

**REGULAR MEETING
OF THE
TOWN OF WESTERLO
TOWN BOARD
TUESDAY, MARCH 5, 2013**

The Westerlo Town Board met on Tuesday March 5, 2013 in the Westerlo Town Hall, 933 County Route 401, Westerlo. The meeting was opened by Supervisor Richard H. Rapp with the Pledge of Allegiance to the Flag at 7:30 PM with the following present:

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

Also present: Highway Superintendent Keith Wright Sr., Planning Board Chairwoman Dorothy Verch, Zoning Administrator/Code Enforcement Officer/Deputy Supervisor Edwin H. Lawson, Albany County Sheriff Sgt. Tracy Henry, Albany County Legislature Deborah Busch, Town Clerk/Tax Collector Kathleen Spinnato and approximately 104 residents.

Supervisor Rapp asked for a motion to approve the Town Board minutes of February 5, 2013. Councilman Field made the motion to accept the minutes as presented, Councilman Lounsbury seconded the motion and carried all in favor.

Supervisor Rapp reported the Town Board would like to set up a Public Hearing regarding the NY SAFE ACT. Councilman Sherman asked the audience for a show of hands of how many were at tonight's meeting about the NY SAFE ACT. Most of the audience raised their hands. A brief discussion followed regarding the advertisement and scheduling of a proposed date of a Public Hearing in regards to the NY SAFE ACT.

Councilman Sherman advised that the Albany County Legislature is also working on this topic and Albany County Legislature Deborah Busch was asked to speak. She reported that a Proclamation to repeal the NY State SAFE ACT is going into the Albany County Legislature on March 11, 2013. A Public Hearing will begin at the Albany County Legislature at 6:30 PM people must sign in and register at 6:00 PM, there are already 127 persons registered. We are moving forward and we hope that all the Hilltowns set forth a Proclamation in hopefully the Town of Westerlo, Town of Berne, Town of Knox and Town of Rensselaerville. This is an important issue and we should all be unified. The Second Amendment in the Constitution of Rights must be upheld. She asked for everyone's support and I hope that the Town Board takes this into consideration and pass a resolution. After discussion between the Town Board members concerning a date Councilman Bichteman made a motion to adopt the following:

WHEREAS: the Town Board has been approached by residents regarding the NYS SAFE ACT be it hereby

RESOLVED: the Town Board advertise and hold a Public Hearing on Wednesday March 20, 2013 at 7:00 PM on the NYS SAFE ACT and the Second Amendment.

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

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

NAYS: None.

RESOLUTION # 14-2013 was thereby duly adopted.

Resident, Mr. Leonard DeGiovine briefly spoke regarding NY SAFE ACT and the website: wethepeopleofny.org to anyone who is interested in checking it out.

Supervisor Rapp asked the Town Clerk to open and read the Bids received for Highway materials of stone products & asphalt concrete which had been advertised. She opened and read the bids which each included a signed Non-Collusive Bidding Certificate received from the following companies: Callanan Industries, Carver Sand & Gravel, Jointa Lime Company d/b/a Carver Asphalt, Cobleskill Stone Products, Peter K. Freuh. After all bids were read Supervisor Rapp made a motion to adopt the following resolution:

WHEREAS: bids for stone, asphalt products were properly advertised, received and reviewed by the Town Board, be it hereby

RESOLVED: that the Superintendent of Highways Keith Wright Sr. be authorized to purchase from the lowest bidders, unless, in his opinion the material in question is found to be inferior quality or unless transportation and/or availability of materials becomes a factor.

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

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

NAYS: None.

RESOLUTION # 15-2013 was thereby duly adopted.

Supervisor Rapp reported that three applications were received for a vacancy on the Zoning Board of Appeals from Mr. John Sefcik, Mr. Patrick Galgay, and Mrs. Rita Perciballi. The vacancy resulted from the resignation of Pete Woodruff. Supervisor Rapp requested that the applicants applying for the position will be advised by mail, of the Town Board's decision and requested the Town Clerk send the letter if that is agreeable with the other Town Board Members. Councilman Field made the motion to notify the applicants via mail, seconded by Councilman Bichteman and carried all in favor. No applicant has been chosen for the position at this time.

Supervisor Rapp stated that 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 # 605 through Voucher # 644 in the amount of \$63,412.67

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

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

NAYS: None.

RESOLUTION # 16-2013 was thereby duly adopted.

