

**TOWN OF WESTERLO  
TOWN BOARD MEETING  
OF  
TUESDAY, MAY 2, 2017**

The Town of Westerlo Town Board held the regular monthly meeting on Tue., May 2, 2017 at 7:00 PM at the Town Hall 933 County Route 401, Westerlo, NY. Supervisor Richard H. Rapp opened the meeting at 7 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.  
Councilman Joseph J. Boone

Also attending were: Albany County Legislature Christopher Smith, Edwin H. Lawson Zoning Administrator/Code Enforcement Officer, Zoning Board of Appeals members John Sefcik & Guy Weidman, Dennis Fancher Town Historian, Keith Wright Sr. Highway Superintendent, Jody Ostrander Deputy Highway Superintendent, Planning Board Chairwoman Dorothy Verch, Town Clerk /Tax Collector Kathleen Spinnato and approximately fifteen residents.

**TOWN BOARD MINUTES**

Councilwoman Burnside made a motion to accept the Town Board minutes of 4/4/2017 as submitted. Councilman Boone seconded, 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 # 177 through Voucher # 227 in the amount of \$56,002.54

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

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

NAYS: None

**RESOLUTION # 21-2017 was thereby duly adopted.**

**SUPERVISOR'S REPORT**

Councilman Boone made a motion to accept the Supervisor's Report for the month of March as submitted. Councilman Bichteman seconded, motion unanimously carried.

**TOWN CLERK'S REPORT**

Councilman Sherman made a motion to accept the Town Clerk's report for the month of April as submitted. Councilwoman Burnside seconded, motion unanimously carried.

**TAX COLLECTOR'S REPORT**

Councilman Sherman made a motion to accept the Tax Collector's 2017 Town of Westerlo Property Tax final report as submitted. Councilwoman Burnside seconded, motion unanimously carried.

## **ASSESSOR**

Assessor Peter Hotaling had submitted a request to attend the 2017 Cornell Seminar offered by NYS Assessors Association from 7/16/17-7/20/17 in Ithaca, NY. The cost will be split with the Town of Ballston where he is also an Assessor. Supervisor Rapp made a motion to allow the Assessor to attend the seminar at an estimated cost of \$605 each municipality. Motion was seconded by Councilman Bichteman and unanimously carried.

## **MUSEUM BOARD REPORT**

None available.

## **ZONING BOARD OF APPEALS REPORT**

Chairwoman Virginia Mangold was not in attendance. ZBA Member John Sefcik indicated no meeting was held on April 24<sup>th</sup> as there was no business before the Board.

## **BROADBAND RESEARCH COMMITTEE (BRC)**

BRC member Eric Markson gave an update reporting that the BRC had met with Mid-Hudson Cable. MHC applied for NY Broadband grant and they were awarded a grant to run internet service specifically on County Routes 402 & 410 in the Town of Westerlo. MHC won't do this without a Franchise Agreement being in place. At their last meeting, the BRC discussed drafting terms/stipulations for an agreement. MHC has also recently discovered that upwards to 100 patrons have been under calculated for in terms of franchise fees owed to the Town of Westerlo. MHC plans to compensate the Town with a forth coming check.

Councilman Bichteman asked that the BRC first have the Town Attorney review the terms and stipulations they draft before it is submitted to the Town Board. He also suggested the BRC impose a deadline upon themselves, allowing adequate time for additional meetings in order to meet any deadlines so the Town & MHC do not lose this opportunity. Councilman Boone inquired how the previous Franchise fees had been misapplied and how it came to be known to MHC. Mr. Markson & Mr. Laub provided details which involved the US Postal Service and a change from South Westerlo to Greenville mailing address. The BRC uncovered the miscalculation when trying to determine the number of subscribers MHC has in the Town of Westerlo. Councilwoman Burnside asked that the BRC notify the Town Board by e-mail of upcoming meetings, as she would like to attend.

## **WATER BOARD REPORT**

Councilman Bichteman reported the Water District will receive bids through May 10th until 3:30 PM for contracts for replacement of the roof on the circulation building located at the Transfer Station.

## **SUPERVISOR**

Supervisor Rapp introduced Albany County Legislature Christopher Smith, he is working on a shared grant for a Youth Program in the Towns of Westerlo & Rensselaerville.

The Supervisor reported he has received a complaint about drivers exceeding the speed limit on Goodfellow Rd. He will notify the Albany County Sheriff's and the NY State Police regarding enforcement.

He also announced the Senior Bus (a shared service between the Towns of Westerlo & Rensselaerville) needs volunteer drivers. Persons wishing to volunteer can contact Ann Vogel.

## **OLD BUSINESS**

Highway Superintendent Keith Wright inquired about the budget and the possibility of hiring a part time person(s) to work on painting of eaves, etc. for the maintenance of the Town Hall building. Supervisor Rapp responded not yet, he would let him know when. Discussion followed concerning the budget and the need to rebid a contract for a proposed new heating system for the Town Hall building. Highway Superintendent Wright suggested that the Town Board discuss and prioritize a list of maintenance items needed. Councilman Bichteman suggested that they do this at the next workshop meeting.

## **NEW BUSINESS**

Councilwoman Burnside suggested and made a motion to adopt the following resolution:

WHEREAS: the July Town Board meeting will fall on Tuesday, July 4<sup>th</sup>, be it hereby

RESOLVED: the Town Board reschedule the July Town Board meeting to be held instead on Thursday, July 6<sup>th</sup> at 7 PM.

Councilman Sherman seconded, a vote resulted as follows:

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

NAYS: None.

