

**Town of Westerlo  
Town Board Meeting  
Of  
Tuesday, June 21, 2016**

The Town of Westerlo Town Board held the regular Town Board meeting on Tue. June 21, 2016 at 7:30 PM at the Town Hall located at 933 CR 401, Westerlo. This was a change of date from June 7, 2016 as not enough members were present for a quorum. The change was advertised in the official newspaper, posted to the Town website and posted on the sign board. Councilman Bichteman opened the meeting with the Pledge of Allegiance to the Flag. Councilman Bichteman announced in the absence of the Supervisor and Deputy Supervisor he was asked to reside over the meeting.

PRESENT WERE: Councilman William F. Bichteman Jr.  
Councilwoman Amie L. Burnside  
Councilman Anthony W. Sherman

ABSENT: Supervisor Richard H. Rapp

Also attending were: Town Attorney Aline Galgay, Zoning Board of Appeals Chairwoman Virginia Mangold and member John Sefcik, Planning Board Chairwoman Dorothy Verch and members Doyle Shaver & Gerry Boone, Highway Superintendent Keith Wright Sr., Deputy Hwy Supt. & Dog Warden Jody Ostrander, Town Justice Robert Carl, Town Historian Dennis Fancher, Clerk to the Supervisor Patricia Boice, Clerk to the Assessor Claire Marshall, Deputy Town Clerk II Karla Weaver, Town Clerk Kathleen Spinnato and approximately 24 residents.

**Town Board Minutes of 5/3/2016**

Two Public Hearings & Town Board meeting regarding:

1. Public Hearing on Proposed Local Law # 1 of 2016 to amend Water Use Law
2. Public Hearing on Proposed Local Law # 2 of 2016 to amend Zoning Law & Land Subdivision Regulations
3. Town Board meeting

Motion to accept made by Councilman Sherman, seconded by Councilwoman Burnside, all present in favor, motion carried.

**Town Board Minutes of 5/25/2016**

1. Public Hearing - Draft of proposed Local Law No. 3 of 2016
2. Proposed Abandonment of the South West section of Clickman Road

Motion to accept made by Councilman Bichteman, seconded by Councilman Sherman, all present in favor, motion carried.

**Proposed Abandonment of a portion of Clickman Road**

Councilman Bichteman made a motion to enter into Executive Session to discuss/receive counsel from the Town Attorney before making a final decision. Councilman Sherman seconded the motion, a roll call vote resulted as follows:

AYES: Councilman Bichteman, Councilman Sherman and Councilwoman Burnside

NAYS: None

Motion carried. The Town Board and Town Attorney Galgay entered into Executive Session at 7:35 PM and returned from Executive Session at 7:45 PM. Councilman Bichteman announced after conferring with counsel concerning the legalities and the obligations of the Town Board, the Town Board has reviewed the facts and listened to persons speaking at the Public Hearing held on 5/25/2016. He then made a motion authorizing Supervisor Rapp to direct Highway Superintendent Keith Wright Sr. to

abandon a portion of Clickman Rd. Councilman Sherman seconded the motion, all present in favor, motion carried. Attorney Galgay will prepare the resolution for the Town Board to review and to execute at the Town Board meeting scheduled to be held on Tue., July 5, 2016.

### **Proposed Moratorium & Draft Local Law No. 3 of 2016**

Establishing a six month moratorium on applications, approvals, and/or construction or installation of ground mounted solar energy systems or solar farms in the Town of Westerlo. Councilman Bichteman reviewed that the Town Board had discussed the subject and held a Public Hearing on 5/25/2016. He made a suggestion to schedule a discussion at the next Town Board Workshop meeting and to invite persons who might be able to participate in that discussion. Planning Board Chairwoman Dorothy Verch suggested a meeting with NYS Dept. of State (NYSDOS) Chris Eastman who had previously assisted the Planning Board with SEQR. NYSDOS could give a 90 minute presentation of information. Mr. Eastman has suggested planning a meeting with the Towns of Westerlo, Rensselaerville, Knox and Berne. Councilman Bichteman believed the Town Board would like to hold a workshop meeting first. Councilman Bichteman agreed her suggestion would be a good follow-up. The Town Board will determine a date for workshop meeting in the later part of this meeting.

### **Payment of Monthly Bills**

Councilman Bichteman 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 # 165 through Voucher # 228 in the amount of \$83,788.07

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

AYES: Councilman Bichteman, Councilwoman Burnside, & Councilman Sherman

NAYS: None

**RESOLUTION # 22 of 2016 was thereby duly adopted.**

### **Supervisor's Report**

The Town Board had received the Supervisor's Report for the month of April. Councilman Bichteman made a motion to accept the Supervisor's report as submitted, Councilman Sherman seconded the motion, motion carried by those present.

### **Town Clerk's Report**

The Town Board had received the Town Clerk's Report for the month of May. Councilman Bichteman made a motion to accept the Town Clerk's report as submitted, Councilwoman Burnside seconded the motion, motion carried by those present.

