

**TOWN OF WESTERLO
TOWN BOARD MEETING
OF
TUESDAY, OCTOBER 2, 2018**

The Town of Westerlo Town Board held a meeting on Tue., October 2, 2018 at 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 Richard B. Filkins
Councilman Anthony W. Sherman
Councilwoman Amie L. Burnside
Councilman Joseph J. Boone

Also attending were: Code Enforcement Officer/Zoning Administrator Edwin H. Lawson, Highway Superintendent Jody Ostrander, Planning Board Chairwoman Dorothy Verch, Planning Board members Ned Stevens and Gerald Boone, ZBA member John Sefcik, Town Historian Dennis Fancher, Museum Director Mary Jane Snyder-Araldi, Grant Writer Dr. Nicole Ambrosio, Albany Co. Legislator Chris Smith, Clerk to the Supervisor Patricia Boice, Clerk to the Assessor Claire Marshall, Deputy Town Clerk II Karla Weaver and approximately eleven residents.

MINUTES

Councilman Sherman made a motion to accept the Town Board minutes of 8/7/18 as submitted, seconded by Councilman Filkins, motion unanimously carried.

Councilman Boone made a motion to accept the Public Hearing & Special Town Board & Workshop minutes of 9/18/18 as submitted, seconded by Councilwoman Burnside, motion unanimously carried.

SUPERVISOR'S REPORT

Councilman Sherman made a motion to accept the Supervisor's report for the month of August as submitted. Councilman Boone seconded, motion unanimously carried.

TOWN CLERK'S REPORT

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

PAYMENT OF MONTHLY BILLS

Councilwoman Burnside 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 # 489 through Voucher # 538 in the amount of \$225,339.93

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

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

NAYS: None

RESOLUTION # 47-2018 was thereby duly adopted.

GRANT WRITER REPORT

Dr. Nicole Ambrosio reported that the grant the Town was expecting for the water system did not come through. She explained that Westerlo has an above medium income making it tough to get grants, however after meeting with Stantec the engineers on the project and speaking to RDC in Schoharie she confirmed that RDC can fund up to \$50,000

but she would first have to apply for clearance which she has since done. Dr. Ambrosio explained to RDC that although Westerlo has an above medium income, there are only 87 households in the water district. RDC suggested she contact Rural Community Assistance Program (RCAP), which is part of the Federal Government as they assist with this sort of thing however the Town would need a third party income survey on the 87 households which RCAP will do. If it is determined the income is low for those 87 households, then the Town of Westerlo may qualify for assistance.

Dr. Ambrosio gave an update on grants for a records room. Currently all records are being housed in the Highway Garage building however the goal is to move them to the Town Hall. She met with Town Clerk and Records Management Officer Kathleen Spinnato and Maria McCashion from the NYS Archives who helps with this. It is believed that since the Town of Westerlo has never applied for available money, the Town may go to the top of the list. If accepted, there will be no out of pocket cost to the Town and will cover the costs for materials, construction, file cabinets, shelving, etc.. The deadline for this is January 2019.

At this time, some questions arose from residents and the Town Board about the Water District which Mr. William Bichteman addressed.

Councilman Filkins made a motion to accept the Grant Writer's Report. Councilman Boone seconded, motion unanimously carried.

ZONING BOARD OF APPEALS REPORT

Virginia Mangold Chairwoman was not present. ZBA member John Sefcik announced that there was no meeting in September.

PLANNING BOARD REPORT

Chairwoman Dorothy Verch submitted and read the following report:

PLANNING BOARD REPORT
TO
THE TOWN BOARD
OCTOBER 2, 2018

The Planning Board met on September 25th with no new business. Old business that was reviewed was the decommissioning bonds of the 4 solar farm companies.

Borrego (Shepard Solar) provided the most concise overview.

Cypress Creek provided a 'bottom line' 'standard' bond.

Clean Energy Collectives provided a consolidation of fees.

It became apparent that we could not compare the 'solar decommissioning' using the submitted information. After much discussion, the Planning Board arrived at the decision to utilize the NEW YORK SOLAR GUIDEBOOK Model Solar Energy Law as a template.

