

**WESTERLO TOWN BOARD
WORKSHOP MEETING
OF
TUESDAY, March 19, 2019**

The Town of Westerlo Town Board held a workshop meeting on March 19, 2019 at the Town Hall located at 933 County Route 401, Westerlo, NY. Acting Supervisor Bichteman opened the workshop at 7 PM with the Pledge of Allegiance to the Flag.

Attending were: Acting Supervisor William Bichteman Jr.
 Councilwoman Amie L. Burnside
 Councilman Richard Filkins
 Councilman Joseph J. Boone
Absent were: Councilman Anthony W. Sherman

Also attending were: Highway Superintendent Jody Ostrander, Planning Board Chairperson Dorothy Verch, Zoning Board Chairperson John Sefcik, BRC member Bob Wilcox, Clerk to the Assessor Claire Marshall, Clerk to the Supervisor Patricia Boice, President of Mid-Tel Jim Becker, Deputy Town Clerk II Karla Weaver and approximately 4 residents.

MID-TEL PRESENTATION

Planning Board Chairperson Dorothy Verch introduced Jim Becker, the president of Mid-Tel a Broadband internet supplier. He met with the BRC in October regarding about 32 homes on SR 85 & CR 408 in the Town of Westerlo that they will be serving through phase 3 of a grant which is expecting to be completed by the end of 2019. Mr. Becker indicated that Mid-Tel will have to build on some roads outside the grant area and are allowed to service those homes as well but not as part of the grant. Once the grant work area is complete, there are some additional adjacent roads where they have already built and he believed Mid-Tel is willing to work with those people however homeowners would have to cover 80% of that build and Mid-Tel will contribute 20%. He estimated it typically costs about \$26,000/mi to build for Mid-Tel and there is a 6 house/mi minimum. He announced that Mid-Tel is happy to be expanding in the Town of Westerlo. He also mentioned Mid-Tel will do drops in some cases to service some additional homes.

The Town Board thanked Mr. Becker for being here.

FRANCHISE FEE

Acting Supervisor Bichteman announced that the Town of Westerlo received the franchise fee check from Mid-Hudson Cable totaling \$7,218.06 which will be deposited into the general fund.

MANDATORY WORKPLACE VIOLENCE/SEXUAL HARASSMENT TRAINING

Training will be provided on Monday, April 1st at 6:45pm and Monday, April 22nd at 8:30am by the Westerlo Rescue Squad. All town employees must attend one of the sessions and if they cannot attend it is their responsibility to get their training somewhere else. No sign up will be required but attendance will be taken. Notices will be sent out shortly.

EXECUTIVE SESSIONS

Mr. Bichteman advised there are no laws governing the confidentiality of executive sessions with a few exemptions being HIPPA law, State Education law and some Federal and State statutes. He was dismayed to learn that after the last executive session, the results and discussion became public knowledge. Accordingly he reached out to the Interim Attorney about it being ethical/proper. He indicated the reason we go into executive session is to protect those freedoms of the individuals we talk about and to discuss the things enumerated within the law allowing these sessions to take place. To come out of an executive session and talk about the things that were discussed defeats the purpose and certainly has an influence on future executive sessions where members get to speak freely without fear of retribution or political consequence. He believed that violating that trust is wrong and hoped the Town Board would do better moving forward. He read a paragraph provided to him by the interim attorney:

Ultimately, the purpose of an executive session is to allow the Board an opportunity to discuss certain issues (as defined in OML § 105) away from the public, and the board (or its individual members) may, but is not required to, hold that information in confidence. Just because certain information discussed in execution session is not prohibited from disclosure, it does not suggest that doing so is wise or in the best interest of the town. Board members should understand that while they may not be required to hold the information in confidence, disclosing it may have a chilling effect on other members to freely and openly sharing thoughts and ideas on those issues that are permitted be discussed in executive session.

AGENDAS/POINTS OF DISCUSSION

Mr. Bichteman announced he has made an effort of preparing the agendas for both the workshop and Town Board meetings for publication at the Town Clerks office and for posting on website the Friday before meetings and any changes will need to be submitted to him in advance. Councilwoman Burnside believed that was a great idea.

PROPOSED RESOLUTION TRANSFER STATION RESIDENT PERMITS

Councilman Filkins indicated he has had two meetings with Councilman Boone and will be meeting again along with Highway Superintendent Jody Ostrander on Thursday to review the 1992 Solid Waste Law. He requested that all of the other resolutions he has been discussing be tabled until the Transfer Station is completed. Mr. Bichteman mentioned that it is important that the rest of the town and other Board members be able to follow the changes Mr. Filkins makes. He suggested inviting Mr. Ostrander to attend the next Workshop meeting to discuss the matter openly. Mr. Filkins requested the transfer station discussion be tabled until he can meet again with Mr. Boone and Mr. Ostrander and hopes to provide drafts at the April Town Board Workshop meeting.

