

**TOWN OF WESTERLO
TOWN BOARD MEETING
OF
TUESDAY, FEBRUARY 5, 2019**

The Town of Westerlo Town Board held a meeting on Tuesday, February 5, 2019 at the Town Hall located at 933 County Route 401, Westerlo, NY. Supervisor Rapp opened the meeting at 7 PM with the Pledge of Allegiance to the Flag.

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

Also attending were: Highway Superintendent Jody Ostrander, Highway Employee & Dog Warden Justin Case, Zoning Board of Appeals Chairman John Sefcik and member Guy Weidman, Town Historian Dennis Fancher, Clerk to the Supervisor Patricia Boice, Clerk to the Assessor Claire Marshall, Grant Writer Dr. Nicole Ambrosio, Judge Robert Carl, Deputy Supervisor & Water Board Chairman William Bichteman Jr., Planning Board Chairperson Dorothy Verch and member Edwin Stevens, Deputy Town Clerk II Karla Weaver, Town Clerk/Tax Collector Kathleen Spinnato and approximately 9 residents.

MINUTES

Supervisor Rapp made a motion to accept the Town Board meeting minutes of 11/14/2018, 11/19/2018, 12/4/2018, 12/27/2018, 1/2/2019 and 1/18/2019 as submitted. Councilman Sherman seconded, motion unanimously carried.

Supervisor Rapp made a motion to accept the Town Board Workshop minutes of 12/18/2018 and 1/15/2019 as submitted. Councilman Boone seconded, motion unanimously carried.

SUPERVISOR'S REPORT

Not available.

TAX COLLECTOR'S REPORT

Councilman Sherman made a motion to accept the Tax Collector's Collection Summary Report of 2/5/2019 as submitted. Supervisor Rapp seconded, motion unanimously carried.

TOWN CLERK'S REPORT

Councilman Boone made a motion to accept the Town Clerk's monthly report for January 2019 as submitted. Councilwoman Burnside seconded, all in favor motion 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 # 8 through Voucher # 71 in the amount of \$152,255.14

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

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

NAYS: None

RESOLUTION #8-2019 was thereby duly adopted.

GRANT WRITER REPORT

Dr. Nicole Ambrosio announced the NYS Archives LGRMIF grant application has been submitted. The Town applied for the proposed grant to move the existing records room from the Highway Garage building 1.5 miles away to the current Town Hall. The Town has asked for \$47,416.00. She acknowledged Kathleen Spinnato Town Clerk, Karla Weaver Deputy Town Clerk, Patricia Boice Clerk to the Supervisor, Rick & Theresa Rupeka and Supervisor Rapp for providing the information necessary for her to submit the grant application. Maria McCashion at NYS Archives has been wonderful. Dr. Ambrosio explained that the Town has never applied for the grant in the past therefore the Town qualifies for 10 additional points.

Dr. Ambrosio mentioned she is waiting to hear from Jill Falchi Henck regarding further information necessary for a proposed \$35,000 grant from NYSERDA. She enjoys working with Deputy Supervisor Bichteman regarding any potential grant funding for the Westerlo Water District. Dr. Ambrosio announced that Councilman Boone has asked that she also look into grant funding for sidewalks which is currently closed but will reopen in the spring.

Councilman Filkins made a motion to accept the Grant Writer's Report. Councilwoman Burnside seconded, motion unanimously carried.

WATER BOARD REPORT

Water Board Chairman William Bichteman Jr., reported in January 2019 the Westerlo Water District had a severe leak resulting in a loss of approximately 400,000 gal. of water. The leak was discovered in the ditch line on State Route 143 and he attributed the leak to faulty installation. He reported that the water tank is now full and back in service.

Mr. Bichteman advised the Town Board regarding the repayment of debt owed by the Westerlo Water District to the Town of Westerlo's General Fund. The debt occurred at the time of inception of the Water District. Mr. Bichteman read a proposed resolution which was provided to the Town Board. He mentioned that the actual amount owed by the Westerlo Water District No. 1 is still being disputed. The Town awaits the NYS Comptroller's Office direction on this matter. For now, the cumulative amount shown on the balance sheet was \$66,388 as of Dec. 31, 2013. A minor amount was paid against that figure but it's not reflected in the proposed resolution. No final payment amount is reflected in the resolution, it indicates until paid for; an amount of \$3,000 will be applied annually to pay that. He indicated the current Water District Budget had a cash reserve which was used to pay an engineer for the Bromomethane issue. The remaining reserve is very small. Both he and Dr. Ambrosio have been looking for any funding sources to offset costs due to the Bromomethane. He asked the Town Board to review and adopt the proposed resolution that he presented so the debt can be repaid.

