

**WESTERLO TOWN BOARD  
TOWN BOARD MEETING  
OF  
TUESDAY, JULY 2, 2019**

The Town of Westerlo Town Board held a meeting on July 2, 2019 at the Town Hall located at 933 County Route 401, Westerlo, NY. Acting Supervisor Bichteman opened the meeting at 7 PM with the Pledge of Allegiance to the Flag.

Attending were: Acting Supervisor William Bichteman Jr.  
Councilwoman Amie L. Burnside  
Councilman Joseph J. Boone  
Councilman Anthony W. Sherman  
Councilman Richard Filkins

Also attending were: Attorney Javid Afzali, Historian Dennis Fancher, Grant Writer Dr. Nicole Ambrosio, Planning Board Chairperson Dorothy Verch, Zoning Board Chairperson John Sefcik, Westerlo Vol. Fire Co. President Kelley Keefe, Museum Director Mary-Jane Araldi, Highway Superintendent Jody Ostrander, Clerk to the Assessor Claire Marshall, Town Clerk Kathleen Spinnato and approximately 14 residents.

**APPROVAL OF MINUTES, SUPERVISOR AND TOWN CLERK REPORTS, PAYMENT OF MONTHLY BILLS**

Councilwoman Burnside made a motion to approve the following:

- Town Board meeting minutes of 6/4/19 with a request to amend the minutes due to her review of the Planning Board report that was submitted for approval at the 6/4/19 Town Board meeting. She indicated she was incorrect to change the year from 2017 to 2018 for the Zoning Law change in the report. The minutes should reflect 2017.
- Town Board workshop meeting minutes of 6/18/19 as submitted.
- Supervisor's Report for May.
- Town Clerk Report for June.

and 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 # 319 through Voucher # 370 in the amount of \$71,252.38.

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

**AYES:** Councilman Boone, Councilman Sherman, Councilwoman Burnside,  
Councilman Filkins

**NAYS:** None

**RESOLUTION # 40-2019 was thereby duly adopted.**

**ALBANY COUNTY VETERAN BUREAU**

Acting Supervisor Bichteman introduced Ken Secor the Director for Albany County Veterans Services. Mr. Secor mentioned that Veterans services are available every Tuesday they are available at the Westerlo Reformed Church from 9:30am-11:30am and in Berne in the afternoons to help veterans. Family members and caretakers are welcome to visit as well. He also indicated

that although they're there primarily to serve veterans in Albany County, if veterans from other counties visit they will not be turned away. He noted that all counties in NYS are required to have a Veterans Service Bureau.

### **EXECUTIVE SESSION**

Councilman Boone made a motion to enter into executive session at 7:12pm with the Acting Supervisor, Town Board and Town Attorney to discuss personnel matters. Councilman Filkins seconded, all in favor motion carried.

Councilman Sherman made a motion to end executive session and resume the regular Town Board meeting at 8:15pm. Councilwoman Burnside seconded, all in favor motion carried.

The Town Board indicated they would need to create a subcommittee of two Town Board members to investigate and determine work hours and job activities of town employees and appointees.

Councilman Sherman made a motion to adopt the following resolution:

**WHEREAS:** The Town of Westerlo needs to investigate and determine work hours and job activities of town employees and appointees, and

**WHEREAS:** a subcommittee needs to be formed consisting of two Town Board members, be it hereby

**RESOLVED:** The Town Board appoint Councilmen Boone and Filkins to be the members of the subcommittee.

Seconded by Councilwoman Burnside, a vote resulted as follows:

**AYES:** Councilman Sherman, Councilwoman Burnside

**ABSTAIN:** Councilman Boone and Councilman Filkins

**NAYS:** None

**RESOLUTION # 41-2019 was thereby duly adopted.**

### **SOLID WASTE LAW REVISION**

Acting Supervisor Bichteman mentioned that there is a draft outline for revisions to the Solid Waste law however Councilmen Boone and Filkins and Highway Superintendent Jody Ostrander has not had adequate time to review it. Councilman Filkins indicated they will be prepared to discuss this at the July 16<sup>th</sup> workshop meeting.

