

**ORGANIZATION & REGULAR MEETING
OF THE
TOWN OF WESTERLO
TOWN BOARD
WEDNESDAY, JANUARY 2, 2019**

The Town of Westerlo Town Board Organization meeting was held on Wednesday, January 2, 2019 at the Westerlo Town Hall located at 933 CR 401, Westerlo, NY. The meeting was opened at 7:00 PM by Supervisor Richard H. Rapp with the Pledge of Allegiance to the Flag.

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

Also present were: Highway Superintendent Jody Ostrander, Zoning Board of Appeals member John Sefcik, Planning Board Member Edwin Stevens, Town Historian Dennis Fancher, Clerk to the Assessor Claire Marshall, Clerk to the Supervisor Patricia Boice, Deputy Town Clerk II Karla Weaver, Deputy Town Clerk Gertrude Smith, several highway dept. employees, Town Clerk/Tax Collector Kathleen Spinnato and approximately seventeen residents.

The following resolutions were read by the Town Board with the voting as indicated for each:

RESOLVED: that the Altamont Enterprise, being the newspaper of general circulation in the Town of Westerlo, is hereby designated as the official newspaper for the Town of Westerlo and all notices required by law are published in said newspaper. The Greenville Mountain View Pioneer may also be used when necessary.

Motion for adoption was made by Councilwoman Burnside, second by Councilman Filkins, a roll call vote followed:

AYES: Supervisor Rapp, Councilman Filkins, Councilman Boone and Councilwoman Burnside

NAY: Councilman Sherman

Motion carried.

RESOLVED: that the National Bank of Coxsackie be and is hereby designated as the depository for all Town funds, the maximum amount on deposit at any one time not to exceed \$250,00.00 per account; and in association with Wilmington Trust, pledges all securities in excess of \$100,000.00.

Motion for adoption was made by Supervisor Rapp, second by Councilman Sherman, motion unanimously carried.

RESOLVED: that the Town Superintendent of Highways be and is hereby authorized to purchase equipment, materials and tools for Highway Dept. use in an amount not to exceed \$10,000 for each purchase, to purchase Bituminous Road Oils at the State Contract Price

RESOLVED: that the Town Superintendent of Highways be and is hereby authorized to enter into contracts for public works related to the Highway Dept. in an amount not to exceed \$20,000 without prior approval of the Town Board however at no time shall he cause any appropriation account to be overdrawn.

Motion for adoption was made by Councilman Sherman, second by Supervisor Rapp, motion unanimously carried.

RESOLVED: that any elected or appointed official of the Town of Westerlo shall be reimbursed an amount per mile, matching the current IRS approved rate when using their own vehicle for

official Town business.

Motion for adoption was made by Councilwoman Burnside, second by Supervisor Rapp, motion unanimously carried.

RESOLVED: that the regular meetings of the Town Board shall be held on the first Tuesday of each month at 7:00 PM at the Westerlo Town Hall, except for the November meeting, which shall be held on the first Wednesday following the General Election. The Town Board Workshop meetings shall be held on the third Tuesday of each month at 7:00 PM. The Town Planning Board shall meet on the fourth Tuesday of each month at 7:00 PM, and the Zoning Board of Appeals shall meet on the fourth Monday of each month at 7:00 PM.

Motion for adoption was made by Councilwoman Burnside, second by Supervisor Rapp, motion unanimously carried.

RESOLVED: that the Supervisor shall submit to the Town Clerk within 60 days after the close of the last fiscal year, a copy of the report to the State Comptroller, pursuant to Section 30 of the General Municipal Law and the Town Clerk shall thereafter cause summary of said report be published within ten days after receipt thereof on a form approved by the State Comptroller. This report shall be in lieu of the report required by Section 10 of Town Law.

Motion for adoption was made by Councilman Filkins, second by Supervisor Rapp, motion unanimously carried.

RESOLVED: that the Town of Westerlo does hereby adopt the INVESTMENT POLICY (see attached).

Motion for adoption was made by Councilman Boone, second by Councilwoman Burnside, motion unanimously carried.

RESOLVED: that the Town of Westerlo does hereby adopt the PROCUREMENT POLICIES AND PROCEDURES (see attached).

Motion for adoption was made by Councilman Boone, second by Councilwoman Burnside, motion unanimously carried.

AND

WHEREAS: the Westerlo Town Board wishes to continue its efforts to comply with New York State Statutory and Regulatory requirement, be it hereby

RESOLVED: that it will retain the firm Marvin & Company as consultant to the Town on financial matters involving accounting, reporting and management systems.

AND

WHEREAS: the firm Marvin & Company will audit the records of the following: Town Clerk & Tax Collector Kathleen Spinnato, Supervisor Richard H. Rapp, Town Justice Robert Carl and Town Justice Kenneth Mackey, and the Westerlo Water District No. 1

Motion for adoption was made by Councilman Sherman, second by Supervisor Rapp, motion unanimously carried.

RESOLVED: that the Supervisor shall file a copy of the Annual Financial Report with the Town Clerk upon completion and that it will be presented to the Town Board at that time.

Motion for adoption was made by Supervisor Rapp, second by Councilwoman Burnside, motion unanimously carried.

RESOLVED: that the Supervisor be hereby authorized to pay Utility bills, and Freight bills, bills with discounts, etc., all without prior approval of the Town Board.

Motion for adoption was made by Councilman Sherman, second by Supervisor Rapp, motion unanimously carried.

