

**TOWN OF WESTERLO  
TOWN BOARD MEETING  
TUESDAY, APRIL 3, 2018**

The Town of Westerlo Town Board met on Tuesday, April 3, 2018 at Town Hall, 933 CR 401, Westerlo. Supervisor Rapp opened the meeting at 7:00 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  
Councilman Richard Filkins

Also attending were: Michael Connors Albany County Comptroller, Edwin H. Lawson Deputy Supervisor/Code Enforcement Officer & Zoning Administrator, Highway Superintendent Jody Ostrander, Town Justice Robert Carl, Dorothy Verch Planning Board Chairwoman and Edwin Stevens Planning Board Member, John Sefcik Zoning Board Member, Dennis Fancher Town Historian, Dr. Nicole Ambrosio Grant Writer, Salvatore Spinnato IV Dog Warden, Laura Tenney Library Board President, Mary Jane Snyder-Araldi Museum Director, Claire Marshall Clerk to the Assessor, Patricia Boice Clerk to the Supervisor, Karla Weaver Deputy Town Clerk II, Kathleen Spinnato Town Clerk/Tax Collector and approximately nine residents.

Supervisor Rapp announced that Albany County Comptroller Michael Connors is scheduled to speak. He is delayed and will be arriving later during the meeting.

**MINUTES**

Councilwoman Burnside made a motion to accept the Town Board minutes of 3/6/2018. Councilman Filkins seconded, Councilman Sherman abstained, motion carried.

Councilman Sherman made a motion to accept the Town Board Workshop minutes of 3/20/2018. Councilman Boone seconded, motion unanimously carried.

**SUPERVISOR'S REPORT**

Councilman Sherman made a motion to accept the Supervisor's Report for the month of February. Councilman Boone seconded, motion unanimously carried.

**TOWN CLERK'S REPORT**

Councilman Boone made a motion to accept the Town Clerk's March monthly report. Councilman Filkins seconded, motion unanimously carried.

**TAX COLLECTOR'S REPORT**

Councilman Sherman made a motion to accept the Tax Collector's Report for the month of March. Councilwoman Burnside seconded, motion unanimously carried.

**PAYMENT OF MONTHLY BILLS**

Councilman Boone 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 # 142 through Voucher # 190 in the amount of \$65,759.17

Motion seconded by Councilwoman Burnside, a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 19-2018 was thereby duly adopted.**

#### **ZONING BOARD OF APPEALS REPORT**

Supervisor Rapp reported the ZBA had no business before them in March, no meeting was held.

#### **PLANNING BOARD**

*Chairwoman Dorothy Verch submitted and read the following Planning Board & Broadband Research Committee Reports  
Report to Town Board  
APRIL 3, 2018*

*The Planning Board met on March 27<sup>th</sup> at 7PM. Costanza Public Hearing was resumed. Representatives for Cypress Creek fielded numerous questions by attendees specifically regarding the positioning of the CHG&E connection in front of Frank Sharkey's home. Strawberry Lane residents present, also objected to the placement of CHG&E connection. Legal questions were presented and, Town Attorney, Aline Galgay and CCR Attorney will sort it out.*

*The Public Hearing will be resumed in April.*

*The Liebhaber subdivision was a simple one cut.*

*The regular April meeting will be held on April 26<sup>th</sup>, Thursday, at 7 PM. The BRC meeting will be moved to April 25<sup>th</sup>.*

*PILOT Program anticipated taxes were submitted by Clean Energy Collectives and PILOT Letters for Medusa Solar and WesterloNY01 Solar were sent to the Supervisor and the Assessor.*

*Respectfully submitted,  
Dotty Verch*

#### **BROADBAND RESEARCH COMMITTEE (BRC) REPORT**

*BRC Report to Town Board  
March 29, 2018*

*Dave Fingar, Chief Engineer of MHC informed the committee that the approved line extensions of 402/410 corridor for broadband will be completed in the April/May 2018 timeframe.*

*The Phase 3 NY Broadband Awards identified several of the Census Blocks that the BRC had requested. Plotting the roads in relation to the Census Blocks takes time and he didn't have that information by the time of this meeting.*

*Franchise Fees-They have to build an entirely new program that contains all of the residents of Westerlo. Once that is complete, they have to migrate all of the South Westerlo residents and others, from their existing program to the new one. Problem is they have to take down each of the customers and re install them in the new program. The fear is that the customer may lose service during this transfer.*

*Hughes Net shows the lion's share of awarded areas in Westerlo. So we will be reaching out to Hughes Net to come to the next BRC to provide us with an overview of their services and how they can benefit the residents of Westerlo.*

*Respectfully submitted,  
Dotty Verch*

Dotty Verch asked BRC member Leonard Laub to elaborate on the expansion of Mid Hudson Cable Service. He advised there is a potential for further expansion beyond where it is currently provided. He reported per his discussion with Mr. Fingar of Mid Hudson Cable they may be interested in offering a package deal if the Town would solicit interested residents in areas beyond where it is currently being serviced. He indicated Mid Hudson Cable seems to be receptive to the BRC's request.