Councilman Sherman made a motion to accept the Water Board report. Councilwoman Burnside seconded, all in favor motion carried.

The Town Board then reviewed the proposed resolution. Councilwoman Burnside suggested a change in language to read; a zero interest fixed "*minimum*" annual payment in the amount of \$3,000. Discussions followed regarding the review of the debt every 5 yrs. by the Water Board via a separate resolution, making a plan for debt repayment and Albany County Resolution 463A regarding terminating service to unpaid water district accounts. Mr. Bichteman advised that currently all but one water district account has been paid, the remaining unpaid account is that of a deceased individual. The water connection to that property has been turned off and undoubtedly the Town will lose any unpaid amounts owed on that property.

Supervisor Rapp made a motion to adopt the following resolution as amended;

Town of Westerlo Water District No. 1
Indebtedness Repayment Resolution

WHEREAS, The Town Board is responsible for making sound financial decisions that are in the best interest of the Town and taxpayers, and for balancing the level of services desired and expected by Town residents with the ability and willingness of the residents to pay for such services, and

WHEREAS, The Town Board must adopt balanced budgets for Water District No. 1 operating funds that provide for sufficient recurring revenues to finance recurring expenditures, and monitor and maintain sufficient cash flow to pay bills and other obligations when they come due; and

WHEREAS, The Water District Fund owes the General Fund an estimated cumulative balance of \$66,388 as of December 31, 2013; and

WHEREAS, The Town Board wishes to establish a multi-year plan to repay the debt while maintaining the financial stability of the Water District; and

WHEREAS, The Town Board acknowledges the Town's flexibility in dealing with budgetary expenditures over which the Board may exercise some degree of control, such as debt service; NOW, THEREFORE, be it

RESOLVED: That the Town Board does hereby agree to accept as payment on the estimated cumulative balance owed the General Fund of \$66,388, a zero interest *minimum* payment in the amount of \$3,000.00; and BE IT FURTHER,

RESOLVED: That payments shall commence January 15, 2020 and continue annually until the actual debt is satisfied.

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

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

NAYS: None

RESOLUTION #9-2019 was thereby duly adopted.

ZONING BOARD OF APPEALS REPORT

John Sefcik Chairman submitted the following report:

The ZBA met on January 28. There was no old or new business. We approved the minutes from the prior meeting, discussed education that people completed in January, and had a general discussion. Everyone on the ZBA completed some or all of their 2019 education requirement in January, with no cost to the town.

*Respectfully submitted,
John Sefcik, ZBA Chairman*

Councilman Filkins made a motion to accept the ZBA report as submitted. Councilwoman Burnside seconded, motion unanimously carried.

ZBA Chairman Sefcik asked the Town Board to approve the educational training for:

- Jim Gallogly & John Sefcik -NY Dept. of State-Planning Board Overview 2hrs.
- Jim Gallogly, Jill Henck, Guy Weidman & John Sefcik-NY Dept. of State ZBA Overview 2 hrs.
- Jill Henck -Capital District Regional Planning Commission (CDRPC) Local Gov't Workshop 4 Hrs.

Councilman Boone made a motion to adopt the following resolution:

WHEREAS: ZBA Chairman John Sefcik has asked for the approval of 2019 training for the above referenced ZBA members who have completed partial or all training, be it hereby

RESOLVED: the Town Board approves the training of Jim Gallogly, John Sefcik, Guy Weidman and Jill Henck

Councilwoman Burnside seconded, a vote resulted as follows:

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

NAYS: None

RESOLUTION #10-2019 was thereby duly adopted.

Mr. Sefcik asked the Town Board to re-advertise for 3-4 weeks for the ZBA member vacancy since no applications had been received after the initial advertisement.

Councilwoman Amie Burnside made a motion to adopt the following resolution:

WHEREAS: there remains a vacancy on the Zoning Board of Appeals after advertising and no applications were received, be it hereby

RESOLVED: the Town Board authorize the Town Clerk to re-advertise a member position on the Zoning Board of Appeals, the ad to run for approx. three weeks in the official newspaper with applications due by or before March 1st.

Councilman Boone seconded, a vote resulted as follows:

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

NAYS: None

RESOLUTION #11-2019 was thereby duly adopted.

