

**TOWN OF WESTERLO
TOWN BOARD MEETING
OF
TUESDAY, SEPTEMBER 5, 2017**

The Town of Westerlo Town Board held a meeting on Tuesday, Sept. 5, 2017 at the Westerlo Town Hall 933 County Route 401, Westerlo, NY. Supervisor Rapp opened the meeting at 7 PM with the Pledge of Allegiance to the Flag.

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

Also attending were: Laura Tenney President Library Board of Trustees, Mary Jane Snyder-Araldi Interim Museum Director, Dennis Fancher Town Historian, John Sefcik & Guy Weidman Zoning Board of Appeals members, Dororthy Verch Planning Board Chairperson/BRC & Edwin Stevens Planning Board member, Broadband Research Committee(BRC) members Eric Markson & Bob Wilcox, Claire Marshall Clerk to the Assessor, Patricia Boice Clerk to the Supervisor, Justice Kenneth Mackey, Kathleen Spinnato Town Clerk and approximately nine residents.

CORRESPONDENCE:

Supervisor Rapp read thank you letters received by the Town Board from Susan Cunningham and Roxanne Horlacher. Both letters were thankful for the Summer Youth Recreation Program held 7/31/17 through 8/4/17 in Westerlo and expressed the hope that the program would continue.

TOWN BOARD MINUTES

Councilman Sherman made a motion to accept the Town Board minutes of 8/1/2017 as submitted. Councilman Bichteman seconded, Councilwoman Burnside abstained, motion 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 # 421 through Voucher # 492 in the amount of \$323,578.03

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

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

NAYS: None

RESOLUTION # 33-2017 was thereby duly adopted.

SUPERVISOR'S REPORT

Supervisor Rapp made a motion to accept the Supervisor's report for the month of July as submitted. Councilwoman Burnside seconded, motion unanimously carried.

TOWN CLERK'S REPORT

Councilman Boone made a motion to accept the Town Clerk's monthly report for August as submitted. Councilman Bichteman seconded, motion unanimously carried.

ASSESSOR

Peter Hotaling submitted a request to the Town Board to attend the NYS Assessors Assoc. Annual Conference to be held Oct 1-4, 2017 in Lake Placid, NY. The cost of the conference will be split with the Town of Ballston. He anticipates partial reimbursement from NYS for continuing education credit. Supervisor Rapp made a motion that the Town Board allow Mr. Hotaling the opportunity to attend the conference, seconded by Councilwoman Burnside, motion unanimously carried.

LIBRARY REPORT

Laura Tenney President of the Library Board of Trustees read the following report:

The library has been fortunate to have received several grants over the last 5 years from the NY Education Dept. Division of Library Development. These are matching grants that are specifically for construction projects at public libraries. These grants have allowed the library to make needed improvements to the building's exterior including a new roof, a new stone entryway, new windows, an outdoor patio, an ADA compliant sidewalk, lead mitigation, and a new paint job.

Most recently we received \$75,000 in construction money for interior improvements. In January we began work to re-purpose the former museum space into a 525 sq. ft. multipurpose room which can be used for meetings, library programs, art exhibits, music concerts, or even exercise classes. The project required some structural changes including moving attic staircase, removing a support post and replacing it with micro-lam beam, removing a crumbling old concrete floor and pouring a new one at a slightly higher level to allow handicapped access to the entire interior. We are also upgrading the bathroom and installing a small kitchenette.

The new community room will be equipped with audio/visual capabilities so that guest speakers can make power point presentations, patrons can play Wii games and the library can show movies on a big screen.

A significant feature of this project has been a complete overhaul of the HVAC system, which functioned very poorly in the expansion space. The new system is a high efficient electric heat pump split system which provides heating and cooling.

We plan to make some changes in the existing library to create a more comfortable, welcoming place to read, use the computers, or just have a cup of coffee with a friend.

We'd like to thank the Town for funding an upgrade to the fire alarm system and adding a security system.

As with all construction projects, there have been delays and surprises along the way, but we hope to have the work completed by the end of the year. At that point we look forward to hosting a holiday Open House to show off our new space. In the meantime, we welcome the community to stop in and see our work in progress.

While I'm here I'd like to help the library's efforts to reach out to any homebound residents who would like to have library materials (books, DVDs) delivered to them. If you know anyone who might like to take advantage of this free service, please ask them to contact our Librarian, Sue Hoadley. Thank you for your time and attention.

Laura then answered questions from the public concerning their budget and grants they had received.

ZONING BOARD OF APPEALS REPORT

Virginia Mangold Chairwoman submitted the following report which was read by the Town Clerk:
The Town of Westerlo Zoning Board held their regular monthly meeting on August 28, 2017 at 7 PM.

