

TOWN OF WESTERLO
PUBLIC HEARING RE: PROPOSED LL # 3 - 2018 PEDDLERS/SOLICITORS LAW,
SPECIAL TOWN BOARD RE: ADOPTION OF LL #3-2018,
& WORKSHOP MEETING
OF
TUESDAY, SEPTEMBER 18, 2018

The Town of Westerlo Town Board held a Public Hearing, Special Town Board & Workshop Meeting, as referenced above on September 18, 2018 at the Town Hall located at 933 County Route 401, Westerlo, NY. Supervisor Rapp opened the Public Hearing at 7:00 PM with the Pledge of Allegiance to the Flag.

Attending were: Supervisor Richard H. Rapp
Councilman Anthony W. Sherman
Councilman Richard Filkins
Councilman Joseph J. Boone
Councilwoman Amie L. Burnside

Also attending were: Deputy Supervisor/CEO/ZA Edwin H. Lawson, Planning Board Chairperson Dorothy Verch, Zoning Board member John Sefcik, Highway Superintendent Jody Ostrander, Highway Employee Salvatore Spinnato, Clerk to the Assessor Claire Marshall, Clerk to the Supervisor Patty Boice and approximately four residents.

Public Hearing on Local Law #3 of 2018, Peddlers/Solicitors Law

The proposed LL # 3 of 2018 was read aloud by Councilpersons Sherman, Boone, Burnside and Filkins. A resident asked for explanation of the January 1st expiration date to which Councilman Sherman explained that an application would expire the following January 1st even if it was only taken out in September. Planning Board Chairperson Dorothy Verch asked if the Town Board would be doing a SEQR on this local Law.

Councilman Sherman also read aloud the draft Application for License for Peddling and Soliciting. He made the below suggestions for changes to the application in reference to if applicant was ever convicted of a crime:

1. On page 2 of the application, where it says “If yes, explain”, he is suggesting a note be inserted saying, “If yes is marked on above two (2) questions, the Town Clerk is required to refer the application to the Town Board for review at the next regularly scheduled Town Board Meeting”
2. On page 2 of the application, add a line for “Referred to Town Board for Review” below Signature of Applicant and remove where it says “Disapproved”. This is to take the responsibility off of the Town Clerk/Deputy Town Clerk and allows the Town Board to approve/deny applicant. It also eliminates the possibility of violence being taken out on the Town Clerk’s office during business hours.

Discussion followed. It was also suggested that the application could be forwarded to the Supervisor for approval. Councilman Boone clarified with Councilman Sherman that once the application was approved or denied by the Town Board, it would be sent back to the Town Clerk’s office for completion. Councilman Sherman indicated the part in the law that would need to be

changed would be in Section 10, “Upon the refusal of the ~~Town Clerk~~ **Town Board** to issue a license to any applicant or upon the determination of the **Town Board** that any license should be revoked ~~or refused~~, the procedure, as set by state and local statute, shall be complied with”.

Planning Board Councilperson Dorothy Verch commented that there were a few typos in the law which would need to be corrected under Section 6: License.

Councilman Sherman made a motion to close the Public Hearing. Councilwoman Burnside seconded, all in favor motion carried. Public Hearing closed at 7:41PM.

Special Town Board Meeting -Adoption of LL #3-2018

Councilman Sherman made a motion to open the Special Town Board Meeting, seconded by Councilwoman Burnside, all in favor motion passed. Special Town Board Meeting opened at 7:41pm.

The purpose of the Special Town Board Meeting is to vote on proposed Local Law # 3 of 2018, Peddlers Law. A SEQR was read aloud and completed at this time by the **Town Board** and resulted in a negative SEQR.

Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: the Town Clerk had formerly recommended the Peddlers Ordinance be reviewed to update fee, etc, be it hereby

RESOLVED: the Town Board adopt LL # 3-2018 to include these changes to the Law:

1. Section 6: License, replace the typo “pervious” with “previous”
2. Section 6: License, in the last sentence, remove the word “the” before “carry the license with him”
3. Section 10: Refusal or Revocation, change to “Upon the refusal of the **Town Board** to issue a license to any applicant or upon the determination of the **Town Board** that any license should be revoked ~~or refused~~, the procedure, as set by state and local statute, shall be complied with”.

