

**TOWN OF WESTERLO
REGULAR TOWN BOARD
MEETING OF
TUESDAY, JANUARY 6, 2015**

The Town of Westerlo Town Board held a regular meeting on Tue. January 6, 2015 at the Town Hall 933 County Route 401, Westerlo, NY. The meeting followed both a Public Hearing on proposed Local Law No. 1-2015 Flood Damage Prevention Local Law and the Organizational meeting held on the same date. Supervisor Rapp opened the meeting at 8:26 PM.

ATTENDING WERE: Supervisor Richard H. Rapp
Councilman William F. Bichteman Jr.
Councilman Theodore S. Lounsbury III
Councilman Alfred L. Field

ABSENT: Councilman Anthony W. Sherman

Also attending were: Deputy Supervisor Edwin H. Lawson, Highway Superintendent Keith Wright Sr., Planning Board Chairwoman Dorothy Verch, Planning Board members Gerry Boone & Edwin Stevens, Town Clerk Kathleen Spinnato, several Highway Dept. employees and approximately ten interested persons.

Supervisor Rapp asked for a motion to adopt proposed Local Law No. 1-2015 Flood Damage Prevention Local Law. Councilman Bichteman made a motion to adopt the following resolution:

WHEREAS: the Town Board has held a Public Hearing on proposed Local Law No. 1- 2015, be it hereby

RESOLVED: the Town Board adopts Local Law No. 1-2015 entitled Flood Damage Prevention Local Law as drafted/written.

Seconded by Councilman Lounsbury and a roll call vote resulted as follows:

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

NAYS: None.

RESOLUTION # 1-2015 was thereby duly adopted.

Supervisor Rapp asked for a motion to approve the Town Board Public Hearing minutes of 11/18/2014. Councilman Lounsbury made a motion to accept the minutes, seconded by Councilman Field, motion unanimously carried by those attending.

Supervisor Rapp asked for a motion to approve the Town Board Workshop minutes of 11/18/2014. Councilman Field made a motion to accept the minutes, seconded by Councilman Lounsbury, motion unanimously carried by those attending.

Supervisor Rapp made a motion to approve the Town Board meeting minutes of 12/2/2014, seconded by Councilman Bichteman, motion unanimously carried by those attending.

Supervisor Rapp asked for a motion to approve the Special Town Board meeting minutes of 12/30/2014. Councilman Lounsbury made a motion to accept the minutes, seconded by Councilman Field, Supervisor Rapp approved, Councilman Bichteman abstained; motion carried by those attending.

Supervisor Rapp reported the Town Clerk had submitted the Town Clerk's December Monthly Report and he made a motion to approve the report as submitted, seconded by Councilman Bichteman, motion unanimously carried by those attending.

Supervisor Rapp asked for a motion to approve the Supervisor's Report for the periods January through Oct. 2014 as submitted. Councilman Field made the motion to approve, seconded by Councilman Bichteman, motion unanimously carried by those attending.

Supervisor Rapp advised the monthly bills need to be paid for the years 2014 and 2015 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:

Abstract 1414 Voucher #590 through Voucher #601 in the amount of 13,622.37.

Abstract 115 Voucher #1 through Voucher # 8 in the amount of \$3,822.50.

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

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

NAYS: None.

RESOLUTION #2-2015 was thereby duly adopted.

Supervisor Rapp asked for the Zoning Board of Appeals (ZBA) Report. The Town Clerk read the ZBA reports for the meetings of 11/24/14 and 12/22/2014 as submitted by Virginia Mangold Chairwoman. ZBA meeting 11/24/14: No old business, heard two new applicants for variances. First applicant M. Henaghan applying for a setback variance to install ground mounted solar system on existing non-conforming lot, application was approved given Application #14-004. Second applicants J. & L. Welsch applying for a setback variance to build one story garage on existing non-conforming lot, application was approved given Application #14-005. ZBA meeting 12/22/2014: Full Board present, reviewed application for Public Hearing Welsch requires setback variance of 27' and an area variance to build a garage. Noted Public Notice and explained Site Review on Dec. 6, 2014. The second applicant M. Henaghan for Public Hearing was cancelled due to applicant working it out with her vendor, the Board was unaware of this before venturing out to the Site Review. Public Hearing was opened for Welsch, no abutters present, questions answered and satisfied, all Board voted in approval of application. Meeting was adjourned. Special Meeting followed, full Board remained for 1.5 Hr. Training to go over variances instructed by Town Attorney Aline D. Galgay. ZBA will continue on course with future training classes.

