

**TOWN OF WESTERLO
TOWN BOARD MEETING
OF
Tuesday, March 7, 2017**

The Town of Westerlo Town Board held a regular monthly meeting on Tuesday, March 7, 2017 at the Town Hall 933 County Route 401, Westerlo, NY 12193. Supervisor Rapp opened the meeting at 7 PM with the Pledge of Allegiance to the Flag.

Attending were: Supervisor Richard H. Rapp
Councilman Anthony W. Sherman
Councilwoman Amie L. Burnside
Councilman Joseph J. Boone
Councilman William F. Bichteman Jr.

Also attending were; James Ader of Albany County Veterans Service Bureau, Zoning Administrator/Code Enforcement Officer Edwin H. Lawson, Town Historian Dennis Fancher, Highway Superintendent Keith Wright Sr., Deputy Highway Superintendent Jody Ostrander, Planning Board Chairwoman Dorothy Verch and member Gerry Boone, Zoning Board members John Sefcik & Guy Weidman, Clerk to the Assessor Claire Marshall, Town Clerk Kathleen Spinnato and approximately eleven residents/interested individuals.

TOWN BOARD MINUTES

Councilman Sherman made a motion to accept the Public Hearing & Town Board minutes of 2/14/2017, as submitted. Councilman Boone seconded the motion, Councilwoman Burnside abstained, motion carried.

Councilwoman Burnside made a motion to accept the Town Board Workshop minutes of 2/21/2017 as submitted, Councilman Bichteman seconded the motion, Councilman Boone abstained, motion carried.

VETERANS SERVICES BUREAU

Albany County Veterans Services Bureau Mr. James M. Ader, Veterans Service Officer. His purpose is to assist and identify the Veterans living in Albany County and he is also a former veteran. He reported approximately 20,000 veterans live in the County and less than 2,000 have been identified. The Veterans Services Bureau can assist with:

- Disability Compensation
- Should a veteran experience any challenges with the Stratton VA Hospital they will try to assist
- Burial allowance, headstones, flags
- Unreimbursed transportation expenses the VA can pick up
- Assist with applications for pension benefits
- Certificate of eligibility for VA home loans
- Claims/military discharge
- Copies of discharge papers

He advised he is willing to come to the Veterans to assist if they cannot come to Albany or speak with them by phone. He thanked the Board for the opportunity to speak and advised if anyone is aware of a Veteran who may need assistance please have them contact him at the Bureau phone 518-447-7710 they are located at 162 Washington Ave. 7th Floor, Albany, NY.

SUPERVISOR'S REPORT

Supervisor Rapp made a motion to accept the Supervisor's Report for the month of January as submitted to the Board, seconded by Councilman Bichteman, motion unanimously carried.

TOWN CLERK'S & TAX COLLECTOR'S REPORT

Councilman Sherman made a motion to accept both the Town Clerk's report for the month of February as submitted to the Board and the Tax Collector's report (1/1/17-2/28/2017), seconded by Councilman Bichteman, motion unanimously carried.

PAYMENT OF MONTHLY BILLS

Supervisor Rapp 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 #71 through Voucher # 125 in the amount of \$188,738.28

Councilman Boone seconded the motion, a vote resulted as follows:

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

NAYS: None

RESOLUTION # 13-2017 was thereby duly adopted.

PROPOSED LOCAL LAW NO. 1-2017 SOLAR (TO AMEND LL#1 OF 1989-ZONING LAW)

The Assessor Peter Hotaling was not in attendance. Councilwoman Burnside read Mr. Hotaling's email to the Supervisor, Town Board and Dept. Heads. He suggested holding off voting on the proposed law for this evening so information he provided today to the Town Attorney can be reviewed. His letter advised about the taxing of solar projects by Payment in Lieu of Taxes (PILOT). Solar exemptions allow towns to opt out, if towns decide to opt out, all solar would be taxable both residential and commercial. He currently does not assess residential solar panels there is nothing to exempt, but a solar farm there is income generated and sold back to the grid. These farms are sold to investment groups and should be taxed. His letter contained more info on the taxing of solar and it advised the Town must adopt a procedure so when notification is given to build a solar farm the Town responds within 60 days notifying the farm owner that the Town may seek a 15 year PILOT agreement. If not and an exemption is presented he would have no choice but to exempt them for 15 years. There are tax dollars to be gained. He provided the Board with some information from the NYS Dept. of Taxation and Finance concerning the Real Property Tax Law and recently asked questions on the topic of assessment of solar energy systems and the taxing of residential vs. commercial systems. Several discussions followed between the members of Town Board and the public who made inquiries about the history to date and why the need to amend the proposed Zoning Law and the request for a second Public Hearing on the revised law. Their questions were responded to by Councilman Bichteman, Councilman Sherman and Mr. Lawson.

