

**TOWN OF WESTERLO  
TOWN BOARD  
PUBLIC HEARING & SPECIAL TOWN BOARD  
MEETINGS OF  
THURSDAY, SEPT. 21, 2017**

The Town of Westerlo Town Board held a Public Hearing on Thursday, September 21, 2017 at 7 PM at Town Hall 933 County Route 401, Westerlo, NY to review SEQR Short Environmental Assessment Part I & 2 for previously adopted Local Law No. 1-2017 (revising Local Law No. 1 of 1989 to include solar). The Public Hearing was immediately followed by a Special Town Board meeting for SEQR Part 3 for Local Law No.1 of 2017 and to discuss fees, licenses and a proposed solar facility/PILOT.

Supervisor Rapp opened the Public Hearing at 7 PM with the Pledge of Allegiance to the Flag.

ATTENDING WERE: Supervisor Richard H. Rapp  
Councilman Anthony W. Sherman  
Councilman Joseph J. Boone  
Councilman William F. Bichteman Jr.

ABSENT: Councilwoman Amie L. Burnside

Also attending were: Peter Hotaling Assessor & Claire Marshall Clerk to the Assessor, Planning Board Chairwoman Dorothy Verch and member Edwin Stevens, Zoning Board of Appeals member John Sefcik, Broadband Research Committee member Bob Wilcox and five residents.

**PUBLIC HEARING**

Councilman Bichteman reported that when Local Law No. 1 -2017 was passed no SEQR Review was performed by the Town Board. The Town Board then proceeded to answer and complete SEQR - Short Form Part I & 2.

The Town Board opened the meeting to public comment or questions on the subject. All those wanting to speak had the opportunity to be heard and had their questioned answered by the Town Board.

After no further public comment, Councilman Bichteman made a motion to close the Public Hearing at 7:10 PM, Councilman Boone seconded, motion carried by all board members present.

**SPECIAL TOWN BOARD**

Councilman Sherman made a motion to open the Special Town Board meeting, Councilman Boone seconded, motion carried by all board members present.

**SEQR-LOCAL LAW NO. 1 of 2017**

The Town Board completed SEQR - Part 3 Short Environmental Assessment Form - Determination of significance. Councilman Bichteman made a motion to adopt the following resolution:

WHEREAS: the Town Board has made a determination based on information in the analysis in the Short Environmental Form Parts 1 & 2 and the supporting documentation,  
be it hereby

RESOLVED: that Part 3 the proposed action will not result in a significant or adverse environmental impacts.

Councilman Sherman seconded the motion, a vote follows:

AYES: Supervisor Rapp, Councilman Bichteman, Councilman Sherman

and Councilman Boone  
NAYS: None

**RESOLUTION #36-2017 was thereby duly adopted.**

#### **PEDDLER'S LAW/FEES & LICENSES**

Councilman Bichteman announced that it appears that the Peddler's Law is one of many outdated fee schedules within the Town. The Board recommended that two members of the Town Board review the fee schedules and license fees and make any recommendations for changes to the entire town board. Councilman Sherman and Councilman Boone volunteered to perform the review. Councilman Sherman asked Highway Superintendent Jody Ostrander to assist with review of Transfer Station fees.

Jody had learned today effective January 1, 2018 the City of Albany landfill rate for garbage will increase approx. \$18 per ton, this will add a cost roughly of \$20,000 annually increasing the budget. The city estimates the current rate of \$52 per ton of trash will increase approximately to \$66-\$70 per ton. They are changing their rates and hours. Previously the landfill was open all day, now it is from 7 AM -10:30 AM, they are trying to extend the use of the landfill by shortening the hours. When the city landfill closes the tipping fees will also increase. A discussion of the Westerlo Transfer Station followed. Councilmen Boone & Sherman initially hope to have their review of fees completed by the December regular Town Board meeting to share with the entire Town Board.

The Town Board listened to a resident who commented on PBS TV program she had viewed about a community that composts household vegetable waste.

