

**TOWN OF WESTERLO  
TOWN BOARD  
MEETING OF  
TUESDAY, APRIL 5, 2016**

The Westerlo Town Board held the regular meeting on Tue., April 5, 2016 at the Town Hall 933 County Route 401, Westerlo, NY. Supervisor Richard Rapp opened the meeting at 7:30 PM with the Pledge of Allegiance to the Flag.

ATTENDING WERE: Supervisor Richard H. Rapp  
Councilman Anthony W. Sherman  
Councilwoman Amie L. Burnside  
Councilman William F. Bichteman Jr.

Also attending were: Town Justice Robert Carl, Highway Superintendent Keith Wright Sr. and Deputy Hwy. Supt. Jody Ostrander, ZBA member John Sefcik, Planning Board Chairwoman Dorothy Verch and PB member Gerard Boone, Town Historian Dennis Fancher, Clerk to the Assessor Claire Marshall, Clerk to the Supervisor Patricia Boice, Deputy Town Clerk Karla Weaver, Town Clerk Kathleen Spinnato and approximately twenty-four residents.

Supervisor Rapp read a letter of resignation from Councilman Theodore Lounsbury effective April 4, 2016.

Supervisor Rapp asked for a motion to approve the Town Board Meeting minutes of 3/1/2016. Councilman Sherman made a motion to approve the minutes of 3/1/2016, Councilwoman Burnside seconded the motion, motion carried all in favor.

Supervisor Rapp announced 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:** the following bills be paid

Voucher # 68 through Voucher # 121 in the amount of \$ 49,921.33.

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

AYES: Supervisor Rapp, Councilman Sherman, Councilman Bichteman, and  
Councilwoman Burnside.

NAYS: None.

**RESOLUTION # 12-2016 was thereby duly adopted.**

Supervisor Rapp reported the Town Board had received the Town Clerk's monthly report for March and asked for a motion to approve. Councilman Sherman made a motion to accept the Town Clerk's March monthly report as submitted, Councilman Bichteman seconded the motion, motion unanimously carried.

Supervisor Rapp asked for a motion to approve the Supervisor Report for February, 2016. Councilman Sherman made a motion to accept the Supervisor Report for February as submitted, seconded by Councilman Bichteman, motion unanimously carried.

Supervisor Rapp asked Town Clerk, Kathleen Spinnato to read the Zoning Board of Appeals report submitted by ZBA Chairwoman Virginia Mangold. The ZBA met on 3/28/2016 at 7:00 PM for a regular meeting. The ZBA reviewed and approved the minutes of 2/22/16 and the Board discussed and reviewed two new applications for setback variances. A site visit for each is scheduled for Tuesday, April 5, 2016. The board will follow up on a decision to proceed to a public hearing for each applicant on Monday, April 25, 2016. The next scheduled ZBA meeting is Monday, April 25, 2016 at 7:00 PM. Councilman Bichteman made a motion to accept the ZBA report as submitted, seconded by Councilwoman Burnside, motion unanimously carried all in favor.

Supervisor Rapp asked Planning Board Chairwoman Dorothy Verch to give a report. Dorothy reported the Planning Board met on 3/22/2016. Two Public Hearings were held. Application # 15-005 Mario Pollan Sanchez for a Special Use Permit for a seasonal business was approved.

Application for #16-001 - Frank & Regina Bryant for a barn renovation was approved. The Planning Board accepted application #16-2002 from Peter Snyder for a minor subdivision, the public hearing will be held on April 26, 2016. The Broadband Research Committee (BRC) has been filled, the town residents on the committee are; Eric Markson, Mike Sikule, Leonard Laub and Bob Wilcox. These residents have agreed to assist the existing members of the planning board. The reason there were four town residents chosen is because one of the planning board members felt he might not be present for all the meetings. The first BRC meeting will be held April 26, 2016 at approximately 8:15 PM, it will immediately follow the Planning Board scheduled at 7:30 PM. Supervisor Rapp asked for a motion to accept the Planning Board report, Councilman Bichteman made a motion to accept the Planning Board report, seconded by Councilman Sherman, motion unanimously carried.