### **POTENTIAL SOLAR MORATORIUM**

Attorney Afzali explained the process for a solar moratorium; it would be the same as with any local law except a moratorium will expire between six (6) months to a year. He provided a draft resolution for the Town Board to review and if so moved, the Town Board could adopt.

Councilman Boone made a motion to adopt the following resolution:

**RESOLVED:** that an introductory Local Law entitled "A Local Law Establishing A Temporary Land Use Moratorium Prohibiting Commercial Solar Energy Systems Within The Town Of Westerlo" is hereby introduced before the Town Board of the Town of Westerlo, Albany County, New York; and,

**BE IT FURTHER RESOLVED:** that copies of the aforesaid proposed local law be laid upon the desk of each member of the Board; and

**BE IT FURTHER RESOLVED:** that the Board hold a public hearing on said proposed local law

at the Town Hall, 933 County Route 401, Westerlo, New York at 7:00pm on August 6, 2019; and

**BE IT FURTHER RESOLVED:** that the Clerk publish or cause to be published a public notice in the official newspaper of the Town of Westerlo of said public hearing at least five (5) days prior thereto.

**BE IT FURTHER RESOLVED:** that the Town Supervisor or his designee is authorized to prepare the Environmental Assessment Form under the State Environmental Quality Review Act, and its impending regulations.

**BE IT FURTHER RESOLVED:** that the Town Supervisor or his designee is to provide the requisite notice under GML § 239-m to Albany County Planning Board and to abutting municipalities under Town Law § 264.

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

**AYES:** Councilman Boone, Councilman Sherman, Councilwoman Burnside, Councilman Filkins

**NAYS:** None

**RESOLUTION # 42-2019 was thereby duly adopted.**

Attorney Afzali provided the Town Board with a draft of the proposed local law for the moratorium that he would like them to review at the July workshop meeting.

#### **TOWN EMAILS**

Mr. Bichteman believed the town would need between 15 and 35 emails. Discussion continued regarding costs and cloud based emails. Mr. Bichteman plans to investigate options and report back.

#### **PLANNING BOARD TRAINING**

At the June 2<sup>nd</sup> Town Board meeting, the Town Board indicated they needed a confirmation from the Planning Board of their training hours and would wait to approve the training until the July Town Board meeting. Acting Supervisor Bichteman asked for a motion to accept the training hours for Planning Board members Gerry Boone, Rich Kurylo, Dotty Verch and Doyle Shaver.

Councilwoman Burnside made a motion to adopt the following resolution:

**WHEREAS:** Planning Board members Dotty Verch, Gerry Boone, Rich Kurylo and Doyle Shaver submitted training for approval from the CDRPC seminar attended on 5/29/19, be it hereby

**RESOLVED:** The Town Board approves the training for the Planning Board members  
Seconded by Councilman Boone, a vote resulted as follows:

**AYES:** Councilman Boone, Councilman Sherman, Councilwoman Burnside, Councilman Filkins

**NAYS:** None

**RESOLUTION # 43-2019 was thereby duly adopted.**

#### **COMPREHENSIVE PLAN COMMITTEE**

Mr. Bichteman announced he scheduled the senior land use planner from Barton and Loguidice to attend the July 16<sup>th</sup> workshop meeting to give his views on a Comprehensive Plan. Mr. Bichteman emailed the list of Comprehensive Plan applicants to the Town Board but mentioned he is still awaiting a few more. He suggested that the Town Board decide on a date to cut off application

submittals and Councilman Sherman recommended July 16<sup>th</sup> that way they will have a full list of applicants for the workshop meeting. Mr. Sherman also suggested scheduling interviews for the week after the workshop meeting with a decision being made in August.

Councilman Sherman made a motion to close the application timeline for the Comprehensive Plan Committee on July 16<sup>th</sup> end of business day. Councilman Boone seconded, all in favor motion carried.