RESOLVED: that the following are appointed to the respective offices for the terms indicated:

TITLE	NAME	TERM EXP.
Registrar of Vital Statistics	Kathleen J. Spinnato	12/31/2019

Deputy Registrar	Karla Weaver	12/31/2019
Deputy Town Clerk/Dep. Tax Coll.	Gertrude A. Smith	12/31/2019
Deputy Town Clerk II/ Dep. Tax Coll. II	Karla Weaver	12/31/2019

Motion made by Councilman Boone, second by Councilman Sherman, motion unanimously carried.

RESOLVED: that the following are appointed to the respective offices for the terms indicated:

TITLE	NAME	TERM EXP.
Clerk to the Justices	Patricia Thompson	12/31/2019
Deputy Supervisor	Vacant (formerly Edwin H. Lawson)	12/31/2019
	William Bichteman Jr.	12/31/2019
Town Attorney	Vacant (formerly Aline D. Galgay)	12/31/2019
Interim Attorney	Javid Afzali	
Town Historian	Dennis Fancher	12/31/2019
Dog Warden	Vacant (formerly Salvatore Spinnato IV)	12/31/2019
Deputy Dog Warden	Justin Case	12/31/2019
Zoning Board Clerk	Jennifer Bungay	12/31/2019
Planning Board Clerk	Jennifer Bungay	12/31/2019
Water Board Clerk	Jennifer Bungay	12/31/2019
Assessor's Clerk	Claire Marshall	12/31/2019
Deputy Highway Superintendent	Justin Case	12/31/2019

Motion made by Councilman Sherman noting the two vacancies, seconded by Supervisor Rapp, motion unanimously carried.

RESOLVED: that the salaries of the following Town Officers and frequency of payment thereof are hereby established as follows:

TITLE	SALARY	PAYABLE
Town Supervisor	\$15,000.00 Annual	Weekly
Deputy Supervisor	\$ 0	N/A
Superintendent of Highways	\$60,030.04 Annual	Weekly
Town Justices (2)	\$11,000.00 Annual each	Quarterly
Council Members	\$ 3,625.00 Annual each	Quarterly
Town Attorney*	salary to be determined*	Monthly
Assessor	\$22,000.00 Annual	Weekly
Assessor's Clerk	\$20.33 Hour	Bi-Weekly
Code Enforcement Officer/Zoning Administrator	\$15,500.00 Annual	Quarterly
Town Clerk/Tax Collector	\$44,340.00 Annual	Weekly
Deputy Town Clerk/Dep Tax Coll.	\$19.08 Hour	Weekly
Deputy Town Clerk II/Dep. Tax Coll. II	\$19.08 Hour	Weekly
Clerk to the Justices	\$19.08 Hour	Bi-Weekly
Dog Warden	\$ 4,200.00 Annual	Monthly
Deputy Dog Warden	\$ 3,000.00 Annual	Monthly
Planning Board Clerk	\$ 19.08 Hour	Quarterly
Zoning Board Clerk	\$ 19.08 Hour	Quarterly
Water Board Clerk	\$ 19.08 Hour	Quarterly
Town Historian	\$ 1,500.00 Annual	Annually
Cleaning Person	\$ 15.00 Hour	Monthly

Motion to approve with the exception of the vacant position of Town Attorney salary to be determined was made by Supervisor Rapp, second by Councilwoman Burnside, motion unanimously carried.

RESOLVED: that the compensation of Highway employees and the Clerk to the Supervisor be established as follows:

Deputy Highway Superintendent	\$22.80 Hour
Sub Forman	\$22.80 Hour
Transfer Station Operator	\$22.28 Hour
Recreation Maintenance Person/s	\$22.28 Hour
Utility Laborer	\$21.03 Hour
Laborer A (CDL required)	\$19.23 Hour - None at this time
Laborer B (CDL not required)	\$18.23 Hour - None at this time
Clerk to the Supervisor	\$21.56 Hour
Seasonal/Part Time	\$15.00 Hour
Buildings/Maintenance Part Time	\$26.00 Hour

All new employees are hired on a six-month probation and raises are awarded at the discretion of the Highway Superintendent.

Motion for adoption was made by Supervisor Rapp, seconded by Councilman Boone, motion unanimously carried.

RESOLVED: that the following are hereby appointed to the designated positions, at the designated salaries and terms of office:

NAME	TERM ENDING	SALARY
BOARD OF ASSESSMENT REVIEW		
Dawn Belarge	09/30/2022	\$200.00
Sara Statham	09/30/2021	\$200.00
Susan Cunningham	09/30/2023	\$200.00

Motion for adoption was made by Councilwoman Burnside, seconded by Councilman Filkins, motion unanimously carried.

RESOLVED: that the following are hereby appointed/reappointed to the designated positions, at the designated salaries and terms of office:

ZONING BOARD OF APPEALS		
Chairperson Vacant* (formerly V. Mangold)		
John Sefcik, Chairperson**	12/31/2022 (appointed 1/2/2019**)	\$3,375.00
Guy Weidman	12/31/2019	\$1,875.00
Vacant (formerly John Sefcik)	12/31/2020	\$1,875.00
James Gallogly	12/31/2021	\$1,875.00
Jillian Henck**	12/31/2023 (reappointed 1/2/2019**)	\$1,875.00

Motion made by Supervisor Rapp to appoint John Sefcik Zoning Board Chairman seconded by Councilwoman Burnside, motion unanimously carried.

RESOLVED: that the following are hereby appointed/reappointed to the designated positions, at the designated salaries

PLANNING BOARD		
Edwin C. Stevens	12/31/2022	\$1,875.00
Doyle Shaver	12/31/2020	\$1,875.00
Dorothy Verch, Chairperson**	12/31/2023 (reappointed 1/2/2019**)	\$3,375.00
Gerard Boone	12/31/2019	\$1,875.00
Richard Kurylo	12/31/2021	\$1,875.00

**(Reappointments/appointments followed during the 1/2/2019 Regular Town Board meeting.)

Motion for adoption was made by Councilman Boone, second by Councilwoman Burnside, motion unanimously carried.

