

**Town OF Westerlo
Town Board-Meetings Of Tuesday January 16, 2018
Two Public Hearings Re:**

- 1. Proposed Local Law # 1-2018 -Cold War Veterans Exemption Extension**
- 2. Proposed Extension Of Westerlo Water District No. 1**

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Special Town Board Meeting On Both Topics

The Town of Westerlo Town Board met on Tuesday, January 16, 2018 at Town Hall 933 County Route 401, Westerlo, NY. Supervisor Rapp opened the meeting at 7:02 PM with the Pledge of Allegiance to the Flag.

Attending Were: Supervisor Richard H. Rapp
Councilman Anthony W. Sherman
Councilman Joseph J. Boone
Councilwoman Amie L. Burnside
Councilman Richard Filkins

Also attending were: Deputy Supervisor/Code Enforcement Officer Edwin H. Lawson, Planning Board/Broadband Research Committee Chairwoman Dorothy Verch, Zoning Board member John Sefcik, Town Clerk/Tax Collector Kathleen Spinnato and two residents.

PUBLIC HEARING 1-COLD WAR VETERANS EXEMPTION EXTENSION

Councilman Sherman made a motion to open public discussion on proposed Local Law 1-2018 to extend the Cold War Veterans Exemption, Supervisor Rapp seconded, motion unanimously carried. A draft copy of the proposed local law was available for public review. Several residents inquiries were answered by Councilmen Sherman and Boone. There being no further Public comment Councilman Sherman made a motion to close the first public hearing, Councilman Boone seconded, motion unanimously carried.

PUBLIC HEARING 2-PROPOSED EXTENSION OF WESTERLO WATER DISTRICT NO. 1

Councilman Sherman made a motion to open public discussion regarding the proposed Westerlo Water District No. 1. Extension. Councilman Boone seconded the motion, motion unanimously carried. A draft copy of the resolution to extend the Water District was available for the public's review. Several inquiries were made regarding the Water District policy. The Town Board and Code Enforcement Officer responded to the public's inquiries regarding the property proposed to be included. There being no further public comment, Councilman Sherman made a motion to close the second public hearing, Councilman Boone seconded, motion unanimously carried.

SPECIAL TOWN BOARD MEETING

Councilman Boone made a motion to open the Special Town Board meeting, Councilman Sherman seconded, motion unanimously carried.

The Town Board reviewed and completed the Short Form SEQRA declaring no significant adverse environmental impact from the proposed expansion of the Westerlo Water District No. 1 to include property located at 560 State Route 143, SBL# 139.9-2-22

Councilman Sherman then made a motion to adopt the following resolution:

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WESTERLO

AUTHORIZING THE EXPANSION OF THE WESTERLO WATER DISTRICT #1 TO INCLUDE 560 SR 143,
WESTERLO

WHEREAS, the Town of Westerlo formed the Westerlo Water District #1 (hereinafter referred to as the "Water District") in 2002 and

WHEREAS, the boundaries of the Water District, and the properties included therein, are illustrated on the map labeled, WESTERLO WATER DISTRICT NO. 1, DISTRIBUTION MAIN PLAN SHEET INDEX, DATE: NOVEMBER, 2005 and

WHEREAS, 560 SR 143, Westerlo (sbl 139.9-2-22) (hereinafter referred to as "560 SR 143") was not included in the Water District at the time of its initial formation; and

WHEREAS, 560 SR 143 is also shown on the WESTERLO WATER DISTRICT NO. 1, DISTRIBUTION MAIN PLAN SHEET INDEX, DATE: NOVEMBER 2005 map; and

WHEREAS, 560 SR 143 is legally described as: *THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the Town of Westerlo, County of Albany and State of New York, bounded and described as follows:*

BEGINNING at a point on the northerly boundary of State Route #143, thence running easterly along the boundary of State Route #143, distant seventy-three (73) feet to an iron pipe; thence northerly along the western boundary of the New York Telephone property distant eighty (80) feet to an iron pipe; thence easterly along the boundary of the New York Telephone property, distant thirty-six (36) feet to an iron pipe on the property line of Clifford Hannay; thence two hundred seventy-one (271) feet distant, northerly along last mentioned boundary to an iron pipe; thence two hundred seventy-one (271) feet distant westerly along southern boundary line of Clifford Lockwood to an iron pipe; thence one hundred twelve (112) feet distant southerly along the eastern boundary of Fred Lord property to an iron pipe thence one hundred thirty-one (131) feet distant easterly to an iron pipe; thence three hundred twenty-one (321) feet distant southerly along the eastern boundary line of the Fred Lord and the Reformed Church properties to the point of beginning, being one and one-third acres more or less.