We utilized (page 153) the section titled #8 PERMITTING REQUIREMENTS FOR TIER 3 SOLAR ENERGY SYSTEMS. Under section 3- SECURITY it reads as follows:

The deposit, executions, or filing with the (Town) Clerk of cash, bond, or other form of security reasonably acceptable to the (Town) attorney shall be in the amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal.

The amount of the bond or security shall be **(125%)** of the cost of REMOVAL of the Tier 3 Solar Energy System and restoration of the property with an escalator of decommissioning amount shall be REDUCED by the amount of the estimated salvage value of the Solar Energy System.

At the meeting between Town Attorney, Aline Galgay, CEO, Ed Lawson, Town Board member, Tony Sherman, Planning Board members, Rich Kurlyo, Jennifer Bungay and myself, it was determined that, in order to compare the submitted bonds, a spreadsheet would be prepared to compare the bonds amounts. The result of that is in your packet of information.

The decommissioning section of our law (entered below) needs to be adjusted to reflect the correct area to calculate the decommissioning bond.

Our Law reads as follows:

Decommissioning section of the Solar Law Section 18.50 COMMERCIAL SOLAR ENERGY SYSTEM –4- ADDITIONAL REQUIREMENTS © SURETIES/BOND,

(I) abandonment and removal;

(f) The applicant shall provide the Town with a bond in an amount DETERMINED BY THE PLANNING BOARD, but in no case less than 20% of the CONSTRUCTION COST to cover the cost for the removal of the system and remediation of the landscape, in the event the Town must remove the facility. The bond shall be in the form acceptable to the Town Attorney, which include but are not limited to letter of credit, perpetual bond, or any combination thereof.

The amount shall be reviewed every year by the PLANNING BOARD and shall be adjusted if deemed necessary. If the bond is deemed to be adjusted the applicant shall have 90 days from the notice to provide an adjustment bond.

NYSERDA in order to provide the numerous towns in NYS with a model for their Solar Energy Systems, developed the GUIDEBOOK before you.

The Decommissioning section, as outlined, has been used extensively and adopted as part of their Solar Energy Law throughout the various townships in NYS so that there is a STANDARD.

The language of our Decommissioning bond section should use the model offered by NYSERDA.

At the Planning Board Meeting we applied the NYSERDA standard to the information before us. The chart supplied provides an estimated amount that represents the bond amount.

Borrego, Clean Energy Collectives and Cypress will be asked to provide information using the Borrego Decommissioning costs because their format was the most exact.

Tomorrow night, Oct 3rd I will be meeting with the new Project manager of Cypress Creek Dave Weightman. Cypress Creek has presented a new site plan REDUCING the footprint of the Costanza Solar Farm. They have been able to secure a more efficient panel. He would like to meet with the entire PB but we did not receive notice in time to publish in the AE.

I will be meeting with him along with one other member of the PB to review the site plan and go over the decommissioning bond that they submitted. I will request that Jennifer Bungay be in attendance to record the event.

An invitation was extended to the Town Attorney, Aline Galgay, CEO Ed Lawson and any TB members (1 or 2) that wish to attend.

If the Town Attorney is available, I would like the meeting with Mr. Weightman, the Town Attorney and the PB considered a client/attorney meeting .

In addition, the meeting between Angelika Stewart of DEC and myself that took place in July was reviewed. You also have a copy of that meeting in your packet. Angelika Stewart is a DEC environmental analyst who is assigned to Westerlo. In addition, she shared information with me regarding the other agencies and their respective representatives who are also assigned to Westerlo.

Army Corp of Engineers, Andy Dangler
City of Albany, because Westerlo is located in the watersheds of the Alcove and the Basic. City of Albany Watershed Manager is Amy Walsh.

Albany County Planning Board, Michaela A. Sweeney, senior planner.

ALL OF THE ABOVE contacts must be notified if a TYPE I Action (coordinated review) comes before the PB.

We, the Planning Board, has 30 days in which to notify the various boards that Westerlo PB will take the lead agency designation.

It is highly recommended that ALL applications for the Planning Board that are presented to the Code Enforcement Officer, complete Part 1 –applicant's

section of SEQRA using the DEC EAF MAPPER found on the DEC website.

Reason, once the tax id is identified the form is populated with the information collected from numerous websites thereby providing a more complete and accurate picture of the application property.

