

**TOWN OF WESTERLO
TOWN BOARD
MEETING OF
TUESDAY, JUNE 5, 2018**

The Town of Westerlo Town Board held a meeting on June 6, 2018 at Westerlo 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
Councilwoman Amie L. Burnside
Councilman Joseph J. Boone
Councilman Richard B. Filkins

Also attending were: Edwin H. Lawson Deputy Supervisor/Zoning Administrator/Code Enforcement Officer, Dennis Fancher Town Historian, Museum Director Mary Jane Araldi, Jody Ostrander Highway Superintendent, Dorothy Verch Planning Board Chairwoman, Gerry Boone Planning Board member, Robert Carl Town Justice, John Sefcik & Jill Falchi Zoning Board of Appeals members, Claire Marshall Clerk to Assessor, Karla Weaver Deputy Town Clerk II, Patricia Boice Clerk to Supervisor, Kathleen Spinnato Town Clerk/Tax Collector and approx. 23 interested persons.

Councilman Sherman announced that at the prior month's Town Board meeting he had incorrectly read the Town Clerk's report for May the amount of non-local revenue was \$198. The Town revenue retained was actually \$1,812.24.

MINUTES

Councilman Boone made a motion to accept the Town Board minutes of 5/1/2018 as submitted, Councilwoman Burnside seconded, motion unanimously carried.

Councilwoman Burnside made a motion to accept the 5/15/2018 Town Board Workshop minutes as submitted, Councilman Filkins seconded, motion unanimously carried.

SUPERVISOR'S REPORT

Supervisor Rapp made a motion to accept the Supervisor's Report for the month of April as submitted, Councilman Sherman seconded, motion unanimously carried.

TOWN CLERK'S REPORT

Councilman Sherman made a motion to accept the Town Clerk's Report for the month of May as submitted, Councilman Filkins seconded, motion unanimously 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 # 242 through V #303 in the amount of \$89,724.31

Councilwoman Burnside seconded, the vote result follows:

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

NAYS: None

RESOLUTION #31-2018 was thereby duly adopted.

GRANT WRITER REPORT

Nicole Ambrosio was absent but had previously submitted her report to the Town Board.

Jillian Falchi of Capital District Regional Planning Commission gave an update. She reported that she had been working with the Town Clerk's office gathering information for benchmarking-high impact action for the Clean Energies Community Program (CECP). The Town still has not adopted a Benchmarking Resolution. She had provided a copy of the resolution to the Town Board members at the prior month's regular meeting and she brought more copies this month for the Board's review and informed the Board that this task will need to be completed. Unofficially the numbers for the metrics for the Town Hall are looking good. Clean Energy Communities Program, is a program that will hopefully help the Town get some money for energy efficiency upgrades. She also mentioned that the Unified Solar Permitting Application resolution has not been adopted yet.

Code Enforcement Officer Edwin Lawson asked if she needed a resolution for her administrative purposes to manage the CECP application process because the Town had already approved a similar permit process. Ms. Falchi responded yes, but a resolution was not adopted. She advised that these resolutions can be done either today or next month if the Board desired but that this is something that needs to be done to be eligible to receive \$35,000.

Mr. Lawson discussed with Councilman Boone that the Town's current Solar Photovoltaic (PV) Permitting process follows the same procedures but not the specific form format exactly. NYSERDA has a 4 pg. NY State Unified Solar Permit application form that needs to be filled out. One solar permit has been issued where both formats were used to be safe. Although this was previously discussed, he had thought the Town Board had desired the NYS Unified Solar Permit from NYSERDA but apparently the Board had not officially adopted this by resolution. If these resolutions are now needed to be eligible he would recommend that the Town Board adopt both resolutions one for the approval of the NYS Unified Solar Permit application form and the second adopting an Energy Benchmarking Policy.

Councilman Sherman inquired if this would require a change to the local law. Mr. Lawson believed it would not, he would have to reconfirm but thought that there was language already included. The solar companies have been providing all the information as outlined, but the Town's permit application form did not ask for all the information as does the NYSERDA permit application form. He now uses NYSERDA's Unified Solar Permit application in conjunction with the Town's Permit application. It is now being documented in this manner to meet the mandates of NYSERDA. Councilman Sherman said so this is an additional requirement to the application not a replacement. Mr. Lawson confirmed that both application forms are completed.