Mr. Bichteman recommended that in the event there is a tie for the Committee Chairperson, the Town Board allow the Committee to select the Chairperson. Discussion continued and it was mentioned that the Committee will need to comply with the sexual harassment training deadline.

Councilman Sherman made a motion to interview candidates for the Comprehensive Plan Committee on July 24<sup>th</sup> and to use a scoring system for Committee selection including an option for candidates to opt out if they did not wish to be the Chairperson. Councilman Boone seconded, all in favor motion carried.

### **CREDIT CARD PAYMENTS**

Town Clerk Spinnato mentioned that more time is needed to research the possibility for the Town Clerk's office to begin accepting credit card payments. Attorney Afzali commented that there is a company that can serve municipalities called egov which provides municipal web services and municipal payment services via in house or online. He mentioned that startup costs are low and a demo would be provided.

### **COUNCILMAN FILKINS: QUESTIONS & PREVIOUSLY PROPOSED RESOLUTIONS**

Councilman Filkins asked if the highway garage roof could handle the snow load; Mr. Bichteman indicated it could and that it was already reviewed by an engineer. Councilman Filkins would also like the employee handbook reviewed and a deadline be given to Boards and Committees for submitting their monthly reports. Supervisor Bichteman responded that these things will be reviewed when the Town Board has the time; there are many other items currently in front of the Board.

Councilman Filkins requested to withdraw his proposed resolution # 4 for Budget vs Actual Report which he presented in Dec. 2018 since he receives them monthly. Acting Supervisor Bichteman mentioned this has always been provided to the Town Board members every month. Mr. Filkins commented on his proposed resolution #5 for a Budget Advisory Committee; also presented in Dec. 2018. Mr. Bichteman responded that the budget is already being reviewed. Councilman Filkins also indicated that his proposed resolution # 6 for Job Descriptions presented to the Town Board in Dec. 2018 should be discussed for all positions within the town.

### **NEW BUSINESS**

#### **NYSLRS STANDARD WORK DAY REPORTING**

Acting Supervisor Bichteman mentioned that ZBA Chairman John Sefcik will need to record a record of activities for NYSLRS. Councilman Boone made a motion to adopt the following resolution:

**WHEREAS:** NYSLRS requires a Standard Workday Record of Activities be submitted for retirement purposes and,

**WHEREAS:** John Sefcik, Zoning Board of Appeals Chairman has submitted a record of Activities (ROA) and,

**WHEREAS:** NYSLRS requires a Standard Workday Reporting resolution for John Sefcik, be it hereby

**RESOLVED:** The Town Board establish the Standard Workday for John Sefcik to be 6 hours and this resolution to be posted on the Town website and Town bulletin board for a period of 30 days.

Councilwoman Burnside seconded, a vote resulted as follows:

**AYES:** Councilman Boone, Councilman Sherman, Councilwoman Burnside, Councilman Filkins

**NAYS:** None

**RESOLUTION # 44-2019 was thereby duly adopted.** (See attached)

#### **AGRICULTURE AND FARMLAND PLANNING GRANTS**

Acting Supervisor Bichteman was approached by Mr. Kehoe from the Dept. of Agriculture about the town applying for agricultural and farming protection grants. Mr. Bichteman inquired if potential grant monies could be applied toward the costs of a Comprehensive Plan and Mr. Kehoe indicated they could. Mr. Bichteman read and Councilman Sherman made a motion to adopt the following resolution:

**WHEREAS:** The Town of Westerlo intends to develop a new Comprehensive Plan, and

**WHEREAS:** The Town of Westerlo is applying for grants to defray the expenses of the Comprehensive Plan development, and

**WHEREAS:** Grants are available from Hudson River Valley Greenway, Department of Agriculture, Municipal Farmland Protection and Agricultural Planning Grant, be it hereby

**RESOLVED:** The Town of Westerlo Town Board hereby approves and endorses the application for grants under the Municipal Farmland Protection, Agricultural Planning Grant and Hudson River Valley Greenway Planning Grant.

