

**TOWN OF WESTERLO
TOWN BOARD MEETING
OF
TUESDAY, FEBRUARY 6, 2018**

The Town of Westerlo Town Board met on Tue., Feb. 6, 2018 at Town Hall, 933 County Route 401, Westerlo, NY. Supervisor Richard 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
Councilwoman Amie L. Burnside
Councilman Joseph J. Boone

ABSENT: Councilman Richard Filkins

Also attending were: Deputy Supervisor/Zoning Administrator/Code Enforcement Officer Edwin H. Lawson, Planning Board Chairwoman Dorothy Verch & member Edwin Stevens, Albany County Legislature Christopher Smith, Zoning Board of Appeals member John Sefcik, Dog Warden Salvatore Spinnato IV, Museum Director Mary Jane Snyder-Araldi, Town Historian Dennis Fancher, Clerk to the Assessor Claire Marshall, Clerk to the Supervisor Patricia Boice, Town Clerk/Tax Collector Kathleen J. Spinnato and approximately 9 residents.

MINUTES, SUPERVISOR, TOWN CLERK & TAX COLLECTOR REPORTS

Councilman Sherman made a motion to accept the Town Board minutes of 1/2/18 & 1/16/18 as submitted, as well as the Supervisor's Report for the month of December, the Town Clerk's 2017 Annual Report and monthly report for January, and the Tax Collector's Collection Summary Report for the end of January. Councilwoman Burnside seconded, motion carried by those present.

PAYMENT OF MONTHLY BILLS

Councilman Sherman 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 # 8 through Voucher # 87 in the amount of \$238,237.07

Councilwoman Burnside seconded the motion, a vote resulted as follows:

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

NAYS: None

RESOLUTION # 13-2018 was thereby duly adopted.

ZONING BOARD OF APPEALS REPORT

Chairwoman Virginia Mangold submitted the following report read by Councilman Boone:

TO: Town Board of Westerlo, New York

FROM: Virginia Mangold, ZBA Chairperson

RE: ZBA Report for January 22, 2018

DATE: January 30, 2018

The Town of Westerlo Zoning Board of Appeals met for their regularly scheduled meeting on January 22, 2018 beginning with the Pledge of Allegiance.

*The Board then, along with Ms. Galgay, welcomed Jim Gallogly, our new ZBA member.
With no new business nor old business, the Board closed the meeting.*

Following the closing of the regular meeting and wanting to take advantage to go over parts of the Zoning laws, Ms. Galgay presented the Board with some of the rules/regs of the Zoning Law to which this hour will be considered as continuing education for the ZBA board. Ms. Galgay will ask the Town Board to credit each member of the ZBA including ZBA clerk, Ms. Bungay, with this hour spent. Chairperson Mangold will make up the Continuing Education Certificates for each member.

The ZBA's next scheduled monthly meeting is February 26, 2018 at 7 p.m.

*Respectfully,
Virginia A. Mangold, Chairperson ZBA*

Councilwoman Burnside made a motion to accept the ZBA report of 1/22/18 as submitted, Councilman Sherman seconded, motion carried by those attending. Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: the Zoning Board of Appeals attended training provided by Attorney Galgay on 1/22/2018, be it hereby

RESOLVED: that the Town Board approves the training offered to the ZBA members in attendance and each will be credited with 1 hour of continuing education

Councilman Boone seconded, a vote resulted as follows:

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

NAYS: None

RESOLUTION # 14-2018 was thereby duly adopted.

PLANNING BOARD REPORT

Chairwoman Dorothy Verch submitted and read the following report dated February 6, 2018:

The regular meeting of the planning board was held on January 23, 2018 at 7 PM.

The Costanza Solar farm will be resumed in February. They are working on securing Access to the project.