Councilman Bichteman made a motion to adopt the following resolution:

WHEREAS: the Town Board will need to pass local law No.1 of 2017 and new information has been received from the assessor, be it hereby

RESOLVED: that the Town Board hold three meetings on Tuesday, March 21st starting with a Public Hearing at 6:30 PM on proposed Local Law No. 1-2017 as modified with revisions, followed by a Special Town Board meeting for the purpose of adoption of the proposed law, then followed by a Town Board Workshop.

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

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

NAYS: None

RESOLUTION # 14-2017 was thereby duly adopted.

HIGHWAY DEPT. – ADVERTISEMENT OF BIDS

Highway Superintendent Keith Wright Sr. requested the authority to advertise for bids for a new pick-up truck for the Park he reported this would be paid for out of existing funds. Supervisor Rapp made a motion to authorize the Highway Superintendent to advertise for bids for a new Pickup truck, seconded by Councilwoman Burnside, motion unanimously carried.

ZONING BOARD OF APPEALS REPORT

Chairwoman Virginia Mangold sent the following report read by the Town Clerk.

Following the Pledge to the Flag, the regularly scheduled Zoning Board meeting for Feb. 27, 2017 was held with total Board present. Having no old business, the ZBA went forward with two new variance applications. Discussions and motions were made. All information is with the Town Board with details included in the ZBA minutes. The next regularly scheduled meeting is set for Monday, March 27, 2017 at 7 PM. A motion was made to adjourn the meeting at 7:45 PM. She also had made a request that the members of the ZBA be authorized to attend an upcoming NYS Planning Federation Conference.

Councilman Sherman made a motion to accept the ZBA report as submitted and to allow any Zoning Board members or Planning Board members who can attend the upcoming NYS Planning Federation Conference for educational training be authorized to do so. Councilman Boone seconded the motion, motion unanimously carried.

PLANNING BOARD REPORT

Chairwoman Dorothy Verch submitted and read the following report:

THE PLANNING BOARD, UNANIMOUSLY, HAS DECIDED TO CHANGE THEIR MEETING TIME FROM 7:30 PM ON THE 4TH TUESDAY OF THE MONTH TO 7 PM ON THE 4TH TUESDAY OF THE MONTH.

THE PLANNING BOARD HELD IT'S MEETING ON FEB 28TH. THE APPLICATION FOR TARPON TOWERS/CELLCO/VERIZON WAS POSTPONED UNTIL MARCH 28TH. THEIR APPLICATION BEFORE THE ZBA ASKING FOR A VARIANCE REGARDING A BALLOON TEST WAS DENIED. THE MURRAY LAW FIRM, REPRESENTING TARPON TOWERS IS INVESTIGATING THE USE OF JLG EQUIPMENT FOR THE VISUAL TEST.

BELLAR SOLAR FARM APPLICATION 16-006 WAS ACCEPTED AND A PUBLIC HEARING HAS BEEN SCHEDULED FOR APRIL PB MEETING.

HUDSON SOLAR APPLICATION FOR EASTER MUTUAL WAS ACCEPTED AND A PUBLIC HEARING IS SCHEDULED FOR MARCH 28TH.

KAATERSKILL ASSOCIATION'S APPLICATION FOR A SUBDIVISION ON RT 85 WAS ACCEPTED AND A PUBLIC HEARING IS SCHEDULED FOR MARCH 28TH.

She added that members of the Planning Board would also like to attend the NYS Planning Federation Conference during the morning session on Monday, March 27, 2017.

Supervisor Rapp made a motion to authorize any member of the Planning Board who wanted to attend the conference be authorized to do so, seconded by Councilman Bichteman, motion unanimously carried.