PLANNING BOARD REPORT

Chairwoman Dorothy Verch submitted and read the following:

*PLANNING BOARD
REPORT TO THE
TOWN BOARD
FEBRUARY 5, 2019*

The Planning Board met on January 22, 2019. We had the pleasure of being the first board that our new Interim Attorney, Javid Afzali, attended!

There was one new application. #18-003 Irwin Commercial Garage. It was presented by Mr. Irwin, a short form SEQRA was completed and since it was a TYPE II, there was no review required. A site visit was scheduled for 2/2/19. A professionally produced site plan is anticipated. Once received, it will be forwarded to ACPB. Their meeting will be on the 26th during the day. Once ACPB approves the application, they will email the approval for the application to me. Mr. Irwin only needs to contact DEC regarding the wetland and the long-eared bat and secure a letter stating that there is no problem. A public hearing will be on February 26th.

There were also 3 public hearings. Costanza Solar, WesterloNY01 and Medusa Solar.

Mr. Hyde, representing Hyde Engineering, our solar consultant, was stranded in Indianapolis because of weather and unable to attend.

Mr. Weightman of CCR was also delayed.

The public hearing for the Costanza solar was resumed and the abutters to the Costanza Solar project raised a number of viable concerns that have not been addressed yet.

When Mr. Weightman arrived, a question and answer series ensued. More questions than answers.

Mr. Hyde intends to be present at the next meeting.

Public hearing was adjourned until February 26th.

Public hearings for WesterloNY01 and Medusa Solar were resumed and Mr. Shanahan stated that he was in no hurry to proceed. He would rather have all of the questions addressed before he proceeds. He presented a letter to the Planning Board requesting an extension from January 26th to June 26th which the Planning Board voted unanimously to approve. Both public hearings were adjourned and will be resumed at the MARCH 26th Planning Board.

Mr. Doud of Borrego was present and announced that they have intentions of using storage systems on the Shepard Solar projects as well. They will be supplying the Planning Board with their amended SEQRA and application in time for the next planning board.

Respectfully submitted,

Dotty Verch

Councilman Boone inquired if Mr. Irwin had submitted a Site Plan. Dorothy Verch responded he had submitted it as a PDF, both her and Edwin Stevens had conducted a site visit last Saturday.

Councilman Sherman mentioned Borrego's intentions of using a battery storage system for the two Shepard Farm Solar projects and that the Town will require two more contracts. Dorothy Verch indicated he was correct and that Mr. Doud of Borrego did not offer any specifics.

Councilwoman Burnside made a motion to accept the Planning Board report as read. Councilman Boone seconded, motion unanimously carried.

BROADBAND RESEARCH COMMITTEE (BRC) REPORT

Committee Chairperson Dorothy Verch submitted the following:

BRC REPORT TO THE TOWN BOARD

*There was no meeting of the BRC on January 24th.
Respectfully submitted,*

Dotty Verch

She advised the Town Board that the BRC did not meet on January 24th because Mr. Fingar of Mid-Hudson Cable did not have all the information the BRC had requested regarding franchise fee identification. They have produced a new district and the last time she was at Mid Hudson Cable she had told him they had to include Rensselaerville, Medusa, East Berne and Hannacroix zip codes. They will go through and add those. Also, Mr. Jim Becker of Mid-Tel Cable would like speak to the Town Board to introduce his company at the next regular Town Board meeting. Mid-Tel Cable is expanding into the Rensselaerville side of the Town of Westerlo coming over State Route 85 and over County Route 408. He is also currently looking at the Lake Onderdonk area.

Discussions followed between Chairperson Verch and residents regarding what carriers currently provide service on existing cell phone towers on private properties within the Town of Westerlo and whether Mid-Hudson Cable was installing cable on the bottom of Slade Hill Rd. and possibly County Route 412.

Councilman Boone made a motion to accept the BRC report, Councilwoman Burnside seconded, motion unanimously carried.

MUSEUM REPORT

Mary-Jane Araldi was not in attendance. She submitted the following report read by Councilman Boone:

MUSEUM REPORT JAN. & FEB. 2019

The museum was open during the Fireman's breakfast in Jan. with displays of antique Christmas ornaments and cookie cutters plus info. on how glitter is made and the history of Santa Claus.

We have a silent auction fundraiser going on - it's decorative chairs that people can bid on. They are at the Woodman's Hall during the breakfasts.

I want to thank the fire company for their cooperation with us!

The museum will be open this Sat., Feb 9 during the Fireman's breakfast with a display of winter sports and the history of skis. The silent auction continues.