Due to the conflict of the Presidential Primary being held on Tue., April 19<sup>th</sup>. The Town Board rescheduled the next Town Board Workshop & Building Committee meeting for Wednesday, April 13, 2016 at 7:00 PM.

Supervisor Rapp advised Central Hudson has requested a resolution from the Town to replace the old street lights with new LED lights street lights. Supervisor Rapp made a motion to approve the following resolution:

**WHEREAS:** Central Hudson has proposed the replacement of street lights which fail within the lighting districts be replaced with LED fixtures, be it hereby

**RESOLVED:** the Town Board agreed that all Central Hudson failing street lights be replaced with LED fixtures.

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

AYES: Supervisor Rapp, Councilman Bichteman, Councilman Sherman and Councilwoman Burnside.

NAYS: None.

**RESOLUTION # 13-2016** was thereby duly adopted.

Supervisor Rapp asked Councilman Bichteman to give a Water Board report. He reported Albany County wants to be notified of non-payment of water district bills. The County wants the Town to have a process in place to shut water off for customers who are delinquent. Currently the water bills are divided into two parts, the loan repayment and water usage. First, the board will modify the rate so that the rate will be charged as part of the tax similar to street light tax ie.; the current water use law allows the board to take the loan portion of the bill off, allowing it to become a tax and the water usage will get billed as usual. Second, the water use law requires Section 701 and Section 703 to be changed. A public hearing is scheduled for Tue., May 3, 2016 at 7:00 PM for the purpose of amending the Water Law. Councilman Bichteman then made a motion to adopt the following resolution:

**WHEREAS:** the Town of Westerlo Water District No. 1 and the Town Board of the Town of Westerlo has the authority pursuant to Articles VII and VIII of the Town of Westerlo Water Use Law ("The Law"), to set the rents and charges for the Water District by Resolution and the Water District has attempted to simplify the billing process for Water District residents, and the Water District relies on the timely payment of water rents and charges in order to ensure the financial stability of the Water District therefore, be it hereby

**RESOLVED:** pursuant to the powers given to the Town Board in Articles VII and VIII of The Law, be it resolved that:

1. The bond repayment portion of the quarterly Water District bill shall now be assessed annually and shall be a part of the annual property tax

bill for those residents of the Water District. It shall be separately itemized as a "water district assessment". The actual bond repayment amount shall be set by the Water District Committee during the prior fiscal year and shall be made a part of the budget. The budget amount shall be included in the information provided to the county when preparing the Tax Warrant.

2. The Water usage charge shall be billed separately from the bond repayment, in quarterly installments and unpaid charges shall be relieved onto the following year's property taxes as set forth in Article VII, Section 703, Collection of Unpaid Water Rents and Charges.

Councilwoman Burnside seconded the motion and a vote resulted as follows:

**AYES:** Supervisor Rapp, Councilman Bichteman, Councilman Sherman and Councilwoman Burnside

**NAYS:** None

**RESOLUTION # 14-2016** was thereby duly adopted.

The Town Board discussed the need to schedule a public hearing for a proposed amendment to the Water Use Law. Councilman Bichteman made a motion to schedule the Public Hearing on the proposed amendment to the Water Use Law for Tuesday, May 3, 2016 at 7:00 PM. Councilman Sherman seconded the motion, motion carried all in favor.