### **Zoning Board of Appeals (ZBA) Report**

Chairwoman Virginia Mangold read the ZBA report of 5/23/2016. The ZBA did not meet on their regularly scheduled meeting date of May 23, 2016 there were no new applications for variances and no old business. Rather, ZBA Chairperson, Virginia Mangold prepared a statement for the Town Board's Public Hearing of 5/25/2016 regarding the possibility of placing a moratorium on Solar Systems, in particular, ground mount and solar farms (private and/or commercial). The next regularly scheduled ZBA meeting is Monday, June 27, 2016 at 7:00 PM. Councilman Sherman made a motion to accept the ZBA report as submitted, seconded by Councilman Bichteman, motion carried by those present.

### **Planning Board Report**

Chairwoman Dorothy Verch read the Planning Board report of the 5/24/2016 meeting. Accepted a new application #16-003 from Stuart Beller tax map # 138.-2-6 requesting a minor subdivision. Application had a negative environmental impact. Site visit was scheduled for 6/21/2016 at 7:30 PM. Due to the rescheduling of the Town Board Meeting, they will need to reschedule the site visit. A public hearing has been scheduled for this application for June 28, 2016. Mr. Beller received letters to send to abutters. Doyle Shaver made the motion to accept the application; Gerry Boone seconded motion. All members present in favor. She also reported on June 22<sup>nd</sup>, M & D Farms will have a summer open house from 4-8PM and gave location and contact information for any questions. Councilman Bichteman made a motion to accept the Planning Board Report as submitted, seconded by Councilman Sherman, motion carried by those present.

### **Building Committee Report**

Councilman Bichteman reported the Building Committee met on 5/31/2016. He read the Building Committee's recommendations to the Town Board for consideration:

1. To resolve to proceed with the final design plans and specifications for the renovation and improvements to the Town Offices utilizing the draft floor plan as suggested by the Committee.
2. Resolve to authorize the Supervisor to enter into a professional services agreement with Delaware Engineering, D.P.C. in the form presented, for the purpose of developing the final design plans and specifications for the renovations to the Town Hall. The contract amount will be a lump sum of \$60,000 for the total design. The contract provides an option for Time and Material accounted project management and construction inspection estimated at \$45,000 for a 120 day contract.
3. It is further recommended that; upon development of the final plans, specifications and Engineers Estimate of cost, that the Town Board include these total estimated costs including contingencies and financing costs, as is practical to determine, in a spending resolution to be included on the November ballot as a town wide referendum.

Clerk to the Assessor Claire Marshall read a letter to the Town Board submitted by Code Enforcement Officer/ Zoning Administrator Edwin H. Lawson in reference to the latest Draft of the Town Hall/Town Court floor plan under consideration for approval. (Mr. Lawson was out of Town and was unable to attend.) His letter indicated the following:

- The floor plan did not address the day-to-day operation of the building occupants, or the public's privacy.
- Although employees and town officials were consulted for their recommendations and input into the proposed town hall renovation, only the town court requirements were addressed. All other thoughts or suggestions were excluded from the present plan.
- The current floor plan has a significant cost increase for construction and demolition.

The mandate of the Building Committee was to generate the most cost effective & functional floor plan and to consolidate services. His letter suggested the following cost saving initiatives:

- Keep the Town Clerk's office in present location, with no changes to the exit or hallway.
- Use the existing opening to the stage area for the proposed new document storage area for Town records.
- Utilize the existing copy/storage room and janitor closet at their present locations.
- Renovate the men's bathroom as a coed bathroom to comply with ADA requirements. The women's bathroom could remain in its current use.

- Please scrap plans to move the cellar stairway as it has a significant cost impact (approx. \$125,000) for additional asbestos abatement, additional construction cost and maintenance burden for snow removal

The current floor plan would also require the relocation of computer and telephone systems, it eliminates a required exit in assembly/courtroom, eliminates janitor closet, cleaning supply storage, office supplies and trash storage. He recommended they reconsider all of the above.

Clerk to the Assessor Claire Marshall advised the workers at Town Hall wished to add to Mr. Lawson's letter. With the exception of Mr. Lawson, no one from the Building Committee ever asked or had a meeting with the Town Hall office workers who are here the majority of the time. A memo was sent to the Building Committee on 5/3/16 for this reason to explain the need for more storage room and those needs have not been met. They questioned the need for a second meeting room at the expense of smaller offices with less storage. She then gave her opinion as a taxpayer regarding the proposed renovations of Town Hall and future renovations which will be needed at the Town Highway Garage.

Councilman Bichteman believed the Building Committee has worked extremely hard to try to satisfy all points of view/interest brought forward. He indicated, in Mr. Lawson's letter are items Ed disagreed with the Building Committee upon, they are not being disregarded. He may have some valid points and he had added a thing or two which were not previously discussed. The engineer is aware that there may be minor changes to the final draft floor plan.

Discussions of the draft floor plan followed. The Town Board listened to inquiries and comments from Town Hall staff concerning the following:

Whether or not the plan would change after a referendum vote.

Lack of privacy for clients with the Town Clerk/Tax Collector/Registrar Office and the need to reevaluate any cost savings in regards to moving the cellar stairs and the Town Clerk's office.

