

**ORGANIZATIONAL & REGULAR MEETING  
OF THE  
TOWN OF WESTERLO  
TOWN BOARD  
TUESDAY, JANUARY 3, 2017**

The Organizational meeting of the Town of Westerlo Town Board was held on Tuesday, January 3, 2017 at the Westerlo Town Hall 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 William F. Bichteman Jr.

Also present were: Town Clerk Kathleen Spinnato, Highway Superintendent Keith Wright Sr., Deputy Highway Superintendent Jody Ostrander, Zoning Board of Appeals member John Sefcik, Planning Board member Doyle Shaver, Town Historian Dennis Fancher, Deputy Supervisor & Code Enforcement Officer Edwin H. Lawson, Clerk to the Assessor Claire Marshall, Clerk to the Supervisor Patricia Boice, Deputy Town Clerk Gertrude Smith, Deputy Town Clerk II Karla Weaver, Albany County Sheriff's Officer Amy Kowalski and approximately ten residents.

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

RESOLVE: that the Altamont Enterprise, being the newspaper of general circulation in the Town of Westerlo, is hereby designated as official newspaper of 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 Councilman Boone, second by Councilman Bichteman, a roll call vote followed:

AYES: Supervisor Rapp, Councilman Bichteman, 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 of 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.

Motion for adoption was made by Supervisor Rapp, second by Councilman Bichteman, 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 Councilwoman Burnside, 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 Supervisor Rapp, second by Councilman Sherman, 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 7:30 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 Supervisor Rapp, second by Councilman Bichteman, 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 Supervisor Rapp, second by Councilwoman Burnside, motion unanimously carried.

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

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

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 continue to retain the firm Pattison, Koskey, Howe, & Bucci, as consultant to the Town on financial matters involving accounting, reporting and management systems.

AND

WHEREAS: the firm Pattison, Koskey, Howe, & Bucci 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, be it hereby

RESOLVED: the Town Board awaits the 2016 reports of Pattison, Koskey, Howe, & Bucci.

Motions for adoption were made by Councilman Bichteman, 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 Councilman Sherman, second by Supervisor Rapp, motion unanimously carried.

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

Motion for adoption was made by Supervisor Rapp, second by Councilwoman Burnside, 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	12/31/2017
Deputy Town Clerk/Dep. Tax Coll.	Gertrude A. Smith	12/31/2017
Deputy Town Clerk II/ Dep. Tax Coll. II	Karla Weaver	12/31/2017

Motion made by Supervisor Rapp, second by Councilwoman Burnside, 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	12/31/2017
Deputy Supervisor	Edwin H. Lawson	12/31/2017
Deputy Supervisor	William F. Bichteman Jr.	12/31/2017
Town Attorney	Aline D. Galgay	12/31/2017
Town Historian	Dennis Fancher	12/31/2017
Dog Warden	Jody Ostrander	12/31/2017
Deputy Dog Warden	Salvatore Spinnato IV	12/31/2017
Zoning Board Clerk	Jennifer Bungay	12/31/2017
Planning Board Clerk	Jennifer Bungay	12/31/2017
Water Board Clerk	Jennifer Bungay	12/31/2017
Assessor's Clerk	Claire Marshall	12/31/2017
Deputy Highway Superintendent	Jody Ostrander	12/31/2017

Motion made by Supervisor Rapp, second by Councilman Bichteman, 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	\$20,000.00 Annual	Monthly
Assessor	\$22,000.00 Annual	Weekly
Assessor's Clerk	\$19.33 Hour	Bi-Weekly
Code Enforcement Officer	\$13,500.00 Annual	Quarterly
Zoning Administrator	\$ 6,000.00 Annual	Quarterly
Town Clerk/Tax Collector	\$42,260.00 Annual	Weekly
Deputy Town Clerk/Dep Tax Coll.	\$18.58 Hour	Weekly
Deputy Town Clerk II/Dep. Tax Coll. II	\$16.50 Hour	Weekly
Clerk to the Justices	\$18.08 Hour	Bi-Weekly
Dog Warden	\$ 4,200.00 Annual	Monthly
Deputy Dog Warden	\$ 3,000.00 Annual	Monthly
Planning Board Clerk	\$ 18.58 Hour	Quarterly
Zoning Board Clerk	\$ 18.58 Hour	Quarterly
Water Board Clerk	\$ 18.58 Hour	Quarterly
Town Historian	\$ 1,500.00 Annual	Annually
Cleaning Person	\$ 12.00 Hour (Payroll)	Monthly

Motion to approve was made by Supervisor Rapp, second by Councilman Bichteman, motion unanimously carried.