Supervisor Rapp reported the Town of Westerlo had received a request to abandon a section of Clickman Rd (a Town Rd. located off of Albany County Route 413). The request was made by an Attorney at the request of his clients John & Dianne Sefcik residing on Clickman Rd. Supervisor Rapp stated the information was forwarded to Town Attorney Aline Galgay who will research and get back to the Town Board on the subject at the next regular Town Board Meeting. Councilman Bichteman suggested the Board should do a site visit of Clickman Rd., get input from Town of Rensselaerville as it is adjacent to both Town lines, and obtain any input from other property owners adjacent to the section of road being requested to be abandoned. Ed Newell advised his property touches and he has always had access to Clickman Rd. since he was a young child. Mr. Newell indicated to the Town Board someone had restricted access to the road from his property by placing rocks and a chain across his access. He indicated this area was also used to gain access to his Grandfather's property and had also been used by his father to mow the property. Mr. Sefcik reported he had placed the chain there during hunting season, it has since been removed. Two town residents commented offering their opinions or suggestions on the topic. Mr. Sefcik confirmed their request for abandonment of the end section of Clickman Rd. Supervisor Rapp advised that discussion of Clickman Rd. would continue at the next Town Board meeting. The Town Board tabled the discussion and no action was taken. Mr. Newell reported that the property is currently for sale and this may have an impact if there is no access.

Supervisor Rapp asked Councilman Bichteman for a Building Committee Report. Councilman Bichteman indicated that the Building Committee has met several times and at the last meeting, suggested short and long term recommendations to the Town Board. The recommendations are as follows:

1. Asbestos in the basement of the Town Hall, located at 933 CR 401, be abated as soon as practical and that the remaining dormitory authority grant be applied toward cost. Recommend the Town fund the initial part of the project borrowing for a 1 year period \$80,000. After remaining grant monies have been applied, the balance will be paid for from budget funds.
2. Rehabilitate the existing Town Hall building located at 933 CR 401 as our best course of action.
3. The Town Board direct Delaware Engineering to complete the preliminary design and develop a comprehensive estimate for the project. Code Enforcement Officer Edwin Lawson will work with the Building Committee to develop a scope of improvements to guide Delaware Engineering in the preparation of the preliminary design.

4. Once the Town establishes a reasonable cost of the project, the improvement would be funded with a long term borrowing at the best interest rate. Also, the potential for grant money will continue to be examined.

Several residents commented and asked questions regarding the cost of the asbestos abatement, scope of work, borrowing, contractor, the bid process, a variance issued by the NYS Dept. of Labor expiring in 2011, and effects on insurance. Their questions were responded to by Councilman Bichteman, Councilman Sherman or Code Enforcement Officer Ed Lawson to the best of their knowledge based on facts known to date. Any public misconceptions were clarified.

A resident thanked the Planning Board & the Town Board for introducing four residents to the Broadband Research Committee and two residents to the Building Committee, however questioned how the Board executed adding them. Supervisor Rapp and Councilman Bichteman reported both residents on the Building Committee had expressed an interest to serve on the Committee.

Several residents commented about concerns or inquired about; if a limit is set as far as the total cost of building renovations and the purchase of buildings made by the Town of Westerlo. Councilman Bichteman indicated a set cost limit was not known for building renovations, the Town Board would like to have a Town Hall that is functional, efficient, clean, and orderly. Supervisor Rapp & Councilman Bichteman indicated the Percy House (Museum) was purchased for approximately \$15,000, the Town Hall (former school) was **not** paid for with town taxpayer money but through a grant, so in essence was free, and the Library was donated to the town by Harold Bell. Discussions followed.

The topic of a Grant Writer was briefly discussed, presently the Town does not have one.

A resident commented approximately 1 yr. ago, the Zoning Recommendation Committee suggested an Economic Development Plan and no action has been taken so far. It seems like the town is aging and many buildings are sitting without being sold. He resident felt the Town Hall would have made a nice Community Center especially for kids and thinks that if the Town does not work on a viable economic development plan, Westerlo will become a very different place.

A resident commented that there seems like an awful lot of negative/angry energy directed at the Town Board, but feels lucky to have the qualified people that are on the Board. The resident is proud to live in Westerlo and does not like reading about the Town in a negative way in the Altamont Enterprise and feels that the Board is going to do what is best for the entire Town.

