

Regular Meeting  
of the Town of Westerlo  
Town Board  
Tuesday, June 4, 2013

The regular meeting of the Westerlo Town Board was held on Tuesday June 4, 2013 at the Westerlo Town Hall located at 933 County Route 401, Westerlo. The meeting was opened 7:30 PM by Supervisor Richard H. Rapp with the Pledge of Allegiance.

**PRESENT WERE:** Supervisor Richard H. Rapp  
Councilman Anthony W. Sherman  
Councilman Theodore S. Lounsbury III  
Councilman Alfred L. Field

**ABSENT:** Councilman William F. Bichteman Jr.

Also attending were: Deputy Supervisor Edwin H. Lawson, Planning Board Chairwoman Dorothy Verch, Planning Board member Edwin Stevens, Highway Superintendent Keith Wright Sr., Zoning Board of Appeals member John Sefcik, Town Clerk Kathleen Spinnato and approximately 25 residents.

Supervisor Rapp asked for a motion to approve the Town Board minutes of May 7, 2013. Councilman Sherman made the motion to approve the minutes, seconded by Councilman Lounsbury, motion carried all present in favor.

Councilman Lounsbury made a motion to approve the Town Board Workshop minutes of May 21, 2013, seconded by Councilman Sherman, motion carried all present in favor.

Supervisor Rapp reported that the Supervisor's Trial Balances of January through March 2013 had been submitted to the Town Board. He then made a motion to adopt the following resolution:

**WHEREAS:** the Town Board has received the Supervisor's Trial Balance January through March 2013 be it hereby

**RESOLVED:** the Town Board accept the Supervisor's Trial Balances as submitted.

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

**AYES:** Supervisor Rapp  
Councilman Sherman  
Councilman Field  
Councilman Lounsbury

**NAYS:** None.

**RESOLUTION # 30-2013** was thereby duly adopted.

Planning Board Chairwoman Dorothy Verch gave the following report:

1. The Planning Board received application from Peter Rufa. Mr. Rufa is renovating a nonconforming building (Ketchum's) for the purpose of a Deli, convenience store, and gas station. All the information needed was previously unavailable and a continuation of the Public Hearing on this matter will be held on June 25<sup>th</sup>.
2. She also reported on the Planning & Zoning Boards required training of 4 hours. The Town Board approved the June 20<sup>th</sup> training workshop for Planning Board members. The workshop meets NYS law for continuing education requirements of Planning & Zoning Boards. A certificate of attendance will be provided for attending each session and service credit hours for Code Enforcement Officers will apply. She referred to Resolution No. 140 which lists organizations approved to provide training that will also meet the state requirements. She advised the courses, workshops, training sessions must be approved by the Town Board in order for them to be applicable to our state requirements. She commented that according to the

Town Attorney the Town of Westerlo has not established other guidelines so the Town is ruled by Resolution #140 of State Law.

3. Rita Perciballi Clerk to the Planning Board & Zoning Board of Appeals requires a new device for recording minutes. She had asked Dorothy to seek permission from the Town Board to purchase a new recorder. Dorothy has researched recorders and advised the Town Board of costs.

Supervisor Rapp reported Town Clerk Kathleen Spinnato had provided the Town Board with a Town Clerk's May monthly report. Councilman Field made a motion to adopt the following resolution:

WHEREAS: the Town Board has received the Town Clerk's May 2013 monthly report, 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 Field, Councilman Lounsbury, Councilman Sherman.

**NAYS:** None.

**RESOLUTION # 31-2013 was thereby duly adopted.**

Supervisor Rapp announced he had received a letter of resignation from Gail Snyder a member of the Zoning Board of Appeals effective May 22, 2013. The position is currently vacant.

Supervisor Rapp announced the Zoning Board of Appeals wants to change the date they meet. From: the third Monday each month at 7:30 PM To: the Fourth Monday each month at 7:30 PM starting in July. The June meeting will still be held on June 17<sup>th</sup>.

Supervisor Rapp made a motion to adopt the following resolution:

WHEREAS: the Zoning Board of Appeals has requested to change the date they meet, be it hereby

RESOLVED: the Zoning Board of Appeals will meet on the Fourth Monday of each month at 7:30 PM starting in July 2013.