RESOLVED: that the following Library workers be compensated as follows:

Library Director	\$23.00 Hour
Clerk 1	\$14.25 Hour
Clerk 2	\$13.50 Hour
Clerk 3	\$13.50 Hour
Clerk 4	\$13.00 Hour

Motion for adoption was made by Councilwoman Burnside, second made by Councilman Boone, motion unanimously carried.

Supervisor Rapp made a motion to close the Organizational portion of the meeting, second made by Councilman Sherman, motion unanimously carried. Supervisor Rapp made a motion to close the Organization Meeting at approximately 7:36 PM, Councilman Sherman seconded, motion unanimously carried. The Regular monthly meeting of the Town Board immediately followed.

**TOWN OF WESTERLO REGULAR TOWN BOARD MEETING
WEDNESDAY, JANUARY 2, 2019**

Supervisor Rapp made a motion to open the regular Town Board Meeting at 7:36 PM, Councilman Boone seconded, motion unanimously carried.

Those present were listed in the Organizational Minutes of 1/2/ 2019.

TOWN BOARD MINUTES

The Town Board minutes of 11/14/2018, 11/19/2018, 12/4/2018, 12/27/2018 were presented to the Town Board. Councilman Boone made a motion to delay approval of the minutes until February 5th meeting so the Town Board can review, Councilman Sherman seconded, motion unanimously carried.

Councilman Boone made a motion to delay review Town Board Workshop minutes of 12/18/18 to be presented to the Town Board at a later date for review. Councilman Sherman seconded, motion unanimously carried.

SUPERVISOR'S REPORT

The Town Board had received the Supervisor's Report for the month of November. Supervisor Rapp made a motion to accept the report as submitted, Councilman Sherman seconded, motion unanimously carried.

TOWN CLERK'S REPORTS-DECEMBER & 2018 YEARLY

The Town Board had received the Town Clerk's report for the month of December and the 2018 Town Clerk's yearly report. Councilman Sherman made a motion to accept both the December and the Town Clerk's 2018 yearly reports as submitted. Supervisor Rapp seconded, motion unanimously carried.

PAYMENT OF MONTHLY BILLS 2018 & 2019

Councilman Sherman made a motion to adopt the following resolutions and Councilwoman Burnside added and also to approve payment of the voucher for Marvin & Co. from the Dec. 27, 2018 end of year meeting which Councilman Boone had further researched.

WHEREAS: THE Town Board has audited the monthly bills recently received for the year 2018 and 2019, be it hereby

RESOLVED: the following 2018 bills be paid Voucher # 684 through Voucher # 699 in the amount \$9,562.41 and also 2019 bills Voucher # 1 through Voucher # 7 in the amount of \$ 44,185.63

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

AYES: Supervisor Rapp, Councilman Sherman, Councilman Boone, Councilman Filkins
and Councilwoman Burnside

NAYS: None.

RESOLUTION # 1 -2018 was thereby duly adopted.

GRANT WRITER REPORT

Dr. Ambrosio was not in attendance a report was not available.

PUBLIC COMMENT PERIOD

Councilman Boone announced the Town Board is in agreement there will now be a process for any Public comments. At the appropriate time during each meeting there will be a sign in list and a specific time period allowed for individuals to comment at the podium. It will be a comment period and not a give and take period of discussion. The Town Board will take comments under review, if the Town Board is able to answer the comments at that time they will do so, if not they will gather information and get back to the individual as necessary.

WATER BOARD REPORT

Water Board Chairman William Bichteman Jr. reported he had reached out to Marvin & Co. to provide an estimate of the potential cost to track back the accounting of the exact amount of monies owed from the Westerlo Water District No. 1 to the Town of Westerlo General Fund. Marvin & Co. estimated the review/research of the matter may cost \$10,000 -\$15,000 with no guarantee of success. Mr. Bichteman advised the Town Board if the exact amount cannot be resolved, the accounting firm had mentioned that NYS Audit & Control may allow a settlement of the amount owed. He placed a call but has yet to receive a response from NYS Office of the State Comptroller on the matter.

Mr. Bichteman announced the Water District connection has been made to the Hannay property located at 560 State Route 143 for use by Catholic Charities and that three fire hydrants are scheduled for repair. Brief discussion followed regarding hydrants.

Councilman Sherman made a motion to accept the Water Board Report, Councilman Boone seconded, motion unanimously carried.

ZONING BOARD REPORT

Councilman Boone read the following report submitted by Virginia Mangold Chairperson.

TO: Town Board of Westerlo, New York

FROM: Virginia Mangold, ZBA Chairperson

RE: ZBA Report of December 2018

DATE: December 31, 2018

Explanation: The Board, in this report, refers to the ZBA Board

With the normal 4th Monday of each month holding a ZBA meeting, the Board advertised explaining the meeting was moved from the December 24th meeting to December 17, 2018.

Due to no new zoning applications, the Board cancelled their December 17th, 2018 meeting.

The ZBA's next monthly meeting is scheduled for January 28, 2019 at 7 p.m.

*Respectfully Submitted,
Virginia A. Mangold, Chairperson*

Councilman Boone made a motion to accept the ZBA Report as submitted. Councilwoman Burnside seconded, motion unanimously carried.

PLANNING BOARD & BROADBAND RESEARCH COMMITTEE (BRC) REPORTS

Dorothy Verch Chairperson was unable to attend but had submitted the following reports read by Councilwoman Burnside.

