

**WESTERLO TOWN BOARD
MEETING
OF
TUESDAY, DECEMBER 4, 2018**

The Town of Westerlo Town Board held a regular meeting on December 4, 2018 at the Town Hall located at 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 Anthony W. Sherman
Councilwoman Amie L. Burnside
Councilman Richard Filkins
Councilman Joseph J. Boone

Also attending were: Code Enforcement Officer/Zoning Administrator/Deputy Supervisor Edwin H. Lawson, Highway Superintendent Jody Ostrander, Highway Employee Sal Spinnato, Zoning Board of Appeals member John Sefcik, Town Historian Dennis Fancher, Clerk to the Supervisor Patricia Boice, Clerk to the Assessor Claire Marshall, Deputy Town Clerk Gertrude Smith, Grant Writer Dr. Nicole Ambrosio, Judge Robert Carl, Museum Director Mary Jane Araldi, Water Board Chairman William Bichteman and approximately 9 residents.

**CONTINUATION OF PUBLIC HEARING FROM 11/14/2018 ON PROPOSED LOCAL LAW # 4-2018,
DECOMMISSIONING OF SOLAR FARM**

Councilwoman Burnside made a motion to reopen the public hearing regarding Local Law #4-2018. Seconded by Councilman Filkins, all in favor motion carried.

Councilman Boone mentioned that at the 11/14/18 Town Board meeting, the Town Board reviewed and read the proposed local law aloud and opened the floor to comments. Since Mr. Lawson was not present for the meeting on the 14th and verbiage needed to be reviewed, the Town Board chose to adjourn until this evening. Councilman Boone indicated that he and Mr. Lawson had revised the language and Councilman Boone read the following draft Local Law # 4-2018:

**Proposed
Local Law No.4 of 2018**

Section 1:

ENERGY SYSTEM of Local Law #1 of 1989 (as revised and amended thereafter), is hereby amended to replace the language in Section 4 (f) with the following language:

*(f) The applicant shall provide the Town with a decommissioning plan which ensures that the solar PV site will be restored to a useful, non-hazardous condition including removal of all above- and below-ground equipment, structures and foundations; disposal of all solid and hazardous waste; restoration of the surface grade and soil after removal of equipment; re-vegetation of restored soil areas; and the plan shall include a timeframe for the completion of the site restoration work, **as referenced by Appendix (4), New York State Solar Guidebook, page 165.***

The applicant will also provide the Town with a decommissioning bond that will be in an amount reviewed by the Planning Board, determined by the Town Board, and in no case less than the cost estimate developed by a NYS Licensed Professional Engineer or Architect designated by the applicant. The estimate shall be based on the

size and scope of construction of the solar PV system. The cost estimate shall cover the complete removal of the solar PV system and all remediation to the site landscape. In the event the bonding company is responsible for the removal of the solar PV system, it must be done to the satisfaction of the Town. If the solar PV system owner fails to decommission the system in accordance with the requirements stated, ~~the Town may enter the property and decommission the system~~ **the bonding company will become responsible for the decommissioning of the system.**

The bond shall be in the form acceptable to the Town Attorney, which includes, but is not limited to, the letter of credit, perpetual bond, or combination thereof. The bond for the restoration of the site will include an escalator of 2% annually for the life of the solar PV system, ~~with review every five (5) years~~ **with review not longer than five (5) years** by the Planning Board, determination by the Town Board, and shall be adjusted, if deemed necessary, by the Town Board. If the bond is deemed to be adjusted, the applicant shall have ninety (90) days from date of notice to provide an adjusted bond.

At the end of the first paragraph, appendix 4 was added to reference decommissioning in the NYS Solar Guidebook on page 165 (see added revision in red above).

Mr. Lawson commented that the law will allow the Planning Board to review the decommissioning and then make recommendations to the Town Board who would then approve the dollar amounts and ultimately give final approval.

Planning Board Chairperson Dotty Verch indicated she would like the review time changed to every two (2) years instead of five (5) years. Councilman Sherman suggested changing language to say “not longer than five (5) years” (see revision in red above which replaces what is struck out).