The Planning Board has made a request to the Town Board to change the time of their regular monthly meetings Councilman Bichteman made a motion to adopt the following resolution;

WHEREAS: the Planning Board has unanimously made a decision to change the meeting time of their regularly monthly meetings from 7:30 PM to now 7:00 PM, be it hereby

RESOLVED: the Planning Board meetings now be held on the fourth Tuesday of each month at 7:00 PM

Councilman Boone seconded the motion, a vote resulted as follows:

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

NAYS: None

RESOLUTION #15-2017 was thereby duly adopted. Dorothy Verch indicated she would ask the Clerk to the Planning Board Jennifer Bungay to advertise a Public Notice for the change of meeting time in the official newspaper.

BROADBAND RESEARCH COMMITTEE (BRC) REPORT

Dorothy Verch submitted and read the following:

THE BRC MET ON MARCH 2ND. THE COMMITTEE IS IN THE PROCESS OF COMPILING A LIST OF ALL OF THE RESIDENTS OF WESTERLO BY ROAD. WE HAVE IDENTIFIED SEVERAL ROADS THAT SEEM TO MEET MID HUDSON CABLE'S (MHC) REQUIREMENTS. ONCE WE HAVE IDENTIFIED ALL OF THE RESIDENTS THAT WANT A CONNECTION TO MHC. OUR PLAN IS TO SUBMIT A REVISED FRANCHISE AGREEMENT, TO THE TOWN BOARD FOR THEIR APPROVAL, IDENTIFYING MORE SERVICE AREAS. THE NEXT STEP WILL BE TO PUT IT INTO THE CORRECT FORMAT AND PRESENT TO MHC.

WE HAVE DRAFTED A 'LETTER TO THE EDITOR' FOR THE ALTAMONT ENTERPRISE AND THE PIONEER.

Supervisor Rapp and Councilman Bichteman asked what the subject of letter to the Altamont Enterprise and the Pioneer newspapers contained. Dotty reported the letter asks the residents of the Town of Westerlo who wish to have cable to please send their name, a phone number and their address to her c/o the Town Hall.

WATER BOARD REPORT

Councilman Bichteman reported there was nothing new to report.

MUSEUM BOARD REPORT

Councilman Boone a member of the Museum Committee read a report submitted by Interim Museum Director MaryJane Araldi who was unable to attend. The Museum Board met on Feb 16th and passed the By Laws. Mary Jane is obtaining quotes on security system and more secure access for the Museum. Archiving; she has started transferring information from handwritten notebooks onto the computer the program they have found is very nice and they are able to add photos along with a description. She has purchased some office items and stationary has been developed. The Museum will be open Saturday, March 11th coinciding with the Westerlo Volunteer Fire Company's breakfast and Kevin Flenstead has allowed the committee to place flyers for the Museum at Modern Woodsmans Hall during the breakfast. Councilman Boone encouraged people to attend the breakfast to benefit the Fire Company and to also come see the Westerlo Heritage Museum the improvements they have made to building are outstanding. Many museum items have now been moved from the Library building to the new location. Mary Jane will discuss meeting weekly to go through and organize the items already moved and to move those items remaining in the Library. The Museum Committee continues to work with Aline Galgay to work on policies and procedures.

Councilman Bichteman made a motion to accept the Museum Board Report, seconded by Councilwoman Burnside, motion unanimously carried.

MUSEUM BOARD MEETING

Supervisor Rapp informed all present that the Museum Board meeting has been rescheduled for Thursday, March 16th at 7 PM at the Town Hall.

March 6th World Lymphedema Day

Supervisor Rapp asked the Town Clerk to read correspondence from Tiffany Detlefsen. Her 8 year old daughter Emma was born with a disease called Lymphedema and Emma is a Youth Ambassador for an organization, Lymphatic Education & Research Network (LE&RN). As part of her ambassadorship last year she helped create a campaign to name March 6th World Lymphedema Day and she has received resolutions on the floors of the NYS Senate and Assembly and she has a team called Emma's incredibles that fundraises for research and she has lobbied in DC for the Lymphedema Treatment Act. This year they are attempting to have their local towns declare March 6, 2017 World Lymphedema Day.