The museum will be open during the March and April Fireman's breakfast. The March display will be on the town's friendship with Westerlo Belgium.

*Thanks,
Mary-Jane*

Councilman Sherman made a motion to accept the Museum report for January & February as submitted. Councilman Filkins seconded, motion unanimously carried.

HISTORIAN REPORT

Town Historian Dennis Fancher mentioned an article from a few weeks ago in the Altamont Enterprise regarding Robert Snyder's Farm. The family farm has been in business for 100 years. That is more years than any other family farm has been in business in Westerlo.

Mr. Fancher submitted and read the following:

Westerlo Grill Owner is Jailed in Shooting

August Faessler 36, of Westerlo suffered 3 bullet wounds in a shooting in the grill by the proprietor, Billy Landon over a shortage of \$11 in the till. The grill, known as the Music Box, was located on the Westerlo-Rennselaerville road. Landon, known as the One-Man-Band, was drinking heavily and went to his apt. Armed with 2 guns, a 22 caliber 7 shot revolver and a 32 caliber 5 shot pistol, he opened fire, a gun in each hand, striking Faessler. Faessler was treated by Dr. Perkins, taken to the hospital and survived the shooting.

Landon was subdued by two waitresses and taken into custody. There is no mention in the article about his sentence.

Landon was born in Germany coming to NYC at age 17. Music was his life and started playing at an early age. He toured with John Phillip Sousa's band and the Boston Symphony, appearing in the pit of nearly every legitimate vaudeville theater in the nation.

He married an actress from NYC and settled on a farm in Westerlo. After the death of his wife, the self-styled "minstrel of the hills" continued to live on his wooded farm.

On the day Germany invaded Poland, Landon's Polish bartender and waitress spurred him into an argumentative fury and seizing a shot gun he pointed it at the hecklers intending to just scare them. The gun accidentally discharged and inflicted minor wounds on the bartender.

Arrested and convicted Landon was sentenced from 5 to 10 years in prison and paroled in 1940.

He died in Albany, at the age of 66, of heart disease, where he roomed ending a colorful career.

Councilwoman Burnside made a motion to approve the Historian's Report as submitted. Councilman Boone seconded, motion unanimously carried.

WESTERLO HOMETOWN HEROES COMMITTEE (WHHC) REPORT

Amie Burnside WHHC Chairwoman reported:

The WHHC met briefly on January 22, 2019. They discussed identifying new poles, they have quite a few new banners and all but one banner from last year will go back up onto poles this year.

Councilman Filkins made a motion to accept the WHHC report, Councilman Boone seconded, motion unanimously carried.

OLD BUSINESS:

2019 MOHAWK AND HUDSON RIVER HUMANE SOCIETY CONTRACT

Deputy Supervisor Bichteman advised that the Town Board needs to have two discussions on the proposed contract; the first to authorize Supervisor Rapp to enter into the 2019 contract, the second on how to devise the redemption fee for dogs taken to the shelter.

Councilman Boone made a motion to adopt the following resolution:

WHEREAS: the Town of Westerlo Town Board acknowledges the need to enter into a 2019 contract with Mohawk and Hudson Humane Society, be it hereby

RESOLVED: the Town Board authorizes Supervisor Rapp to enter the 2019 Mohawk & Hudson Humane Society Contract effective 1/1/2019 through 12/31/2019

Councilwoman Burnside seconded, a vote resulted as follows:

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

NAYS: None

RESOLUTION # 12-2019 was thereby duly adopted.

The Town Board unanimously agreed that further discussion of any redemption fee in regards to dog(s) seized by the Town and the daily fee charged as indicated by the 2019 Mohawk & Hudson Humane Society's contract be further discussed at the next Town Board Workshop scheduled on February 19th.

PROPOSED RESOLUTION-TOWN HALL TIME CLOCK

Councilman Filkins submitted and read a letter to the Town Board in which he included a list of reasons he felt a time clock was necessary. He also believed a time clock connected to a payroll program would prevent errors on payroll, could save time for staff entering payroll and would prove if an employee was on company time if they are on disability or workman's comp.

Residents asked him questions whether there was a reason why he wanted a time clock at the Town Hall, if there was any misrepresentation of time or abuse, he responded no. A resident asked if there was a reason why the Highway employees use a time clock, it was indicated that overtime was one of the reasons. Another resident believed time clocks was micro-managing.

