

**PUBLIC HEARING & REGULAR MEETING  
OF THE TOWN BOARD  
TOWN OF WESTERLO  
TUESDAY, MAY 1, 2012**

The Town of Westerlo Town Board held a Public Hearing regarding a proposed Board of Ethics. The Public Hearing, followed by the regular meeting was held at the Westerlo Town Hall 933 County Route 401, Westerlo NY. Supervisor Rapp called the hearing to order with the Pledge of Allegiance to the Flag at 7:32 PM on May 1, 2012.

**PRESENT WERE:** Supervisor Richard H. Rapp  
Councilman Edward A. Rash  
Councilman Anthony W. Sherman  
Councilman Alfred L. Field

**ABSENT:** Councilman R. Gregory Zeh Jr.

Also present were: Town of Westerlo Highway Superintendent John S. Nevins, Planning Board Chairwoman Dorothy Verch, Planning Board Member Edwin Stevens, Town Clerk Kathleen J. Spinnato, several town employees and approximately thirty-two residents.

Councilman Sherman made a motion to open the public hearing on the proposed Board of Ethics, motion seconded by Councilman Rash and carried.

Leonard Laub was in favor of a five member Board of Ethics. Councilman Sherman explained there had been a previous discussion at the last town board meeting of a three member board and two alternates, but there were issues with having alternate members which he then detailed.

Anderson Smith concurred with Mr. Laub. Mr. Smith also commented that any discussions made outside of a meeting between two Board of Ethics members may create the potential for an illegal meeting. Councilman Rash responded that the Town Board would need legal advice on the issue raised by Mr. Smith, and then gave his view on a Board of Ethics.

Michael Sikule agreed that it should be a five member board with a five year term. Three more residents who spoke were also in favor of a five member Board of Ethics.

Councilman Rash reminded everyone it had been discussed at the last meeting of the Town Board, to have a three member Board of Ethics. Councilman Sherman explained that he had originally thought a five member board. The problem is getting five members together. This is not a regularly meeting Board, they will meet very infrequently. Board of Ethics members will have outside schedules, how long would they have to gather. A three member board would be able to assemble and meet easier.

Councilman Rash felt it should remain three members and Councilman Sherman said he had not heard anyone in the audience argue for a three member board.

Supervisor Rapp made the motion to revise the draft of the Board of Ethics from a three (3) members to a five (5) members. Councilman Sherman seconded the motion and roll call vote resulted:

**AYES:** Supervisor Rapp and Councilman Sherman  
**NAYS:** Councilman Rash and Councilman Field

No decision was made. The Town Board agreed to continue the public hearing at the next monthly meeting of the Town Board for another vote.

Mr. Sikule asked if before adjourning the hearing if the public could make any further comments on the Board of Ethics draft. He then asked a question about page two, paragraph F, line five, in particular the words: “and approved” by the Town Attorney. Councilman Rash advised that this was included to make sure things are legally done, not so much as an approval whether anything can or cannot be done.

Supervisor Rapp asked if the Board wanted to recommend a revision and have the words “and approved” stricken from the draft. Councilmen Rash, Councilman Field, Councilman Sherman and Supervisor Rapp were all in favor of having the words “and approved” stricken from the draft.

Councilman Rash gave his opinion and concerns on having a Board of Ethics. Mr. Laub stated the Town of Westerlo is obligated to have a Board of Ethics, referring to a letter of the Attorney General. Councilman Rash believed the letter in which he was referring to suggested having a Board of Ethics, and it did not say the Town was obligated to have one.

The Town Board also heard brief comments from Anita Marrone, Jerry Boone and Edwin Stevens.

All present having the opportunity to be heard having been heard, Councilman Sherman made the motion to continue the Public Hearing next month for a revote on the number of members on the proposed Board of Ethics and to adjourn the Public Hearing for the evening. Councilman Field seconded, motion carried all present in favor.

Supervisor Rapp then opened the regular meeting. Councilman Field made the motion to approve the Westerlo Town Board minutes of April 3, 2012, motion seconded by Councilman Sherman and carried all present in favor.

Supervisor Rapp reported that the Household Hazardous Waste Day will be held on June 2, 2012 from 9AM- 2:00 PM in the Town of Berne Highway Garage (1811 Helderberg Trail, Berne). Westerlo Town residents who wish to participate must first obtain a certificate from the Westerlo Town Clerk. A list of the items that will be accepted is available in the clerk’s office.

Councilman Rash then excused himself from the meeting to travel to the airport.

Supervisor Rapp then asked Dotty Verch to talk about the next item on the agenda. Mrs. Verch is concerned about nesting Canada geese being hit by traffic they are in the Bear Swamp area of County Route 404. She has contacted the Nature Conservancy and spoke with Matt Levy, she has received verbal permission to hang six doubled sided signs that she will provide from the trees located on the Nature Conservancy’s property. She is seeking help from the Town of Westerlo Highway Dept. to hang the signs. Councilman Field suggested that Mrs. Verch get the permission in writing from the Nature Conservancy. No motion was made by the Town Board for the Highway Dept. to aid in hanging the signs.

Supervisor Rapp stated that the monthly bills need to be paid and made the motion to adopt the following resolution:

WHEREAS: the Town Board has audited the monthly bills, be it hereby

RESOLVED: that the following bills be paid:

Voucher # 167 through #219 .....\$110,773.28

Councilman Field seconded the motion and the vote resulted as follows:

AYES: Supervisor Rapp  
Councilman Field  
Councilman Sherman

**RESOLUTION #15-2012 was thereby duly adopted.**

Supervisor Rapp opened the meeting to the public.

Anita Marrone announced she had read an article which indicated that FEMA & the New York State were covering expenses for damages caused by Hurricane Irene. She wanted to know why the Town Board had made a resolution the previous month to borrow \$ 262,900.00 for a Bond to cover work done by Callanan Industries for repairs to Tan Hollow and Pine Valley caused by the Hurricane. Supervisor Rapp responded that no FEMA or NYS payments/reimbursements have been received by the Town of Westerlo as of this date to cover the cost of the repairs to Tan Hollow Rd. & Pine Valley Rd. The Town of Westerlo needed to pay the vendor for work completed in the year 2011. Mrs. Marrone asked will Lobdell Mill Road be repaired. Supervisor Rapp indicated that the major repairs have not been done on Lobdell Mill Rd. due to the cost to repair the damage, and funding concerns if FEMA does not cover the expense. Mr. Sikule commented that New York State had waited years for FEMA funding in the past.

Mr. Sikule announced that Dr. Paul Dorward Superintendent of Berne-Knox-Westerlo Central School District will be at the Westerlo Town Hall next Tuesday May 8<sup>th</sup> at 7:00 PM to discuss the upcoming school budget for anyone interested in attending.

Helena Kosorek thanked the Town Board for allowing her use of the Town Hall to show the movie Gaslands a film on the topic of Hydrofracking. She wanted to know if the Town of Westerlo had a moratorium on Hydrofracking. Councilman Field commented that a Committee on Hydrofracking has not come together yet. She suggested setting a deadline.

There being no further comments or business to conduct Councilman Sherman made a motion, seconded by Councilman Field and carried to adjourn the meeting. The meeting adjourned at 8:15 PM.

Respectfully Submitted,

Kathleen J. Spinnato