ENERGY BENCHMARKING POLICY

RESOLUTION NO. 32

ADOPTING AN ENERGY BENCHMARKING POLICY FOR CERTAIN MUNICIPAL BUILDINGS IN THE TOWN OF WESTERLO

WHEREAS, New York State Energy Research and Development Authority (NYSERDA) has announced a new Clean Energy Communities program which would allow

the Town access to significant grant funding to further implement clean energy actions reducing both energy costs and greenhouse gas emissions, and

WHEREAS, One of the Clean Energy Communities "High Impact Actions" requires the Town Board to establish a policy which mandates the public reporting of building energy benchmarking, and

WHEREAS, Establishing a building energy benchmarking system will benefit the Town and its residents by making available good actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Westerlo, and

WHEREAS, Town Board is desirous of adopting a policy that directs that monthly building energy usage for all fuel types including but not limited to electricity, natural gas, fuel oil, chilled water, steam and diesel fuel be collected and formally tracked for all buildings that are 1,000 square feet or larger that are owned or occupied by the Town, using the EPA Portfolio Manager platform, and

WHEREAS, Building reports shall be made available to the Town Board in EPA Portfolio Manager regarding summary statistics for each covered property including Energy Use Intensity, annual greenhouse gas emissions, an energy performance score where available, and other descriptive information as required by EPA Portfolio Manager and for that data to be made available to the public via the internet on an annual basis, and

WHEREAS, The Town Board may exempt a particular covered municipal building from the benchmarking requirement if the Town Board determines that it has characteristics that make benchmarking impractical, and

WHEREAS, The Town Board or his/her designee shall be the administrator of this local policy and promulgate procedures necessary for the administration of the requirements of this local policy, now, therefore be it

WHEREAS, if it is determined by the Supervisor and the Town Board that the Local Policy is not in its best interest of the Town or there is a change in the operational structure of the Town government that would make this Local Policy obsolete, they will have the ability to no longer proceed with it, now, therefore be it

RESOLVED, That the policy outlined in this resolution be hereby adopted and established for the Town Board, and, be it further

RESOLVED, That the Clerk is directed to forward certified copies of this resolution to the appropriate Town officials.

NEW YORK STATE UNIFIED SOLAR PERMIT RESOLUTION # 33

WHEREAS, New York State has developed a unified solar photovoltaic permitting process designed to streamline municipal permitting which will reduce costs for solar projects and support the growth of clean energy jobs across the state, and

WHEREAS, the Town of Westerlo is desirous of participating in the unified permitting process, thereby increasing the Town's eligibility for various incentives and grants through the New York State Energy Research and Development Authority; now, therefore, be it

RESOLVED, that the Town of Westerlo adopts the New York State Unified Solar Permit as attached hereto as Exhibit I, and be it further

RESOLVED, that this resolution shall take effect immediately and a copy of this resolution, with Exhibit I, shall be provided to the Code Enforcement & Zoning Enforcement Officer.

Councilwoman Burnside made the motion to adopt both resolutions #32 & #33 Energy Benchmarking Policy and New York State Unified Solar Permit. Councilman Filkins seconded, a vote resulted as follows:

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

NAYS: None

RESOLUTION(S) # 32-2018 and # 33-2018 were thereby duly adopted.

ZONING BOARD OF APPEALS REPORT

Chairwoman Virginia Mangold submitted the following report read by the Town Clerk.

TO: Town Board of Westerlo

FROM: Virginia Mangold, ZBA Chairperson

RE: ZBA Report of May 21, 2018

DATE: June 1, 2018

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

The Town of Westerlo Zoning Board met on May 21, 2018 for their regularly scheduled meeting at 7 p.m.

Chairperson Mangold read a letter from previous applicant Mrs. Dratz thanking us for our time and explaining she no longer is interested in furthering her request for any variances for her property on Route 409, Westerlo. Thus we closed that file.

The Board then heard a representative from Main Care Brothers explain their requests with many questions coming from the abutter's. Board chair Mangold explained she had contacted the Board to attend a site review in order to acquaint our new Board member with the property in question.

The Board met at the site and were shown what Main Care was asking regarding the variance. We discussed at length with Main Care Rep and now have a clearer understanding of the project they are requesting. The Board tabled the public hearing until they receive letters from each of the DEC and EPA explaining they have exercised their due diligence in reference to codes and regulations in this particular matter.

The ZBA's next monthly meeting is scheduled for June 25, 2018 at 7 p.m.

With no further business to discuss, the meeting was adjourned.

*Respectfully Submitted
Virginia Mangold, Chairperson*

Councilman Boone made a motion to accept the ZBA report as submitted, Councilwoman Burnside seconded, motion unanimously carried.

PLANNING BOARD REPORT

Dorothy Verch Chairwoman submitted & read the following:

PLANNING BOARD REPORT TO

TOWN BOARD OF WESTERLO

JUNE 5, 2018

The Planning Board met on May 22nd at 7 PM. There were 2 public hearings.