The Town Clerk advised when questioned by a resident, according to the Employee Handbook the Highway dept. employees punch a time clock, other dept. employees submit time slips. The time slips are already being reviewed and authorized by each dept. head. She saw no reason for the added cost to implement a time clock at Town Hall and felt there was no abuse of time, staff employees are honest. If the Town Board feels there is an issue they need to make that determination.

A resident indicated Councilman Filkins also felt a time clock would also be used for security purposes.

Councilman Boone believed that Councilman Sherman had asked that Councilman Filkins provide a cost evaluation on a time clock system. Councilman Filkins responded with a range of \$100 to \$5,000 with an average system costing \$100-\$500. Councilman Boone advised the resolution was first discussed for a time clock however over the last several meetings it has morphed to include security and a payroll system. He believed more information was needed.

The Town Board agreed to further discuss the proposed topic of a time clock for Town Hall employees at the next workshop meeting.

Discussion followed between a resident and Councilman Boone on open meetings law.

PROPOSED RESOLUTION-MONTHLY DEPARTMENT REPORTING

The resolution was proposed by Councilman Filkins in December. After discussion the Town Board agreed to table this topic until it could be further discussed at a Town Board Workshop meeting.

PROPOSED RESOLUTION-BUDGET

Resolution proposed by Councilman Filkins. After discussion the Town Board agreed to table this topic until it could be further discussed at a Town Board Workshop meeting.

TRANSFER STATION PERMITS

Resolution proposed by Councilman Filkins was discussed. The Town Board agreed to table with further discussion to occur at the Town Board Workshop meeting.

NEW BUSINESS:

SUPERVISOR

Councilman Boone read Supervisor Richard H. Rapp's letter of resignation effective 3/5/2019 after having served the Town for more than fifty years promoting the best interests of both residents and the Town. It was his honor to serve as Supervisor and he was grateful for the trust bestowed upon him. Supervisor Rapp received a standing ovation from the audience and staff. He then exited the meeting.

DOG WARDEN/DEPUTY DOG WARDEN

The Town Board discussed the need to appoint a Dog Warden due to the resignation of Salvatore Spinnato IV in November.

Councilman Boone made a motion to adopt the following resolution:

WHEREAS: The Town of Westerlo needs to appoint a Dog Warden and a Deputy Dog Warden, be it hereby

RESOLVED: the Town Board appoint Justin Case to the position of Dog Warden effective 1/2/2019 and be it further

RESOLVED: the Town Board appoint Konrad May Deputy Dog Warden effective 2/5/2019

Councilwoman Burnside seconded, a vote resulted as follows:

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

NAYS: None

RESOLUTION #13-2019 was thereby duly adopted.

TRAINING

The Town Board discussed scheduling mandatory training for workplace violence and sexual harassment, a date to be determined possibly late March or beginning of April was suggested. Deputy Supervisor William Bichteman indicated he would contact the Interim Town Attorney to try to coordinate.

PROPOSED COMPREHENSIVE PLAN COMMITTEE (CPC)

Former Chairperson of the CPC Dorothy Verch advised she had solicited the following persons for consideration: Barbara Russell (resident), John Sefcik, Guy Weidman, Richard Kurylo, Gerry Boone and asked the Town Board to consider her to Chair the proposed Committee.

It was suggested that the Town may want to reach out to the professional planner Nan Stolzenburg to discuss a Comprehensive Plan. Deputy Supervisor Bichteman suggested the Town Board may want to consider discussing a proposed Comprehensive Plan Committee at a Town Board Workshop meeting to set parameters, a time frame and what can be bid. It was mentioned that Interim Town Attorney Javid Afzali had suggested an odd number of committee members for the CPC.

PUBLIC COMMENT

Resident Barbara Russell suggested to the Town Board options for creating a proposed Comprehensive Plan Committee (members) as designated by the Town Board. She suggested the use of a survey and that the Town Board invite Nan Stolzenburg to a workshop to further discuss guidelines of a Comprehensive Plan and to not set up a committee until they are fully informed.

Resident Dianne Sefcik submitted and read her letter to the Town Board regarding identifying and setting three to seven priorities and goals for 2019 and some ideas along with an article referring to Aid and Incentives to Municipalities (AIM) funding cuts.

Alan Clickman announced the second Fireman's breakfast from 8-11am on Saturday 2/9/19 at modern Woodman Hall.

With there being no further business to conduct, Councilman Sherman made a motion to adjourn the meeting. Seconded by Councilman Boone, all in favor motion carried. Meeting adjourned at 9:59pm.

Respectfully submitted,

Kathleen Spinnato

Town Clerk