Councilman Filkins seconded, a vote resulted as follows:

**AYES:** Councilman Boone, Councilman Sherman, Councilwoman Burnside, Councilman Filkins

**NAYS:** None

**RESOLUTION # 45-2019 was thereby duly adopted.**

Mr. Bichteman reported that with grant funding there are also resolutions required for the Community Development Block grant and WIIA grant for state revolving fund for the water district monies. He indicated the grants have a bond resolution attached and at this time the town is not in a position to borrow money for the Water District therefore the town may have to let these grants slide by. He has asked the Office of the State Comptroller (OSC) to provide him with indebtedness information for the Westerlo Water District. During the inception of the Water District, the OSC followed a guideline which was based off income and they indicated that the

town could not indebt its customers. Mr. Bichteman believed income levels are even worse now. The health dept. will be sampling the water again on July 9<sup>th</sup> and are hopeful that the bromomethane will have dissipated.

### **LETTER FROM LIBRARY**

Acting Supervisor Bichteman read a letter from the Westerlo Library Board of Trustees thanking the highway department for completing the installation of the library directional sign project.

### **DEDICATION COMMITTEE REPORT**

Museum Director Mary-Jane Araldi thanked the people of Westerlo for celebrating the dedication of the Town Hall in honor of Richard Rapp's years of service. She mentioned that over 100 people attended and that it was a very moving ceremony which showcased all of Dick's accomplishments. She thanked the people behind the scenes who helped. The building is now named the Richard H. Rapp Municipal Building.

### **MUSEUM REPORT**

Museum Director Mary Jane Araldi submitted and read the following report:

*Westerlo Heritage Museum  
Report to Town Board  
June 2019*

*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.*

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

*The garage sale days on June 8<sup>th</sup> was a success! Thanks to all who had sales, bought maps, supported the sales and came for food.*

*We are gearing up for a couple more fund raisers:*

*Our second annual fall festival will be held on Sat. October 5<sup>th</sup>.*

*We are also planning on having a silent auction with Christmas Wreaths.*

*The other thing I am working on is doing the Wreaths Across America at the Westerlo Rural Cemetery on December 14<sup>th</sup>. I have gotten verbal permission from the cemetery association. So I will be looking for donors to support a wreath for a veteran.*

### **GRANT WRITER REPORT**

Dr. Nicole Ambrosio mentioned that the WIIA grant is currently closed but the application is complete and ready to be submitted when it reopens. She indicated that for the Community Development Block grant she is awaiting information regarding median income and the Comprehensive grant is almost complete. Mr. Bichteman mentioned there is also an Agriculture grant and that Dr. Ambrosio has already spoken to Jeff Kehoe from Dept. of Agriculture about that and she believed it would cost the town approximately \$1,670. Both the Comprehensive and

Agricultural grants are due in September. Dr. Ambrosio inquired if the town was interested in renovating space in a portion of the old town hall building to be used for the community; she indicated there is grant money available for that as well.

## **ZBA REPORT**

Chairman of the ZBA John Sefcik submitted and read the following report:

*Town Board ZBA Report (7/2/19) .... on the 6/24 ZBA Mtg*

*The ZBA had our regular June meeting.*

*Old Business:*

- *The application we were working on was withdrawn. It was for setback relief for a house, and the applicant did a line lot adjustment. This was one of our ZBA suggestions at our site visit.*

*New Business:*

- *We accepted two new variance applications.*
- *One is for setback relief from the road for a new house in the South Westerlo hamlet.*
- *The other is for side setback relief for a garage in the Westerlo hamlet.*

*Regards,*

*John Sefcik, ZBA Chairman*

## **PLANNING BOARD REPORT**

Chairperson of the Planning Board Dorothy Verch submitted and read the following report:

