

**TOWN OF WESTERLO  
TOWN BOARD  
MEETING OF  
TUESDAY, JULY 7, 2015**

The Town of Westerlo Town Board held a regular monthly meeting on Tue., July 7, 2015 in the Town Hall located at 933 County Route 401, Westerlo, NY. Supervisor 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 Alfred L. Field  
Councilman William F. Bichteman Jr.  
Councilman Theodore S. Lounsbury III  
Councilman Anthony W. Sherman

Also attending were: Town of Westerlo Highway Superintendent Keith Wright Sr., Zoning Board of Appeals member John Sefcik, Town Historian Dennis Fancher, Planning Board member Edwin (Ned) Stevens, Town Clerk Kathleen Spinnato, several Town employees and approximately twenty-four residents.

Supervisor Rapp asked for a motion to accept the Town Board meeting minutes of 6/2/2015. John Sefcik asked to make a comment on the 6/2/2015 minutes, on page two the minutes indicate: The Town Board stated the Planning & Zoning Boards will look over the report. The Town Board will then review and make any determination. John thought they moved onto the next topic. He didn't think the Town Board tasked the ZBA & Planning Board to look at it. The Town Clerk advised she would have to play back the recording, but it did sound like they were to review report. Mr. Sefcik commented if they are to review no one has asked the ZBA yet. Supervisor Rapp inquired how the Town Board wanted to continue. Councilman Sherman suggested striking this from the minutes. Councilman Field made a motion to accept the Town Board meeting minutes of 6/2/2015 with a change to strike the line for the review of the Zoning Recommendation Committee Report by either the Zoning or Planning Boards. Councilman Bichteman seconded the motion, motion unanimously carried.

Supervisor Rapp asked if there was a motion to accept the Town Board Public Informational Meeting minutes of 6/16/2015. Councilman Lounsbury made a motion to accept the minutes of 6/16/2015, seconded by Councilman Bichteman, motion unanimously carried.

Supervisor Rapp asked for a motion to accept the Supervisor's report for the month of May. Councilman Field made a motion to accept the Supervisor's report for May, seconded by Councilman Bichteman, motion unanimously carried.

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

Supervisor Rapp advised 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 # 255 through Voucher # 317 in the amount of \$74,095.13

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

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

NAYS: None.

**RESOLUTION # 23-2015 was thereby duly adopted.**

Supervisor Rapp asked for the Planning Board Report. Planning Board member Ned Stevens reported the following: Planning Board met on 6/23/2015. There were no applications presented. The Zoning Recommendation Committee Report was discussed and the Planning Board will have a consensus of opinions at the next meeting scheduled to be held on July 28<sup>th</sup>. The report will be presented at the August Town Board meeting. Councilman Sherman made a motion to accept the Planning Board Report, seconded by Councilman Field, motion unanimously carried.

Supervisor Rapp asked for the Zoning Board of Appeals Report. Chairwoman Virginia Mangold was not present. The Town Clerk reported there was no business before the ZBA, therefore the meeting was canceled.

Supervisor Rapp informed the Town Board two Town of Westerlo Library Trustees five yr. terms are due to expire on 8/23/2015 and they need to be reappointed. He made a motion to adopt the following resolution:

WHEREAS: the Town of Westerlo Public Library has two trustees whose five year terms will expire on 8/23/2015 and need to be reappointed, be it hereby

RESOLVED: the Town Board reappoints Library Trustees Susan L. Keitel and Lila H. Smith for a 5 year term each to expire on 8/23/2020.

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

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

NAYS: None.

**RESOLUTION # 24-2015 was thereby duly adopted.**

Supervisor Rapp asked Councilman Bichteman to give the Water Board Report. He advised the Water Board met on June 30<sup>th</sup> and they discussed a water termination procedure, the water tank repair, and water district billing and he reported the following:

1. Albany County passed a resolution that requires water services be terminated prior to the relevy of taxes so properties don't have a recurring water bill on the tax rolls. As a result the Town is required to have a procedure in place. Due to a change starting with the billing period of November 2014 the water district staggered the billing cycle to coincide with the calendar year because of that the Town is two billing periods behind implementing a water termination procedure. The Water Board has asked the Town Attorney Aline Galgay to write a letter to the Albany County Legislature asking them to allow special dispensation for the Town of Westerlo to not have a water termination procedure in place until the first of the year. He has taken the responsibility to prepare that outline of the termination procedure for the next board meeting.
2. A repair has been made to the Westerlo Water District storage tank caused by a bullet hole. Statewide Aquastore completed the first phase of the repair with an inspection and they placed a temporary patch for the hole in the tank. There is an additional fee of \$900 required to fix it on a permanent basis which will require the draining of the tank. Aqua Store has a portable bladder the Town can use to store the water temporarily. It's only a matter of hours to make the permanent repair and restart the refilling of the tank. The sacrificial anode, which is the protection system inside the tank to keep the water tank from rusting, needs replacement. The replacement can be performed at the same time the tank is drained. The cost will not exceed \$3,200 for the entire tank repair/anode replacement procedures. Insurance has already paid \$2,200 and will cover an additional \$900 of the total cost. Statewide Aqua Store has offered a discount of \$1,550 if both procedures are completed at the same time.
3. The billing system for the Water District was discussed by the Water Board. Coordination is needed between Business Automated Systems (BAS), the current software company for water district billing and the Town. The Water Board reviewed the current billing and outlined a list of things that would satisfy and make the billing procedure better. Some changes that need to be