Mr. Lawson confirmed that if there will be changes to installation, the Planning Board would have to review and a special use permit would be required.

Councilman Sherman suggested changing the language to say “If the Solar PV system owner fails to decommission the system in accordance with the requirements stated, the Bonding Company will become responsible for the decommissioning of the system” (see revision in red above which replaces what is struck out).

Mrs. Verch made a suggestion to have an annual report from each of the solar companies. She questioned how the town acquires the cost estimation. Mr. Lawson indicated that the solar company has to submit a cost estimation as part of their process and further explained that the Planning Board reviews the estimates which can be increased if they are too low. To give an example, he read a commitment letter for Borrego aloud. In reference to the commitment letter, Mr. Lawson indicated the bond amount would be increased to \$250,000 per site with a value of \$500,000. He continued that the Town of Westerlo further agrees to increase the bond value by 2% annually based on a mutual understanding that the bond value will be evaluated every five (5) years to assess inflationary imbalances. Mr. Lawson already gave Borrego a building permit for both sites with a caveat that the decommissioning still had to be approved. He explained that the decommissioning bond is just an insurance policy in case of a catastrophe.

Councilman Sherman made a motion to close the public hearing on Local Law #4-2018 at 7:34pm. Seconded by Supervisor Rapp, all in favor motion carried.

TOWN BOARD MEETING

Supervisor Rapp made a motion to open the regularly scheduled Town Board meeting at 7:35pm. Councilwoman Burnside seconded, all in favor motion carried.

MINUTES

Supervisor Rapp made a motion to accept the Town Board meeting minutes of 11/5/18. Councilman Boone made a suggestion to remove the wording on page 11 under PILOT AGREEMENT where it says “which includes a 2% escalator over the course of 15 years and would go up 2% every year”. Councilwoman Burnside seconded, all in favor motion carried.

SUPERVISOR’S REPORT

Councilman Sherman made a motion to accept the Supervisor’s report for the month of October as submitted. Supervisor Rapp seconded, all in favor motion carried.

TOWN CLERK’S REPORT

Councilman Boone made a motion to accept the Town Clerk’s monthly report for November as submitted. Councilwoman Burnside seconded, all in favor 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 #591 through Voucher # 637 in the amount of \$60,707.80

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

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

NAYS: None

RESOLUTION # 60 -2018 was thereby duly adopted.

GRANT WRITER REPORT

Dr. Nicole Ambrosio announced that she was awaiting responses from the Legislature regarding the hardship in the Water District. She reported that RCAP did a drive through of the Water District and it was believed that a lot of them are not below the \$56,000 medium income. Dr. Ambrosio did explain the debt to hopefully push forward with RCAP and with the Legislature.

She reported on the proposed grant for the records room. The Town of Westerlo has never asked for a grant from the State for archives. Dr. Ambrosio mentioned she went to the current records room with Deputy Town Clerk II Karla Weaver to measure, get a list of records and to take pictures. She mentioned the current room is very congested. She indicated that she could write another grant next year for digitizing records but will need to know where the new records room will be located at the Town Hall for that. Measurements were taken in a section of the Assessor’s office and the stage. She mentioned that the grant application deadline is January 20th. Dr. Ambrosio indicated there would be a consultant that would be compensated by the grant and would help with design, set up and would provide training. Storage for court records was also discussed.

Dr. Ambrosio mentioned she is looking into a proposed grant through USDA for the Highway Garage renovation. NYSERDA was willing to help with a possible grant for energy upgrades however the building needs to be renovated first.

Councilman Sherman made a motion to accept the Grant Writer's report. Supervisor Rapp seconded, all in favor motion carried.

UPCOMING MEETINGS

Supervisor Rapp reminded those in attendance that the Town Board Workshop meeting is Tues., Dec. 18th at 7pm and the meeting to pay the end of the year bills is Thurs., Dec. 27th at 6pm. The Organizational meeting will be Jan. 2nd at 7pm.

