

**Regular Meeting
of the
Westerlo Town Board
Tuesday, May 7, 2013**

The regular meeting of the Westerlo Town Board was held on Tuesday May 7, 2013 at the Westerlo Town Hall located at 933 County Route 401, Westerlo. The meeting was opened at 7:00 PM by Supervisor Richard H. Rapp with the Pledge of Allegiance.

PRESENT WERE: Supervisor Richard H. Rapp
Councilman Alfred L. Field
Councilman Anthony W. Sherman
Councilman Theodore S. Lounsbury III
Councilman William F. Bichteman Jr.

Also attending were: Deputy Supervisor Edwin H. Lawson, Planning Board Chairperson Dorothy Verch, Highway Superintendent Keith Wright Sr., Planning Board Member Gerry Boone, Town Clerk Kathleen Spinnato, and approximately 23 residents.

Supervisor Rapp asked for a motion to approve the Town Board minutes of April 2, 2013. Councilman Bichteman made the motion to approve the minutes with a correction, the sentence stricken from page 2, paragraph 4, and line 4. (A vote will be held in November.) Councilman Field seconded the motion, carried all in favor.

Supervisor Rapp asked for a motion to approve the Town Board Workshop minutes of April 9, 2013. Councilman Bichteman made a motion to approve the minutes, seconded by Councilman Lounsbury and carried all in favor.

Supervisor Rapp asked for a motion to approve the Town Board Workshop minutes of April 16, 2013. It was announced by the Board that executive session was entered into at the meeting to discuss a personnel matter regarding a clerical position in the Supervisor's office. Councilman Bichteman made a motion to approve the minutes; Councilman Sherman seconded the motion and carried all in favor.

Supervisor Rapp announced that the current accounting consultant Robert Fisher will be leaving once the NYS Comptroller's Office has completed its audit. The Supervisor is requesting Town Board approval to hire the accounting firm of Pattison, Koskey, Howe, & Bucci once the audit is completed. Supervisor Rapp made a motion requesting the Town Board give the Supervisor the authority to hire the accounting firm of Pattison, Koskey, Howe, & Bucci after the current audit is completed. Councilman Field seconded the motion, motion carried all in favor.

Supervisor Rapp made a motion requesting the Town Board give the Supervisor approval to hire an individual to fill Kimberly Slingerland's position. Councilman Field seconded the motion, motion carried all in favor. Twenty-two applications had been received for the position.

Supervisor Rapp announced the Town Board needs to appoint an individual to the Zoning Board of Appeals. Councilman Bichteman made a motion to adopt the following resolution.

WHEREAS: the Town Board has advertised, received applications, interviewed applicants and needs to fill a position on the Zoning Board of Appeals due to the resignation of Gerald Woodruff, be it hereby

RESOLVED: John F. Sefcik is appointed as a member of the Zoning Board of Appeals.

Councilman Lounsbury seconded the motion and a roll call vote resulted as follows.

AYES: Supervisor Rapp, Councilman Bichteman, Councilman Lounsbury,
Councilman Sherman, and Councilman Field

NAYS: None.

RESOLUTION #22-2013 was thereby duly adopted.

Councilman Sherman stated that the position of Zoning Board of Appeals Chairperson remains open. (Former ZBA Chairperson Gail Snyder's term expired.) Councilman Sherman then made a motion to adopt the following resolution:

WHEREAS: The Town Board needs to appoint a ZBA Chairperson, be it hereby

RESOLVED: Virginia Mangold is appointed Zoning Board of Appeals Chairperson.

Councilman Lounsbury seconded the motion and a roll call vote resulted as follows:

AYES: Supervisor Rapp, Councilman Sherman, Councilman Field, Councilman Lounsbury and Councilman Bichteman

NAYS: None.

RESOLUTION #23-2013 was thereby duly adopted.

Councilman Field reported the Planning Board was requesting approval for required training at a cost of \$30 each. He then made a motion to adopt the following resolution:

WHEREAS: the Planning Board needs to attend required training, be it hereby

RESOLVED: the Town Board approves the cost of training for the Planning Board

Councilman Bichteman seconded the motion and a roll call vote resulted as follows:

AYES: Supervisor Rapp, Councilman Field, Councilman Bichteman, Councilman Sherman and Councilman Lounsbury

NAYS: None.

RESOLUTION #24-2013 was thereby duly adopted.