There were 2 public hearing. Medusa Solar Farm located off of CR 351. Discussion from the attendees regarding the placement and visual impact. Mr. Redding of Bergmann Associates and Mr. Shanahan of Clean Energy Collectives, fielded those questions. Mr. Rosa, whose residence sits on the west side of the array will be able to view it. It will not impede his view of the Catskill Mountains and there will be no impairment to travelers on CR 402 and CR 351. The application was approved with conditions.

WesterloNY 01 Solar farm located at the intersection of Albany Co, 405 and Rt 32 was the 2nd public hearing. Discussion was in regard to the visual impact to travelers along the north/south corridor of Rt32 as well as travelers along CR405. Mr. Shanahan of Clean Energy Collective and Mr. Munsey of CTMale fielded questions from the public. CEC and CTMale offered a screening option-planting numerous 5-6' high Norwegian Spruce Along the north/south corridor. Discussion ensued and it was decided to allow the array to be constructed and revisit the visual impact once it was operational. Dotty also stated that she forgot to add to this report that the application was approved with conditions.

*Respectfully submitted.
Dotty Verch*

Public comment followed regarding the number of persons in attendance at the Planning Board meeting and the lack of Public Hearing notices & meeting notice in the Greenville Pioneer (GP) newspaper regarding the recent Planning Board hearings held. The Town Clerk reported the GP newspaper comes out biweekly, they do not provide a notarized affidavit for legal notices to the Town. The Clerk to the Planning Board advertises Public Notices in the Altamont Enterprise but she does not provide a copy to the Town Clerk for posting to the Town website. The Town Board would need to make the decision if this is what they want. Councilman Boone advised that the Altamont Enterprise remains the official newspaper of the Town of Westerlo and he offered a suggestion regarding the potential posting of meetings in the GP newspaper and voiced his concerns should they decide to do so. No definitive action was taken by the Town Board on the matter at this time. Dorothy Verch then responded to a resident's questions regarding the proposed solar farm near State Rt. 32 and County Route 405.

Councilman Sherman made a motion to accept the Planning Board report as submitted, Councilwoman Burnside seconded, motion carried by those attending.

MUSEUM REPORT

Museum Director Mary Jane Snyder-Araldi reported the following:

Although the weather was bad twenty people attended the Christmas display day held to coincide with the January Fire Company breakfast. A Winter display is scheduled on Sat. February 10th to coincide with the next Fire Co breakfast. We cleaned out one of the rooms upstairs at the old Town Hall. They are looking to purchase shelving so they can move things from the Library to the old Town Hall so they can continue to archive items. She thanked Catherine Latham and Alicia Malanga for their long terms serving the Museum Board. She announced that Susan Cunningham had resigned from the Museum Board.

Councilwoman Amie Burnside made a motion to accept the Museum Board report, Councilman Boone seconded motion, motion carried by those attending.

OLD BUSINESS:

DASNY GRANT

Supervisor Rapp announced the Town had received \$9,000 of grant monies from the Dormitory Authority State of New York (DASNY). A balance of \$4,000 remains. He thanked Patricia Boice for her efforts and the time spent on the phone calls with the agency.

TOWN HALL RENOVATION

Supervisor Rapp announced that D & E Contractors completed the installation of the new heating system in the Town Hall today. They continue to work on the insulation of piping. He also thanked Rick and Theresa Rupeka for their continued work renovating the Town Hall. Councilman Boone urged residents to please take a look at what has been accomplished on a part-time basis by the Rupeka's and within budget. Supervisor Rapp stated no monies have been borrowed to do this.

GRANT WRITER UPDATE

Dr. Nicole Ambrosio was unable to attend but submitted her January notes to the Town Board in a bulleted format which was read aloud by Councilman Boone.

Opened NYS Consolidated Funding Application – 2017 NYSEDA Energy Efficiency Projects.

She identified the areas of the projects the Town is eligible for and she provided a detail of items she has been working on to date and listed further documentation she needs to gather.

