

**TOWN OF WESTERLO
PUBLIC HEARING REGARDING PROPOSED LOCAL LAW 3-2019 SOLID WASTE MANAGEMENT CODE
& REGULAR TOWN BOARD MEETING
OF
TUESDAY, SEPTEMBER 17, 2019**

The Town of Westerlo Town Board held a Public Hearing and Regular Town Board meeting on Tuesday, September 17, 2019 at the Town Hall located at 933 County Route 401, Westerlo, NY. Acting Supervisor Bichteman opened the meeting at approximately 7:05 PM with the Pledge of Allegiance to the Flag.

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

Also attending were: Highway Superintendent Jody Ostrander, Highway Employee Salvatore Spinnato, Zoning Board of Appeals Chairman John Sefcik, Town Historian Dennis Fancher, Clerk to the Assessor Claire Marshall, Museum Director Mary-Jane Araldi, Planning Board Chairperson Dorothy Verch and member Edwin Stevens, Town Justice Robert Carl, Deputy Town Clerk II Karla Weaver, Town Clerk/Tax Collector Kathleen Spinnato and approximately 25 residents.

PUBLIC HEARING

Councilman Sherman made a motion to open the Public Hearing on Proposed Local Law 3-2019 Solid Waste Management Code. Seconded by Councilwoman Burnside, all in favor motion carried.

Acting Supervisor Bichteman announced that the proposed law was just provided to the Town Board and public and needs to be referred to neighboring clerks and to the county whom requires a 30 day review therefore suggesting the public hearing be continued at the Nov. 19th Town Board meeting to allow for proper review. He also provided the Town Board with part 1 of the SEQR form which declares the Town as the lead agency and requires no further action, part 2 will be completed at the continuation of the Public Hearing on Nov. 19th.

With there being no public comment, Councilwoman Burnside made a motion to continue the Public Hearing on proposed Local Law 3-2019 until Tues., Nov. 19th at 7pm. Seconded by Councilman Sherman, all in favor motion carried.

REGULAR TOWN BOARD MEETING

MINUTES

Councilman Boone made a motion to approve the Town Board meeting minutes of 9/3/2019, seconded by Councilman Sherman, all in favor motion carried.

OLD BUSINESS

NYCLASS MUNICIPAL INVESTMENT

Acting Supervisor Bichteman gave an update on the 30% of available funds invested with NYCLASS since last Thursday. He indicated \$327,000 was invested and to date have earned \$94 in interest.

MANDATORY WORKPLACE VIOLENCE/SEXUAL HARASSMENT TRAINING

Mr. Bichteman mentioned Oct. 9th is the deadline for training and indicated there were several people that have not yet taken the training. Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: The Town of Westerlo must provide an additional Workplace Violence/Sexual Harassment training day for individuals who have not yet completed mandatory training, be it hereby

RESOLVED: that the Town Board schedules a final training date to be held on Oct. 2nd at 4:30pm at the Town Hall.

Seconded by Councilman Boone, a vote resulted as follows

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

NAYES: None

Resolution # 64-2019 was thereby duly adopted.

Mr. Bichteman indicated he will be emailing the department heads a list of who needs to attend training.

2020 EMS BUDGET UPDATE

Acting Supervisor Bichteman mentioned that Councilman Sherman attended a meeting with him regarding negotiations with Albany Co. Sheriff's Dept. for the 2020 EMS budget. The current rescue squad has been working closely with Mr. Bichteman and Albany County EMS to ensure that the quality of service will not change for Westerlo residents. Discussion continued regarding the existing Westerlo Rescue Squad building, vehicle and staffing. The goal is Albany County would become the sole EMS provider for the hilltowns and also bear the cost.

NEW BUSINESS

APPOINTMENT TO THE ASSESSOR POSITION

Acting Supervisor Bichteman provided the Town Board for their review with a proposed resolution regarding the Assessor position. He read the resolution aloud.

Discussions followed concerning the Sole Assessor Peter Hotaling's expiring term, health benefits, a job description, set office hours, etc. Councilpersons Filkins and Burnside suggested they did not want to take away his health insurance. Acting Supervisor Bichteman indicated that the Interim Attorney has advised that Mr. Hotaling waived his right to the privacy of executive session as it was his request to meet with the entire Town Board in public. Mr. Bichteman explained that Mr. Hotaling does not come to work during office hours and misses appointments and deadlines. Councilwoman Burnside commented if the Town Board was aware of the issue sooner they could've given Mr. Hotaling more notice. Mr. Bichteman responded that he had advised the Town Board of this issue on April 22nd indicating he had a no show employee and was looking for options as he cannot vote. Discussion continued, Councilman Sherman although sympathetic interjected some points; Mr. Hotaling's term expires Sept. 30th, a Sole Assessor job description and set hours are necessary and the Town Board owes every tax payer due diligence. Mr. Bichteman indicated Mr. Hotaling has had surgery on/off for the past 18 months and is currently recovering from surgery today. Mr. Hotaling has been paid in full to date for his rehabilitation, hospital stays and recoveries however the position does not include sick time or any benefits. Mr. Bichteman also advised that Mr. Hotaling did not come in for work on Monday and would not be working at the Town Hall prior to the expiration of his term.