WATER BOARD REPORT

Mr. Bichteman was hoping to have a formal resolution to amend the Water Law so that a public hearing could be scheduled but it was not yet available. He reported however that Albany County Resolution # 465A of 2013 requires that if Water District residents haven't paid their water bills or their property taxes for two (2) consecutive years, water service must be terminated. He requested that the Town Board adopt that resolution tonight. He advised that one of the amendments to the Water Use Law would be to provide notice to water customers about pending termination and would give them the 45 days' notice that is required. He explained that the Supervisor would write a notification letter to those affected residents about the service termination.

Mr. Bichteman advised that he met with the accountants about the indebtedness. The accountants are investigating further and will provide an estimate to the Supervisor on the cost to audit the Water District back to 2005. Discussion continued about auditing the records.

Supervisor Rapp made a motion to have the Town of Westerlo comply with County Resolution # 465A of 2013 and to write the letter to the residents who would be affected by the resolution. Seconded by Councilman Sherman, all in favor motion carried.

Councilman Sherman made a motion to accept the Water Board report. Councilwoman Burnside seconded, all in favor motion carried.

ZONING BOARD OF APPEALS REPORT

Virginia Mangold Chairwoman was absent but submitted the following report read by the Town Clerk:

TO: Town Board of Westerlo, New York
FROM: Virginia Mangold, ZBA Chairperson
RE: ZBA Report of November 26, 2018
DATE: November 27, 2018

Explanation: The Board, in this report, refers to the ZBA Board

Due to no new applications to the Town of Westerlo's Zoning Board, the Board cancelled their November 2018 meeting.

With the December ZBA date falling on Christmas Eve, the board has scheduled their December mtg on December 16th, 2018. Should there be no new apps, the ZBA will meet on their regularly scheduled monthly meeting on January 28, 2019 at 7 p.m.

*Respectfully Submitted,
Virginia A. Mangold, Chairperson*

Councilman Sherman made a motion to accept the ZBA report as submitted. Seconded by Councilman Filkins, all in favor motion carried.

PLANNING BOARD & BROADBAND RESEARCH COMMITTEE (BRC) REPORTS

Chairwoman Dorothy Verch submitted and read both reports:

*PLANNING BOARD REPORT
TO THE
TOWN BOARD
DECEMBER 4, 2018*

The Planning Board met on November 27, 2018. We reopened and adjourned 3 public hearings for the following solar projects. Costanza Solar, WesterloNY01 and Medusa.

There were several residents there from AC 405 and Strawberry Lane. A lengthy question and answer period ensued. There are 2 new residents on Strawberry lane who needed to be brought up to date. Additional questions were asked (and relayed to Cypress Creek).

Mr. Dennig whose property is on AC405 had grounds for complaint. It seems a subcontractor of Cypress Creek, unaware that there was no access, used the access road to the Costanza property that was off limits. The trucks and vehicles tore up a good portion of Mr. Dennig's land. This was relayed to Cypress Creek Project manager who has offered to pay for the damage.

In the October meeting the residents requested that the Planning Board consider hiring an engineering firm who has experience in solar projects, Energy Storage Systems/ battery storage, and training the fire company in solar fires. Both Cypress Creek and Clean Energy Collectives BOTH offered to pay for the consultant. The determination of the escrow account should be handled by the Town Board.

Since the majority of solar projects are located in the western part of the United States, it made sense to research engineering companies based west of the Mississippi . Identified a company based in Colorado, Hyde Engineering, that specializes in every aspect of solar projects that we require.

Contacted the President and asked if we could conduct a conference call interview.

On the 12th of November, Councilman Filkins and Rich Kurlyo, Planning Board member and myself joined in on the conference call with Mr. Hyde.