Councilman Bichteman made a motion to accept the 11/24/14 and the 12/22/14 ZBA meeting reports as submitted by Virginia Mangold Chairwoman, seconded by Councilman Lounsbury, motion unanimously carried by those attending.

Supervisor Rapp advised a Resolution is needed to approve the 1.5 Hour Zoning Board of Appeals Training held on 12/22/2014 as instructed by Town Attorney Aline Galgay, he then made a motion to adopt the following resolution:

WHEREAS: The Zoning Board of Appeals members have attended a 1.5 Hour Training Session regarding variances held on 12/22/2014 with Town Attorney Aline Galgay and attended by all members, be it hereby

RESOLVED: the Town Board approves of the 1.5 Hour ZBA Training Session attended by the ZBA members.

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

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

NAYS: None.

RESOLUTION # 3-2015 was thereby duly adopted.

Supervisor Rapp asked Planning Board Chairwoman Dorothy Verch to give a report. Dorothy advised on 12/23/2014 the Zoning Administrator Ed Lawson presented an Application for Timothy & Kathryn Pearson for a Minor Subdivision County Route 410 for 67+/- acres. Public Hearing to be held on 1/27/15 @ 7:30 PM. All interested are welcome to attend. Councilman Lounsbury made a motion to accept the Planning Board Report, seconded by Councilman Field, motion unanimously carried by those attending.

Zoning Administrator Edwin Lawson asked the Town Board if the Comprehensive Plan could be approved by the Town Board. The Zoning Recommendation Committee (ZRC) is working on

recommendations and the Comprehensive Plan which had been submitted and has been worked on by several Planning Boards over the years would go hand in hand with their recommendations to the Town Board. Councilman Bichteman made a motion to adopt the following resolution.

WHEREAS: The Planning Board had submitted a Comprehensive Plan to the Town Board for review and approval, be it hereby

RESOLVED: the Town Board approves the Town of Westerlo Comprehensive Plan
Councilman Lounsbury seconded the motion and a roll call vote resulted as follows:

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

NAYS: None.

RESOLUTION #4-2015 was thereby duly adopted.

Councilman Lounsbury asked Zoning Administrator Ed Lawson if there was any reason to continue the Zoning Recommendation Committee (ZRC) regarding Fracking and potential Zoning Law changes. Ed responded yes, I believe there is. We have a tremendous amount of information gathered, and if you read the publication from the State, it left room so that they could always go back and reassess and approve hydrofracking. If they do that, based on the information we have gathered so far, it doesn't in anyway protect the Town. The ZRC meets on Wednesdays and the meetings are open to the Public, the ZRC has not deviated from the original scope of work directed to them by the Town Board. The ZRC is requesting an extension, the Board agreed to extension of April 7th as that would fall on Town Board meeting. Ed Lawson also made reference to an article in the Altamont Enterprise. Gas companies are looking to increase right of ways on pipelines, the Town of New Scotland and places in Schoharie were impacted by this. The county has asked the Gas Companies to give a definitive map where they intend to run these pipelines, so far they have been unresponsive. In the news article Westerlo and Berne were mentioned. The Town of Westerlo Supervisor has not been contacted about this. It is still important to us that we continue to do our due diligence.