**RESOLUTION # 22-2017 was thereby duly adopted.**

## **OPEN TO PUBLIC**

A resident inquired if the bids for HVAC system were being delayed until the certification was received from the Labor Dept. Councilman Bichteman advised yes.

Kelley Keefe, President of the Westerlo Volunteer Fire Co., reported they have received delivery of the new fire truck which will go into service soon. Chief Kevin Flensted reported on the fires since the beginning of the year; 4 chimney fires, a number of auto accidents, and a number of brush fires. Councilman Bichteman asked the Fire Company to notify someone when they use a hydrant to fight a fire, the sudden drop in water level in the Water District's tank sets off a pressure alarm this generates an automatic repeated phone calling alarm system. The Town would then know the reason for the sudden drop in water level which would save time searching for the cause.

Claire Ansbro-Ingalls & Dawn Gibson of Kenneth's Army a Not for Profit -501 C 3 organization gave a presentation on 3<sup>rd</sup> Annual Kenneth's Ride-to be held on June 3, 2017. Pre-registration is from April 1- May 20<sup>th</sup> with registration occurring at 9 AM at the main entrance of John Boyd Thacher State Park. They gave details of the day's events and the organization's achievements. Proceeds from the event benefit a Scholarship Fund for a Berne Knox Westerlo student furthering their education in the field of Social Services.

## **PLANNING BOARD & BROADBAND RESEARCH COMMITTEE (BRC) REPORTS**

Chairwoman Dorothy Verch arrived during the later portion of the meeting. She read the Planning Board report (copy attached below) and added to Mr. Markson's earlier comments on a BRC update:

The planning board met on April 25<sup>th</sup>. A new application -17-003- for a subdivision located at 146 Dunbar Hollow Rd. was accepted. A public hearing has been scheduled for April 23, 2017- the next planning board meeting date.

A public hearing was held for Application 16-006 – Solar Farm on Stuart J. Beller property. It was approved.

A public hearing was held for Application 16-005 Tarpon Towers II-Cellco d/b/a Verizon. A number of residents voiced their concerns regarding the effect of the RF transmissions from the cell tower and the location of the tower. The RF engineer explained the low transmission effects and the reason for the placement of the tower on the selected site on 405. Ms. Pecylak submitted 2 petitions to the Planning Board that she circulated. One had 75 signatories and the other had 150. She thinks some were duplications. She also took the petitions back to make copies so the Planning Board was not able to review at the time. Another resident is looking forward to the new tower and improved cell service. She is finding it very difficult to run her business from her home on 402 with spotty cell service. A decision on the Cell tower will be reached at the next Planning Board meeting on May 23<sup>rd</sup>. At that time, the SEQRA will be completed.

### **BRC (continued)**

Dorothy Verch added to Mr. Markson's comments. The BRC is intending on including in a proposed Franchise Agreement with Mid-Hudson Cable (MHC) a second service area for a corridor on County Routes 402 & 410. Audrey Kropp has forwarded 28 cable line extension request forms for the area of County Route 412 and Tan Hollow Rd. The BRC has also identified: County Routes 406, 408, 311 (Newry Rd.) and Creamery Rd. to State Route 32 and also would like MHC to consider State Route 32 between the intersections of State Route 143 and County Route 405. They have provided Mr. Fingar of MHC with information for approximately 70 more residents who have expressed a need for Broadband. He has promised to evaluate these requests for potential new line extensions. She expressed the only way to push the need for broadband forward for all residents is for those residents to step up and let their voices be heard. They now have a forum that will listen and hear their requests. The next BRC meeting will be held on May 25<sup>th</sup> @ 7pm. We are hopeful that Arnie Cavalaro of MHDData be able to attend.

Councilman Boone made a motion to accept the Planning Board and the BRC reports as submitted by Chairwoman Verch, Councilman Sherman seconded, motion unanimously carried.

### **OPEN TO PUBLIC (continued)**

A resident inquired on the status of the "solar law". Supervisor Rapp indicated that the Town is currently waiting for Albany County Planning Board to review the document. Once reviewed by the county, it will be forwarded to the Dept. of State for filing.

A resident voiced concerns and disappointment over the Tarpon Tower crane test. She felt it was inappropriately handled, proper procedures were not followed by the Planning Board, and commented that not all Planning Board members were notified. She offered her opinion on the Public Hearing held on the proposed cell tower and reported that she is in possession of a petition with 127 signatures and 90 signed letters. She thought the Planning Board Chairperson should recuse herself from a vote on the matter at the next Planning Board meeting. Councilman Bichteman responded to her concerns and she was also advised to submit a letter with her concerns and request to the Town Clerk.

Planning Board Chairwoman Dorothy Verch clarified that she did notify all members of the Planning Board by email and delivery was confirmed. She also notified the town clerk and others at the town hall that there would be a delay in the test because of inclement weather conditions and due to safety regulations, the crane operator could not perform the test because of high wind speeds.

Ms. Russell asked the Town Board for assistance with the US Postal Service and mail delivery to residents of Otto Rd. Discussion followed. Ms. Russell will provide the Highway Superintendent with contact information for Mr. Lacko so they can discuss any concerns the USPS may have with delivery on the road.

Councilman Boone asked Highway Superintendent Wright to pass on a compliment to the Transfer Station staffers for keeping the area organized and clean.

**CLOSE MEETING**

There being no further public comment, Councilman Sherman made a motion to adjourn the meeting, Councilwoman Burnside seconded, motion unanimously carried. Meeting adjourned at 7:49 PM.

Respectfully submitted,

Kathleen Spinnato  
Town Clerk