*The conference call lasted approximately an hour to an hour and ½.
Mr. Hyde answered each and every question with no hesitation. He knows the solar industry inside out.
Mr. Hyde and his company handle every aspect of the solar industry that the Planning Board requires.
At that time we asked that he put together a proposal covering all of the items that we require.
Councilman Boone asked for references which were immediately supplied.
Councilman Boone has been researching those references.*

*In order to address all of the solar projects with an understanding of the storage systems, we need the Town Board to act on this proposal by Hyde Engineering in a swift manner so that we can move forward.
Another important aspect is decommissioning.*

*Costanza- Cypress Creek, WesterloNY01 and Medusa, Clean Energy Collectives have all submitted their decommissioning plan and bond form. This also needs swift action by the TB.
The next Planning Board meeting will be held on December 19th.
Mr. Hyde explained that 10days from when he receives the approved proposal, and he has the site plans, he will be able to create the educational materials and the review for the Planning Board.
If we require his presence here, he will attempt to coordinate it with visits to the other clients that he has in NYS.*

On the education front, the Dept of State, Division of local government services is offering a Winter Webinar Series FREE!

There are 5 webinars

*December 6, 2018 SOLAR ENERGY REGULATION
6-8PM*

*December 13, 2018 THE COMPREHENSIVE PLAN AND GOVERNMENT EFFICIENCY
2-3:30 PM*

*December 20, 2018 SEQRA BASICS WITH UPDATES TO REGULATIONS
6-8PM*

January 10, 2019 PLANNING BOARD OVERVIEW

January 17, 2019 ZBA OVERVIEW

WHO SHOULD ATTEND:

Planning Board members, ZBA members, Governing Board members, Planning staff, Code Enforcement Officers and other local officials.

Currently I am trying to secure an audio visual system so that we can view these seminars here at the Town Hall for anyone that is interested.

Respectfully submitted,

Dotty Verch

*BRC REPORT
TO THE
TOWN BOARD
12/3/2018*

The committee met on November 21st at 7 PM. There was no business conducted because Mr. Fingar marked the wrong date on his calendar.

Update on the 402/410 corridor- completed with residents coming on line with cable and broadband

Mr. Fingar has asked that we schedule a visit to the Catskill offices to review the latest census blocks awarded to MHC in the phase 3 Broadband.

In addition, he explained that the research has been completed and there are 110 residents whose franchise fees were misdirected to Greenville. MHC has created a new billing module moving those residents into this new module so that Westerlo will receive the correct amount in franchise fees.

Mr. Wilcox and I will meet with Mr. Fingar on the 17th. Councilman Filkins will be out of town.

Respectfully submitted,

Dotty Verch

Councilman Boone clarified that the costs for training and material discussed above, is being paid for by the applicants and funds will be put into an escrow account and would be no additional cost to the town.

Mrs. Verch also read the following proposal from Hyde Engineering Services:

*Westerlo Planning Support Proposal
12/10/2018*

Proposal Summary

The Town of Westerlo, NY has solicited a proposal from Hyde Engineering Services, Inc. (HES) to support the permitting of several solar + storage systems located in their jurisdiction. HES provides electrical, mechanical, structural, and architectural engineering designs for permitting and construction. HES holds PE licenses in 11 US States (including New York). HES has a history of technical engineering for commercial, industrial, and utility-connected advanced energy projects, including solar, storage, solar+storage, microgrids, and backup generation. HES frequently consults with jurisdictions and public utility commissions to better understand new, inverter-based technologies.

Proposal Rates

HES offers the below fees per the Scopes of Work outlined in Appendix B. The proposal fees will be split up evenly per project. The support includes the review of (3) solar+storage system plansets from developers as well as preparation of educational material for the planning department. The educational material will consist of ~10 page report detailing the basics of battery energy storage systems and their interaction with solar systems, including construction and operations and maintenance, safety and hazard risks and mitigations (including fire safety and recommendations for emergency response), disposal considerations, environmental considerations, and electrical and structural plan review considerations.

In order to provide these services, HES requires the following items from the client:

- *Plansets from developers*
- *Common complaints or questions from Westerlo residents for similar projects*

The scope specifically does not include the below items. Items outside this scope will be billed per the rates in Appendix A, or a separate proposal can be prepared.