*PLANNING BOARD REPORT
TO THE TOWN BOARD
JANUARY 2, 2019*

The Planning Board met on Dec 20th. We had one new application and one public hearing. The applicant, Jake Irwin put the wrong date into his calendar so the application for a special use permit for a commercial garage, will be introduced at the January 22nd meeting.

Mr. Shanahan from Clean Energy Collectives requested that the public hearings for the Medusa Solar project and the Westerlony01 solar project be postponed until January 22nd meeting.

The public hearing for Costanza Solar project was resumed. Mr. David Weightman represented Cypress Creek. A number of concerned residents were present. An intense Q&A between the residents and Mr. Weightman ensued. Some questions regarding the battery storage are still unanswered. Our Solar Law allows battery storage for solar projects.

Mr. Weightman met with Ms. Maier whose property was damaged by Cypress Creek subcontractors and an agreement appears to have been reached.

The public hearing was adjourned until January 22nd.

The fact that HYDE ENGINEERING from Boulder, CO has submitted contractual proposals that met the criteria outlined by Code Enforcement Officer, Ed Lawson was discussed with the members of the Planning Board and the attendees. Mr. Lawson suggested that the Town Board look favorably on these contracts at the January 2nd regular meeting. Mr. Hyde has already submitted signed contracts waiting for Supervisor Rapp's signature once the Board approves.

The information that Mr. Hyde requested regarding the 3 solar projects has already been forwarded to him.

I am hopeful that Mr. Hyde will be able to attend the January 22nd meeting to provide responses to the unanswered questions that have been posed and alleviate the fears expressed by the residents.

In addition, a meeting with Michaela Sweeney of the ACPB, when I delivered the updated information on the 3 solar projects and Mr. Irwin's application, revealed a new decision by ACPB.

*They will **no longer accept applications with hand drawn sketches** of the application project.*

They will require a formal form of the plan- survey, professionally produced site plan.

*They **will refuse any and all applications with hand drawn sketches.***

Therefore, we will have to adjust our application to reflect this change.

In addition, according to the General Municipal Law 239-m, Ms. Sweeney pointed out that any and all adoption or amendment of a zoning ordinance or local law are subject to the referral process to the county planning agency ALBANY COUNTY PLANNING BOARD. (page 166-167 239-m (1) (c), (3) (a) (ii). That was in response to my question, is there anything else that we should be sending to the ACPB?

*Respectfully submitted,
Dotty Verch*

Discussion followed regarding the Planning Board Report. Deputy Supervisor William Bichteman Jr. had a question if even the simplest application for ie., a shed or a garage - minor circumstances would require an engineer to review before going to Albany County Planning Board? He mentioned it seems like an unfair burden on the Town of Westerlo. Councilman Boone advised he would like to make sure that this is something that Albany County Planning Board requires as well, although he was not refuting what Mrs. Verch had reported, but he would like to follow-up with additional research.

Councilwoman Burnside made a motion to accept the Planning Board report as submitted, Supervisor Rapp seconded, Councilman Boone abstained, motion carried.

*BRC REPORT
TO THE
TOWN BOARD
January 2, 2019*

*The BRC met on Dec 27th at 7pm. Those in attendance, Leonard Laub, Eric Markson, John Sefcik, Rich Filkins, Ned Donaldson ****see correction below** and myself.*

The phase 3 MHC cabling map was reviewed. Tan Hollow, Hunt Rd, Newy road from AC 405 to Silver creek rd. , Kudlack lane and rd. Parts of 312.

Further discussion regarding the franchise fees. MHC has created a new data base and moved ALL of Westerlo township into it including the 110 houses that were originally identified as Greenville. Told the committee that I spoke with another MHC employee who performed this huge task. I asked that they do the same thing for those homes with the 12023 zip code- Berne.

Intentions of following up with MHC regarding the inclusion of 12023 in approximately 2 weeks. (only about 10 homes). Intentions of getting an accurate printout of the correct dollar amount due Westerlo so that we can compare with what we received will, hopefully, done by the next BRC meeting.

Conversations regarding the advancement of MidTel and Spectrum into Westerlo was discussed. MidTel is suppose to provide an update to their progress at the February Town Board meeting. How should we approach Spectrum? Franchise agreements?

(So please see that it is on the agenda.)

Discussion about how to recoup back franchise fees took place. It was agreed that the Town Board and the NEW TOWN ATTORNEY should be involved in the investigation.

Questions arose, should we get PSC involved since the franchise agreement was approved by them? How should this be handled? What direction does the Town Board want us to pursue?

Respectfully submitted,

Dotty Verch

Councilman Boone asked those who attended the BRC meeting of Dec. 27th, if they would share more information.

Leonard Laub responded with information concerning Mid-Hudson Cable's (MHC) current franchise agreement indicating it is possible MHC is in default of parts of the new agreement. In addition, the old agreement which has been effect for the past 15 yrs. called for MHC to remit franchise fees to the Town. The Town became aware that Town of Westerlo customers who had a Greenville zip code were not included and the franchise fees on these customers were never paid to the Town. It now appears this may also be the case for other Town of Westerlo customers with Berne zip codes 12023 and possibly other zip codes as well.. The Town Board may want to take this up issue up with, to compel MHC for not historically having performed properly on either the old or new agreements. It may be possible that after an investigation MHC may owe a large portion of monies back to the Town from MHC. Mr. Laub also advised that the BRC discovered that MHC's Franchise Agreement is not exclusive allowing other cable providers to serve the Town. MHC has stated that they cannot and will not extend cable service beyond the so called Phase 3 plan showed to the BRC at the meeting. There is no barrier to prevent MidTel or Spectrum from serving other areas of the Town of Westerlo not being served by MHC, although it may not be easy due to a low population density. The BRC will press MHC on any progress going forward. Town Board will need to initiate any action.