Councilman Bichteman reported that after consultation with the Town Attorney concerning a Board of Ethics. The town is not required to have a Board of Ethics to oversee the Code of Ethics for the Town, it falls within the jurisdiction of the County at no expense to the town. No seats have been filled for a Board of Ethics Committee. Councilman Bichteman then made a motion to adopt the following resolution.

WHEREAS: the Town of Westerlo Town Board has been unable to fill positions for a Board of Ethics and it falls within the jurisdiction of the County at no expense to the Town of Westerlo, be it hereby

RESOLVED: the Town Board **repeals the Board of Ethics passed by**

RESOLUTION #16-2012.

Councilman Field seconded the motion and a roll call vote resulted as follows:

AYES: Supervisor Rapp, Councilman Bichteman, Councilman Field, Councilman Lounsbury and Councilman Sherman

NAYS: None.

RESOLUTION #25-2013 was thereby duly adopted.

Supervisor Rapp reported Town Clerk Kathleen Spinnato had submitted the monthly report for April. He asked for a motion to approve the report as submitted. Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: The Town Board has received the Town Clerk's monthly report for April 2013, be it hereby

RESOLVED: to accept the Town Clerk's monthly report as submitted.

Councilman Field seconded the motion and a roll call vote resulted as follows:

AYES: Supervisor Rapp, Councilman Field, Councilman Bichteman, Councilman Sherman and Councilman Lounsbury

NAYS: None.

RESOLUTION #26-2013 was thereby duly adopted.

Councilman Sherman reported Tax Collector Kathleen Spinnato had submitted the Tax Collector's report of May 7, 2013 and made the motion to adopt the following resolution:

WHEREAS: the Tax Collector had submitted a report of 5/7/2013, be it hereby

RESOLVED: the Town Board accepts the Tax Collector's report as submitted.
Councilman Bichteman seconded the motion and a roll call vote resulted as follows:

AYES: Supervisor Rapp, Councilman Sherman, Councilman Bichteman,
Councilman Lounsbury and Councilman Field

NAYS: None.

RESOLUTION #27-2013 was thereby duly adopted.

Supervisor Rapp stated the monthly bills need to be paid and made a 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 # 690 through Voucher # 746 in the amount of \$38,675.47

Councilman Lounsbury seconded the motion and a roll call vote resulted as follows:

AYES: Supervisor Rapp, Councilman Lounsbury, Councilman Field,
Councilman Sherman and Councilman Bichteman.

NAYS: None.

RESOLUTION #28-2013 was thereby duly adopted.

Councilman Lounsbury made a motion to adopt the following resolution:

WHEREAS: the Town of Westerlo is currently using the Times Union as the official newspaper for the Town of Westerlo, be it hereby

RESOLVED: the Town of Westerlo return to the Altamont Enterprise as the official newspaper for the Town of Westerlo.

Councilman Field seconded the motion and a roll call vote resulted as follows:

AYES: Supervisor Rapp, Councilman Lounsbury, Councilman Field
and Councilman Bichteman

NAYS: Councilman Sherman.

RESOLUTION #29-2013 was thereby duly adopted.

Supervisor Rapp then opened the meeting to the Public.

Ruth Snyder announced the Town of Westerlo Museum's 8th Annual Garage Sales on June 8. Applications are available throughout the town, any questions contact Kate @ 797-3295.

Anita Marrone spoke regarding the workshop of 4/16/13 when the Town Board entered into Executive Session while the public waited and referred to Town of Rensselaerville's meeting procedures. Councilman Bichteman responded to her concerns indicating that Rensselaerville tends to strictly follow Robert's Rules of Order, Westerlo tries to be more open to contribution of people in attendance. He offered his apology for the waiting period during Executive Session it was unintentional.

John Sefcik asked when the Hydrofracking Report would be available to the Public. Councilman Bichteman explained that the Town Board needs to review the report, make comments & ask questions, before it goes to the public. Discussion followed concerning the Hydrofracking Report, and the committee that compiled it. Councilman Field responded to a series of questions asked by the public. Councilman Bichteman and Councilman Sherman then joined the discussion giving their input on the Hydrofracking Report, the potential public hearing and referendum.

Pat Kosorek asked about the Second Amendment Preservation Ordinance he provided to the Town Board. Councilman Field indicated the Attorney advised it was illegal. Mr. Kosorek then read the 14th Amendment, section 1, from case laws, etc. Mr. Kosorek was asked to please stop, he continued and did not.

Councilman Bichteman made a motion to adjourn the meeting, seconded by Councilman Field, motion carried all in favor.

Respectfully Submitted,
Kathleen Spinnato