PROPOSED RESOLUTION-TIME CLOCKS / DEPARTMENT REPORTING / BUDGET VS ACTUAL

Time Clocks:

Mr. Bichteman asked if Councilman Filkins had given up on the Time Clock resolution and if he was satisfied with the current system. Councilman Filkins responded that he had come up with two other solutions which need additional review before he can bring it to the Town Board. Councilwoman Burnside requested it be withdrawn until further notice so it is not brought up at every meeting. Mr. Bichteman said there are a lot of pressing matters and time clocks are certainly not one of them.

Department Reporting:

Mr. Bichteman mentioned that 25 minutes was spent at the March Town Board meeting on Department Reports. Councilman Filkins asked that this be tabled until further notice.

Budget vs Actual:

Councilman Filkins requested the Budget vs. Actual resolution be tabled. Mr. Bichtman commented for this to be effective it really needs a budget to go along with it and early in the year really doesn't have any purpose.

ZONING LAW CHANGES/SOLAR DECOMMISSIONING, FEES & ESCROWS

Mr. Bichteman asked the Town Board if they've had the opportunity to review the Zoning Law changes made by the Interim Attorney. He believed Mr. Afzali covered everything and mentioned what was previously lacking was enforceability. Planning Board Chairperson Verch indicated she was happy with the revisions as it now makes sense and can be applied. She suggested inserting professionally rendered into *Section 18.50, #3 Procedure*.

Councilman Boone requested clarification on who the engineer was in Section 18.50, #2, J, iii. Mr. Bichteman agreed that it needed to be clarified but it was referring to the Town's Engineer. He also questioned the escrow amount of \$500 in Section 18.50, #4, C, i. It was believed the amount was low. In Section 18.50, D, iv, for decommissioning, Mr. Boone questioned if fees are incurred by the Town and how that gets charged back to the applicant; Mr. Bichteman responded the bond money is used to hire someone. Mr. Bichtman also noted that the existing law says the Bond has to satisfy the Town Attorney.

Mr. Bichteman will ask Mr. Afzali to make the changes and prepare another draft at which a public hearing will be scheduled in the near future.

COMPREHENSIVE PLAN/COMMITTEE CHAIRPERSON

Councilman Boone mentioned that after contacting professional Nan Stolzenburg, she suggested having a Comprehensive Plan Committee made up of seven to nine members. She also mentioned that if a consultant is involved it should be clear what the expectations are and indicated that the Town Board should assign the Chair position. A short oral or written report should be provided to the Town Board monthly as well. Based on Ms. Stolzenburg's experience, she has seen a breakdown of one Town Board member, one ZBA member, one Planning Board member, a farmer, a businessperson, a young adult, a senior citizen and one or two others who represent either different locations or interests in the town.

Mr. Bichteman suggested pooling about 20 people and picking from that group, which would be advertized. It would be a good idea to have a list of qualifications for individuals on the Comprehensive Plan. The Town Board will email Mr. Bichteman ideas for the April Town Board meeting.

DEFIBRILLATORS/CPR TRAINING

Mr. Bichteman inquired if the town should have a defibrillator and it was determined that defibrillators are not required. He indicated they are also very costly and was not in this year's budget. A certified person must regularly maintain it and one person would have to be trained to use it as it can't be operated by anyone untrained. Additionally, he announced that CPR training can be provided by the Westerlo Rescue Squad and will be discussed in the future.

MUNICIPAL BUILDING DEDICATION

Mr. Bichteman believed funding could be raised privately for the building dedication but requires legislative action to perform that dedication. The Interim Attorney is researching requirements and Mr. Bichteman will provide information at the April Town Board meeting.

OPEN TO PUBLIC

A resident was very happy to see that the agenda would be available on the website going forward. She also asked if the public could provide input to the Town Board. Mr. Bichteman was very open to that idea.

Another resident questioned what Mr. Bichteman meant when discussing executive sessions earlier this evening. Mr. Bichteman responded that there was an Altamont Enterprise interview following last month's Town Board meeting where the decision was made to not appoint a Supervisor. It was his expectation that discussions held in executive session would remain private and they weren't. Councilwoman Burnside indicated she had spoken to the reporter and only a small part of the executive session was discussed which was unintentional.

ZBA Chairperson John Sefcik complimented the Board for an excellent meeting tonight.

A resident suggested having people with areas of expertise outside of the Comprehensive Plan Committee that members can go to, which would be a team approach. She created a spreadsheet to help with this and will provide to the Town Clerk's office.

There being no further business to discuss, Councilwoman Burnside made a motion to adjourn the meeting, seconded by Councilman Filkins, motion carried by those present. Meeting adjourned at 8:29 pm.

Respectfully submitted,

Karla Weaver