Councilman Sherman wanted to touch base on a previous comment about the town becoming an aging town. He said that there were five Special Use permits for businesses last year as well as two this year, and feels that even though Westerlo is predominately an aging town, there are a lot more, younger families that are starting families and bringing families to the town. He does not agree that Westerlo is a dying town, every town has a cycle and feels that Westerlo is coming back. Councilman Bichtman agreed that an Economic Development Plan would be a benefit.

Councilman Sherman indicated that the Town Board still had to finish business started at the beginning of this meeting regarding a proposed recommendation from the Building Committee (BC). The BC recommended that the Town Board move forward regarding asbestos abatement in the Town Hall Building.

Councilman Bichteman made a motion to adopt the following resolution:

WHEREAS: the Town Board has agreed to move forward to bid the project for asbestos abatement, be it hereby

RESOLVED: the Supervisor be authorized to borrow up to \$80,000 with a one year BAN at the best interest rate available.

Councilwoman Burnside seconded the motion and a roll call vote resulted as follows:

AYES: Supervisor Rapp, Councilman Sherman, Councilman Bichteman, and Councilwoman Burnside.

NAYS: None.

**RESOLUTION # 15-2016 was thereby duly adopted.**

Councilman Bichteman suggested that the Town Board move forward in an effort to rehabilitate the Town Hall building. Councilman Sherman made a motion to adopt the following resolution:

**WHEREAS:** the Building Committee has made a recommendation to the Town Board to concentrate on the rehabilitation of the Town Hall as the only viable option, be it hereby

**RESOLVED:** the Town Board has taken into consideration from the Building Committee that rehabilitation of the current Town Hall is the most fiscally responsible and viable option for the Town to pursue.

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

AYES: Supervisor Rapp, Councilman Sherman, Councilwoman Burnside, and Councilman Bichteman.

NAYS: None.

**RESOLUTION # 16-2016 was thereby duly adopted.**

Councilman Bichteman indicated old business from a prior Town Board meeting needed to be followed through. The Planning Board has made a recommendation to modify the Zoning Law & Subdivision Regulations to follow the procedures the Town currently follows. He read aloud a draft of proposed changes to Local Law #1 of 1989 with revisions "Zoning Law":

1. Article 9 Site Plan Review-Section 9.2.
2. Article 10 Special Use Permit Review Procedures-Section 10.30 Application for Special Use.

Proposed changes to the Land Subdivision Regulations:

1. Section 1 Requirements-B. Where Applications may be obtained.
2. Section 2 Sketch Plan –A. Submission of a Sketch Plan.
3. Section 4 Major Subdivision-Approval of Preliminary Plat- B.

A Public Hearing needs to be held to make these changes.

Councilman Bichteman then made a motion to adopt the following resolution:

**WHEREAS:** The Town Board has been given a recommendation from the Planning Board to modify the Zoning Law and Land Subdivision Regulations, be it hereby

**RESOLVED:** The Town Board hold a Public Hearing on Tuesday, May 3, 2016 at 7:15 PM, regarding the proposed changes to Local Law No. 1 of 1989, entitled the "Zoning Law" with revisions.

Supervisor Rapp seconded the motion and a roll call vote resulted as follows:

AYES: Supervisor Rapp, Councilman Bichteman, Councilwoman Burnside, and Councilman Sherman.

NAYS: None.

**RESOLUTION # 17-2016 was thereby duly adopted.**

A resident inquired about a temporary "replacement" of a person to fill the vacancy on the Town Board due to resignation of Councilman Lounsbury. Supervisor Rapp responded he was uncertain how soon an appointment would be made to this elected position.

A resident asked if the Town Board was now ready to resolve to form an Economic Development Committee (EDC) and advertise for this proposed committee publicly. Councilman Bichteman felt an EDC would be good. No action was taken by the Town Board to form EDC.

There being no further comments or opinions, Supervisor Rapp asked for a motion to adjourn the meeting. Councilman Bichteman made a motion to adjourn, seconded by Councilwoman Burnside, motion unanimously carried. Meeting adjourned at 9:30 pm.

Respectfully submitted,

Kathleen Spinnato, Town Clerk

Kathleen Spinnato  
Town Clerk