- *In person meetings and presentations*

Project Schedule

Once Notice to Proceed is received (email is adequate) and the developer plansets have been received, HES can complete the review and educational material prep within 10 business days.

Thank You.

Tripp Hyde, PE

President

tripp@hydeeng.com

860-930-3161

info@hydeeng.com

860-595-2037

hydeeng.com

She mentioned that the Town of Westerlo Comprehensive Plan is up for review, it's been 4 years. She would like to offer to chair, but would like individuals from the Town Board, ZBA and public to sit in on it.

Councilman Sherman asked about the proposed engineer and wondered if the solar companies understand that the engineering firms may need to travel a great distance? Mrs. Verch confirmed that Mr. Hyde was aware and he has companies here on the east coast to help defray travel costs.

Councilwoman Burnside made a motion to accept both the Planning Board and BRC reports as read. Councilman Boone seconded, all in favor motion carried.

MUSEUM REPORT

Mary-Jane Araldi submitted and read the following report for November and December:

*Westerlo Heritage Museum
Report to Town Board
November and December 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. Due to the roof leaking upstairs at the old town hall we have moved everything back downstairs and put on hold moving things from the library.

I continue to take pictures of the items in the archive and add the picture of the item into the archival program.

Nick Collorafafi finished the work on his Eagle Scout project at the museum. Hopefully most of you noticed the sign outside the museum. It is a replica of a Wall of Honor that was erected during WW2 with the names of young men from Westerlo Voting District 2 who were serving in the military. Dennis and Sue Fancher have provided me with a picture of the Wall of Honor for voting district 3 which I would like to erect at the museum at a later date. If anyone has a picture of the Voting District 1 Wall of Honor please share it with me! I hope to have a dedication ceremony for this Wall of Honor in May and invite family members of the veterans on the wall to come.

The museum will be open in Jan, Feb and March in conjunction with the Firemen's breakfast. We hope to have a spring fundraiser available at the same time.

Councilman Boone made a motion to accept the Museum report for November and December as submitted and read. Supervisor Rapp seconded, all in favor motion carried.

HISTORIAN REPORT

Town Historian Dennis Fancher submitted and read the following report:

SHEEP

This sheet is important in that it shows names of farmers raising Sheep in Town of Westerlo. There was a person with the title of fence viewer who was responsible to answer any complaint of farmers concerning sheep killed or injured by dogs. The money from dog licenses went into a special fund and was used to pay these damages.

Nov 16, 1912--Michael Connor paid \$48 by order of Town Auditors Merritt Tallman, John M Peck, Elmer Applebee, DeWitt Stanton & Supervisor Alonzo G Spalding. This was paid & filed 1 year later by Gilbert Anderson, Town Clerk.

July 28, 1902 Melvin J Denison received \$13. damages to sheep

Dec 3, 1902 George W Swartwout received \$12 damages to sheep by dogs.

May 29 1908 Norman Woodruff received \$54 damages

Sept 22 1906 Robert S Hilton received \$10

May 12 1906 Edwin Stewart received \$18

Nov 2 1894 Cecil J Bishop had two sheep bitten & injured by dogs and received \$7.00 in damages. Owner of dogs unknown

Nov 8 1894 Erastus Bailey received \$10

Oct 1 1894 John H Seelick had 3 sheep killed by dogs at value of \$3 each and 4 bitten & hurt at damages of \$2 each. Total \$17 approved by fence viewer Ambrose Cunningham & Michael Boomhower.

Nov 2 1894 Gilbert H Smith had 5 sheep bitten & injured by dogs for a damage of \$13. Approved by Darius Rundell, Supervisor & Justices of Peace Lorenzo D Rundell, John M Peck, Perry R Stewart & Elmer Applebee. Filed by Town Clerk William W Swartwout. Fence viewers were Ambrose Cunningham & John M Cole

March 8 1875 Reuben Cartwright had one sheep killed and 3 hurt by dogs. Awarded \$6 by fence viewers Silas B Martin & John M Cole. Sworn before Justice of Peace William V.L. LaPaugh and Recorded by Warren Rosekrans Town Clerk

NOV 4 1875 Darwin P Shepherd had sheep killed and was paid \$6 by fence viewers Silas B Martin & Cyrus Hinckley

Oct 5 1875 William H Winegard had 10 sheep killed 7 hurt by dogs. He was awarded \$75 total with dead sheep worth \$5 each.

