

**TOWN OF WESTERLO  
PUBLIC HEARING ON 2020 PRELIMINARY BUDGET/2020 FIRE CO. BUDGET  
& SPECIAL TOWN BOARD MEETING  
OF  
WEDNESDAY, NOVEMBER 6, 2019**

The Town of Westerlo Town Board held a Public Hearing on the proposed 2020 Town of Westerlo Preliminary Budget/2020 Westerlo Vol. Fire Co. Budget followed by a Special Town Board meeting on Wednesday, Nov. 6, 2019 at the Richard Rapp Municipal Building (Town Hall) located at 933 County Route 401, Westerlo, NY. Acting Supervisor William Bichteman, Jr. opened the meeting at 7 PM with the Pledge of Allegiance to the Flag.

Attending were:           Acting Supervisor William F. Bichteman  
                                  Councilman Anthony W. Sherman  
                                  Councilwoman Amie L. Burnside  
                                  Councilman Richard Filkins  
                                  Councilman Joseph J. Boone

Also attending were: Highway Superintendent Jody Ostrander and Highway Employee Salvatore Spinnato, Zoning Board of Appeals Chairman John Sefcik and Member Guy Weidman, Town Historian Dennis Fancher, Planning Board Chairperson Dorothy Verch, Library Board of Trustee Members Laura Tenney and Maureen Sikule, Deputy Town Clerk II Karla Weaver, Town Clerk/Tax Collector Kathleen Spinnato and approximately ten (10) residents.

**PUBLIC HEARING ON PROPOSED 2020 TOWN OF WESTERLO PRELIMINARY BUDGET & FIRE CO.  
BUDGET**

Councilman Filkins made a motion to open the Public Hearing, seconded by Councilwoman Burnside. All in favor motion carried.

With there being no questions or comments on either the 2020 Town of Westerlo Preliminary Budget or the 2020 Town of Westerlo Fire Co. Budget, Councilwoman Burnside made a motion to close the Public Hearing. Seconded by Councilman Filkins, all in favor motion carried.

**SPECIAL TOWN BOARD MEETING**

Councilman Boone made a motion to open the Special Town Board meeting, seconded by Councilman Filkins, all in favor motion carried.

**OLD BUSINESS:**

**ADOPTION OF 2020 PRELIMINARY BUDGET & FIRE CO. BUDGET**

Councilman Sherman made a motion to adopt the following resolution:

WHEREAS:           the Town of Westerlo has held a Public Hearing on the 2020 Town of Westerlo Preliminary and the 2020 Westerlo Vol. Fire Co. Budgets, be it hereby  
RESOLVED:       the 2020 Preliminary Budgets become the 2020 Town of Westerlo Adopted Budget

Seconded by Councilman Filkins, a vote resulted as follows:

AYES:    Councilman Sherman, Councilman Boone, Councilman Filkins, Councilwoman Burnside  
NAYES: None

RESOLUTION # 78 of 2019 was hereby duly adopted.

**APPOINTMENT OF SOLE ASSESSOR**

Acting Supervisor Bichteman mentioned it was the Town Board’s intention to appoint a Sole Assessor this evening, however, he has been in contact with the Town Attorney concerning Section 75 of Civil Service Law and how it pertains to the Town of Westerlo’s particular situation. The Town Attorney feels strongly that the position the Town has taken to offer the position for reappointment is still a sound legal position. Mr. Afzali has been in contact with Civil Service and it has been explained to him that the Town of Westerlo is not the only town with this issue currently so they wish to seek legal counsel to sort it out. Attorney Afzali believed we would be able to have an appointment at the Nov. 19<sup>th</sup> Town Board meeting.

**PROPOSED HIGHWAY DEFECTS LOCAL LAW #4-2019**

A proposed Highway Defects local law was provided to the Town Board for their review by the Town Attorney. The law essentially makes a plaintiff provide written notice to the town prior to an incident/accident in order to make a claim against the town for the condition of highways, etc. It is a common law across the state.

**SCHEDULE PUBLIC HEARING ON LOCAL LAW 4-2019**

Councilman Boone made a motion to adopt the following resolution:

WHEREAS: The Town needs to hold a public hearing regarding proposed Local Law 4-2019, be it hereby

RESOLVED: The Public Hearing be scheduled for 7pm on Tuesday, Nov. 19<sup>th</sup>.

Seconded by Councilwoman Burnside, a vote resulted as follows:

AYES: Councilman Sherman, Councilman Boone, Councilman Filkins, Councilwoman Burnside

NAYES: None

RESOLUTION # 79 of 2019 was hereby duly adopted.