*PLANNING BOARD*

*REPORT TO*

*TOWN BOARD*

*JULY 2, 2019*

*The Planning Board met on June 17<sup>th</sup>. The application for an addition of AT&T module to the South Westerlo Fire Company's cell tower was introduced. This application only needs approval by the Building Department. The PB has no jurisdiction to act on this application. FCC is the agency that regulates this application. The Acting Supervisor requested that the Planning Board 'passed through' the application so that the option of using an engineer to review the application could be activated. The Town Law specifically states that an engineering review can only be achieved if the application is brought before the Planning Board. It cannot be activated for an application that is brought before the Building Department. The original application for the cell tower was approved before the current Planning Board and Code Enforcement Officer. This process was done to accommodate the Building Department.*

*Old Business- The members discussed the height of the solar arrays recommended in the Solar Law – 15' for residential and 20' for commercial. The array height at Shepard East and West is 8 ½ ' and the height of Gerry Boone's residential array is 12'. These heights should be considered as standards in the law.*

*Gerry Boone and Doyle Shaver have a total of 4.5 hours to attribute to their required annual training by attending the CDRPC workshop and Rich Kurlyo and Dotty Verch 6.0 hours.*

*A discussion of alternate ways to inform the public regarding the meetings and PH scheduled for the PB.; signs on property location, notices at the transfer station, library, post office, bank, P&L's, M&B's, notices in the 'community or calendar of events in the Pioneer and the AE as well as the town website. The Chair reported that she previously stamped the plans for WesterloNY01 and Medusa as well as Leibhaber and Irwin Commercial garage.*

*Conor Casey of Borrego has offered to provide a guided tour of Shepard West as soon as it has been completed. Anyone interested in attending the tour, contact me.*

*PILOTS approved are : Shepard Solar East and West - \$75,000/ yr for 15 years. \$30,000 community grant award (\$15k/ site one time offering) and Costanza \$17,600/yr for 15 yrs. Another \$15,000 also for community grant award. All 3 are to be used exclusively for the Town Park upgrades. The next 2 Solar projects- WesterloNY01 and Medusa will also enter into a PILOT agreement with GCS and the Town of Westerlo and contribute another \$15K per site for Community Park upgrades.*

*Each company will be offering, either under their official name or another entity, the opportunity to take advantage of electricity generated from each one of these projects at a discount. The number of residents that can be serviced by these particular projects is approximately 1500. Each one of the other projects can provide electricity for 3-400 residents each.*

*So once the other projects come on line, they will be able to offer reduced electric charges for an additional 1200 residents. These projects will supply enough electricity for MORE than the residents in Westerlo.*

*Respectfully submitted,  
Dotty Verch*

## **BRC REPORT**

Chairperson of the BRC Dorothy Verch submitted and read the following report:

*BRC REPORT  
TO  
TOWN BOARD  
JULY 2, 2019*

*The BRC met on June 27<sup>th</sup>. Reviewed the meeting information between Dotty and Mr. Fingar and associates at the MHC headquarters. Reviewed all of the cable locations that have been connected or will be connected. Additional information regarding the number of residents – old and new- cable/internet and just internet connection reports will be shared with the committee when received.*

*Invited Mr. Fingar's replacement, Mr. Randazzo, to the next meeting as well as extending an invitation to Mr. Becker from Mid-tel.*

*Respectfully submitted,  
Dotty Verch*

## **HOMETOWN HEROES**

No written report was given. Councilwoman Burnside mentioned there is a banner map available if anyone is interested in seeing where they are located. The closing ceremony is November 2<sup>nd</sup> at the Westerlo Baptist Church.

## **HISTORIAN REPORT**

Dennis Fancher Town Historian submitted and read the following report:

*Westerlo Town Board Meeting*

*July 2, 2019*

*Now that the both political primaries are over, I thought I would tell what Westerlo was like in the 1890's. This information came from the writings of George Lockwood.*

*Perhaps the era was best when men of the community gathered at country stores, not only to play checkers or dominoes or to swap stories but to settle matters of church and state.*

*The favorite gathering place was Arch Green's store, now the library. After eight o'clock most of the customers were gone and the men sit around the potbellied stove to swap stories.*

*When it came to settling political affairs over a crackerbarrel, Westerlo was no exception. In fact, the country store had such a large part in the political aspects of living, that it became known as Tammany Hall, the democratic headquarters or, the old folk's home by some villagers.*