The Board went over a public hearing with applicants and approved the variance.

Following old business, the Board reviewed a new application. Application approved for a variance. A Public Hearing was scheduled for a later date as applicants will not be available for the board's next regularly scheduled meeting on Sept. 25th. Rather, applicant requested their public hearing be held at October 23d meeting.

ZBA meeting adjourned with no further applications.

Councilman Bichteman made a motion to accept the ZBA report as submitted, Councilman Boone seconded, motion unanimously carried.

PLANNING BOARD (PB) REPORT

Dorothy Verch Chairwoman submitted and read the following:

The Planning Board met on Aug. 22nd. There were three applications before the board. First application was Bernard and Liubov Boyle for a Special Use Permit for a 5 Apartment residence, they first need a variance from the Zoning Board of Appeals, so it was sent to the ZBA. We anticipate this application back in the October timeframe.

Second application was Barb Brandon for a Minor Subdivision. Application was accepted with a negative declaration and public hearing is scheduled for Sept. 26 at the next regular PB meeting. A site visit was completed on August 28th.

Third application was from Costanza Solar, LLC for a 2 MW Community Solar Facility. The representative from Cyprus Creek Renewables presented the application. The property is situated on county rt. 405 at 198 Sunset Hills Rd. The facility will encompass approx. 20 acres of a 129 acre parcel. The energy generated from this facility will produce electricity for 300-400 homes on Central Hudson with Westerlo getting first refusal. 17-005 is the application number. A site visit was performed on 8/28 to determine proximity to wet lands. The first part of the SEQRA was reviewed with the parts 2 and 3 to be completed at the Public Hearing. The project will not be visible from any resident or from any road. There is a tree line protecting the houses on Strawberry Lane from any visual. A public hearing will be held on Sept. 26th at the regular meeting.

The Planning Board is asking for permission to rehire the LaBerge Group again to assist in this application process. The unanimous decision by the Board was based on the invaluable assistance that was provided during a cell tower application. It was suggested that CT Male be contacted. They were contacted and did not respond to our query.

Since we already had a contract with LaBerge it can be updated and reworded to accommodate this application process. I contacted LaBerge they will be happy to work with Westerlo again.

BROADBAND RESEARCH COMMITTEE (BRC)

Dorothy Verch Committee Chairwoman submitted and read the following:

On the 11th of August, Bob Wilcox and I met with Dave Fingar and Steve Suskey of Mid-Hudson to review the reworked franchise agreement.

Each paragraph was reviewed and determined to be acceptable or needed revision. Those that were not acceptable were reworded or eliminated.

The “Phases” of roads for service was the problem.

The application for funding for broadband addresses “census blocks”. Dave offered to reword the “phase” area so that it would work with the census blocks. Which he did and it was incorporated into the agreement dated 8/24/2017. They also requested 2 letters be drafted-one letter would accompany the application to the broadband committee and the other would be a digital handshake acknowledging due diligence on the part of Westerlo. Both need the Supervisor’s signature on letterhead.

At the BRC meeting on the 24th the agreement was reviewed by the committee and determined to be the best possible scenario that we could achieve. This agreement has language that allows Westerlo to scrutinize the franchise agreement payments and determine accuracy of such. None of these points were available in the previous agreement.

The committee drafted the wording for the two letters and I reviewed them with Mr. Rapp, in person, on August 25th.

Mr. Bichteman and I had a conversation on the 28th. He wanted to understand the purpose of these letters. The letter of intent, to my knowledge was not sent. I am hopeful that the letter of recommendation was because it would serve as positive ammunition for MHC in their application and only gain favor for Westerlo in the end.

I don’t know the date of the Public Hearing at the writing of this report.

Discussions followed between Mr. Sefcik, the members of the Board and Dorothy Verch regarding a proposed engineering firm to assist with the solar application and also the amount of escrow paid by a firm and held in an account to cover expense.

Dorothy Verch advised she had contacted LaBerge, CT Male and two other firms, no response was received from CT Male or others. She asked if the Board could hold a Special Town Board meeting to review LaBerge contract for the Costanza application. The Board discussed the September meetings which would be necessary in order to review SEQR solar and planning board applications. Ned Stevens asked that they request Assessor Peter Hotaling be available for the meeting.

The Town Board scheduled two meetings to be held on Thursday, September 21st the first a Public Hearing at 7 PM to review SEQR for solar, immediately followed by a Special Town Board meeting to review contracts, Peddler’s Ordinance and departmental budgets. Ned Stevens asked that they request Assessor Peter Hotaling be available for the meeting to answer questions they may have. The Town Board Workshop normally scheduled for the third Tue. of each month will not be held in September in order to accommodate the meetings of Sept. 21st.