The Deputy Supervisor mentioned what Mr. Laub may be suggesting is that the Town Board initiate a letter perhaps through the Town Attorney indicating MHC is in default of their contract(s). Mr. Laub was in agreement and advised the BRC will provide information to the Town Board.

Councilwoman Burnside made a motion to approve the BRC report with the correction of the name **Ned Stevens on line two. Councilman Filkins seconded, motion unanimously carried.

MUSEUM REPORT

Mary Jane Araldi Museum Director was not in attendance, no report was available.

TOWN HISTORIAN REPORT

Dennis Fancher Town Historian submitted and read the following report.

THAYERS CORNERS

I WOULD LIKE TO TELL YOU ABOUT WESTERLO CENTER.

ABOUT TWO MILES SOUTH OF OUR VILLAGE ON COUNTY ROUTE 401, LIES WHAT WAS ONCE A SMALL COMMUNITY, CONSISTING OF A GENERAL STORE, BLACKSMITH SHOP (BUILT BY CHARLES HEMPSTEAD) , BICYCLE SHOP HOTEL AND TAVERN.

IT WAS ORIGINALLY SETTLED BY ROBERT WILSON A REVOLUTIONARY WAR SOLDIER WHO DIED IN 1829 AT AGE 81.

HOWEVER, IT TOOK ITS CURRENT NAME, THAYERS CORNERS, FROM A BOSTON LAWYER, AMASA THAYER, WHO CAME TO WESTERLO CENTER IN 1820'S AND MARRIED WAITA SMITH, DAUGHTER OF DAVID SMITH OF SMITH'S MILLS (NOW SOUTH WESTERLO)

AMASA, A GRADUATE OF HARVARD, PROMINENT FROM HIS LEGAL AND CIVIC ACTIVITIES AND PROPERTY HOLDINGS, RESIDENTS PREFERRED THE NAME THAYERS CORNERS

LAKE ONDERDONK

THERE IS LITTLE INFORMATION ON THE SETTLERS OF LAKE ONDERDONK WHICH IS A 64 ACRE MAN MADE LAKE, BUT OF INTEREST I FOUND IT WAS FIRST CALLED SACKETT'S & PRESTON LAKE AND SHORTENED BY SOME EARLY SETTLERS TO SACKETT'S LAKE.

LATER IT WAS CALLED MUD HOLLOW POND DUE TO THE EXTREME MUDDY CONDITIONS OF ITS BASE.

OUR RECORDS SHOW, TWO BROTHERS, GEORGE & PETER GROTEVANT, CAME TO THE COLONIES IN 1776 AS HESSIAN SOLDIERS AND FOUGHT WITH THE BRITISH AT THE BATTLE OF SARATOGA.

IN 1788 PETER LEASED 170 ACRES AND GEORGE LEASED 147 ACRES FROM VAN RENSSELAER BUT BY 1834 THE LAND WAS LEASED BY OTHERS AND THE BROTHERS MOVED OUT OF THE AREA.

GROTEVANT DECENDANTS EVIDENTLY SETTLED HERE AND THE NAME EXISTED AS LATE AS 1986.

IN 1916, THE ALBANY COUNTY DIRECTORY SHOWS A CHARLES ONDERDONK, A FARMER WITH 75 ACRES, PRODUCING HAY AND BUCKWHEAT WITH A SAW MILL, WAS LIVING IN SOUTH BERNE. ALTHOUGH THERE WERE MANY ONDERDONKS LIVING IN OUR AREA CHARLES ONDERDONK IS THE FAMILY FOR WHICH THE LAKE WAS NAMED, AFTER USING WATER POWER FROM THE LAKE TO OPERATE MILLS LOCATED NEAR SOUTH BERNE.

Councilman Boone made a motion to accept the Historians report as submitted, motion seconded by Supervisor Rapp and unanimously carried.

WESTERLO HOMETOWN HEROES COMMITTEE (WHHC)

Councilwoman Burnside advised there is no report for WHHC as they did not meet in December. They will resume prior to the January Planning Board meeting.

OLD BUSINESS:

2018 SUMMER YOUTH PROGRAM

Supervisor Rapp announced the Town of Westerlo recently received a donation of \$1,500 from Albany County Legislature Christopher Smith for the 2018 Summer Youth Program. Councilman Boone informed the public that in 2017 Legislature Smith was able to obtain a grant for the Town of Westerlo to restart a Youth Summer Recreation Program, however it clear that there are many deserving applicants and this would not be a re-occurring grant. In 2018, Legislature Smith graciously agreed to give a month's salary as a donation to the Town of Westerlo Youth Program. The Town has thanked him for his generosity.

REPAYMENT OF 2018 TOWN OF WESTERLO VOL FIRE CO. BUDGETED FUNDS

Supervisor Rapp made a motion to adopt the following resolution:

WHEREAS: the Town of Westerlo Vol. Fire Co. had mutually agreed to reduce their 2018 Budget by \$11,000.00 (originally designated for building fund) after their budget had been already been adopted, and

WHEREAS: the Town of Westerlo had held the \$11,000 collected in compliance of 12/28/2017 tax warrant in an account, be it hereby

RESOLVED: the Town Board authorizes the Town Supervisor to return \$11,000.00 to the Town of Westerlo Vol. Fire Co. with additional interest as mentioned by the Supervisor in the amount of \$22.00

Councilman Boone seconded the motion, a vote resulted as follows:

AYES: Supervisor Rapp, Councilman Bonne, Councilman Sherman, Councilwoman Burnside, and Councilman Filkins

NAYES: None.

RESOLUTION # 2-2018 was thereby duly adopted.

