

**WESTERLO TOWN BOARD
WORKSHOP MEETING
OF
TUESDAY, AUGUST 15, 2017**

The Town of Westerlo Town Board held a workshop meeting on August 15, 2017 at Town Hall 933 County Route 401, Westerlo, NY. Supervisor Rapp opened the workshop at 7 PM with the Pledge of Allegiance to the Flag.

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

Also attending were: Highway Superintendent Jody Ostrander, Zoning Board of Appeals member John Sefcik, Planning Board Chairwoman/Broadband Research Committee (BRC) member Dororthy Verch, Broadband Research Committee members; Bob Wilcox, Eric Markson & Leonard Laub, Clerk to the Supervisor Patricia Boice, Deputy Town Clerk II Karla Weaver, Town Clerk Kathleen Spinnato and six residents.

Supervisor Rapp announced to the Town Board that bids for a new heating system for the Town Hall will be opened on Sept. 5th at 2 PM.

PEDDLER'S ORDINANCE:

The Town Board started an initial review of the Peddler's Ordinance of 1967 in order to identify whether or not it's necessary to modernize or update the document.

The Town Clerk reported the reasons why she felt a review was necessary; currently the fee is \$2.50. Bordering towns fees are approximately \$100 or more and some of the language within the document is outdated and should be modernized. She had sent the Peddler's Ordinance to the Town Attorney for her review and included Peddler's Laws for the neighboring towns of Berne, Greenville and New Scotland. Councilman Bichteman read a memo from the Town Attorney which listed questions for the Town Board's consideration should they decide to revise the document.

Peddler and Solicitor Laws for the neighboring towns of Greenville and New Scotland were provided to the Town Board for comparison. Discussions followed concerning; Not for Profits/Charitable Organizations, Fees charged by neighboring towns, an application form, the definitions of a Peddler and Hawker or Solicitor. Councilman Bichteman believed the Town Attorney was looking for guidance from the Town Board on any language they felt should be revised.

Councilman Sherman suggested the definition of a Peddler, Hawker or Solicitor; should be described as being person(s) going from house to house or place to place, selling goods or services.

Discussions followed on;

- who would need to apply or may be potentially exempt.
- who should review an application and make the determination to issue the permit

- who was exempt in the Town of New Scotland
- Town of Berne's Peddler fees are passed by Town Board resolution, other towns had a set fee

The Town Board made no decisions but indicated further review would be necessary.

TOWN HALL RENOVATIONS:

Councilman Bichteman asked Highway Superintendent Jody Ostrander to join them in discussing renovations that need to be done to the Town Hall. Jody would like to see heating done first, then weather permitting, stripping & painting exterior trim and replacing doors. His hope is that the exterior work will be completed this year. He has already looked into safety with wearing respirators for the removal of the paint. The columns in the front of the building were also discussed. Councilman Bichteman asked Jody to come up with rough estimates for each phase. Jody mentioned working with Code Enforcement Officer Edwin Lawson to make sure all aspects of the doors are up to code. Hardware was discussed and it was suggested to go with mid-grade or better panic hardware so that it holds up to the use.

Councilman Bichteman has not heard back on the numbers for the heating bid. The heating will be bid on September 5th and will probably take 30 days, pushing heating to be installed toward approximately the end of September. As for the flooring in the meeting room, Jody would like to replace the entire floor. Councilman Bichteman would like to have an idea of what he intends to do and depending on the budget, we may end up living with plywood down until next year.

Jody inquired about the doors and if we plan to replace all doors or close some off, which led to Councilman Bichteman stating he is still hoping to bring the court to this building. At this time however, he does not feel it is feasible to move the Town Clerk's office. Encouraging the use of the front door is still important and by moving the handicap parking to the front of the building will help. The staff would still park in the rear.

Bathrooms renovations and cost were briefly discussed. The handicap sink and toilet are not that expensive however the stall materials generally are.

Highway Superintendent Jody Ostrander stated that the problem with the concrete steps at the rear entrance was that they were core drilled for the railing, which over time allowed water to get in, freeze and crack. He suggested having a temporary ramp for the front door when repairs are to be made. He would like to see wood decking with railings that fit the aesthetics of the building with dormers above to divert the water. Councilman Boone inquired if the ramp would be replaced at the rear entrance or if it would be removed. Jody felt that the front door would most likely be the only one with a ramp. The Board will look into whether they need to have more than one ADA compliant ramp.