Councilwoman Burnside made a motion to accept the Grant Writer's report, Councilman Boone seconded, motion carried by those present.

WATER BOARD VACANCY

Councilman Sherman announced that he had met with the Water Board Clerk Jennifer Bungay. A letter had been compiled regarding a vacancy on the Water Board. The letter was dispersed to the Town Board members with no further comment received. A mailing had been prepared and sent to the water district property owners who may have an interest in serving on the Water Board. The Town Clerk reported that one person from the Water District had called so far about the vacancy, he is currently a Water Board member.

NEW BUSINESS:

CONFERENCES FOR TOWN CLERK/TAX COLLECTOR

The Town Clerk /Tax Collector requested the opportunity for herself and her Deputy Karla Weaver to attend the Annual NYSTCA Conference 4/22/18 – 4/23/18 and also the Annual NYSTR&C Conference on 6/10/18 – 6/13/18. Supervisor Rapp made a motion to allow both the opportunity to attend the conferences to continue education, Councilman Sherman seconded, motion carried by those present.

MUSEUM DIRECTOR

Museum Director Mary Jane Araldi will complete a new Oath of Office for her reappointment made by the Town Board in Oct. 2017 which took effect on January 1, 2018.

MUSEUM BOARD TRUSTEE VACANCIES

Councilman Boone confirmed there are currently two Museum Board Trustee vacancies. Councilman Sherman made a motion that the Museum Director work with the Town Clerk to come up with a notice to put in both the Altamont Enterprise and Greenville Pioneer to gain interest for the vacancies on the Museum Board. Supervisor Rapp seconded, the motion was carried by those present.

FEE SCHEDULE UPDATES

Councilman Sherman gave an update on the fee schedules in that he met with Councilman Boone and reviewed and hopes to present the fee schedule at the next Town Board meeting. Will get them in a format to present to the Board.

DOG REDEMPTION FEE -PROPOSED INCREASE

The Town Clerk reported Mohawk and Hudson Humane Society has increased their 2018 contract price with the Town to \$351.75. In the past, the Town Board had passed a resolution to add \$25 to cover costs incurred by the Dog Warden and/or his deputy to help cover dog transportation costs. Councilman Boone confirmed that this is a fee that will be reviewed at the March meeting.

COURT CORRESPONDENCE

Supervisor Rapp mentioned he would like to speak to the new accountants on the court records and will report back, all records from 2017 will be reviewed by the previous accountants. The Town Justices requested by letter of correspondence dated 1/3/2018 to have their records examined and recorded in the minutes. Councilman Sherman made a motion to authorize the Supervisor to contract with Marvin & Co. to audit the court records, Councilwoman Burnside seconded, motion carried by those present.

UTILITY REPAIR CREW BID

Supervisor Rapp will discuss this with Highway Superintendent Jody Ostrander and will report back at the March meeting. It was explained that the Town’s utility repair crew contract had expired.

PROPOSED LOCAL LAW # 2 OF 2018-Revision of ARTICLE 18.5 OF ZONING LAW

Councilman Boone and Code Enforcement Officer Ed Lawson reported why it is necessary to revise the language in the Zoning Law regarding fencing heights for commercial solar arrays to meet National Electrical Code (NEC) standards. Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: the Town Board needs to schedule a Public Hearing on proposed Local Law No. 2-2018, be it herby

RESOLVED: the Town Board hold a Public Hearing on said proposed law on Tuesday, March 6th at 7 PM, and the regular monthly Town Board meeting to follow.

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

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

NAYS: None

RESOLUTION # 15-2018 was thereby duly adopted.

TOWN JUSTICES ACTIVITY REPORTS-2017:

The Justices submitted to the Town Board their letters dated 2/1/2018 read by Councilman Sherman:

Justice Kenneth R. Mackey-During the year 2017 disposed of 216 cases and collected \$23,563.00 in fines, surcharges and fees: 171 cases under Vehicle and Traffic Law, 35 cases under the Penal Law, 2 cases under Environmental and Conservation Law, 2 cases under Park and Recreation Law, 1 case under Local Law and 5 Civil cases.