PROPOSED RESOLUTION ON TIME CLOCKS @ TOWN HALL

Councilman Filkins indicated that the resolution he had presented in December on implementing time clocks was not a personal attack on anyone at the Town Hall and mentioned that the material on time clocks was information for accountability only. He believed it protects the employees to make sure they get paid for the hours they work and also provides accountability to taxpayers. He announced he had requested by FOIL the letter read aloud by Ms. Weaver and once received, will be meeting with all employees who formulated the letter for a solution. The Association of Towns attorney has informed him that NYSOSC recommends towns implement a system of tracking employee times. He had mentioned to the attorney that NYS Public Employee Relations Board of 10/14/1977 ruled the method of recording employee time is not a mandated subject of negotiations. He explained that changing from signed time slips to punching a clock is merely mechanical and does not amount to changes in terms or condition of employment NYS Law states employees must only provide a 30 minute meal break to employees who work 6 or more hours per day. If the employee works less than 6 hours, it is up to the employer to allow the meal break but need not pay the employee for that meal break. This needs to be addressed in the Employee Handbook. While signing or punching out for lunch breaks the employee should not be conducting any Town business. If employees are running errands, Councilman Filkins indicated they should not punch or sign out as they should get paid for their time and should be addressed in the Employee Handbook. In Oct. 2018, Councilman Filkins asked for a copy of the Employee Handbook but was informed they were not ready for distribution and were undergoing changes; to his knowledge the Town Board has not asked to approve any changes. He assumed that the copy he was given in December is the last version. He mentioned he has obtained prices on time clocks at about \$100-\$500 which can be interfaced with a payroll program. Albany County Comptroller Michael Connors will be speaking at the January 8th Town of Rensselaerville at their Workshop meeting at 7 PM regarding time clocks.

Councilman Filkins asked the Town Board to table his motion on the time clock resolution to allow for further review. Councilwoman Burnside agreed, as she would like to attend the meeting in the Town of Rensselaerville to gather more information from Mr. Connors and will further discuss at the Town of Westerlo's February 5th, Town Board meeting. The Town Board agreed.

Supervisor Rapp advised that he signs the time slip for his full time Clerk each week. He explained anything over 40 hours his clerk receives in comp. time. He expressed he was not favor time clock for Town Hall employees.

Deputy Supervisor Bichteman advised he did not attend the December Workshop meeting but he wondered why there is need for time clocks, if there was any evidence of someone misrepresenting their hours, if there something wrong with the current system, or if an employee had indicated they hadn't been compensated for their time. He questioned why the system needs to be changed if it is already effective; why go through an added expense of adding a time clock which may affect a maximum of 5 employees. He indicated it's impractical to include the Clerk toe Boards since she does not have keys to the Town

Hall building and does minutes from home. He signs the Water Board Clerk's time slip and can vouch for her time spent at meetings and time preparing minutes. He has read Councilman Filkins resolution which has created angst among the employees that they are not trusted. He thinks the employees of the Town are honorable and work hard and are compensated fairly for their time.

Several residents commented on the subject of time clocks.

PROPOSED RESOLUTION ON DEPT. REPORTING

Councilman Filkins believed his proposed resolution on Dept. reporting monthly may have been misinterpreted. He would like to see reports submitted the Friday before a meeting so the staff can provide them to the Board for review. The Town Board can then decide what is read or not during meetings. He indicated he is looking for a simple report from the Highway Dept. monthly to include hours of overtime, whether trucks are dressed or undressed with plows, repairs and salt reserve status. For the Justice Court he would like to see how many cases they reviewed. Justice Mackey advised the Court is obligated to give a yearly report only.

A resident commented that these individuals were already elected to do their jobs. This seems to be micro-managing their position. Councilman Filkins disagreed.

Deputy Supervisor Bichteman believed that the Dept. reporting and the time clock proposed resolutions were presented as a vote at the December meeting, this was seconded by Councilwoman Burnside prior to any discussion by the entire Town Board. The resolution(s) are very finite and were tabled by the remaining Town Board members until all had the proper to review. Councilman Filkins had since clarified his intentions on this resolution. There is no statutory requirement in Town Law that requires a written report be submitted to the Town Board, an oral report is more than adequate.

Councilman Boone advised the Town Board tries to listen to all comments and yet remain an effective elective unit. The Town Board welcomes and listens to all comments but not everyone will get the answer they want to hear. It is the Town Board's goal to work collectively in order to make decisions to accomplish Town business.

Councilman Sherman made a motion that the Town Board continue discussions at the Tuesday January 15th Town Board Workshop regarding the proposed resolution# 1 & # 2 introduced by Councilman Filkins at the December 4th meeting. It was also requested that Councilman Filkins present additional information on time clocks at the next workshop. Councilman Boone seconded, Supervisor Rapp opposed, motion carried.

NEW BUSINESS:

DEPUTY SUPERVISOR

Supervisor Rapp announced during the Organizational portion of the meeting due to the retirement of Edwin H. Lawson on 12/31/2018 there is a vacancy in the position of Deputy Supervisor. He has chosen to appoint William F. Bichteman Jr. as his Deputy Supervisor, effective immediately.

TOWN OF WESTERLO JUSTICE COURT-PROSECUTING ATTORNEY

Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: the Town of Westerlo Justice Court had made a request to appoint a
Prosecuting Attorney for the Town of Westerlo Justice Court, be it hereby

RESOLVED: the Town Board appoints Aline D. Galgay to the position of Prosecuting Attorney, at the salary of \$600 per session vouchering for her appearances, with a yearly term to expire 12/31/2019.

Supervisor Rapp seconded the motion, a vote resulted as follows:

AYES: Supervisor Rapp, Councilman Sherman, Councilman Boone and Councilwoman Burnside

NAY: Councilman Filkins

RESOLUTION # 3-2019 was thereby duly adopted.