The PB voted and unanimously agreed that ALL applications submitted to the PB MUST follow this format. We will no longer accept hand written forms.

Respectfully submitted,


Dotty Verch

She reported that the next Planning Board meeting will be Oct. 30th and that Ned Stevens, Rich Kurylo and herself attended a NYSEDA meeting in relation to Solar in Cairo on Sept. 5th and was therefore requesting that 3.5 hours be credited for each of their training. She also requested permission to attend the Association of Towns meeting in Schoharie on Nov. 10th which will cover land uses, ethics and Planning and Zoning Board relationships for the Town Board. She indicated the cost would be \$80 per person for members or \$100 for non-members. Councilwoman Burnside asked that she be approved to attend the meeting in Schoharie as well.

BROADBAND RESEARCH COMMITTEE (BRC)

Chairwoman Dorothy Verch reported that the BRC did not meet in September. She announced that she will be meeting with Mr. Decker and his brother who are the President and Vice President of Mid-tel on Oct. 17th to discuss bringing broadband into Westerlo.

Councilman Filkins made a motion to accept the Planning Board and BRC reports as submitted. Seconded by Councilwoman Burnside, all in favor motion carried.

Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: the Town Board grant approval for training on Sept. 5th to count toward credit hours for Planning Board members Dorothy Verch, Ned Stevens and Rich Kurylo along with ZBA members John Sefcik and Jill Henck and;

WHEREAS: the Town Board additionally allow any Planning Board, ZBA or Town Board members who would like to attend the Association of Towns meeting on Nov., 10th in Schoharie, be it hereby

RESOLVED: the Town will cover the cost per person of \$80/members or \$100 for non-members

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

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

NAYS: None

RESOLUTION # 48-2018 was thereby duly adopted.

MUSEUM BOARD REPORT

Mary Jane Snyder-Araldi Director of the Westerlo Heritage Museum submitted and read the following report:

*Westerlo Heritage Museum
Report to Town Board
October 2018*

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 will start to move items from the library with the help from some scouts. I hope to coordinate a weekend possibly in Oct or Nov to move things from the library.

I continue to take pictures of the items in the archive and add the pictures of the item into the archival program. The museum will not be open this Sat. due to the Harvest Festival. I would like to thank Diane Therrien-Smith for taking the lead on the Harvest Festival.

Our fundraiser for the Holidays will be a silent auction on some wreaths we are going to make and display for people to bid on.

Nick Collorafi continues to work on his Eagle Scout project at the museum.

We were able to loan some of our Dr. Perkin's exhibit items for the presentation that was given regarding her book this past weekend.

Councilwoman Burnside made a motion to accept the Museum Report as submitted. Councilman Filkins seconded, motion unanimously carried.

HISTORIAN REPORT

Town Historian Dennis Fancher submitted and read the following report:

October 2, 2018

As some of you may already know, long before I became town historian, Sue & I have had a keen interest in finding & acquiring items pertaining to Westerlo history. It probably goes back at least 30 plus years

I have always been interested in Westerlo's military history but finding items pertaining to local history do not become available very often.

We saw an ad for an auction in Hoosick Falls, which listed items for a Civil War veteran from Westerlo, John S. Hassell, a blacksmith from Lambs Corners.

We attended the auction and purchased many items including his mustering in papers and discharge papers, a chest with his initials, cannonball & tin type. His photo is in the wall of honor.

We found he was born in 1840 and mustered in in 1862 and discharged in 1863. He was in two battles in Louisiana. The first battle Ponchatoula in March of 1863 was a Confederate victory. The second battle was a 48 day siege at Fort Hudson. The Union army had 35,000 soldiers (5000 killed & wounded. 5000 died of disease.) The Confederates had 7,500 soldiers (750 killed & wounded & 250 died of disease). 6500 Confederates surrendered

He died in 1922 at age 82.

Two weekends ago we went to Curt Cunningham's sale of his Civil War collection

I purchased a photo taken at an encampment at Lambs Corners probably at the picnic area owned by the Edgar Spaulding Family.

In the History of Lambs Corners written by Edmund Ingalls in 1976, he mentions seeing a picture of the C. Swain Evans GAR Post #580, which composed of 20 members & 8 or 10 drum corp. The photo I have shows 19 veterans and 8 drum corp.