NOV 4 1875 Minard Oathout was awarded \$10 for sheep killed by dogs

JULY 27 1875 Robert Holley was awarded \$5 for two sheep killed by dogs. Fence Viewers Ashley C Bryant & Cyrus Hinkley

OCT 14 1886 Martin A Traver awarded \$3 each for 7 sheep bitten by dogs. Signed by George A Adriance, William J Lawrence and D. S. Applebee

ABSTRACT FROM CENSUS REPORT OF 1865 ALBANY COUNTY

Westerlo had a population of 2497 which was a decrease of 151 from the census of 1855. There were 692 voters of which 670 were native born and 22 were naturalized citizens. There were 9 aliens in the Town and 6 colored persons that were not taxed.

Agricultural production was:

8236 bushels of oats
12164 " of Indian corn harvested
22296 " of potatoes
400 lbs. of tobacco
140 lbs. of hops
45204 bushels of apples
529 Milch cows
116075 lbs. of butter made
851 horses two years old and older
3415 sheep were shorn

Supervisor Rapp made a motion to approve the Historian's Report as read. Councilman Boone seconded, all in favor motion carried.

WESTERLO HOMETOWN HEROES COMMITTEE (WHHC) REPORT

Amie Burnside WHHC Chairwoman submitted and read the following report:

HOME TOWN HERO END OF YEAR REPORT 2018

December, 4 2018

On November 17 the hometown hero committee held its closing ceremony at the Westerlo town hall. It is with great pride that the ceremony was a huge success and though a lot of work it was extremely rewarding. We will meet on December 19 to form our game plan for 2019. Below are some statistics for this season.

We were able to install 23 banners

17 were sponsored by local businesses

6 sponsored by family

We collected 490 dollars toward the ceremony and many food donations

Those who sponsored for the closing ceremony were as follows: ShopRite, Subway-Voorheesville, McDermotts Automotive, Price Chopper, Hannaford, Maple on the Lake, Casa Mia's, Silver Creek Deli, M & M Bakery, Tops Markets please visit these local establishments as it is clear they honor our veterans as we do. We also had numerous donations received from Marie Haley, Karen Kister, Matthew Kryzak, Ruth Savin, Palma Scholer, John & Dianne Sefcik.

I would like to thank the committee for the endless work they provided we are one heck of a team. Thank You Lisa DeGross, Doty Verch, Bonnie Kohl Laub, & Betty Filkins. From the bottom of my heart I thank you. We are always open to additional committee members so anyone considering please join us on Dec 19 here at the town hall from 6-7 pm. We appreciate any time you are able to spare. Also many thanks to the town of Westerlo for their support.

Going forward with 2019. We will hit the ground running in January. The committee will identify additional poles of which we will need to submit the applications to Central Hudson (completed annually) and Verizon (only needs new poles identified annually.) These will be submitted by the end of February and the applications for new banners need to be received by April 30, 2019. We have already received 12 applications for new banners. The dead line for families of the existing hero's to let us know if they will be returning them to us for re-installation is also April 30. Applications will be available on line, the Westerlo Town Hall, Westerlo highway department and the Westerlo Library.

This report is respectfully submitted by Amie Burnside - committee chair

A resident read a letter she wrote regarding the closing ceremony and thanked all that were involved.

OLD BUSINESS:

LOCAL LAW #4-2018 SOLAR DECOMMISSIONING BONDING

Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: The Town of Westerlo needs to adopt a decommissioning law for solar systems, be it hereby

RESOLVED: the Town Board adopts Local Law # 4-2018 for Solar Decommission Bonding as amended during the public hearing portion of this evenings meeting.

Supervisor Rapp seconded, all in favor motion carried.

RESOLUTION # 61-2018 was thereby duly adopted.