Supervisor Rapp made a motion to adopt the following resolution read by Councilman Bichteman:

WHEREAS Lymphedema is a condition that (1) occurs when (A) the natural lymphatic drainage system of the body is damaged, blocked, or does not develop properly; and (B) the lymphatic fluid within a certain area, such as the arm, leg, torso, head, or neck, is unable to drain properly; (2) results in extreme swelling that impairs mobility and function; and (3) can cause pain and significantly impair the quality of life of the affected individual;

WHEREAS the total number of individuals living with or at risk for lymphedema is difficult to establish because lymphedema is underreported and often misdiagnosed;

WHEREAS the under diagnosis and under treatment of lymphedema patients costs healthcare providers and healthcare insurers, including the Medicare program, millions of dollars

each year because if lymphedema is left untreated (1) the potential for infection is greatly increased; (2) infection may occur in the course of a few hours; and (3) immediate treatment on an emergency basis is required;

WHEREAS the World Health Organization estimates that (1) more than 150,000,000 individuals worldwide have secondary lymphedema; and (2) 120,000,000 individuals worldwide are infected with lymphatic filariasis, which leads to lymphedema;

WHEREAS Stanford University estimates that as many as 10,000,000 individuals in the United States are affected by lymphedema;

WHEREAS lymphedema can (1) as primary lymphedema, be inherited and either be present at birth or manifest itself later in life; or (2) as secondary lymphedema, develop after cancer treatment, radiation therapy, major surgery, severe burn, or certain other traumatic injuries, including injuries affecting combat-tested veterans of the United States;

WHEREAS the Centers for Disease Control and Prevention estimate that a high percentage of elderly cancer survivors will develop lymphedema;

WHEREAS the National Cancer Institute predicts that, not later than 2020 (1) the number of cancer survivors aged 65 or older will increase by 42 percent; and (2) as many as 3,000,000 Medicare beneficiaries that are cancer survivors will require treatment for lymphedema

WHEREAS lymphedema affects as estimated 15 percent of all cancer survivors and 40 percent of all breast cancer patients; and

WHEREAS, in recognition of the financial, physical, and psychological impact that lymphedema has on each individual afflicted with lymphedema, it is incumbent on the people of the United States to support (1) each courageous individual living with lymphedema, a debilitating condition; and (2) each caregiver, whether a professional or not a professional, of each individual afflicted with lymphedema; Now, therefore, be it

RESOLVED that it is the sense of the Westerlo Town Board that each tireless advocate and healthcare provider that spends much time and many resources battling lymphedema, a painful and destructive condition that affects many individuals, should be recognized; and the Town of Westerlo designates March 6, 2017 as World Lymphedema Day.

Councilman Boone seconded the motion, a vote resulted as follows:

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

NAYS: None

RESOLUTION #16-2017 was thereby duly adopted.

OPEN TO PUBLIC

A resident asked about the heating system and the cost of asbestos removal to date. Councilman Bichteman responded indicating the temporary propane heating system is in place for now. The Town will have Delaware Engineers advertise for the rebidding of a new heating system sometime near the end of April. The first bids for a new heating system were rejected for both bids being over the amount budgeted, it was the recommendation of Delaware Engineering to rebid a new heating system in the spring. The asbestos contract is being held open, they are waiting for the state to provide the access permit to remove the floor tile, this will be added to the contract of Sullivan Contracting the company which had removed the asbestos from the basement. The grant for asbestos removal was for \$60,000 of that approximately \$30,000 will be

paid to Sullivan for the work performed to date. The engineer estimates it will cost under \$20,000 for the tile abatement.

Dorothy Verch announced she had received confirmation from Mr. Michael Dowd a representative from Arago solar he will be coming to the March 28th Planning Board meeting to make a presentation on solar.

A person from Hudson Solar inquired about the PILOT program and the effect on community solar projects. Discussions followed. A resident inquired whether there would be any differentiation between residential solar arrays being on or off the grid. Councilman Sherman advised that the Town needs to have the Assessor and the Town Attorney look into this before they make comment on this. This was new information presented today to the Town Board.

The Town Clerk reported that Rebecca Platel of the Carey Institute had asked several weeks ago if she could drop off two flyers. (1) Helderberg Hilltowns Farming Survey and (2) Informational Meeting on NYSEERDA's Clean Energy Communities Program the meeting to be held at the Guggenheim Pavilion on March 20th at 7 PM anyone interested copies flyers were available at the front table or in the Town Clerk's office. The survey could be returned to Ms. Platel or left with the Town Clerk Ms. Platel would pick them up.

There being no further public comment Councilman Sherman made a motion to adjourn the meeting, seconded by Councilman Bichteman, motion unanimously carried. Meeting adjourned at 8:12 PM.

Respectfully submitted,

Kathleen Spinnato Town Clerk