TOWN OF WESTERLO - INTERIM TOWN ATTORNEY

Councilwoman Burnside provided information to the Town Board on the firm Whiteman Osterman & Hanna LLP and Attorney Javid Afzali whose has experience with Municipal Law. Councilman Sherman advised he did not want there to appear to be any tainted influence considered above others who may apply for the position of Town Attorney, if Mr. Afzali was hired on an interim basis. Councilman Sherman had spoken with former Attorney Aline Galgay who indicated she would be willing to serve on an interim basis until the Town had the opportunity to do an RFP, receive applications and interview other candidates for the position of Town Attorney. Councilman Boone expressed his concern that the Town Board has not officially interviewed any additional candidates for the position of interim Town Attorney other than Mr. Afzali, discussion continued. Deputy Supervisor Bichteman inquired about Javid Afzali's rate. Councilwoman Burnside advised & confirmed the discounted municipal rate was \$190 per hr. for the firm of Whiteman Osterman & Hanna, LLP. Councilman Boone inquired that the rate specifically refers to Counsel Javid Afzali. Deputy Supervisor Bichtman suggested that the Town Board clarify if additional expenses ie; travel charges, etc. would be added to the rate before a contract is signed. Councilwoman Burnside advised there would be no additional cost for travel she then made a motion to adopt the following resolution:

WHEREAS: the Town of Westerlo requires an interim Town Attorney due to a vacancy formerly held by Aline D. Galgay, be it hereby

RESOLVED: the Town Board appoint the firm of Whiteman Osterman & Hanna, LLP specifically Javid Afzali on an interim basis, at a rate of \$190 hr., until such time as the Town Board hires a Town Attorney.

Councilman Filkins seconded the motion, a vote resulted as follows:

AYES: Councilwoman Burnside, Councilman Filkins, Councilman Boone

NAY: Supervisor Rapp

ABSTAINED: Councilman Sherman

RESOLUTION #4 -2019 was thereby duly adopted.

ZONING BOARD CHAIRPERSON-APPOINTMENT

Supervisor Rapp made a motion to adopt the following resolution:

WHEREAS: there is a vacancy on the Zoning Board of Appeals due to the resignation of Chairwoman Virginia Mangold whose term is due to expire On 12/31/2022, be it hereby

RESOLVED: the Town Board appoint John Sefcik as the Zoning Board Chairman to fill the unexpired term

Councilwoman Burnside seconded the motion, a vote resulted as follows:

AYES: Supervisor Rapp, Councilwoman Burnside, Councilman Boone Councilman Filkins, and Councilman Sherman

NAYS: None

RESOLUTION #5 -2019 was thereby duly adopted.

ZONING BOARD MEMBER-REAPPOINTMENT

Supervisor Rapp made a motion to adopt the following resolution:

WHEREAS: Zoning Board of Appeals member Jill (Falchi) Henck's term expired on 12/31/2018, be it hereby

RESOLVED: the Town Board reappoints Jill Henck as a member of the ZBA, term to expire on 12/31/2023

Councilman Sherman seconded the motion, a vote resulted as follows:

AYES: Supervisor Rapp, Councilman Sherman, Councilman Filkins, Councilman Boone and Councilwoman Burnside

NAYS: None

RESOLUTION #6-2019 was thereby duly adopted.

PLANNING BOARD CHAIRPERSON-REAPPOINTMENT

Councilman Filkins made a motion to adopt the following resolution:

WHEREAS: Planning Board Chairwoman Dorothy Verch's term expired on 12/31/2018, be it hereby

RESOLVED: the Town Board reappoints Dorothy Verch as Planning Board Chairwoman, term to expire 12/31/2023

Councilwoman Burnside seconded the motion a vote resulted as follows:

AYES: Supervisor Rapp, Councilman Filkins, Councilwoman Burnside, Councilman Sherman and Councilman Boone

NAYS: None

RESOLUTION #7- 2019 was thereby duly adopted.

CODE ENFORCEMENT OFFICER/ZONING ADMINISTRATOR (CEO/ZA)-Vacancy

The Town Board discussed a plan to interview two applicants for the CEO/ZA without violating Open Meetings Law (OML) and proposed to hold interviews on 1/10/19 @ 6:30 PM for applications already filed. The Town Board authorized the Town Clerk to advertise the position. Councilman Boone will provide the language necessary for advertising. The Town Board also authorized the advertisement of a vacancy on the Zoning Board of Appeals with language previously approved by the Town Board. Discussions followed regarding the rate of pay for interim CEO/ZA monthly stipend, hourly rate, etc.

The Town Board made a decision to advertise the position of CEO/ZA in the 1/10/19 issue of the newspaper. The current applicants will be interviewed on 1/10 in accordance with OML.

Councilman Sherman made a motion to schedule a Special Town Board meeting on Friday, Jan 18th @ 6 PM for the purpose of appointing an **interim CEO/ZA with the salary to be determined**. Supervisor Rapp seconded, motion unanimously carried.

OPEN TO PUBLIC

Mr. Bichteman commented on Councilman Filkins proposed resolution # 5- Budget Advisory Committee. He advised that the budget is the duty of the Town Board. The public has requested a more detailed budget; the time to start working on this is now. The budget items need to start being expanded/delineated so you can account for them on Sept. 20th 2019. The budget itself cannot be started until other entities submit their budgets to the Town of Westerlo. These entities are already guessing six months in advance which is unfair. The resolutions proposed by Mr. Filkins should be on the back burner.