Dorothy Verch spoke of Steve Lassiter of NY Sun /NYSERDA and the webinar held on 7/25/17. She advised the Board that Mr. Lassiter has offered his assistance on solar. The Clerk to the Assessor

advised Mr. Hotaling had previously provided the Town Board with information on the PILOT program for commercial solar projects but that he could address it again again at the Sept. 21st Special Town Board meeting.

Councilman Bichteman advised Dorothy Verch the reasons why a letter of intent could not be submitted. The Town Board could not ask the Supervisor to sign a letter of intent on a proposed contract (Mid-Hudson Cable "draft" Franchise Agreement) that the Town Board had not reviewed yet, nor had the required necessary time period to convene a meeting upon for such purpose. The timing was unfortunate.

A resident made inquiries which were answered by Councilman Bichteman & BRC Chairperson Verch on the subject of a proposed cable contract.

Councilman Bichteman made a motion to accept the Planning Board and BRC reports, Supervisor Rapp seconded, motion unanimously carried.

MUSEUM REPORT

Mary Jane Snyder-Araldi Interim Museum Director submitted and reported the following:

We continue to meet once a month on the second Thurs. of the month. We are meeting as time allows to sort through museum items. We have purchased a camera and have begun taking picture of items in the museum which will be downloaded to the corresponding description of the item in the archival program on the computer.

The museum has been open the first Sat. of each month from 9 am to 11 am.

Mr. & Mrs. Fiegel have resigned from the Museum Board.

Things are gearing up for the Grand Opening Reception (by invitation) on Friday, Oct. 6. The museum will be open to the public on Sat., October 7th. We are also planning on having the museum open the weekend of Sept. 16th for the Farm and Artisans tour that will be going on that weekend.

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

MUSEUM DIRECTOR-APPOINTMENT

Councilman Bichteman reported the Town Board will need to appoint a Museum Director and Mary Jane Snyder-Araldi has been filling in as Interim Museum Director, he then made a motion to adopt the following resolution:

WHEREAS: Mary Jane Snyder-Araldi is acting as the Interim Museum Director through December 31, 2017, be it hereby

RESOLVED: the Town Board hereby appoints Mary Jane Snyder-Araldi to the position of Museum Director with a two year term to commence starting January 1, 2018

Councilman Sherman seconded motion, vote follows:

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

NAYS: None

RESOLUTION # 34-2017 was thereby duly adopted.

WATER BOARD REPORT

Councilman Bichteman indicated there was nothing new to report.

OLD BUSINESS:

BIDS-HEATING SYSTEM & INSULATION

Supervisor Rapp asked Councilman Bichteman to report.

Councilman Bichteman advised that the bids for the heating system and insulation package of the Town Hall will be received through Sept. 19 at 2 PM at which time they will be opened and read aloud.

ASBESTOS FLOOR TILE ABATEMENT

Councilman Bichteman reported the asbestos work change order from Sullivan Contracting to remove floor tiles on the first floor. Notices for the scheduled work have been posted on the entrances to the Town Hall. The work is scheduled to begin on Monday, Sept. 11th. The hallway, bathrooms, Assessor's & Supervisor's offices will not have accessibility until after air quality samples are satisfied, this should take approximately one week. The Assessor & Supervisor's Offices will be temporarily located in the meeting room during this project. A handicapped accessible portable toilet will be available during the project. The Primary Election on Tue., Sept. 12th will not be affected by the project.

NEW BUSINESS:

Dorothy Verch made an inquiry about maintenance of two cemeteries on County Route 402 and another across from Myrtle Lane. She was informed by Town Historian Dennis Fancher there are approximately 70 cemeteries in the Town and most are located on private property and that persons don't have the right to go on private property unless they have the permission of the landowner. Supervisor Rapp informed that the Town doesn't have the manpower necessary to maintain all cemeteries. She suggested that the Boy Scouts could maintain these cemeteries. Councilman Boone advised the Boy Scouts of America has strict guidelines, machinery has to be manned by adult leadership, the scouts themselves may not be able to perform the work she described. Councilman Sherman suggested the Justice Court may be able to assist if there should be a case which involves community service.