FURTHER RESOLVED: to make the following changes to the Application:

1. To add an entry on page 2, “If yes is marked on above two (2) questions, the Town Clerk is required to refer the application to the **Town Board** for review at the next regularly scheduled **Town Board Meeting**”
2. On the bottom of page 2 where Town Clerk can mark Approved or Disapproved, will add, “Referred to **Town Board for Review**”.

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

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

NAYS: None

RESOLUTION # 46-2018 was thereby duly adopted.

Supervisor Rapp made a motion to close the Special Town Board Meeting, seconded by Councilman Sherman, all in favor motion carried. Special Town Board Meeting closed at 7:57PM.

Workshop Meeting

Supervisor Rapp announced the opening of the Town Board Workshop meeting at 7:58PM. Councilman Boone commented on the condition of the Highway Garage and its immediate need for repairs based on pictures that were received from damage from the latest weather. Code Enforcement Officer Edwin Lawson mentioned that he, Supervisor Rapp and the Grant Writer met with the energy consultant provided by NYSERDA on the 12th. Based on that meeting, some of the financing that was originally stated as available for us is not an option. The consultant reviewed three support levels with them for energy modeling with NYSERDA:

1. No cost to applicant if they reviewed the existing plans and made an analysis of energy initiatives designed to take place in the building
2. Energy modeling and analysis. They would work with our design team and come up with a energy savings opportunity to work with. Payback would be 60/40 (60%- NYSERDA, 40% or up to \$75,000- Town)
3. Tech and financial support which is not applicable to the Town

Highway Superintendent Jody Ostrander provided photos of the existing condition of the building. Mr. Lawson indicated that the Highway Garage building has deteriorated quite a bit since the plans were drawn up about 6 years ago and expressed his concern for safety. Mr. Lawson contacted Kaaterskill Engineering to have their structural guy meet him tomorrow morning at 8AM to provide a structural analysis of the building and estimate. He explained that the roof needed to be fixed and restoration of the parapet wall to the courthouse before any other repairs could be made. In one of the designs from Architecture Plus it shows a rendering of trusses where the Town could use steel sheeting for the roof and insulate under the trusses. Since these repairs would need to be made sooner rather than later, he would need to be sure the block could support the trusses and expected to get a scope of services and estimate from engineer soon. If the Town kept a flat roof, it would have to be insulated according to the Energy Code by using insulation in direct contact with the roof. This would be difficult in the way the current building is designed and would probably not meet today's Energy Code standard. He believed the cost impact would be much greater going with the flat roof as opposed to the truss design. He indicated that if the block could not handle the trusses, the Town would have to enhance the walls which would be an additional cost however the Town is hoping to receive a check for \$35,000 to do energy initiatives in the Highway Garage. Currently there is a mix of heating systems so insulation and heating will have to be upgraded to make it a complete system with hot air and duct work. The trusses will have to be certified for snow load. The flashing and end caps on the roof are causing all the water and blocks to pop in the freeze/thaw cycle. Discussion continued between Mr. Lawson, the Town Board and residents. Councilman Boone thanked Mr. Lawson for all of his effort.

Water System Update

Councilman Boone asked Mr. Lawson for an update on the Water System. Mr. Lawson indicated he was waiting on analysis from the County.

Transfer Station Update

Councilman Filkins mentioned that the Altamont Enterprise had three articles about problems with garbage at transfer stations. Mr. Lawson explained that China is no longer taking recycling from the U.S. anymore. He indicated that if recycling was mixed in with trash, the amount per ton is less than disposing of it separately however Mr. Ostrander was told this is not allowed.

Discussion continued regarding the cost, where the recycled plastics are going currently and DEC reports.

With there being no further business to discuss, Councilman Sherman made a motion to adjourn the workshop meeting, seconded by Councilman Filkins, all in favor motion carried. The meeting adjourned at 8:52 PM.

Respectfully submitted,

Karla Weaver

Deputy Town Clerk II