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

Deputy Highway Superintendent	\$22.30 Hour
Transfer Station Operator	\$21.28 Hour
Recreation Maintenance Person/s	\$21.28 Hour
Utility Laborer	\$20.53 Hour
Laborer A (CDL required)	\$19.23 Hour
Laborer B (CDL not required)	\$18.23 Hour
Clerk to the Supervisor	\$20.56 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, second by Councilman Bichteman, 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	09/30/2017	\$200.00
Sara Statham	09/30/2021	\$200.00
Susan Cunningham	09/30/2018	\$200.00
ZONING BOARD OF APPEALS		
Robert Beck	12/31/2018	\$1,875.00
Virginia Mangold, Chairperson	12/31/2017	\$3,375.00
John Sefcik	12/31/2020	\$1,875.00
Wilfred Van Iderstine	12/31/2021	\$1,875.00
Guy Weidman	12/31/2017	\$1,875.00
PLANNING BOARD		
Edwin C. Stevens	12/31/2017	\$1,875.00
Doyle Shaver	12/31/2020	\$1,875.00
Dorothy Verch, Chairperson	12/31/2018	\$3,375.00
Gerard Boone	12/31/2019	\$1,875.00
Richard Kurylo	12/31/2021	\$1,875.00

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

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

Library Director	\$22.50 Hour
Clerk 1	\$14.25 Hour
Clerk 2	\$13.00 Hour
Clerk 3	\$13.00 Hour
Clerk 4	\$13.00 Hour
Library Page (Vacant)	\$ 9.00 Hour

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

Councilman Sherman made a motion to close the Organizational portion of the meeting, second by Councilman Bichteman, motion unanimously carried. Meeting closed at approximately 7:18 PM. The Regular monthly Town Board meeting immediately followed.

## **TOWN OF WESTERLO TOWN BOARD MEETING TUESDAY, JAN. 3, 2017**

Supervisor Rapp opened the regular Town Board meeting at 7:19 PM.  
Those present listed in the Organizational Minutes of 1/3/2017 listed above.

### **TOWN BOARD MINUTES**

Supervisor Rapp asked for a motion to accept the Town Board minutes of 12/6/2016. Councilman Boone made a motion to accept the minutes of 12/6/2016 as submitted, Councilman Bichteman seconded, Councilman Sherman abstained, motion carried.

Supervisor Rapp asked for a motion to accept the Town Board workshop minutes of 12/20/2016. Councilman Sherman made a motion to accept the Workshop minutes of 12/20/2016 as submitted, Councilman Bichteman seconded, Councilman Boone abstained, motion carried.

Supervisor Rapp asked for a motion to accept the Special Town Board meeting minutes of 12/29/2016. Councilman Boone made a motion to accept the Special Town Board minutes of 12/29/2016 as submitted, Councilman Bichteman seconded, Councilwoman Burnside and Councilman Sherman abstained, Supervisor Rapp voted aye, motion carried.

### **SUPERVISOR'S REPORT**

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

### **TOWN CLERK'S MONTHLY REPORT**

The Town Board had received the Town Clerk's Report for the month of December. Councilman Sherman made a motion to accept the Town Clerk's report for December 2016 as submitted, Supervisor Rapp seconded the motion, motion unanimously carried.

### **PAYMENT OF MONTHLY BILLS**

Supervisor Rapp 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 #1 through Voucher # 16 in the amount of \$9,663.49

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

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

NAYS: None

**RESOLUTION # 1- 2017 was thereby duly adopted.**

## **REAPPOINTMENTS**

Supervisor Rapp made a motion to adopt the following resolution:

WHEREAS: the Town of Westerlo Zoning Board of Appeals member Wilfred VanInderstine's 5 yr. term expired on 12/31/2016, be it hereby

RESOLVED: the Town Board reappoint Wilfred VanInderstine as a member of the Zoning Board of Appeals his new term to expire on 12/31/2021

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

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

NAYS: None

**RESOLUTION # 2-2017 was thereby duly adopted.**

Supervisor Rapp made a motion to adopt the following resolution:

WHEREAS: the Town of Westerlo Planning Board member Richard Kurylo's 5 yr. term expired on 12/31/2016, be it hereby

RESOLVED: the Town Board reappoint Richard Kurylo as a member of the Planning Board his new term to expire on 12/31/2021

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

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

NAYS: None

**RESOLUTION # 3-2017 was thereby duly adopted.**

## **ZONING BOARD OF APPEALS REPORT**

Councilman Sherman read the following report submitted on 1/3/2017 by Virginia Mangold ZBA Chairwoman. The ZBA regularly scheduled meeting of 12/26/2016 was cancelled due to no new or old business. The next regularly scheduled meeting is scheduled for Jan. 23, 2017 at 7PM.