ALBANY COUNTY EMS 2018 BUDGET

Councilman Bichteman asked Debbie Mackey of the Westerlo Rescue Squad if she knew what Albany County has proposed to the Town of Westerlo for the 2018 County EMS Budget. Debbie was unsure, however, she explained that in the past years Albany County Advanced Life Support (ALS) program was basically a fly car and a paramedic service provided by the County to respond to 911 calls in the Town. A few years ago, Sheriff Craig Apple and Mr. Wood implemented an ambulance to cover the Hilltowns and to cover other towns in the County that need their services.

Now that the Town of Rensselaerville is without a volunteer ambulance; the County has stationed an Ambulance in Helderberg Rescue with an EMT and a Paramedic is stationed in Westerlo Rescue during the day when available, and in Rensselaerville during the night. She was unsure how the other towns feel about the cost of county coverage. The other Hilltowns may have some concerns about an ambulance that doesn't cover only their town. She suggested the town inquire with the county what the cost of the fly car and paramedic is vs. the cost of an EMT and ambulance. The town and rescue squad had no choice in the matter. The County put this in place and the mutual aid agreement Westerlo Rescue had with other towns became null and void. The County then became our mutual aid. In the beginning this was at no cost to Westerlo however, we knew they would be looking for funds at some point. Westerlo pays the highest share of the three Hilltowns because the County has based their

budget figures on population. Supervisor Rapp advised he will try to schedule a meeting with Sheriff Apple regarding their 2018 proposed budget. He would like to keep Debbie Mackey informed as well if she is able to attend, Debbie agreed. A resident then provided an opinion on the subject.

CDRPC LOCAL GOV'T WORKSHOP

Planning Board Chairwoman Dorothy Verch asked the Town Board for approval for the Planning Board & Zoning Board of Appeals members to attend the Capital District Regional Planning Commission (CDRPC) Local Government Workshop on 10/15/2017 at Hudson Valley Community College. There will be three sessions at three times that day the cost approximately \$30 each or less. Their attendance would count towards required training. Councilman Bichteman made a motion that any member of the Planning or Zoning Board who can attend be able to attend the CDRPC Workshop. Councilman Boone seconded, motion unanimously carried. Councilman Boone asked Dorothy to contact ZBA Chairwoman Virginia Mangold to contact the ZBA members who want to attend.

PUBLIC COMMENT

ZBA member John Sefcik inquired about the two people who were temporarily hired to work on the town hall at the last town board meeting. Supervisor Rapp indicated that they had not been hired yet.

Another resident asked about the budget for next year. Per Councilman Bichteman, this will be discussed at the Special Town Board meeting on September 21, 2017 but Councilwoman Burnside and Councilman Sherman have been working with Pattison, Koskey, Howe and Bucci.

A resident commented about the summer recreation program in that it appeared to be very well liked but wondered if the money allotted in the budget was given toward it. Councilman Boone stated with the help of Legislator Smith, the grant money that was received from Albany County was used to get the program started again along with some of the money set aside in the budget for youth services. Councilman Boone discussed the approximate cost and the hope to eventually broaden the program. He thanked the director, volunteers, and entire staff for their support of the program. More comments followed from the audience on youth programs offered in surrounding towns.

A resident commented that at the last Town Board workshop meeting there was a lot of public comment made throughout the entire meeting which she felt was productive, but the meeting was adjourned before she had an opportunity to comment on the BRC and their work on broadband. She commended and thanked the BRC volunteers for their commitment and for their efforts.

EXECUTIVE SESSION

There being no further public comment, Councilman Bichteman made a public announcement that the Town Board would be entering into executive session for those who wanted to stay the Town Board will reconvene the regular meeting upon their return. He then made a motion that the Town Board entered into Executive Session to discuss an application received for a vacant position on the Zoning Board of Appeals. Councilman Sherman seconded, motion unanimously carried. The Town Board entered into executive session at 8:12 PM.

The Town Board returned from executive session at 8:15 PM at which time the regular meeting was reconvened by the Town Board.

ZBA APPOINTMENT

Councilman Bichteman reported the Town Board has reviewed the personal history of an application received for employment. He then made a motion to adopt the following resolution:

WHEREAS: there is a vacancy on the Zoning Board of Appeals due to the resignation of Wilfred VanDerstine and one application was received, be it hereby

RESOLVED: the Town Board appoints Rita Perciballi to the position of ZBA member to complete Mr. VanDerstine's term that expires 12/31/2021.

Councilman Sherman seconded, a vote resulted as follows:

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

NAYS: None

RESOLUTION # 34-2017 was thereby duly adopted.

MEETING ADJOURNED

There being no further public comment, Councilman Bichteman made a motion to adjourn the meeting Councilman Sherman seconded, motion unanimously carried. Meeting adjourned at 8:18 PM.

Respectfully submitted,

Kathleen Spinnato, Town Clerk