First was special use permit for a pole barn to be used as a seasonal

*Farmer's Market. Application# 18-002. Recommendations by the PB were submitted to applicate were met.
A public hearing was held with no objections. SEQRA had a negative declaration. Unanimous approval.*

Next was a continuation of Public Hearing for Costanza/Cypress Creek Renewable LLC. A new access was revealed and discussed. Screening of Solar Farm from the residents of Strawberry Lane and those residents on 405 was reviewed. A letter from the residents of Strawberry lane was read into the minutes and responded to by CCR. The culvert and road would be upgraded to accept 90,000 lbs vehicles. SEQRA completed with Negative declaration. Application was approved with conditions. Vote was 3 approve,

1 nay, 1 absent. Note, the nay was because the flags delineating the western line was not done in the timeframe requested by the PB member. A full site visit was walked and photographed by myself determining the exact location of the solar arrays.

Respectfully submitted,

*Dotty Verch
Chairman, Planning Board.*

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

BROADBAND RESEARCH COMMITTEE (BRC) REPORT

Dorothy Verch Chairperson submitted & read the following:

BRC REPORT TO TOWN BOARD

JUNE 5, 2018

On May 4, Councilman Filkins, BRC committeeman, Bob Wilcox and myself traveled to Catskill to meet with Dave Fingar and Rachel Puckett, administrative coordinator and a representative from accounting to review the status of our franchise fees.

We took a Westerlo town map that had color-coded the various zip codes for their ease of viewing. It seems that Westerlo, during it's franchise agreement review, uncovered a huge computer and accounting error which is being addressed by MHC. An entirely new program and billing system is being initiated. Because of this, MHC has issued a letter that will be going out to all of the effected residents of the Town of Westerlo with the zip codes of 12083, Greenville, 12023, Berne, 12147, Rensselaerville.

A copy of the letter was given to the Town Clerk so that they were aware if they had to field phone calls.

The new areas that will be receiving cable in the near future will see door hangers if they were not home when a representative visited them.

402/410 corridor is all set to receive service. MHC is waiting for their Fiber so that each house will have fiber from the pole to their house.

The next meeting of the BRC will be held on June 28 at 7pm. We are hopeful to have some information from Hughes Net and the large award of the Westerlo census blocks in the Phase 3 broadband program.

Respectfully Submitted, Dotty Verch

Councilman Boone had a question regarding Hughes Net which was answered by Chairwoman Verch.

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

MUSEUM REPORT

Mary Jane Araldi Museum Director

*Westerlo Heritage Museum
Report to Town Board June
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. Shelving for the old town hall has been picked up and I will make arrangements to have it put together so we can start moving some more things from the library. I am hoping to get some help from some girl scouts and boy scouts.

I have been taking pictures of the items in the archive and adding a picture of the item into the archival program.

The security system is finally in place and active!!!

The museum is open the first Sat. of every month now through Nov.

Town wide garage sale days fundraiser will be taking place on Saturday, June 9.

Respectfully Submitted,

Mary Jane Araldi

Supervisor Rapp made a motion to accept the Museum Report, Councilman Sherman seconded, motion unanimously carried.

Mrs. Araldi added that she was invited and will visit Westerlo Belgium. Supervisor Rapp advised he will be sending a letter.

TOWN HISTORIAN REPORT

Dennis Fancher Historian reported that he and wife Sue had attended the Berne Memorial Day Parade and they displayed Veterans photographs and some collection of their military memorabilia. At a recent auction of the Shaver Estate, they were able to purchase 2 military uniforms for Burtus Woodruff who was in the Korean conflict. One uniform was given to the Museum. Another item purchased at the auction was a 1877 mortgage of George Peck, it was paid off in 1878 in the amount of \$1,800 for a lot on Johnny Cake Hill just south of the road. There were other documents as well that they have not had the chance to go through yet. The military memorabilia shown at the parade is on display at the Town Hall.

Mr. Fancher also presented a plaque to the Town made in honor of Veteran Luke McDermott for the Gold Medal the team won at the 2018 Winter Paralympics. Supervisor Rapp thanked Mr. Fancher.

Councilman Filkins made a motion to accept the Museum Report. Councilman Boone seconded and also extended his thanks to Mr. & Mrs. Fancher for Luke McDermott's Plaque, motion unanimously carried.

OLD BUSINESS:

PROPOSED HOUSEHOLD HAZARDOUS WASTE (HHW)

Jody Ostrander reported that tentatively the Town of Berne is hoping to host a HHW day in September, although no date has been set yet. The Town Clerk asked if there would be a procedure to follow to identify Westerlo residents who may want to participate similar to the past. Supervisor Rapp said he will check this Mr. Ostrander as more information becomes available.