AUTHORIZATION FOR A PROPOSED PURCHASE OF A NEW GARBAGE TRUCK IN 2019 FOR TRANSFER STATION

Councilman Filkins wondered if the truck could be subcontracted out. Highway Superintendent Jody Ostrander did not believe that was an option.

Supervisor Rapp made the following resolution:

WHEREAS: the Town of Westerlo transfer station is in need of a new garbage truck, be it hereby
RESOLVED: that the Westerlo Town Board hereby authorizes Highway Superintendent Jody
Ostrander to purchase a 2020 Western Star truck in 2019.

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

NAYES: None

RESOLUTION # 62-2019 was thereby duly adopted.

NEW BUSINESS:

HIRING OF ENGINEERING FIRM FOR SOLAR STORAGE SYSTEMS

Councilman Sherman indicated that Councilman Boone had researched and reviewed references for the hiring of Hyde Engineering whom was recommended by Mrs. Verch. There would be no cost to the town and would be paid for by the solar companies.

Mrs. Verch requested that the Town Board make a motion to determine the escrow amount that each of the solar companies should contribute. Councilman Boone requested that Mr. Hyde submit a formal proposal or contract for the exact cost of each site. The contract would then be sent to the Supervisor for signature and brought before the Town Board for approval.

Councilman Sherman made a motion to hire Hyde Engineering on behalf of the Planning Board for the three current solar applications before them and that a contract be sent to the Supervisor for signature complete with estimates. Supervisor Rapp seconded, all in favor motion carried.

Mrs. Verch mentioned she would contact Mr. Hyde to let him know that he has been hired and to request that he provide estimates for Clean Energy Collectives (2) and Cypress Creek (1).

COMMUNITY HOST AGREEMENT (CHA)

Councilman Sherman indicated that the CHA is an agreement between the town and the solar companies and is a monetary gift to the town. He read the Community Host Agreement aloud.

After a resident inquired, Councilman Sherman clarified, that in addition to the already negotiated PILOT, the solar companies agreed to a CHA which is essentially publicity for the solar company.

Councilman Sherman explained that even though NYS exempts solar farms from taxation, there is a period of time when the town receives an application for a solar farm to put the applicant on notice that the town wishes to negotiate a payment in lieu of taxes (PILOT). Mr. Bichteman further clarified that the town has the option of opting out of the PILOT and instead can assess a tax rate; however the town negotiates by agreeing on a PILOT amount.

Councilman Sherman made a motion to have the Town Attorney make the following changes to the CHA and authorize the Supervisor to sign once the corrections have been made.

1. Under # 4 "Use of Community Benefit Payment" should be "Parks" not "Park".
2. Under # 8a "Notice" add in the Town of Westerlo's mailing address, PO Box 148
3. Under # 12 "Governing Law" change "Delaware" to "New York"

Seconded by Councilwoman Burnside, all in favor motion carried.

PUBLIC COMMENT

A resident commented on the turn around on Myrtle Lane and wondered who maintains it. Mr. Ostrander stated the town would maintain it however the posts that the resident put in would need to be removed.

Agendas were discussed.

A resident suggested that if money needs to be reallocated from one account to another in the future, that it be done by Town Board resolution. Budget vs actual and supervisor reports were also discussed.

Councilman Filkins made a motion to adopt the following resolution's which he read aloud:
Resolution #1 Employee Time Clocks & Resolution # 2 Department and Committee Reporting.