*This was when Westerlo was solid Republican and the time when good Democrats were amazed to think that they could lose consistently at the poles.*

*But when it came to talkin' the two parties would battle with words and never give an inch.*

*The stubbornness was best expressed by Joe Luther, (also known as the town character) a staunch Democrat and avid Presbyterian, who, according to most old timers "wasn't too bright" Joe Luther always said that before I'd vote Republican or go to the Baptist Church" I'd go to hell in a metal basket" And most villagers would go along with Joe's statement about politics.*

*George's Great grandfather, James Requa didn't limit his discourse on politics to the country store and many a heated argument was known to take place on the Requa front porch.*

*Darius Barber, dressed in a boiled shirt, cutaway coat with a white vest, and a Lincoln beard with white whiskers was as staunch a republican as grandfather was a democrat. On his way home from the creamery in the morning Darius would stop off at the Requa house and visit awhile. Darius always brought a little dandelion cordial and by the time the two had drunk the contents of the bottle, the fun would begin. Long and loud they argued over politics and the visit would usually end with grandfather calling Darius "the biggest old fool I'd ever met" and Darius promising "I'll never set foot on this stoop again as long as I live' The next day on his way home from the creamery Darius would stop his horse in front of a white house, reign up and go in and visit with James Requa.*

## **APPROVAL OF REPORTS**

Councilwoman Burnside made a motion to approve the Town Hall Dedication and Hometown Heroes Committee Reports, Grant Writer, Museum and Historian Reports and the Zoning, Planning and BRC reports. Seconded by Councilman Filkins, all in favor motion carried.

**PUBLIC COMMENT**

A resident had a list of questions regarding the Water District and water board. Mr. Bichteman responded to some of her questions but asked that she submit a list of questions to his office.

A resident asked why monies from commercial solar companies have to be applied toward recreation. Mr. Bichteman indicated the reason is unknown however it's not necessarily used only toward the town park.

Another resident mentioned that the former Republican Secretary of State Condolezza Rice and historian David Kennedy made a documentary called American Creed about looking at the values that Americans have in common. It will be shown at the Carey Institute on July 28<sup>th</sup> with a community discussion after.

There being no further public comment or business to conduct, Councilman Filkins made a motion to adjourn. Seconded by Councilwoman Burnside, all in favor motion carried. Meeting adjourned at 9:52pm.

Respectfully submitted,  
Kathleen Spinnato



Received Date

**Standard Work Day and Reporting Resolution for Elected and Appointed Officials**

RS 2417-A

Employer Location Code

3 | 0 | 2 | 7 | 1

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

Rev. 2/13

BE IT RESOLVED, that the Town of Westerlo, hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement Board based on their record of activities:

Title	Standard Work Day: (Mins/day) Min. 6 hrs Max. 8 hrs	Name: (First and Last)	Social Security Number: (Last 4 digits)	NYSLRS ID:	Tier 1 (Check only if member is Tier 1)	Current Term Begin & End Dates: (mm/dd/yyyy-mm/dd/yyyy)	Record of Activities Result:*	Not Submitted: (Check only if official did not submit their Record of Activities)
<b>Elected Officials:</b>								
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
<b>Appointed Officials:</b>								
ZBA Chairman	6	John Setak			<input type="checkbox"/>	1/2/19-12/31/2022	3.48	<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>

I, Kathleen J. Spinnato, secretary/clerk of the governing board of the Town of Westerlo, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 2<sup>nd</sup> day of July, 2019, on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Westerlo on this 2<sup>nd</sup> day of July, 2019.

*Kathleen J. Spinnato*  
Kathleen J. Spinnato  
(Signature of Secretary or Clerk)

Affidavit of Posting: I, Kathleen J. Spinnato, being duly sworn, depose and say that the posting of the Resolution began on July 11, 2019, and continued for at least 30 days. That the Resolution was available to the public on the:

- Employer's website at: townofwesterlo.com
- Official sign board at: \_\_\_\_\_
- \_\_\_\_\_