Ms. Verch advised she sent an email and asked a question regarding recycling of fluorescent bulbs. Discussion followed not all board members had received her email.

HOMETOWN HEROES COMMITTEE (HHC)-Banner Program

Councilwoman & HHC Co-Chair Amie Burnside thanked everyone for attending and she advised all present that the HHC (a citizen formed committee) believes that the Town Board is in full support of the HHC proposed banner project details just need to be worked through. She summarized the HHC's proposed program to hang banners which will feature a photo of a Veteran. She provided the Town Board with a list of documents required by the utility companies Central Hudson & Verizon necessary for the HHC to continue forward with the project, all documents are pending the Town Board's approval.

Councilwoman Burnside reported the committee is asking that the Town Board approve tonight in entirety, immediately, the following resolution:

- Applications for Central Hudson & Verizon be signed and submitted
- Certificates of Insurance be submitted to Verizon and Licensing Agreements for Central Hudson & Verizon be signed and submitted upon receipt
- The Committee contacted the Town's accountant and is asking for a resolution the Town Clerk open an account for the Hometown Hero's Committee to receive monies paid for banners, sponsor monies and to pay expenses incurred by the committee.

She also provided the board with information regarding her emails, the potential for creation of an HHC account by the Town, Certificate of Insurance documents and letters of support from several politicians.

Councilman Boone expressed his concerns that up until this meeting, there were questions previously posed, some of the information presented was a reiteration and some information has just been brought to the entire board tonight. He is in favor of project, but along the way there have been some obstacles. He disagreed with the level of attacks in some comments about the Board and emails that were sent, they were far above what was necessary for the situation. He then questioned whether when making the calls to insurance agencies and accountant Councilman Burnside made those calls as a private citizen of the Committee, or as a Town Board member acting on the behalf of Supervisor. Councilwoman responded, "in the emails, I clearly stated I was calling as a private citizen."

Councilman Boone indicated that Advantage Tree Service is now identified as the proposed business to install banners. He inquired, for factual purposes, about the number of employees that would be involved in the installation/removal project. Councilwoman Burnside indicated he has employees, but there would be one who has volunteered his time. Advantage Tree will provide a Certificate of Insurance naming the Town as additional insured. She had not obtained that Certificate yet, as she is waiting until

all is approved by the Town, but he has agreed to this. Mr. Lawson mentioned that she needs to be aware and make sure to cover with the business involved they will follow OSHA requirements.

The Town Board then discussed obtaining an account for the HHC through the Town. The Town Clerk advised that the proposed account should be handled through the Supervisor's office, not the Town Clerk's office. Discussions followed concerning the handling of a potential HHC account and past accounting practices of the former Community Activity Committee (CAC-a town sponsored committee). Councilman Sherman indicated that the HHC is a citizen committee and he inquired if they now asking to become a town sanctioned committee. Councilwoman Burnside indicated the HHC would now need to do that.

Councilman Boone acknowledged the Town Board's support in favor of the banner program. As elected by the people, the Board has an obligation to the Town to be the fail-safe to make sure that instances of insurance requirements & liability are met, and who has done what with the Supervisor's permission. We cannot impart a self-imposed deadline for a project of undetermined scale. Some people may have assumed that this is an easy project, this is ignorance to the fact that the Town has rules, policies and regulations that need to be met. By the Supervisor signing documentation the Town is held responsible should something go wrong. "I'm not trying to cast a negative light on this wonderful project." The Board has not been made aware of who is on the HHC this is information they should have. If there is no communication or open dialog it results in confusion and the ability to make educated choices.

Councilman Sherman explained his hesitation was due to the fact the HHC was conducting itself as an independent citizen committee with no Town regulation. The HHC is now asking the Town to cover the project with our insurance coverage. You have now answered question about insurance and any incurred costs to the Town for Certificates of Liability and you have indicated the HHC would no longer continue as a citizen committee but as a Town directed committee. Councilwoman Burnside indicated that is what she had wanted initially from the beginning but was guided differently.

Councilman Filkins agreed with Councilman Boone's comments on the Board's obligation to their duties to the Town but acknowledged that now the Town needs to do something for the project to move forward.

The Board heard audience comments, opinions, regarding; the date upon which Certificates of Insurance were initiated, the board based upon the information before them help the committee, other than the Supervisor who has authority to initiate a Certificate of Insurance on behalf of the Town. A suggestion was made the committee could provide information prior to meeting so the Board has time to review.