RESOLUTION 001 Employee Time Clocks

Whereas payroll practices are the legal responsibility of the Town of Westerlo Supervisor and the Town Board; and Whereas funds for such payroll are provided by Town of Westerlo tax payers; and Whereas accountability to tax payers and fairness to employees are principle concerns; and Whereas time cards protect employees in regard to Workman's Compensation and/or disability questions; and Whereas Town of Westerlo Highway Department Employees who are paid hourly are required to use time clocks; NOW, THEREFORE I MAKE A MOTION as follows:

1. A time clock(s) shall be installed in the Westerlo Town Hall building, and
2. All current and future hourly employees working in that building shall be trained and required to use to use said time clock(s), and
3. This requirement shall be implemented by February 1, 2019 and
4. The Employee Handbook shall be updated to include this procedural change by March 1, 2019
2. All current and future employees working in the Westerlo Town Hall shall be trained and required to use said time clock(s), and the time cards must be authorized by respective department heads in time for payroll creation.
3. This requirement will be implemented by (date to be determined) and
4. The Employee Handbook shall be updated to include this procedural change by (date to be determined)

RESOLUTION 002 DEPARTMENT AND COMMITTEE REPORTING

Whereas reporting practices of every department and committee of the Town of Westerlo are the legal responsibility of the Supervisor and the Town Board, and Whereas funds for every department and/or committee in the town is provided by Town of Westerlo tax payers, and Whereas accountability to tax payers and fairness to employees is a principle concern, NOW, THEREFORE I MAKE A MOTION as follows:

1. Monthly reports shall be submitted to the Supervisor and Town Board for review 24 hours prior to the monthly town board meeting for every department and committee in the Town of Westerlo, and
2. The Departments and Committees of the Town of Westerlo shall consist of, but are not limited to: Assessor, Broadband, Clerk, Code Enforcement, Dog Warden, Grants, Highway Garage, Historian, Justice Court, Library, Museum, Planning Board, Transfer Station, Building Department (CEO/ZA) and Zoning Board, and
3. This requirement shall be implemented by (to be determined) and
4. The Employee Handbook shall be updated to include this procedural change by (to be determined).

Councilman Filkins announced that he was advised on how to write these resolutions and did so to protect the Town Board from liability. Councilwoman Burnside indicated that a time clock would help the people who put in a lot of hours such as Town Clerk Kathleen Spinnato. Town Clerk Spinnato responded that she is salaried and explained who the hourly employees are in the Town Hall; Deputy Town Clerk's Gertrude Smith and Karla Weaver, Clerk to the Supervisor Patty Boice and Clerk to the Assessor Claire Marshall.

Mr. Filkins also announced he had six (6) resolutions although only two were discussed this evening.

Judge Carl indicated that the Justice Court is not required to do monthly reports to the Town Board and therefore only does an annual report.

A resident mentioned that there was a motion on the table for the Town Board to vote on. Councilwoman Burnside seconded the motion. Councilman Boone asked for clarification from Councilman Filkins about the motion, wondering if Mr. Filkins was asking for a vote this evening on the motion to enforce these or to have further review and vote at a later time. Councilman Filkins responded that it would require further review and then the Town Board could vote on it at a later date.

Councilwoman Burnside believed that the Town Hall employees should punch a clock because the Highway Department does and it should be equal for all hourly employees. Town Clerk Kathleen Spinnato indicated that her employees submit their hours to her on time sheets which she then authorizes and signs. She mentioned that she works alongside them so she knows they are here those hours. Mrs. Verch indicated that she has never signed time slips for Jennifer Bungay, Clerk to the Planning, Zoning & Water Boards. Supervisor Rapp indicated he signs his clerk's time slip every week.

Judge Carl asked questions relating to punching clocks as it relates to town banking or other business.

A resident discussed different types of time clocks but indicated that the direct supervisor would still have to sign off on the time. Councilman Filkins believed time clocks would help with merit raises.

Mr. Ostrander asked how many employees work at Hannay Reels and if they punch a clock. Councilmen Boone and Sherman indicated there are about 170 employees and they do not punch in.

Councilwoman Burnside explained that the inspiration for these resolutions came from the dog wardens getting their extra hours in for time spent at court, etc.

Councilman Boone suggested discussing the resolutions brought before the Town Board at the December 18th workshop, the Town Board unanimously agreed.

With there being no further business to conduct, Councilman Sherman made a motion to adjourn the meeting. Seconded by Councilman Boone, all in favor motion carried. Meeting adjourned at 9:59pm.

Respectfully Submitted,

Kathleen Spinnato

Town Clerk