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

**AYES:** Supervisor Rapp, Councilman Field, Councilman Sherman, Councilman Lounsbury

**NAYS:** None.

**RESOLUTION #32-2013 was thereby duly adopted.**

Supervisor Rapp advised the Town of Westerlo had previously pre-applied and submitted for a NYS DEC Grant for the Town of Westerlo Transfer Station for a chipper and containers. NYS DEC had the Town on waiting list and is now asking for final grant application to be submitted and requires the passage of a resolution. The application deadline is June 20<sup>th</sup>. The Town Clerk read aloud the proposed resolution. Supervisor Rapp made a motion to adopt the resolution (copy attached)

WHEREAS: the Town of Westerlo had previously submitted pre-application for a NYSDEC Grant for Municipal Waste Reduction & Recycling State Assistance Program and now needs to complete full final grant application, be it hereby

RESOLVED: the Town Board of the Town of Westerlo authorizes the full final filing of an Application for State Grant-In Aid designating Supervisor Richard H. Rapp as the authorized representative for the Town of Westerlo.

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

**AYES:** Supervisor Rapp, Councilman Lounsbury, Councilman Sherman, Councilman Field

**NAYS:** None.

**RESOLUTION #33-2013 was thereby duly adopted.**

Supervisor Rapp advised the NYS Employees Retirement System requires the passage of a resolution for a Standard Workday for elected and appointed positions for those who participate in the retirement system. Councilman Field made a motion to adopt the resolution (redacted copy attached)

WHEREAS: the Town Board needs to establish the Standard Workday for elected and appointed officials and report to the NYS Employees Retirement System, be it hereby  
RESOLVED: the Standard Workday & Reporting Resolution form RS2417-A & B (2pages) of June 4, 2013 is adopted. The Town Clerk shall post for 30 days on the Town of Westerlo website and send affidavit to NYSERS for filing.

Councilman Lounsbury seconded the motion and vote resulted as follows:

**AYES:** Supervisor Rapp, Councilman Field, Councilman Lounsbury, Councilman Sherman

**NAYS:** None.

**RESOLUTION #34-2013 was thereby duly adopted.**

Supervisor Rapp advised that effective June 15, 2013 per General Municipal Law 50-e(1) & GML 53, a Notice of Claims against a town can be delivered to the Secretary of State. A Uniform Notice of Claims resolution is needed designating a person from the Town of Westerlo to receive notification. A Certificate of Designation must be submitted to the Secretary of State within 30 days of June 15, 2013. The Town Clerk read the resolution aloud. Supervisor Rapp made a motion to adopt the resolution (copy attached)

WHEREAS: the Town Board needs to designate a person to receive Notice of Claims and file a Certificate of Designation for Notice of Claims with the Secretary of State, be it hereby

RESOLVED: the Town Board Designates Town Clerk Kathleen Spinnato to receive Notice of Claims served upon the Secretary of State and the Town Clerk shall file the Certificate of Designation with the Secretary of State by July 14, 2013.

Councilman Field seconded the motion and vote results follow:

**AYES:** Supervisor Rapp, Councilman Sherman, Councilman Field, Councilman Lounsbury

**NAYS:** None.

**RESOLUTION #35-2013 was thereby duly adopted.**

Code Enforcement Officer Edwin H. Lawson reported on property in the Town located on State Route 143 which has continuing erosion on a stream bank near the home of a property owner. The erosion started during Hurricane Irene and is continuing to encroach on the property near the home. He suggested the Town Board authorize the Town Attorney to write a letter to the property owner asking what his intentions are on stabilizing the eroding stream bank. At the time of Hurricane Irene the property owner did not reside in the home, it had been purchased through foreclosure. He also did not qualify under the criteria for FEMA reimbursement. The Town Board was in agreement, all present in favor, of having the Town Attorney write a letter to the property owner.

Supervisor Rapp asked Councilman Field to report on a potential Extension of the Moratorium on Hydrofracking. The Town Board is requesting to receive legal advice from Town Attorney Galgay on the subject of an extension. Discussion followed, the public had questions regarding a potential extension and the scheduling of a potential public hearing. The Town Board again advised they require legal advice on the matter.