Councilman Boone made a motion to accept both the Planning Board and BRC reports. Councilman Filkins seconded, motion unanimously carried.

### **COUNTY COMPTROLLER**

Albany County Comptroller Michael Connor spoke regarding the effects on municipalities from a reduction in sales tax revenue being received by municipalities in Albany County due in part to an increase in internet sales and a decline in retail location sales. Some online retailers do not charge NYS sales tax therefore it does not get turned over to NYS. Mr. Connors reviewed current trends and estimated and projected further decline of sales tax revenue in the future for the Towns. He then answered inquiries from residents and the Town Board. The Board and residents thanked Mr. Connors for his presentation.

### **MUSEUM BOARD REPORT**

***Mary Jane Snyder-Araldi Museum Director gave the following report:***

*Westerlo Heritage Museum*

*Report to Town Board*

*April 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.*

*The museum was open during the March firemen's' breakfast with a small maple syrup display.*

*Approximately 15 people come through the museum.*

*The museum will be open Sat. 4/14 from 9-12noon with a display of old farming tools.*

*We are starting to work on the Garage sale days.*

She also added that she has been working on taking pictures of items in the museum and putting them into the archival program as well as scanning pictures from old photo albums. She thanked the highway employees for their help with plowing and moving a heavy item for her.

Councilman Sherman made a motion to accept the Museum Board Report, seconded by Councilman Filkins, all in favor motion carried.

## **GRANT WRITER REPORT**

### **Nicole Ambrosio gave the following Grant Writer Report:**

Still working on CFA proposal for the Highway building. Need the negative SEQR and hope to submit RFP in April.

Have been looking around at different agencies that should help whether we need grants for the water district or for banners for home town heroes. It seems that grants are starting another round soon as they have recently closed out.

She introduced Jill Falchi from Clean Energy Communities which is a subsidiary of NYSEERDA. NYSEERDA may be able to help the Town get a onetime grant of \$35,000. Jill will come back next month to speak at the meeting.

## **OLD BUSINESS**

### ZBA Vacancy:

Councilman Boone discussed holding interviews for ZBA vacancy in an executive session at a regularly scheduled workshop meeting on April 17<sup>th</sup> at 7pm.

### Utility Repair crew:

Supervisor Rapp made a motion to allow Town Clerk Kathleen Spinnato to advertise for Utility Repair Crew bids. Councilman Sherman seconded the motion, all in favor motion carried.

### Fee Schedule:

Councilman Sherman provided the Town Board with the proposed updated fee schedule. A vote will be held at the next Town Board meeting when the Board has had a chance to review it.

## **NEW BUSINESS**

### SEQR Highway Garage Proposed Grant Application:

Code Enforcement Officer/Zoning Administrator Edwin Lawson has been working on the SEQR for the Highway garage proposed grant. He requested the approval of the Town Board to move forward with the application for the grant based on an existing A+ Architecture plan for the garage. He confirmed that this is not an additional cost to the town. He explained that the grant cycle that the Town is applying for will be based partly on that existing design concept to change all the doors and windows, reside and reroof the building. He is working with Dr. Ambrosio, the grant writer to see what money may be available and has discussed a few different concepts to improve the building. Discussion then followed with an example of cost for the potential project with respect to the proposed grant. He spoke with the highway department about the renovation to get their opinion. If the Town decides not to move forward with the renovations, the garage would at least need a roof.

Councilman Sherman, Mr. Lawson and Dr. Ambrosio answered questions from residents regarding the proposed grant, renovation and cost. Dr. Ambrosio mentioned that there are 30 year, 0% interest loans available to municipalities through the state. Discussion followed between Mr. Lawson, Dr. Ambrosio and the residents regarding the negative SEQR and whether or not site visits would be necessary.