Councilman Bichteman responded to the inquiries indicating the answer is not known at this time whether the floor plan would change after the vote. He advised how storage could be increased with the elimination of chalkboards/corkboards in rooms, opening up wall space for closets tripling individual storage for office supplies, eliminating a central office supply room. He felt there was no difference in the privacy of the current Town Clerk's office or that of the draft floor plan for that office. The Building Committee's task was to make the most effective use of the building at a reasonable price, in his opinion the proposed changes to the Town Hall are for the better. He gave an over view of the site plan, use of the front door, and handicapped parking spaces. He disagreed with Mr. Lawson's estimates. The floor plan moving the stairway outside of the building helped to utilize the front doorway and it reduced the cost. A resident had concerns in reference to security of the building, fire safety and the need for better communication with staff and agreed Mr. Lawson raised valid concerns in his letter.

Councilman Bichteman advised the proposed changes would not impact the function of government in the Town Hall building. A resident inquired about the cost of the proposed Town Hall renovation project. Councilman Bichteman responded advising the cost of the renovation can't be determined accurately until the engineer can reach the design phase of the project. Delaware Engineers contract for the design plan is \$60,000, whether a referendum vote on the proposed project is approved or not. The Town Board discussed the timeline for the engineer's design and the potential savings by placing a proposed referendum on the General Election ballot in November. Attorney Galgay advised the Town has reached out to the Albany County Board of Elections (BOE) to seek approval to place the referendum on the November election ballot. The Town Clerk advised this was done the beginning of June and the Town is still awaiting the BOE's response.

A resident inquired about payments made to Delaware Engineering to date & the estimated cost of asbestos abatement, and if there were any penalties incurred by the Town. Councilman Bichteman responded to her inquiries.

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

WHEREAS: The Building Committee has made three recommendations to the Town Board to move forward on a proposed plan to renovate the Town Hall building, be it hereby

RESOLVED: The Town Board agreed to authorize the Supervisor to enter into a professional services agreement as submitted by Delaware Engineering for the purpose of proceeding with the final design plans and specifications in a lump sum of \$60,000 for the total design.

RESOLVED: The Town Board agrees to proceed with the draft floor plan as suggested by the Building Committee keeping in mind the floor plan may be modified.

RESOLVED: The Town Board agreed upon development of the final plan, specifications and the Engineers estimate of cost, including contingencies and financing costs, as is practical to determine, in a spending resolution to be included on the November ballot as a town wide referendum.

Councilman Sherman seconded the motion. A roll call vote resulted as follows:

AYES: Councilman Bichteman, Councilman Sherman, and Councilwoman Burnside

NAYS: None

Councilwoman Burnside added she is very interested in the cost outcome. Councilman Sherman and Councilwoman Burnside offered to go over the plans with the office staff for any questions or concerns they may have.

**RESOLUTION #23-2016 was thereby duly adopted.**

Councilman Bichteman advised copies of the draft floor plan were on the meeting room table for anyone who wanted one.

**WATER BOARD REPORT**

Councilman Bichteman reported there was nothing new to report. He talked briefly about false alarms received from the water system because of the float system. They continue to monitor and change it. He advised the automatic call system order for these alarms was changed to now call the water utility person first and himself second.

**OPEN TO PUBLIC**

A resident commented better communication is needed when a dog is missing. She suggested placing information of lost dogs on facebook and a 24 hr. holding area to place dogs when found before they are taken to Mohawk & Hudson Humane Society Shelter by the Dog Warden.

A resident described a chain of events of an incident he had in March when two unfriendly large pitbulls came onto his property trapping a customer in their car. The Dog Wardens arrived within minutes of his call they not only had to deal with the dogs but also with the irate owner, charges were pressed and it went to Court. He thanked Dog Warden Jody Ostrander and his Deputy Sal Spinnato. He has had to call the Dog Warden on several other occasions they are always prompt in their response, professional and have handled the situation. He felt that facebook networking helps reunite lost dogs with owners. More discussion followed on the subject of dog owner responsibility, holding facilities/shelter responsibilities, the contract with Menands, etc.

A resident of Basic Creek Estates spoke about situations within their subdivision which concern two junk vehicles parked on a property and a second issue with mud & mess of a driveway. They are seeking assistance from the Town with both matters. The situations involved two different property owners. He

submitted a letter to the Town Attorney and he had previously spoken with Mr. Lawson. Councilman Bichteman indicated it was his understanding that the subdivision rules and regulations would apply as these were written prior to the Town's Zoning Law. There is no violation of Zoning Law as it not over two vehicles and this would be a civil matter. Access off the road may be addressed by the Highway Superintendent.

A resident inquired if the Town would be purchasing property for a Cul de Sac for the abandoned end of Clickman Rd. to turn plows around. Councilman Bichteman believed there would be no issues with the recent abandonment, the plow could turn around as they have in the past. The resident also asked about mowing of a portion of property located near the Town Garage. Councilman Bichteman advised the Town could look into the matter.

There being no further public comment motion to adjourn was made by Councilman Sherman, seconded by Councilwoman Burnside and carried by those in attendance. Meeting adjourned 9:08 PM.

Respectfully submitted,

Kathleen Spinnato Town Clerk