#### **PLANNING BOARD**

Chairwoman Dorothy Verch submitted and read the following report:

*As an update on the SOLAR application by Cypress Creek. Site visit was completed and recommendations were sent to Cypress Creek. Rec'd contract addendum so that LaBerge Group could assist the PB with this Solar application.*

*Other agencies that were contacted wither did not respond-CT Male, or had a conflict in that they had represented Cypress Creek or had a work load that did not permit dedication of an engineer to this application.*

*There will be 2 public hearings at the next PB meeting on 9/26.  
Brandon subdivision and Cypress Creek.*

Dorothy advised the Town Board the names of engineering firms she had contacted besides LaBerge Group. Discussion followed between Councilman Bichteman and Dorothy Verch on engineering firms, potential contracts, and the acreage required for solar energy arrays. Councilman Bichteman asked if she would reach out to CT male again.

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

Dorothy Verch submitted and read the following report:

*Received confirmation from Dave Fingar that Mid-Hudson Cable (MHC) will schedule the Public Hearing for the Franchise Agreement for November 8<sup>th</sup>, the regular TB meeting.*

*They included the census block that included the roads that we have requested service for in their application to the New NY Broadband.*

She also advised that Jason Guzzo of Hudson Valley Wireless will give a presentation to the BRC at the next meeting on Sept. 28th. Councilman Bichteman and Councilman Sherman asked that when MHC advertises the Public Hearing for the proposed Franchise Agreement it start at 7 PM on Wednesday, November 8<sup>th</sup> before the Town Board meeting will immediately follow. Councilman Bichteman asked about Public Service Commission requirements or if MHC will provide an outline for the Public, dotty will inquire about this with MHC.

Councilman Bichteman made a motion to accept the Planning Board and BRC reports as submitted, Councilman Boone seconded, motion carried by Board Members in attendance.

### **ASSESSMENT/SOLAR**

Assessor Peter Hotaling reviewed the procedure for assessment of large scale solar arrays (community/solar farms). He advised assessment is normally based on either one of 3 categories; cost, sales or income. These arrays are income properties.

The State is trying to help assessors do a valuation on these new systems in order to calculate taxes for school districts, counties and towns. If the valuation placed on a large system is overpriced the companies might walk away from a large scale project as has happened in Schoharie. Towns are being informed that there is not a large profit on these systems. This is where the Payment-in-Lieu-of-Taxes (PILOT) program would come into play. He gave an example of how a PILOT payment may potentially be distributed among the school district, the county and the town. He also gave an example of the valuation of an income based solar energy system over a period of say 15 years and any decrease in production of energy or depreciation value of the system which could essentially follow the initial 15 years. NYSERDA is working on this and they have created a template for the towns to follow. With a PILOT the company would be exempt from county, town & school taxes but would not be exempt from Special District (fire, rescue, etc.) taxes. Discussions followed.

The Town Board asked Mrs. Verch to extend an invitation to Stephen Lassiter a representative of NYSERDA to attend either the Town Board meeting of Oct. 3<sup>rd</sup> or a workshop meeting on Tuesday, October 10<sup>th</sup> at 7 pm depending on his schedule, to provide information to the town for guidance on community solar/PILOT.

Discussions followed on these topics; PILOT, the revenue generated by a community solar array, large solar arrays installed in surrounding communities outside of our town, and how assessment is based by law.

A brief discussion followed between the Planning Board Chairperson and the Assessor regarding the application submitted by Cyprus Creek and their emailed letter of Notice of Intent submitted to the county and the Assessor's office.

### **OPEN TO PUBLIC**

A resident asked when a copy of the 2018 Tentative Budget would be available. Supervisor Rapp advised a copy would be available by Oct.5<sup>th</sup>. Councilman Bichteman asked Councilman Sherman to meet with him and the Fire Company to go over their budget at some time.

A resident asked about the presence of white cars seen in the area from Precision Pipeline Solutions, New Windsor, NY. He was advised no one from this company has contacted the Town.

A resident inquired if a check had been received yet from Mid-Hudson Cable for Franchise Fees which the BRC believed were erroneously paid by MHC to the Town of Greenville. The fees in question were identified by the BRC as those for Westerlo residents with cable service having a Greenville mailing address. Supervisor Rapp responded no. Dorothy Verch suggested this would be a good question for Mid-Hudson Cable's upcoming Public Hearing.

**CLOSE MEETING**

There being no further public comment, Councilman Bichteman made a motion to adjourn the Special Town Board meeting at 8:06 PM, Councilman Sherman seconded, motion carried by Board members present.

Respectfully submitted,

Kathleen Spinnato Town Clerk