My research found that veterans gathered in 1913 to commemorate the 50 year battle of Gettysburg. This photo may have been taken at that time. The only veteran we can identify is DeWitt Bates, who was one of the organizers of this Post, and who is standing in the center of the photo.

I hope that putting this on the Town's Historians website I can identify more veterans

Supervisor Rapp made a motion to accept the Historian Report as submitted. Seconded by Councilman Filkins, motion unanimously carried.

WESTERLO HOMETOWN HEROES COMMITTEE (WHHC)

As Chairwoman of the WHHC, Councilwoman Burnside reported that they were in the process of finalizing the arrangements for the closing ceremony. She mentioned if anyone was interested in attending it will be held at 1pm on Nov. 17th at the Town Hall and that there would be speakers and a complimentary buffet. She also indicated that they had seven new applications for next year's banners.

Supervisor Rapp made a motion to accept the WHHC report. Seconded by Councilman Boone, motion unanimously carried.

OLD BUSINESS

TOWN HIGHWAY GARAGE STRUCTUAL ENGINEER UPDATE

Deputy Supervisor/CEO/ZA Edwin Lawson met with the structural engineer Bill Scribner from Kaaterskill Associates to review the conditions of the Highway Garage. They did a walkthrough and Mr. Lawson gave an overview of what the Town was trying to achieve. Mr. Lawson mentioned that Mr. Scribner will make sure the block can support the roof trusses and that the Town is currently awaiting Mr. Scribner's report based on his inspection.

WATER DISTRICT WATER SYSTEM UPDATE

Mr. Lawson reported that the Town received an estimate from Stantec Engineering on putting in a bubbler type system to remove the Bromomethane from the water. He indicated that the grant writer is looking into ways to possibly help fund this project.

Mr. Lawson indicated that Mr. William Bichteman has been graciously assisting him and Stantec with analyzing the water district issue and is recommending that the Town Board allow Mr. Bichteman to take over as Chairman of the Water Board. Mr. Bichteman then mentioned that the rate has to be increased due to the increased cost of the bond this year and that he agreed to come back and do the legwork but was requesting that the Town Board appoint him. He explained that although the Water Board makes recommendations to the Town Board, the day to day operation of the Water District is handled by the Water Board including repairs of the system which are funded by the Water District. Discussion continued regarding bond, rates and Bromomethane tests and levels. The health department sampled the water and although Bromomethane is occurring naturally and the levels are nontoxic, it is not something that will go away on its own so it will need to be addressed.

Supervisor Rapp made a motion to adopt the following resolution:

WHEREAS: there is a vacancy on the Water Board, be it hereby

RESOLVED: the Town Board appoints Mr. William Bichteman as a member of the Water Board.

Councilwoman Burnside seconded, a vote resulted as follows:

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

NAYS: None

RESOLUTION # 49 -2018 was thereby duly adopted.

Councilman Sherman thanked Mr. Bichteman for stepping up and Mr. Lawson for temporarily taking the reins with the Water District.

A resident asked questions regarding the water which Mr. Bichteman addressed. Discussions continued.

NEW BUSINESS

COMMERCIAL SOLAR ENGERGY REVISION DECOMMISSION

Mr. Lawson mentioned that the language in Article 18, Section F of the Zoning Law explains that the applicant shall provide the Town with the bonded amount determined by the Planning Board but shall be in no case less than 20% of the construction cost. Discussion continued about who should be in charge of determining decommissioning costs and

the bond amounts, Zoning Administrator, Planning Board or Town Board. No decision was made however Councilman Boone noted the final decision should be the Town Board's.