Supervisor Rapp said they would like to set up a meeting sometime with Delaware Engineering. Fred Grober from Delaware Engineering was in attendance. Councilman Bichteman stated he had read Delaware Engineering's proposal, his understanding was they were seeking the Town Board's approval of funding. Supervisor Rapp said he had received a letter that someone was against it. Councilman Lounsbury stated he sent no such letter, he would state it in person if he had an issue with it he was in favor of moving forward as were Councilmen Bichteman and Field. Councilman Field then made a motion to adopt the following resolution:

WHEREAS: the Town Board needs to move forward on a proposed project for building a new Highway Garage, be it hereby

RESOLVED: the Supervisor is authorized to engage Delaware Engineering in the amount of \$25,000.00, Delaware Engineering will provide a Professional Services Agreement for the proposed project.

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

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

NAYS: None.

RESOLUTION # 5-2015 was thereby duly adopted.

Councilman Field then made a motion the Town Board and the Highway Superintendent act as the Building Committee to work with Delaware Engineering to design the project. Councilman Lounsbury seconded the motion, motion unanimously carried by those attending.

Supervisor Rapp asked the Town Clerk to open the RFP's for Accounting /Auditing Services.

The following submitted RFP's: Teal, Becker & Chiaramonte CPA's, Pattison, Koskey, Howe & Bucci CPA's and Evening Starr had sent an email and had conversation with Councilman Bichteman. The Town Board was given copies. The RFP's will be reviewed at the 1/20/2015 Town Board Workshop. The Meeting was opened to the Public.

Clerk to the Assessor Claire Marshall informed the Town Board they need to look at the RFP's from the Accounting/Auditor firms closely. She has a gut feeling the Town is being nickle and dimed when being charged for recent services. The person that came to give instruction for Quickbooks Payroll was very unprepared, it took all day to do payroll. Please check their bill carefully she believes the Town will be charged for a lot of hours which should not be charged at this point. Quickbooks needs to be discussed, there are problems and a memo needs to be sent to Pattison, Koskey, Howe, & Bucci regarding the payroll issues it can and cannot address.

Councilman Field asked if an RFP had been received from an accounting firm in Catskill. Per the Town Clerk Kathleen Spinnato and Patty Boice none had been submitted by that firm.

Kim Slingerland asked about the advertisement of jobs on the Altamont Enterprise and website. Councilman Lounsbury made a motion that jobs for the Town of Westerlo be advertised in the Altamont Enterprise and listed on the website, seconded by Councilman Field, Councilman Bichteman voted Aye, Supervisor Rapp voted Nay. Motion carried by those in attendance.

Planning Board Chairwoman Dorothy Verch asked that the Town Clerk include her when sending emailed draft Town Board minutes, she will then forward to her Board members.

Gerry Boone asked if a second Deputy Clerk had been hired. The Town Clerk responded yes, she asked the Town Board for approval of a part time second Deputy Town Clerk II prior to adoption of the 2015 Budget. The Deputy Town Clerk II will work mornings on Tuesdays and Fridays to help cover the Town Clerk/Tax Collector's office on the days the Deputy Town Clerk doesn't come into the office. She occasionally may also help cover additional hours during the Tax Collection period.

Edwin Stevens spoke regarding the gas pipeline in South Westerlo, he had previously suggested the Town hold a meeting with the owners, since there has been catastrophic failures in another Town (Blenheim-Schoharie County) this is the same pipeline that runs through the Town of Westerlo. The Town should be aware of the status of the pipeline and repairs that have been made. Councilman Bichteman said there has to be a mechanism in place with the Public Service Commission. Mr. Stevens also discussed the company owning the pipelines have fought the assessment as well. Discussion followed regarding the two pipelines in the Town of Westerlo, Texas Eastern and Iroquois Pipelines. Supervisor Rapp will ask the Town Attorney to send letters to the pipeline company's regarding Safety Inspections.

Supervisor Rapp asked for a motion to close the Town Board meeting. Councilman Field made the motion to close, seconded by Councilman Lounsbury, motion unanimously carried by those in attendance. Meeting adjourned at 9:10 PM

Respectfully submitted,

Kathleen Spinnato