WHEREAS, the owner of 560 SR 143, Westerlo, to wit: Windy Hill Properties LLC, has applied to the Town of Westerlo for an extension of the Water District to include said property in the Water District; and

WHEREAS, the applicant has agreed to bear all administrative, legal and engineering costs associated with the cost of the extension; and

WHEREAS, the applicant shall also bear the contractor costs of connection to the Water District, as well as the standard connection fee of \$385; and

WHEREAS, there is no financing required for the requested extension; and

WHEREAS, the map depicting the existing Water District boundaries as well as the subject parcel is on file with the Town Clerk of the Town of Westerlo for public inspection; and

WHEREAS, the extension of the Water District to include the subject property will reduce the overall financial burden to the Water District Residents since an additional property will participate in the repayment of the bond debt and therefore reduce each property's pro rata share of the repayment; and

WHEREAS, the addition of the subject property will have no detriment to the existing Water District; and

WHEREAS, all property and property owners within the proposed extension are benefited by the extension; and

WHEREAS, all property and property owners benefited by the extension are included within the limits of the proposed extension; and

WHEREAS, the extension is in the public interest; and

WHEREAS, the Town Board of the Town of Westerlo adopted an Order to hold a public hearing on the proposed extension of the Water District on January 16, 2018; and

WHEREAS, the Order, which included the notice of public hearing, was published and posted as required by law; and

WHEREAS, the Town Board duly held the public hearing on the advertised date; and

WHEREAS, the Town Board of the Town of Westerlo has designated itself as lead agency for purposes of the State Environmental Quality Review, has designated the application for the extension of the Water District as a Unlisted Action, has reviewed the application under the State Environmental Quality Review Act and completed a Short Environment Assessment Form, and has determined that the proposed extension of the Water District will have no adverse environmental impacts; now therefore be it

RESOLVED, that the Water District shall be extended to include the property commonly known as 560 SR 143, and legally described as *THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the Town of Westerlo, County of Albany and State of New York, bounded and described as follows:*

BEGINNING at a point on the northerly boundary of State Route #143, thence running easterly along the boundary of State Route #143, distant seventy-three (73) feet to an iron pipe; thence northerly along the western boundary of the New York Telephone property distant eighty (80) feet to an iron pipe; thence easterly along the boundary of the New York Telephone property, distant thirty-six (36) feet to an iron pipe on the property line of Clifford Hannay; thence two hundred seventy-one (271) feet distant, northerly along last mentioned boundary to an iron pipe; thence two hundred seventy-one (271) feet distant westerly along southern boundary line of Clifford Lockwood to an iron pipe; thence one hundred twelve (112) feet distant southerly along the eastern boundary of Fred Lord property to an iron pipe thence one hundred thirty-one (131) feet distant easterly to an iron pipe; thence three hundred twenty-one (321) feet distant southerly along the eastern boundary line of the Fred Lord and the Reformed Church properties to the point of beginning, being one and one-third acres more or less; and be it further

RESOLVED that the Resolution authorizing the extension of the Water District shall be subject to permissive referendum; and be it further

RESOLVED that the Resolution shall be duly posted and published as required by law.

DATE: January 16, 2018

MOTION MADE: Councilman Sherman

SECONDED BY: Supervisor Rapp

Richard Rapp	x aye	nay
Anthony Sherman	x aye	nay
Amy Burnside	x aye	nay
Joseph Boone	x aye	nay
Richard Filkins	x aye	nay

Kathleen J. Spinnato Town Clerk

RESOLUTION # 11 -2018 was thereby duly adopted.

LOCAL LAW NO.1-2018 COLD WAR VETERANS EXEMPTION EXTENSION

Councilwoman Burnside made a motion to adopt the following resolution:

WHEREAS: A Public Hearing has been held regarding proposed Local Law No. 1 -2018, be it hereby

RESOLVED: the Town Board adopt Local Law No. 1-2018 to amend Local Law# 1 of 2008 (which was amended by Local Law #2 of 2011) extending the Cold War Veterans Exemption to qualifying owners of qualifying real property for as long as they remain qualifying owners without regard to the ten (10) year limitation set forth in NYS Real Property law Sec. 458 b

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

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

NAYS: None

RESOLUTION # 12 -2018 was thereby duly adopted.

Code Enforcement Officer very briefly informed the Town Board so they are aware of the fact that language in Article 18 of the Zoning Law will need to be changed to address fencing for solar. Mr. Lawson did not ask, nor did the Town Board take any action on this topic.

Councilman Sherman made a motion to adjourn the Special Town Board meeting, Supervisor Rapp seconded, motion unanimously carried. Meeting adjourned at 7:45 PM.

Respectfully submitted,

Kathleen Spinnato
Town Clerk