HAZARD MITIGATION PLAN

Supervisor Rapp made a motion to adopt the following resolution:

WHEREAS, the County of Albany, with the assistance of the County of Albany, with the assistance of Barton & Loguidice, D.P.C. , in conjunction with the Town of Westerlo, gathered relevant information and prepared the Albany County Hazard Mitigation Plan; and

WHEREAS, the Albany County Hazard Mitigation Plan (the "Plan") (available at <http://www.albanycounty.com/government/departments/departamentofpublicworks.aspx>) has been prepared in accordance with the Disaster Mitigation Act of 2000 (Public Law 106-390) which requires the adoption of state and local hazard mitigation plans as a condition for Federal disaster assistance;

WHEREAS, Federal Emergency Management Agency and NYS Division of Homeland Security & Emergency Services have approved the Plan; and

WHEREAS, the Town of Westerlo and its departments actively participated in the preparation of the Plan and worked closely with the County's Consultant;

WHEREAS, at a public hearing on July 27, 2017, the County of Albany, upon behalf of the Town of Westerlo and other municipalities within the County of Albany, afforded residents with an opportunity to comment and provide input on the Plan and its proposed actions; and

WHEREAS, the Town of Westerlo has reviewed the Plan and affirms that the Plan shall be updated not less than every five years;

NOW, upon the evidence presented to this Board, and upon the motion of Supervisor Richard Rapp, seconded by Councilman Anthony Sherman, and unanimously/by majority passed, it is

RESOLVED AND DETERMINED, that the County-wide, multi-jurisdiction Hazard Mitigation Plan as adopted by Albany County on July 27, 2017 is hereby adopted by the Town Board of the Town of Westerlo; and

RESOLVED, that the Town Clerk of the Town of Westerlo is hereby directed to forward two certified copies of the Resolution to the appropriate county officials for forwarding the FEMA and SEMO.

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

AYES: Richard Rapp, Anthony Sherman, Joseph Boone, Amie Burnside & Richard Filkins

NAYS: None

RESOLUTION #50 - 2018 was thereby duly adopted.

END OF THE YEAR & JANUARY 2019 MEETINGS

Town Clerk Kathleen Spinnato suggested the Town Board look into scheduling the end of the year Town Board meeting to pay the monthly bills as well as scheduling the Town Board Organizational meeting in January as it falls on New Year's Day and offices are closed. After discussions, Councilman Boone made a motion to schedule the End of Year meeting on Dec. 27th at 6:30 pm, seconded by Supervisor Rapp, all in favor motion carried. Supervisor Rapp made a motion to hold the Organizational and Regular Town Board meeting to follow on January 2nd at 7pm, Councilwoman Burnside seconded, all in favor motion carried.

Mrs. Verch mentioned the Planning Board meeting in October is being rescheduled from the 23rd to the 30th at 7pm. WHHC will also do the same date at 6pm and it will be advertised.

Due to the election, Supervisor Rapp indicated that the November Town Board meeting will be held on Wed., Nov., 7th instead of Tues., 11/6.

For the December meetings, it was discussed that the WHHC will meet on the 19th at 6pm and the Planning Board will be changed to the 19th at 7pm following WHHC. Councilman Sherman suggested that when Jennifer Bungay, Clerk to the Boards advertises the Planning Board change that she also advertises the WHHC meeting as well for both October and December meetings. As for the End of the Year meeting to pay the monthly bills, it was decided to hold it on Dec. 27th at 6:30pm prior to the Planning Board meeting at 7pm.

2019 TENTATIVE BUDGET

Supervisor Rapp announced the Town Board was provided the 2019 Tentative Budget for their review and the majority of the next Town Board workshop meeting will be to discuss the Budget.

OPEN MEETING TO PUBLIC

It was requested by a resident that the Water Board report be submitted and read at Town Board meetings in the future.

Bill Scrafford a resident who lives on CR 401, made a complaint about a property across from his residence that is covered in junk. He had previously worked with Mr. Lawson to attempt to resolve this matter which remains unresolved. Discussion continued regarding this property being in violation of the Zoning Law and Mr. Lawson suggested he now submit a complaint letter to the Westerlo Town Clerk.

Mr. Lawson commented on Air B&B's and how that was another issue brought to his attention. There is one site that he is aware of in Westerlo that is a problem. Some are not a traditional Bed & Breakfast, with people paying to live off the grid with no apparent sanitation. He indicated this needs to be addressed as it is currently not being regulated and would require a special use permit.

There being no further business to discuss, Councilman Sherman made a motion to adjourn the meeting, seconded by Councilman Filkins, motion unanimously carried. Meeting adjourned at 8:55 pm.

Respectfully submitted,

Kathleen Spinnato
Town Clerk