made to invoices include: 1. The addition of Tax map #'s. 2. Exact amount owed by the customer when 1% and 2% penalty are due as partial and/or wrong payments cannot be accepted and checks have been returned to customers. For these reasons this will assist to eliminate those errors.

Supervisor Rapp asked for a motion to accept the Water Board Report, Councilman Field made the motion to accept the water report, seconded by Councilman Lounsbury, motion unanimously carried.

Supervisor Rapp announced the next Town Board Workshop is to be held on Tue. July 21<sup>st</sup> at 7:00 PM. Councilman Bichteman asked that they request Town Attorney Galgay to provide copies of Mid-Hudson Cable's proposed contract for that meeting. The Town Board was asked by Ned Stevens what will be discussed at the workshop. Councilman Bichteman advised they would discuss the proposed Mid-Hudson Cable contract and he would also like to discuss utilization of the natural gas which runs through the Town of Westerlo.

Supervisor Rapp opened the meeting to the Public.

Ned Stevens presented one copy of Natural Gas Now.org to the Board containing some information he thought may be useful regarding home rule. He also discussed looking into a limit of properties that can go tax exempt to keep the tax base from declining. He had spoken to the Town Attorney who advised him that may not be legal to do. He believed this may have changed due to home rule the Town should look into this.

A resident had a question in reference to the Permissive Referendum and the recently circulated petition that was filed. She inquired where does that currently stand. Supervisor Rapp indicated the Town is waiting to hear from Albany County Board of Elections. Another resident inquired about the number of signatures on the petition, the Town Clerk responded the petitions were reviewed in house and had 158 signatures, 1 resident sent a letter requesting her name be removed from the petition lowering the number to 157. Discussion followed about the petition and a proposed Special Election.

Diane Sefcik inquired if the Town Board would be holding discussions regarding a Board of Ethics? She indicated the County has no functioning Board of Ethics there is no recourse other than the State Attorney General. Councilman Bichteman responded to her inquiry he believed the information she received from the County may be incorrect. Discussion followed between Councilman Bichteman and Mrs. Sefcik regarding a Board of Ethics at the County level. Councilman Bichteman indicated if there is no mechanism in place then there needs to be one, he is in favor of that. He will look farther into the matter. He was concerned that she may have an ethics concern she feels needs to be addressed. He indicated if there is a concern he would like to know what it is. Diane Sefcik did not respond. Another resident asked where he had obtained his information and if the County was contacted. Councilman Bichteman advised of the sources, the county had not been contacted, and he reported on potential costs the Town could incur with a Board of Ethics review, stenographer, etc. A suggestion was made to contact Albany County Legislature Deborah Busch, Supervisor Rapp advised will mention to her.

The Town Clerk reported the Westerlo Historical Society is selling Bicentennial T-Shirts to benefit the Historical Society. Shirts are \$15 each, limited quantities and are available for purchase at the Town Library & Town Clerk's office. For large orders prepayment is required.

Councilman Bichteman asked Town Historian Dennis Fancher if there were any plans for a Town Bicentennial Celebration. Dennis indicated none that he was aware of. Councilman Bichteman advised this should be discussed at a workshop.

A resident asked how often the emergency generator at the Highway Garage is used. Keith Wright Sr. responded it runs each Thursday for approx. 15 minutes, every time an electric power interruption occurs it turns on automatically.

A resident inquired why the Board of Ethics Committee was abolished, was that a paid position? Councilman Bichteman responded the Town never had a Board of Ethics Committee and if they did it could not be a paid position.

A resident inquired if the Town ever found who was responsible for the damage to the Water District tank. Supervisor Rapp advised it was turned over to the NYS Police, to date he has nothing to report. Same resident inquired about Homeland Security grants offered in the past and security cameras. Keith Wright indicated to date the Town has not heard from any agency. This was done when John Nevins was Highway Superintendent. Councilman Bichteman advised of security features on the tank.

A resident inquired about a Bicentennial Committee. Supervisor Rapp advised Mary Jane Araldi will be chairing Committee.

A resident inquired about the cost of a Special Election. Supervisor Rapp thought it may cost approximately \$4,000. A brief discussion followed between residents attending concerning the Special Election.

There being no further discussion Supervisor Rapp asked for a motion to adjourn the meeting. Councilman Field made the motion to adjourn, seconded by Councilman Lounsbury, motion carried all in favor. Meeting adjourned at 8:04 PM.

Respectfully submitted,

Kathleen Spinnato