The priority list from Jody is as follows:

1. Paint soffits/exterior
2. Doorways
3. Parking area in the front- would be for main parking and handicap.
4. Use front as main handicapped entrance
5. Bathroom floor

BROADBAND CONTRACT:

The Broadband Research Committee shared with the Board information pertaining to the contract and emphasized the deadline was the 15th of August to have the contract in place. The Board determined that even after discussion, they could not hold a special board meeting to get it done in time. Councilman Bichteman stated that the Town Board was lead to believe that all they needed to do, as part of the prior agreement between the Broadband Research Committee (BRC) and Mid-Hudson Cable (MHC), was present them with a contract in draft form to allow the funding to go forward, with the stipulation that the Town Attorney had to review it. The Town Attorney reviewed the terms and it was submitted and immediately rejected by MHC. MHC stated via email they could not do it without having additional compensation and it was too late for that. Afterward, the BRC met and stated that MHC was willing to talk about the terms of that agreement and move forward and that another round of funding may be available. Councilman Bichteman discussed some issues. Supervisor Rapp tried to reach out to Mr. Fingar from MHC to find out what was going on, but was unsuccessful. Councilman Bichtman mentioned that the BRC was originally formed as part of the Planning Board (PB) to try to expand and look at the contract itself to be renewed. Basically the BRC now consists of concerned citizens who were not appointed by the Town but were people who helped the Chairman to do the work. Discussion followed on how the BRC was formed.

BRC member Eric Markson stated that the 15th deadline was for Mid-Hudson to apply for all of the grant money. The Town Board meeting was the 1st and the BRC didn't get anything to them until the 7th but Mid-Hudson did receive it in time. Chairwoman Dorothy Verch indicated that the deadline for grants has been extended to the 31st.

Councilman Bichteman commended the BRC for their dedication and hard work. Discussion continued between the Town Board and BRC.

Moving forward, based on the conversations the BRC has had with MHC they would do phase II and phase III. Phase II, will either be done through the tower on Barnside Rd or by hardwire. Both phase II and III will be considered but only if they can get the funding. Per an email from Mr. Fingar to Dotty, there are only 12 days left to work on the funding. If MHC doesn't receive the grant, they have committed to do it as soon as funding is available, which could be in a later phase of grant funding. Per BRC member Leonard Laub, the BRC has begun constructively and effectively working with MHC for a phasing plan to expand their cable plant bringing cable television and internet to more of the Town. The pacing of that will be determined by the availability of funding to the extent that we show them a basis for rapid expansion, which would be beneficial to them hopefully attracting them to meet the August 31st deadline. If they don't, the phase will still be there. Discussion followed.

Chairwoman Verch stated that the thing about the franchise agreement that Mr. Fingar didn't like was along the boiler plate. Back to 35 houses and nothing for the Town of Westerlo.

The Town Board and BRC discussed the need for precise communication between them.

Continuing on, Eric Markson stated that the franchise agreement is only for cable. Dotty spoke with Jason Gusso from Hudson Valley Wireless about coming to the meeting. She said MHC is plan A, Hudson Valley is Plan B, AT& T and Verizon are plans C & D. The plan of the County Executive is to bring broadband to the underserved and unserved by 2019.

Dotty advised that the franchise funding was questioned 18 months ago and we were told in April that money totaling almost \$4,000.00 was being sent to Greenville instead of the Town of Westerlo for South

Westerlo subscribers. To correct it, Dave Fingar advised the BRC that a check was being cut to the Town. Per her conversation with the CFO of MHC, he was not aware of the issue and she questioned what MHC would do about resolving the past 15 years of miscalculated franchise fees. According to Chairwoman Verch the CFO mentioned he would have to go back to see which houses were brought on since then, which would take awhile and this could be very complicated. She suggested the Town would have to get legal advice on the matter. Councilman Bichteman wondered how they intend to correct it with Greenville. She believed they might deduct it from Greenville's current franchise payment.

Conversation followed between the Board, BRC and Highway Superintendent Jody Ostrander recapping what was already discussed this evening.

There being no further business to discuss, Councilman Sherman made a motion to adjourn the meeting. Councilwoman Burnside seconded the motion, all in favor motion carried. Meeting adjourned at 8:43pm.

Sincerely,

Karla Weaver
Deputy Town Clerk II