Supervisor Rapp then introduced Dawn Jordan who had asked to speak regarding the Helderberg Hilltowns Association (HHA). Dawn and Zenie Gladieux gave a presentation regarding the HHA its purpose and mission to promote farms, businesses, culture & recreation in the Towns of Berne, Knox, Rensselaerville, and Westerlo NY. They informed those present of scheduled 2013 event

activities, dates, projects, markets, proposed activities, provided their contact information and the HHA website: [www.Hilltowns.org](http://www.Hilltowns.org)

Supervisor Rapp reported on the need for a new copy machine for the Town Hall vs. the renewal cost of approx. \$900 for a contract for the old copier. The Town Board was provided information on various models, their functions, quoted from Ricoh and Toshiba obtained by Kim Slingerland. A discussion followed regarding questions about the copier. Supervisor Rapp stated it would fall under NYS contract price. The Town Clerk advised that the old copier was also a fax machine, scanner and had the ability to print to 3 sizes of paper. Mr. Laub believed he could obtain better prices, the Town Board asked him to submit his findings to Kim Slingerland as soon as possible. Councilman Field then made a motion that pending the forthcoming information to be provided by Mr. Laub the Town Board authorized the Town Supervisor to review the contracts and purchase a new copier. Councilman Sherman seconded the motion and carried all present in favor.

Diane Sefcik reported she had asked for a copy of the Hydrofracking Report at the last meeting. She indicated that it was made pretty plain that there were going to be no changes to the report and the report would be made available in June. I had filed a FOIL request after the last meeting. Now I'm hearing that it won't be available to the Public until July. She requested that regardless of the fact the Town Board has not officially accepted the report could it be released as a draft, she would like to see it. Supervisor Rapp advised he will check with the Town Attorney. Mrs. Sefcik will call the Supervisor in a few days for an answer. More discussion followed on the subject. Councilman Lounsbury believed hopefully the Hydrofracking Report would be reviewed and accepted by the entire Town Board at the next meeting of July 2, 2013. The Town Board members that were present agreed to set a deadline of July 2 for their review of the Hydrofracking Report.

Pat Kosorek inquired when will the Town Attorney be present to give a reason why the Second Amendment Preservation Ordinance he presented to the Town Board was illegal. Supervisor Rapp informed him she would have been here, but she had court.

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 # 747 through Voucher # 783 in the amount of \$36,376.69

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

**AYES:** Supervisor Rapp, Councilman Field, Councilman Sherman, Councilman Lounsbury

**NAYS:** None.

**RESOLUTION # 36-2013 was thereby duly adopted.**

**The meeting was then opened to the Public.**

Planning Board Chair Dorothy Verch asked the Town Board for their approval of the April 29, 2013, 4 hour course training sponsored by NYS DEC & FEMA. Councilman Sherman made a motion that the 4 hour course was sufficient training, seconded by Councilman Lounsbury and carried all present in favor.

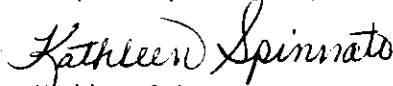
Gerry Boone asked what parameters were set for the use of the Town Hall for public meetings. Councilman Sherman responded an application form has been set up, the building is to be used for any quasi or governmental entities, if another organization requests to use the premises they would need to complete an application and submit it to the Town Board, and it is based on a case by case basis. Supervisor Rapp advised it would be either be approved or denied at a Town Board meeting.

Jack Milner reported his calculations on the loss of tonnage of steel and the decrease of monies from scrap recycling since he was a former Councilman. Councilman Sherman and Ned Stevens advised Mr. Milner the reason why the decrease was because many residents were either taking their scrap

metals to recycling themselves to earn money or were calling persons to pick up and take it away for them. More people are recycling scrap metal for economic reasons, why would they take it to the Transfer Station and get nothing for it when they can get paid for recycling metal at a scrap yard. A brief discussion followed regarding scrap metal recycling.

Supervisor Rapp asked for a motion to adjourn the meeting. Councilman Field made a motion to adjourn, seconded by Councilman Lounsbury and carried all present in favor. Meeting adjourned at 8:50 PM.

Respectfully Submitted,

  
Kathleen Spinnato