Resident opinions were expressed. ZBA Chairperson Sefcik believed if Mr. Hotaling was healthy the Town Board would have their mind made up.

Councilman Sherman made a motion to adopt the following resolution:

- WHEREAS: The Assessor's position is expiring on Sept. 30th, be it hereby
- RESOLVED: The Town Board open the appointment to the Assessor position for the Town of Westerlo to any and all qualified applicants including the current appointee, be it further
- RESOLVED: The Town Board specify the position to be part time appointment at a salary to be determined by the Town Board annually, no health insurance will be provided, be it further
- RESOLVED: The Assessor will be required to maintain regular hours at the Town Hall Mondays & Wednesdays from 8:30am -11:30am and Thursdays 7pm-9pm. 80 % attendance is required, be it further
- RESOLVED: The Assessor will provide the Town Board with quarterly records of activities including properties reviewed, assessment adjustments and terms of assessment being negotiated and further
- RESOLVED: Advertise the position with county and official Town publication and on the town website.

Seconded by Councilman Boone, a vote resulted as follows:

- AYES: Councilman Sherman, Councilman Boone, Councilman Filkins, Councilwoman Burnside
- NAYES: None

Resolution # 65-2019 was thereby duly adopted.

The Town Board then discussed a salary for the Sole Assessor position. Councilman Sherman made a motion to adopt the following resolution:

- WHEREAS: The Town Board needs to set a salary for the Sole Assessor position, be it hereby
- RESOLVED: The salary be set at \$20,000 annually.

Seconded by Councilwoman Burnside, a vote resulted as follows:

- AYES: Councilman Boone, Councilman Filkins, Councilwoman Burnside, Councilman Sherman
- NAYES: None

Resolution # 66-2019 was thereby duly adopted.

Mr. Bichteman indicated he would inform Mr. Hotaling.

SPEED LIMIT REDUCTION

A potential reduction of speed limit was discussed for County Route 312, Slade Hill and Annable roads. Mr. Bichteman explained the process as the town cannot set the speed. Councilman Sherman suggested that the rest of the Board members visit County Route 312 if they are unfamiliar. Councilman Sherman made a motion adopt the following resolution:

- WHEREAS: The Town of Westerlo Town Board has received complaints regarding the speed limits on Annable and Slade Hill, be it hereby

RESOLVED: The Town Board authorizes Acting Supervisor Bichteman to submit to the county a request to reduce the speed limit on Slade Hill and Annable roads from start to finish.

Seconded by Councilman Filkins, a vote resulted as follows:

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

NAYES: None

Resolution # 67-2019 was hereby duly adopted.

NYS WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) GRANT

Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: The WIIA grant application needs to be submitted, be it hereby

RESOLVED: The Town Board authorizes the Acting Supervisor to submit the WIIA grant application.

Seconded by Councilman Boone, a vote resulted as follows:

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

NAYES: None

Resolution # 68-2019 is hereby duly adopted.

EXPIRED BUILDING PERMITS

Building Inspector Jeffry Pine requested that he be allowed to extend any expired building permits for one year for the same cost of the original permit without the need for a new application. Mr. Bichteman indicated this would include permits for Commercial Solar Energy Systems. Discussion followed.

Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: The Building Inspector/Code Enforcement Officer needs to be able to renew existing building permits, be it hereby

RESOLVED: The Town Board authorizes the Building Inspector to renew existing building permits for the same fee without the need for the application to be renewed.

Seconded by Councilwoman Burnside, a vote resulted as follows:

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

NAYES: None

Resolution # 69-2019 was hereby duly adopted.

SPECIAL TOWN BOARD MEETING

Mr. Bichteman announced that a Special Town Board meeting will need to be scheduled to present the 2020 Tentative Town Budget to the Town Board. Councilwoman Burnside made a motion to adopt the following resolution:

WHEREAS: Acting Supervisor Bichteman needs to present the 2020 Tentative Town Budget to the Town Board, be it hereby

RESOLVED: The Town Board will hold a Special Town Board meeting prior to the regularly scheduled Town Board Workshop meeting on Tuesday, Oct. 1st at 7pm for the purpose presenting the 2020 Tentative Town Budget.