He advised that a Budget Advisory Committee would basically be doing the duties of the Town Board and explained it's the Councilmembers job to learn the budget. He also expressed his concerns regarding the intent and spirit of emails between Town Board members as it relates to FOIL. It was his opinion that business is being conducted by the Town Board through email which should be discussed in open meetings.

Barbara Russell commented on the rate of pay of an interim Attorney. She suggested it may be cheaper to hire an attorney that is already familiar with the Town.

Leonard Laub thanked the Town Board for making a detailed and complete agenda available to the public. He commented that although the public wants to participate in decision making, Councilman Boone has pointed out it is the responsibility of the Town Board to make those decisions and utilize workshops. He thanked the Town Board for transparency.

Kelly Keefe President of the Westerlo Volunteer Fire Co. informed the public of the current elections of Officers: Chief Tom Diederich, Deputy Chief Andrew Joslin, Asst. Chief Don Filkins, Captain Kevin Flensted, 2nd Capt. Eric Dutton, Lieutenants. John Wisenburn, Chris Dutton Debbie Filkins and Nick DeFrancisco, President Kelly Keefe, Vice President Debbie Filkins, Treasurer Lisa Joslin & Secretary Shari Ragone. She reported for 2018 there were 91 in district calls, 26 mutual aid calls for a total of 117. 6 Structure Fire, 41 vehicle accidents, 20 fire alarm drops, 2 brush fires, 7 CO alarms, 1 EMS assist, 10 hazardous conditions (branches on wires) 1 pump out, 1 smoke condition, 2 vehicle fires plus mutual aid.

Kelly Keefe also advised that the first breakfast of the year is on January 12th from 8 – 11th at Woodmen Hall.

There being no further public comment Councilman Sherman made a motion to adjourn the meeting, Councilman Boone seconded, motion unanimously carried. Meeting adjourned at 9:50 PM.

Respectfully submitted,

Kathleen Spinnato Town Clerk

TOWN OF WESTERLO INVESTMENT POLICY

OBJECTIVES: To minimize risk, to insure that investments mature when cash is required to finance operations, and to insure that a competitive rate of return be obtained.

In accordance with this POLICY, the Supervisor is hereby authorized to invest all funds in:

- Certificates of Deposit issued in a Bank or Trust Company authorized to do business in New York State;
- Obligations of New York State;
- Obligations of the U.S. Government

Only reserve funds may be invested, pursuant to Section 6-F of the GENERAL MUNICIPAL LAW, in obligations of the Town. All other Town of Westerlo officials receiving money in their official capacity must deposit such funds in the OFFICIAL DEPOSITORY as stipulated by Town Board Resolution at its Annual Organizational meeting in January of each year.

The Supervisor is authorized to invest in those Banking Institutions that bid for Town business and are incorporated under New York State Banking Laws.

All investments in excess of the FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) shall be collateralized in accordance with the provisions of New York State Law.

TOWN OF WESTERLO PROCUREMENT POLICY

WHEREAS, Section 104-b of the General Municipal Law (GML) requires every municipality to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML, section 103 or any other law; and

WHEREAS, comments have been solicited from those officers of the municipality involved with procurement; NOW, THEREFORE, be it

RESOLVED; that the Town of Westerlo does hereby adopt the following procurement policies:

GUIDELINE 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML, section 103. Every Town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other Town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity. All purchases shall be made on the basis of maximum open and free competition.

GUIDELINE 2. All purchases of: (a) supplies or equipment which will exceed \$10,000 in the fiscal year, or (b) public works contracts over \$20,000 shall be formally bid pursuant to GML, section 103.

GUIDELINE 3. All estimated purchases of:

- less than \$10,000 but greater than \$3,000 require a written request for the goods and oral/fax quotes from 3 vendors;
- less than \$3,000 but greater than \$1,000 require an oral request for goods and oral/fax quotes from 2 vendors;
- less than \$1,000 are left to the discretion of the Purchaser.

All estimated public works contracts of:

- less than \$20,000 but greater than \$10,000 require a written RFP and fax/proposals from 3 contractors;
- less than \$10,000 but greater than \$3,000 require an oral request and fax/quotes from 2 contractors;
- Less than \$3,000 are left to the discretion of the Purchaser.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

All information gathered in complying with procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or the public works contract.

GUIDELINE 4. The lowest responsible proposal or quote from a responsible contractor possessing the ability to perform successfully shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement. It is the interest of the Town to achieve the most favorable prices for goods and services without sacrificing needed quality.

Every such purchase shall be **IN THE BEST INTEREST OF THE TOWN**, and the Purchaser may consider the following in making that judgment:

- all transportation and other cost incidental to the purchase;
- availability of service or maintenance;
- prior service or maintenance history of a particular product;
- documented testing results of a particular product;
- any written warranties;
- local vendor (within township) with a quote/proposal within 5% of the lowest quote/proposal received.

GUIDELINE 5. A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

GUIDELINE 6. Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- acquisition of professional services;
- emergencies – including necessary repairs to motorized equipment needed to continue snowplowing or maintaining the streets and/or highways;
- sole source situations;
- goods purchased from agencies for the blind or severely handicapped;
- goods purchased from correctional facilities;
- goods purchased from another governmental agency;
- goods purchased at auction;
- State contract;
- County contract.

GUIDELINE 7. The Town and all departments therein shall use, to the greatest extent possible, Federal excess and surplus property, and local intergovernmental agreements for procurement of common goods or services.

GUIDELINE 8. Construction contracts shall, if feasible, contain value engineering clauses.

GUIDELINE 9. All purchases shall be made utilizing businesses owned or operated by minorities and/or women to the greatest extent possible, as long as said purchases and/or companies satisfy and operate consistent with the remainder of the guidelines set forth herein.