NEW BUSINESS

ESTABLISHMENT OF WESTERLO HOMETOWN HEROES COMMITTEE (WHHC)

Councilman Sherman asked the Town Board for any further input, and then made a motion to adopt the following resolution:

WHEREAS: the Hometown Heroes Committee (HHC) has brought to the Town Board the following requests; the HHC become a Town sponsored committee and the Town establish an account on the HHC's behalf, be it hereby

RESOLVED: the Town Board establish the Hometown Heroes Committee as a committee designed to celebrate and remember Veterans who reside in the Town of Westerlo, be it hereby

RESOLVED: the Town Board appoints Amie Burnside to the unpaid position as the Chairperson of the now Town sponsored Westerlo Hometown Heroes Committee, be it hereby

RESOLVED: the Committee will provide to the Town Board the name/number of persons on the committee to the Town Board in their report at the next monthly meeting and give a monthly report to the Town Board, as do other boards, ZBA etc., be it hereby

RESOLVED: Supervisor Rapp and Councilwoman Burnside shall together contact the accountant Marvin Co. to determine how to best establish a proposed town account for the HHC

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

AYES: Supervisor Rapp, Councilman Filkins, and Councilman Boone

NAYS: None

Councilwoman Burnside abstained

RESOLUTION # 34-2018 was thereby duly adopted.

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

WHEREAS: the Town Board has received a request from the Westerlo Hometown Heroes Committee (WHHC) asking for the Town's authorization, required by the utility company for use of poles, for the proposed WHHC banner project, be it hereby

RESOLVED: the Town Board authorize the Supervisor to sign the utility poles inspection, be it hereby further

RESOLVED: the Supervisor receive new copies of Town Certificates of insurance riders and Chairperson Amie Burnside will provide to the Supervisor all necessary documentation from Advantage Tree Service; Certificates of Insurance, workers comp and liability documentation before submission of any corrected application (naming the Town of Westerlo, not the HHC) is made by the Supervisor to Central Hudson. The program will be halted if something was missed by the committee.

Councilman Filkins seconded, a vote resulted as follows:

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

NAYS: None

Councilwoman Burnside abstained

RESOLUTION #35-2018 was thereby duly adopted.

Councilman Sherman thanked the committee for their hard work on this worthwhile project. He reiterated the thoughts of both Councilmen Boone and Filkins that the Town Board needed to do what was in the right interest of the Town.

Chairperson Burnside advised the following persons are on the committee: Betty Filkins, Dorothy Verch, Lisa DeGroff, Bonnie Kohl-Laub, and herself, she thanked the Fanchers for consulting with them.

Audience commentary from several residents followed concerning whether or not the committee had specified terms, the enthusiasm of citizens and the need for clarification on a guideline process for any committees formed ie., By-laws, rules, or regulations for future projects

OLD BUSINESS (continued)

PEDDLERS ORDINANCE

Although a new fee had been previously discussed the Town Board needs to provide language necessary to the Town Attorney to update or revise the document. Councilman Boone volunteered to coordinate individual board members input on the document with the Town Attorney so she can prepare a draft.

NEW BUSINESS**ASSESSOR**

Peter Hotaling had made a request in writing to the Town Board to attend the 2018 NYS Assessor's Conference to be held in Cornell. Supervisor Rapp made a motion to allow the training, Councilwoman Burnside seconded, motion unanimously carried.

OPEN TO PUBLIC

Susan Cunningham thanked the Planning Board and the Town Board for a fantastic job.

Fire Co. President Kelly Keefe congratulated their six recent Fire Fighter I graduates: Will Creter, James Dutton, Samantha Filkins, and Ryan Haller who all four will graduate from B-K-W school. In addition to school and work they completed 100 hours of interior firefighter courses. Liam O'Conner another FF I Graduated from college while working full time and Sarah Zwack graduates from Helderberg Christian School. We are fortunate to have six young community minded individuals. Also, the Fire Co is hosting a Comedy Club night fundraiser on June 30th at the Westerlo Town Park, she provided program details and they will be selling tickets. She had flyers.

The Town Clerk gave a brief update regarding the Town website.

Councilman Filkins referred to the Solid Waste Facility guidelines from 1987 which revised in 1992. Per his conversation with Highway Superintendent Jody Ostrander this should be revised. A resident suggested that the Board/Grant Writer look into grants from Homeland Security for possible installation of cameras on the Water District tank.

CLOSE MEETING

There being no further public comment, Councilman Sherman made a motion to adjourn the meeting, Councilwoman Burnside seconded, motion unanimously carried. Meeting adjourned at approx. 8:45 PM.

Respectfully submitted,

Kathleen Spinnato Town Clerk