have a one million liability insurance. He explained this is to verify they have compensation. He was confused about why Verizon can't accept this from the installer of the banners as that would be their liability and compensation insurance. Mr. Lawson was trying to understand how then the Town had to be part of the insurance when Advantage Tree Service was not a part of the Town. He explained that the person doing the work would be the person with the liability coverage and compensation. Mr. Lawson indicated that the Town has nothing to do with it so if the Town had the liability insurance he was unsure how that would transpose to Advantage Tree Service. Councilwoman Burnside believed it was similar to a subcontractor. A Hometown Heroes member explained it was because they would be issued a licensee/licensor agreement to the Town. Councilwoman Burnside wanted to double check on the workman's compensation because she hadn't thought about that. Mr. Lawson's thought was that it could be a separate policy. What he was trying to determine was if there could be a completely separate policy just to address this situation instead of a rider which Supervisor Rapp could sign that would only address the Hometown Heroes banners. Councilwoman Burnside suggested with the Supervisors permission, she and Mr. Lawson could have a conference call with the Town's Insurance company to inquire about a separate policy.

Councilwoman Burnside mentioned time is of the essence as for getting the request out to identify the poles and that the insurance is not needed for that portion. Supervisor Rapp would like the Town Attorney to review prior to signing. Councilman Sherman indicated that if there needs to be a resolution that would come at the June Town Board meeting. Councilman Boone wanted to express his thanks for all of the hard work that has been done with the Hometown Heroes committee.

With there being no further business to discuss, Councilman Sherman made a motion to adjourn the workshop meeting, seconded by Councilwoman Burnside, all in favor motion carried. The meeting adjourned at 8:34 PM.

Respectfully submitted,

Karla Weaver

Deputy Town Clerk II