Supervisor Rapp asked for a motion to accept the ZBA Report as submitted. Councilwoman Burnside made a motion to accept the ZBA report, seconded by Councilman Boone, motion unanimously carried.

## **PLANNING BOARD REPORT**

Planning Board Chairwoman Dorothy Verch reported the Planning Board met on 12/27/2016 to further discuss an incomplete application #16-005. Tarpon Towers II LLC on behalf of Cellco d/b/a Verizon Wireless. Items addressed and discussed: Sprint Cell Tower located in South Westerlo. The height of the existing tower is approximately 100'. The existing height that was approved was 140'. The engineers for Tarpon Towers, in their original assessment, included this tower at its current height 100'. This tower is 2.1 miles from the newly proposed cell tower. The Westerlo Town Law stipulates that a tower needs to be at least 2.5 miles from the next tower. The Tarpon Towers engineers reevaluated this tower and found that in order to meet the coverage requirement of the proposed cell tower at 512 County Route 405 would need to be 300 ft. in height. This disclosure eliminates this tower from the equation. Discussions continued regarding the feasibility of the placement of this (proposed) tower. A test, required by Westerlo Town Law, states the visibility test must include a crane, or suitable equipment, so that an accurate visible rendition could be achieved for the benefit of the public. The Planning Board instructed the Murray Law Firm who represents Tarpon Towers, to seek out additional sources that could evaluate means to achieve this goal. Their initial source quoted a price for a temporary access road, to be in the area of \$30,000. It was requested that they receive at least 3 quotes/evaluations, from other entities, for positioning a piece of equipment that will satisfy our Town

Law requirements. The concern of the applicant is access to the site and the cost to achieve this access. Discussions and evaluation will continue at the next Planning Board meeting scheduled for Jan. 24<sup>th</sup> at 7:30 PM. Chairwoman Verch also reported Garrett Lee of Hudson Solar presented an overview of their systems to the Planning Board. A Question & Answer period followed.

Councilman Bichteman inquired whether the Planning Board had waived any requirements. She responded the Planning Board had not waived any requirement, but ask that the applicant do their due diligence to provide a visual test. Councilman Bichteman then made a motion to accept the Planning Board Report as submitted, seconded by Councilwoman Burnside, motion unanimously carried.

#### **WATER BOARD REPORT**

Councilman Bichteman advised that a leak in the roof at the circulation building at the Town of Westerlo Transfer Station and proposed repair were determined to be more extensive than expected underlayment needs to be replaced. The roof has been tarped and battened down for the winter until repairs can be made in the summer. Councilman Sherman made a motion to accept the Water Board report, seconded by Supervisor Rapp, motion unanimously carried.

#### **TOWN HALL PROPOSED REPLACEMENT HEATING SYSTEM & CONTRACT 2A**

Brad Burgett of Delaware Engineers provided the Town Board with information they have provided to the public for proposal of bids on a new hot water heating system for the Town Hall. He provided the Town Board with plans: one set of drawings and two sets of specifications for the proposed heating system Contract 2A & Contract for Emergency Heat. He indicated the second set of specs is for just the building insulation & general construction repair work needed in conjunction with the replacement heating system. He reviewed the plans with the Town Board. Councilman Sherman inquired about two zones #2 in the heating plan for the Supervisor and Assessor's offices. Mr. Burgett advised there is one plumbing loop but it would be controlled by individual thermostats in each office. Delaware Engineering will receive the solicited prices on the heating contract on January 9, 2017. Councilman Bichteman reported the HVAC replacement was valued by Delaware Engineers at approximately \$60,000 & Contract 2A - Insulation pkg. valued at approximately \$75,770 (includes demolition, removal, sub floor repair, ceiling & wall insulation, plaster repair, interior paint , frame walls and brick & mortar repair) for a total of \$135,770. Discussion followed concerning the time necessary for Delaware Engineering to review and present bid proposals to the Town Board in order to schedule a Special Town Board meeting to discuss the bids.