Justice Robert A. Carl-During the year 2017 disposed of 166 cases and collected \$16,352.00 in fines, surcharges and fees: 131 cases under Vehicle and Traffic Law, 15 cases under Penal Law, 4 cases under Agriculture & Markets Law, 9 cases under Environmental and Conservation Law, 5 cases under ark and Recreation Law, 1 case under Local Law and 5 Civil cases

In accordance with sections 31 and 123 of the Town Law, their dockets and records are available for inspection at the convenience of the members of the Board or the Board’s designee.

OPEN MEETING TO PUBLIC

County Legislature Christopher Smith advised the Town of Knox had recently opened a facility to house up to 5 stray dogs. The Town Westerlo should contact Knox to see if they could possibly hold any stray dogs for the Town of Westerlo. Councilman Sherman thought that this is a good idea but if a stray dog needs to be held for a longer period of time an owner would incur not only the charges from Mohawk & Hudson Humane Society but also any costs associated from the Town of Knox. In the past this had been looked into with the Town of Rensselaerville, but it was cost prohibitive. Public comment and discussion followed.

Kelley Keefe invited everyone to attend the next Westerlo Vol. Fire Company Breakfast on Sat., March 10th and reported on their calendar contest and the prize being offered. She also thanked residents for their support and donations made to their annual calendar drive the proceeds of which benefit their building fund.

Resident Lisa DeGroff reported she is a Navy Mom and advised of her volunteer service for multiple Veteran programs. She proposed to the Town Board the Hometown Heroes Banner Program to honor Westerlo residents who have served or are serving in the armed Forces, living or deceased. She asked Town Board for permission to form a committee to begin the process. She explained the program is currently in other area towns and the banners are displayed on utility poles. She provided details ie, cost, sponsorship, etc. She introduced her friend & colleague Michelle the Executive Director of the Guilderland Chamber of Commerce who shared information, answered questions or provided details of the program. Discussions followed between Ms. DeGroff, Michelle, Town Historian Dennis Fancher and the audience regarding the proposed banners and program. Councilman Boone thanked them for their dedication and the detail provided. He requested that the Town Board discuss this further at the next Town Board Workshop meeting.

Town Historian Dennis Fancher reported on the local historical photos he and his wife Sue had on display in the Town Hall hallway in an effort to create curiosity and interest in the history of the Town.

Resident Dianne Sefcik presented and read portions of her letter of 2/6/2018 to the Town Board Re: the Albany County Sales Tax Revenue decline and potential impacts on local gov't. Her letter was based on information reported in the Town of Rensseaerville's Nov. 2017 Newsletter and a Times Union article of 8/7/2017. Her letter included a list of questions which Supervisor Rapp and Councilwoman Burnside responded to.

Resident Anita Marrone complimented the Town on the recent renovations to the Town Hall and the Town Board for their unity and the information being presented.

Zoning Board of Appeals member John Sefcik spoke regarding the recent vacancy on the ZBA.

Councilman Boone reported on the calendar of meetings posted at Town Hall. He reported on upcoming meetings dates for the month of February for the Museum Board, Town Board Workshop, Broadband Research Committee, Zoning Board and Planning Board. He also asked if Mr. Fancher would share some historical information at the next Town Board meeting he attends. He then advised that Mr. Filkins had informed the Town Board in advance that he would be unable to attend tonight's meeting due to a prior commitment.

Councilman Sherman advised he would be unable to attend the Feb. 20th Town Board Workshop.

There being no further public comment, Councilman Sherman made a motion to adjourn the meeting. Councilwoman Burnside seconded, motion to adjourn carried by those attending. The meeting adjourned at 8:47 PM.

Respectfully submitted,

Kathleen Spinnato Town Clerk