Mr. Lawson requested the Board vote on allowing him and the grant writer to move forward with the plans from A+ Architecture for the grant application. Supervisor Rapp made a motion to adopt the following resolution:

WHEREAS: Mr. Lawson and Dr. Ambrosio need to continue with the grant

application for the potential rehab of the Town Highway Garage, be it hereby  
RESOLVED: the Town Board approved the continuation of the grant application  
Motion seconded by Councilman Filkins, a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 20-2018 was thereby duly adopted.**

Library Community Room Grand Opening:

Library Board President Laura Tenney attended the meeting on behalf of the Library. The Library is planning a grand opening to dedicate the new community room which is open to the public, on Friday, May 18<sup>th</sup> from 6-8pm. She asked the Town Board for their permission to apply for a temporary liquor license for that evening to serve beer and wine. Councilman Sherman made a motion to grant the Library permission to apply for a temporary liquor license for the evening of the grand opening and to ask the town attorney to work on that on their behalf. Councilman Filkins seconded, all in favor, motion carried.

Household Hazardous Waste Day:

Highway Superintendent Jody Ostrander indicated that the Town of Berne was waiting to see if the Town of Westerlo was interested in participating in a potential Household Hazardous Waste Day sponsored by the Town of Berne. Discussion followed about the cost for participation. Jody mentioned that the cost would be determined by the amount of participants from each town and that half the cost would be refunded by a grant. Clerk to the Assessor Claire Marshall stated there is a lot of interest from residents about this. Supervisor Rapp made a motion that the Town of Westerlo is interested in participating in a Household Hazardous Waste Day, seconded by Councilman Boone, all in favor motion carried.

Planning and Zoning Board Training:

Planning Board Chairperson Dorothy Verch had neglected to ask the Board to approve 1.5 hours of training for a solar meeting which they had previously attended. ZBA member John Sefcik also attended the meeting and requested it be approved for any ZBA members who also attended.

Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: some members of the Planning and Zoning Boards attended a solar meeting, be it hereby

RESOLVED: the Town Board approve 1.5hrs of training for each member who attended the solar meeting

Motion seconded by Councilwoman Burnside, a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 21-2018 was thereby duly adopted.**

**OPEN TO PUBLIC**

Town Historian Dennis Fancher mentioned that Luke McDermott a previous resident recently made history. He lost both his legs in Afghanistan in the Marine Corps. He started participating in sled hockey and last year made the Paralympics U.S. Sled Hockey Team. Mr. Fancher advised the public of his teams win at the 2018 Paralympic Games. He would like to propose some kind of plaque to commemorate this.

A resident was glad Mr. Connors came to the meeting tonight. She felt he seemed to agree that an economic development or fiscal plan would be important as did she. Councilman Filkins responded that he previously brought the idea of an economic committee to the Board and he hoped it would be discussed at the next workshop meeting. Supervisor Rapp indicated that the law states that he is the Chief Fiscal Officer for the Town and as so it is his responsibility to prepare the budget. The Town Board then has the opportunity to review and adjust the Budget at their discretion. Discussion followed. Another resident requested that the proposed economic committee be added to the workshop agenda. Councilman Boone responded that workshop's do not have a formal agenda but if Councilman Filkins wants to discuss it he could.

Town Historian Dennis Fancher introduced his wife Sue to speak about how Westerlo had a Women's Temperance Movement in the 1800's which resulted in the establishment of the Prohibition Party and it all started with apples. It was discovered that climate and soil was favorable in Westerlo for growing apple fruit trees which increased their profit making Westerlo the largest producer in Albany County. Cider turned out to be more favorable especially for making wine. It wasn't until 1899 that the Westerlo Prohibition Party petitioned the board with 50 signatures, asking for an amendment restricting the sale of liquor in the many towns, hotels and inns in our township. When the 18<sup>th</sup> amendment went into effect in 1920, the Volstead Act allowed wine and cider to be made from fruit as long as it was manufactured at home, which protected farmers who took apples to cider mills in the area. Hard cider became the most popular liquor in our township. There were numerous stills in wooden areas, cellars and bathtubs. Most stores were making under the counter sales for liquor. Revenue agents had visited our town regularly, but no evidence has been found in our records that anyone was ever arrested for serving alcohol.

The Board thanked Sue for sharing.

#### **Close Meeting**

There being no further public comment, Councilman Sherman made a motion to adjourn the meeting. Councilman Filkins seconded, all in favor motion carried. The meeting adjourned at 9:15 PM.

Respectfully submitted,

Kathleen Spinnato Town Clerk