Supervisor Rapp advised that the Town of Westerlo Volunteer Fire Company will be celebrating their 75th Anniversary, and Hannay Reels Company will be celebrating their 80th Anniversary as well. Town of Westerlo Vol. Fire Co. Chief Deborah Filkins reported on the activities they are planning to hold in celebration on July 5th & 6th 2013. Activities being planned are for a Mardi Gras type parade ending in Westerlo Town Park on Friday evening, followed on Saturday with more activities fire co. competitions, vendors, things for children, and since Hannay Reels is celebrating their 80th they are graciously donating a fireworks display. A big event is planned with a band for Saturday night. They are looking for volunteers to help, persons who want to have a table to sell items. The Fire Co. will notify the Albany County Sheriff's and NYS Police to help with traffic. They will also send out notification to the residents about the events planned. Anyone who wishes to volunteer should contact Chief Deb Filkins or Ethan Sharp, Committee Chair.

Deb Filkins asked if there were any restrictions on the park usage for vendors in pavilion or tennis courts. Supervisor Rapp requested the tennis courts be off limits in case of spills. Councilman Bichteman requested no parking of any heavy vehicles on the septic system behind the bathrooms in

the town park; Councilman Lounsbury suggested sectioning off with tape. Deb Filkins advised the Town Board that Elaine Gruener of Hannay Reels will be contacting the town regarding the fireworks.

Supervisor Rapp asked if there was any other business. Town Clerk Kathleen Spinnato reported she had submitted the Town Clerk's Monthly report for February to the Town Board. Councilman Sherman made a motion to adopt the following resolution:

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

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

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

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

NAYS: None.

RESOLUTION # 17-2013 was thereby duly adopted.

The meeting opened to the public.

Wilfred Vanlasterstine inquired about Town Attorney Aline Galgay's attendance at meetings. Supervisor Rapp responded she will attend if the board asks her to. Brief discussion followed.

Anita Marrone inquired about the legality of Agenda Review meetings. Councilman Bichteman responded the Town Attorney has advised them it is legal. Councilman Sherman explained that the agenda review is to receive legal advice from the Town Attorney regarding items on the agenda; no decisions are made by the Town Board at the Agenda Review.

Jack Milner inquired about the Town Attorney receiving health insurance benefits in addition to a salary. Supervisor Rapp reported this was how it was set up. Councilman Sherman asked Mr. Milner when he was a Councilman for four years, didn't you vote in favor of this at the organizational meetings. Discussion followed.

Diane Sefcik inquired what has happened since last month's Town Board meeting regarding her questions, pertaining to the Hydrofracking Committee and Open Meetings Law (OML). Councilman Field advised no meeting of the Gas Drilling Investigative Committee (GDIC) has occurred since then. Councilman Field advised Mrs. Sefcik, Attorney Galgay had indicated to him that if the GDIC was exchanging information gathered between the committee members and no decisions were being made, only the compiling of information, then they are in compliance. She asked if that was received in writing. Councilman Field said it was not. She indicated she was not satisfied with the response she received this evening. More questions and discussion on the subject of the Hydrofracking Committee and their findings, public meetings, etc. followed between GDIC members: Larry Verch, Jerry Boone Councilman Field and residents.

Planning Board Chairwoman Dorothy Verch asked about the Comprehensive Plan which had been submitted in December 2012 to the Town Board. She asked if once reviewed, could the Town Board report to her on any information that may need fine tuning. Supervisor Rapp replied the Town Board will let her know.

Roland Tozer inquired about the recent change from the Altamont Enterprise to the Times Union as the Official newspaper for the Town of Westerlo. He was disappointed with the change. Councilman Sherman and Councilman Bichteman responded to his question with their opinions on the matter. The Town Board then listened to public comments from several persons regarding the matter.

Mrs. Kosorek made a request to the Town Board for a motion requiring the GDIC to give a PowerPoint presentation on the Hydrofracking information gathered. Discussion followed between Mrs. Kosorek, Mr. Sefcik, members of the GDIC, and Town Board members on the matter. GDIC member Doyle Shaver reported they are gathering and condensing the information, including both pros and cons, in an unbiased manner. Committee member Larry Verch reported that the people will have an opportunity to read the material gathered and form their own opinion.

Councilman Sherman gave his opinion. From what he is gathering the Hydrofracking Committee was tasked to do the research and make a recommendation to the Town Board. What it sounds like is the Hydrofracking Committee is making the recommendation to the Town Board that it is too complex a task for the Board to make a decision, or, they don't feel the Town Board should be making that decision. The decision should go to the people by vote. No action was taken by Town Board.

Councilman Field made a motion to adjourn the meeting seconded by Councilman Lounsbury and carried. Meeting adjourned at 9:08 PM.

Respectfully Submitted,



Kathleen Spinnato