

**TOWN OF WESTERLO  
TOWN BOARD WORKSHOP  
MEETING OF  
Tuesday, February 21, 2017**

The Town of Westerlo Town Board held a Workshop meeting on Tue. Feb. 21, 2017 at the Town Hall located at 933 CR 401, Westerlo, NY 12193. The meeting opened at 7:00 PM with the Pledge of Allegiance to the Flag.

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

ABSENT WERE: Councilman Joseph Boone

Also attending were: Highway Superintendent Keith Wright Sr., Deputy Highway Superintendent Jody Ostrander, Deputy Supervisor/Code Enforcement Officer Edwin Lawson, Planning Board Chairwoman Dorothy Verch, Zoning Board Member John Sefcik, Town Clerk Kathleen Spinnato, Clerk to the Assessor Claire Marshall, Deputy Town Clerk II Karla Weaver and approximately six residents.

**BROADBAND RESEARCH COMMITTEE:**

Broadband Research Committee (BRC) has submitted a list of recommendations to the Town Board on how to handle the Mid-Hudson Cable Agreement. The BRC has requested they be allowed to draft a new contract to submit to Mid-Hudson Cable. They would like to focus on and address County Routes 402 and 406 in 2017 as well as others in 2018. Franchise fees would also need to be verified. Councilwoman Burnside suggested that BRC submit a draft contract to the Town Board for review prior to going Mid-Hudson Cable. Councilman Bichteman agreed and added that once it is reviewed by the Town Board and prior to being submitted to Mid-Hudson, the Town Attorney should also review it. Discussion continued between the Town Board and some BRC members. The BRC's goal is to get service to the entire Town. The BRC will work on getting service to the easy or densest areas first with hopes that once Mid-Hudson sees people signing on, they will expand from there. Deputy Town Clerk II Karla Weaver privately reached out to Time Warner about extending their line that already exists at the end of CR 412. They stated it would depend on the amount of homes interested and that it would be a cost to those residents. She will work with BRC to get more information from Time Warner about a possible extension on 412 and also Udell Rd as there is an interest for Cable on both roads.

**DRAFT LOCAL LAW #1 OF 2017:**

The draft Local Law #1 of 2017, Solar standards was discussed. Councilman Bichteman commended the input that was received at the public hearing.

The Board addressed two letters from residents that were submitted to the Town Board about the draft. One was about the bond portion and the other about water-ways, setbacks and non-conforming use. Councilman Sherman stated he did not receive one of the letters that was emailed to

the Board members. Deputy Clerk II Karla Weaver handed him a copy to review. Discussion followed about the two letters.

Code Enforcement Officer Edwin Lawson stated that Community Based solar will need to be a sub-section of Commercial Solar. The Board will have to discuss the guidelines for Community Based solar since the bonding and the insurance requirements will be different than Commercial solar. The Board is in agreement that a 50' setback for Residential and 100' for Commercial is fine. It was clarified that although the Community Based systems would fall under Commercial, due to their smaller size, the setback requirements could be 50' however would still require a special use permit. Once Ed makes the modifications to the law, it will come before the Town Board for approval with no need for another public hearing. Community Based systems are potentially expandable however Ed mentioned that the special use permit could set the parameters, if a modification is needed, they would have to reapply for a special use permit. The Planning Board could monitor this if they have guidelines to follow.

Councilman Bichteman discussed questions concerning the proposal of Local Law #1 that a local business had in regards to maintenance to the outside of fence surrounding solar array, glare, proof of certificates and bond.

#### POSSIBLE CREATION OF PUBLIC WORKS DEPARTMENT- PROS & CONS:

Councilman Bichteman believes it is going to be difficult to piece out construction for repairs of the Town Hall building moving forward. He mentioned by combining the Highway and Water departments they could increase staff for maintenance, repairs and the continued renovation of the Town Hall. Currently, the Highway Superintendent Keith Wright Sr. does a good job at finding time for his crew to do repairs but some things need more attention. Attorney Galgay was asked to generate an outline of what would be required to create a Department of Public Works. She also explained to Councilman Bichteman that a local law would need to be created to define services for the people within, to establish the salaries for Commissioner and to outline their duties. Councilman Bichteman does not see how the Town could have both a Commissioner of Public Works and a Superintendent of Highways as it is an overlapping responsibility. Currently, the Highway Department is busy with their primary responsibility to the highways, including plowing and dealing with drainage problems within the Town. A possible Public Works Department will need to be investigated further.

#### AUDITING THE JUSTICE COURT:

The Court Clerk suggested having the Town Board members review the book records for the Westerlo Justice Court. Currently the Town is charged \$2,200.00 for the accountants to do this. After reviewing the list of what is involved, the Town Board does not feel they are qualified to take this on and would prefer that the accountants continue this since it is already part of the budget.

#### RESIDENT COMMENTS:

A resident mentioned consolidating services with other Town's for internet; adding if more people are involved in a collaborative way, maybe there will be more leverage to the cable companies. It is basically a utility; the advantages would be really good for the Hilltown's. Planning Board Chairwoman Dorothy Verch responded, if the Town's formed a co-op, it would be really hard to disseminate the franchise fee. Dotty does not feel the Town is getting their fair share of the franchise fee. It was stated

that Rensselaerville and Westerlo have a franchise agreement with Mid-Hudson Cable while Berne and Knox have Time Warner.

Another resident commented that at the December Town Board meeting it was reported by the Planning Board that no applications will be accepted for Solar until the Town Law was in place. He added that in the February Town Board meeting it was reported that one application had been accepted by the Planning Board and wondered why. Ed mentioned that at the last Planning Board meeting, it was discussed that it was unfair to the applicant to sit on his application when there was no law in place and it was unknown as to when the law would be active. Therefore, the Planning Board decided to take and accept the application.

Another resident questioned why Councilman Sherman did not receive the letter that a resident sent via email. The resident wondered why information is not reaching all Board members ahead of time and commented on the lack of communication. Councilman Bichteman stated that the email was sent to Councilman Sherman. The resident also wanted clarification as to what the Public Works department is supposed to do. Councilwoman Burnside stated that the Board will need to discuss that further but Councilman Bichteman gave an example. He stated that the floor in the meeting room is in need of repair. If the Town had a maintenance group within a Public Works department, they would be able to fix the floor. Currently, there is no one to do this type of work.

There being no further business to discuss, Councilman Bichteman made a motion to adjourn the workshop meeting, Councilman Sherman seconded, motion carried by those present. The meeting adjourned at 8:23 PM.

Respectfully Submitted,

Karla Weaver  
Deputy Town Clerk II