**REVIEW OF PROPOSED SOLID WASTE LOCAL LAW 3-2019**

After discussion between the Town Board and public comments, the Town Board decided on the following changes:

- 1. Page 3:
  - a. Commercial Waste Collection definition to “Commercial Collection of Waste”
  - b. Strike “Six cubic feet or greater of” and capitalize Uncontaminated under Construction and Demotion debris definition
- 2. Page 9:
  - a. Under C, Denial of Application or Revocation of Permit, add “by written notice” after “decision” in the last sentence of the second paragraph.
- 3. Page 13:
  - a. Section 7 Prohibited Materials- “A” remove “Construction or Demotion Debris”
  - b. Section 7 Prohibited Materials- “B” replace “except” with “including”.
  - c. Section 7 Prohibited Materials- add “G” to read: “Construction or demolition debris exceeding 6 cubic feet”

- 4. Page 17:

Acting Supervisor Bichteman indicated as part of the grant application to help offset some of the costs for the transfer station the Town Board would need to provide a title for the transfer station operator and make the change in the proposed law in Section 4 on page 17:

- a. Section 4, Ownership of Recycling, change the name of the facility manager to “Solid Waste Recycling Coordinator (SWR Coordinator)” in the second paragraph.
- b. Section 4, Ownership of Recycling, change “SWF Manager” to “SWR Coordinator”.
- c. Section 5, Disposal of Reusable Items, Remove “to” from the last sentence

Additionally, Acting Supervisor asked about the connection to building permits. This is to ensure construction debris is tied to a building permit but he is unsure if the town can do that, he will get clarification. Discussion transitioned to how permits will be issued; hang tags/windshield stickers, etc. The Board and Highway Superintendent Jody Ostrander seemed to be leaning toward continuing to use the current hang tags and having the Town Clerk’s office issue different color stickers yearly for renewals.

Councilman Boone was hopeful that the law would be in place in early 2020.

#### **RESOLUTION DESIGNATING A SOLID WASTE RECYCLING COORDINATOR**

Councilman Boone made a motion to adopt the following resolution:

- WHEREAS: The Highway Department needs to designate a Transfer Station employee as the Solid Waste Recycling Coordinator for grant application purposes, be it hereby
- RESOLVED: The Town Board allows the Highway Superintendent to designate and a Transfer Station employee to the title of Solid Waste Recycling Coordinator.

Seconded by Councilman Filkins, a vote resulted as follows:

AYES: Councilman Sherman, Councilman Boone, Councilman Filkins, Councilwoman Burnside

NAYES: None

RESOLUTION # 80 of 2019 was hereby duly adopted.

#### **CELL TOWER MODIFICATION APPLICATION**

Acting Supervisor Bichteman announced that there is a modification application before the Building Department for adding another ring to the cell tower monopole at 158 Goodfellow Rd. Councilman Sherman made a motion to adopt the following resolution:

- WHEREAS: There is an application before the Building Department regarding a modification to the existing cell tower located at 158 Goodfellow Rd, be it hereby
- RESOLVED: The Town Board authorizes Acting Supervisor Bichteman, on behalf of the application presented to the town, to enter into contract with Ingalls & Associates for their engineering services to review the proposed attachment to the existing monopole at a cost of \$2,000.00 which is the escrow amount from the phone company AT&T.

Seconded by Councilman Boone, a vote resulted as follows:

AYES: Councilman Sherman, Councilman Boone, Councilman Filkins, Councilwoman Burnside

NAYES: None

RESOLUTION # 81 of 2019 was hereby duly adopted.

#### **CLERK FOR THE COMPREHENSIVE PLAN COMMITTEE**

Acting Supervisor Bichteman indicated that currently the Comprehensive Plan Committee does not have a clerk to take minutes. He suggested assigning the Clerk to the Zoning Board for this purpose. Planning Board Chairperson Verch offered to take the minutes and Kelley Keefe President of the Fire Co. indicated that Comprehensive Plan member Jillian Henck had also offered her time. It was decided that both Mrs. Verch and Mrs. Henck will split the duty serving as unpaid Clerks to the Comprehensive Plan Committee.

#### **COURT CLERK OPEN POSITON**

Acting Supervisor Bichteman advised that the Court Clerk is resigning therefore the position must be advertised and a Special Town Board meeting needs to be scheduled to appoint a new Court Clerk. Councilman Boone made a motion to adopt the following resolution:

- WHEREAS: The Town of Westerlo Court Clerk Patricia Thompson is resigning and the position must be filled, be it hereby
- RESOLVED: The Town Board authorizes the Town Clerk to advertise both the Court Clerk position and a Special Town Board meeting on Tuesday, Dec. 3<sup>rd</sup> at 7pm prior to the Town Board Workshop for the purpose of the potential appointment of a Court Clerk.

Seconded by Councilwoman Burnside, a vote resulted as follows:

- AYES: Councilman Sherman, Councilman Boone, Councilman Filkins, Councilwoman Burnside
- NAYES: None

RESOLUTION # 82 of 2019 was hereby duly adopted.

#### **BUILDING DEPARTMENT ESCROW**

Acting Supervisor Bichteman has asked the Interim Attorney to draft a generic form to allow the Code Enforcement Officer (CEO) to collect escrow and allow the town to hold escrow for the cost of engineering. Councilman Boone made a motion to adopt the following resolution:

- WHEREAS: The Building Department/CEO needs to establish escrow for the town to collect and hold, be it hereby
- RESOLVED: The Town Board authorizes the CEO to be able to establish the escrow funds required for pending applications.

Seconded by Councilman Boone, a vote resulted as follows:

- AYES: Councilman Sherman, Councilman Boone, Councilman Filkins, Councilwoman Burnside
- NAYES: None

RESOLUTION # 83 of 2019 was hereby duly adopted.

#### **PUBLIC COMMENT**

A resident thanked Councilman Sherman for his service as a Town Board member.

With there being no further public comments or questions, Councilwoman Burnside made a motion to adjourn the meeting, seconded by Councilman Filkins. All in favor motion carried. Meeting adjourned at 8:06 pm.

Respectfully submitted,

Kathleen Spinnato, Town Clerk