Councilman Bichteman made a motion to adopt the following resolution:

WHEREAS: Delaware Engineers needs to solicit bids for Contract 2 A (a proposed insulation package necessary before the replacement of a heating system) for the Town Hall and they have scheduled a bid opening for January 16, 2017, be it hereby

RESOLVED: the Town Board authorizes Delaware Engineers to solicit bids for Contract 2 A for the insulation package

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

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

NAYS: None

**RESOLUTION # 4-2017 was thereby duly adopted.**

Councilman Bichteman made a motion to adopt the following resolution:

WHEREAS: the Town needs to hold a Special Town Board meeting to review the bid proposals

received by Delaware Engineers for a replacement heating system for the Town Hall, be it hereby

RESOLVED: the Town Board will hold a Special Town Board meeting on Tuesday, January 10<sup>th</sup> at 7 PM to review the heating system bids

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

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

NAYS: None

**RESOLUTION #5-2017 was thereby duly adopted.**

#### **HIGHWAY DEPT. EXCAVATOR**

Town of Westerlo Highway Superintendent Keith Wright requested authorization from the Town Board to advertise and solicit bids for a new excavator to replace the Daewoo, he provided the Town Board with the specific model he is interested in obtaining. Councilman Bichteman made a motion to adopt the following resolution:

WHEREAS: the Town of Westerlo Highway Superintendent needs to replace an excavator, be it hereby

RESOLVED: the Town Board authorized Highway Superintendent Keith Wright to advertise and solicit bids for a new excavator

Supervisor Rapp seconded the motion a vote resulted as follows:

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

NAYS: None

**RESOLUTION #6-2017 was thereby duly adopted.**

#### **PSI**

Councilman Bichteman reviewed a letter of 12/22/2016 received from Professional Service Industries Inc. (PSI) concerning a Change Order Request 1 for additional asbestos design services and project for monitoring 1st floor tile abatement at the Town Hall and the change order amendment of their fee for \$2,800. He spoke with Joe Armer and the Town is awaiting figures from contractor. No action was taken by the Town Board.

#### **TOWN CLERK/TAX COLLECTOR**

The Town Clerk reported on a change in office hours for the Town Clerk/Tax Collector which took effect on 1/1/2017. The new hours are listed on the website townofwesterlony.com

#### **DRAFT-PROPOSED LOCAL LAW No. 1-2017**

##### **(Regulations & Approval Standards for Solar Energy Systems)**

Councilman Bichteman asked Code Enforcement Officer Edwin Lawson to report. Mr. Lawson advised the Board that the draft has been finalized for their review. The law is to keep within the present NYS code requirements and to tie in with the Town's Zoning Law. The biggest change covers insurance, lease and bonding agreement. Councilman Bichteman noticed an error on Insurance and Escrow the amount should be \$7,500 not \$75,000 and the pages should be numbered. The Town Clerk will advise the Town Attorney of the correction as reported. Dennis Fancher asked the Board questions concerning definition of a waterway, distance of 200 ft. from a waterway, Mr. Lawson responded to his questions. Discussions followed with public comment/concerns regarding: community solar arrays, ½ to 20 acre lots, non-conforming lots, setbacks of the zoning law, special use permits, sliding scale, Hudson Solar's distance from a power line of 600 ft., birms & fencing, each site being specific and the Planning Board process.



Mr. Lawson, Councilman Bichteman, Councilman Sherman responded to their concerns. Councilman Bichteman made a motion to adopt the following resolution:

WHEREAS: the Town of Westerlo needs to address the regulation and approval standards for solar energy systems to be it hereby

RESOLVED: the Town Board will hold a Public Hearing on proposed Local Law No. 1 -2017 entitled Regulation and Approval Standards for Solar Energy Systems on Tuesday, February 7, 2017 at 6:30 PM

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

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

NAYS: None

**RESOLUTION #7-2017 was thereby duly adopted.**

#### **OPEN MEETING TO PUBLIC**

A resident made an inquiry about the former Shepard's Farm (resort). He was advised by Mr. Lawson that the new owner is cleaning up the property the potential use has not been determined. Another resident commented on a private cemetery located on the same land.

#### **CLOSE MEETING**

There being no further public comment Supervisor Rapp made a motion to adjourn the meeting, seconded by Councilman Bichteman, motion unanimously carried. Meeting was adjourned at 8:26 PM.

Respectfully submitted,

Kathleen Spinnato Town Clerk