Seconded by Councilman Boone, a vote resulted as follows:

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

NAYES: None

Resolution # 70-2019 was hereby duly adopted.

HISTORIAN REPORT

Town Historian Dennis Fancher submitted and read the following report:

*Historians Report
September 17, 2019
Utilities*

Postal Service - Star Route From Ravena to Westerlo was granted to Elmer Ingalls from 7/1/21 to 6/30/25.

He was bonded by Isaac Arnold for \$1700. But was fined in 1923 for failure to deliver the mail because of snow banks on Jan 10,13,17 & 25.

Times of the route with a motor vehicle:

- *Leave Ravena 8:45 am Arrive in Westerlo 10:15 am*

Times of the route by foot or horse:

- *Leave Ravena 8:45 am Arrive in Westerlo 12:45 pm*

Miles each way 15.12

Pay \$1354.75 per year plus \$2.15 trip each way

Electric Service - July 16,1926 permission was given by the State of New York Public Service Commission to Clifford Hannay to transfer to Westerlo Electric Service Inc a DC electrical distribution system operated by them in the village of Westerlo for a sum of \$3000.. The money was to be raised by the sale of stock at \$100 a share until the \$3,000 was raised. Permission was also granted to construct an electric power plant which still stands next to building #3.

Telephone Co – I found in 1916 there were 9 separate telephone companies. Info was taken from the files of James Braman Town Clerk

- *Chesterville Local (CC Brayman Pres)*
- *Basick Valley Telephone Co (George Taylor Pres)*
- *Lams Corners Telephone Co (Henry Ingalls Sec’y)*
- *Newry Rural Telephone Co (Emery Palmer Pres)*
- *South Westerlo Telephone Co(Darius Rundell Pres)*
- *United Telephone Co (Charles Irish Pres)*
- *Westerlo Center (Thayers Corners) Telephone Co (Charles Boomhower Pres)*
- *Northeastern Telephone Co (Anna Hunt Pres) Dormansville*
- *Westerlo Northern Telephone Co (Casper Barber Pres) Westerlo*

WESTERLO HERITAGE MUSEUM

Museum Director Mary-Jane Araldi presented Wreaths Across America at the last Town Board meeting and the Museum Board would like to request that the Westerlo Hometown Heroes Committee hand out flyers at their closing ceremony in November. She mentioned it’s a worthy cause not just for National cemeteries. She would like to include additional cemeteries besides Westerlo Rural in the future however it requires coordination and volunteers.

REFERRAL TO ALBANY COUNTY REGARDING PROPOSED LL # 3-2019 SOLID WASTE MANAGEMENT CODE

Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: The Town Board needs to submit proposed Local Law #3-2019 to all abutting towns, Albany County Planning Board and Greene County, be it hereby

RESOLVED: The Town Clerk submit referral for their review and comments.
Seconded by Councilman Boone, a vote resulted as follows:

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

NAYES: None

Resolution # 71-2019 was hereby duly adopted.

COUNCILMAN BOONE

Councilman Boone thanked the Westerlo Vol. Fire Co. for posting the revised meeting dates on their sign boards. He also thanked the Rupeka's and Town Highway employees for their work on the recent renovations to the town Highway building.

SIGN BOARDS

Mrs. Verch wondered if any of the Board members thought about her suggestion for sign boards around town. Councilman Boone is concerned regarding the cost and maintenance of the signs and them being subject to vandalism. He believed it was best to have a public notice sign at the transfer station. ZBA Chairperson Sefcik mentioned the ZBA discussed public notices at their last meeting and it is their recommendation to have a public hearing tab on the website, a sign at site locations and public notice sign on the compactor at the transfer station. No action was taken by the Town Board.

PAYMENT OF MONTHLY BILLS

Councilwoman Burnside 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 # 491 through Voucher # 523 in the amount of
\$205,681.23.

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

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

NAYS: None

Resolution # 72-2019 was thereby duly adopted.

PUBLIC COMMENT

A resident indicated the documentary film American Creed was shown at the Carey Center recently and a follow up discussion will be held on Saturday, Sept. 21st at the Rensselaerville Library at 2pm on the topic "the community we want to be"; all are invited.

A resident questioned having to pay for both Greenville and Rensselaerville libraries on his 2019 Greenville school tax bill. Mr. Bichteman indicated that unfortunately it has to do with the way these libraries are chartered. It is normally set up through the NYS Education Department and handled by the school district, unlike the Westerlo Public Library.

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

Respectfully submitted,

Kathleen Spinnato
Town Clerk