

TOWN OF WESTERLO
PUBLIC HEARING REGARDING PROPOSED MORATORIUM PROHIBITING COMMERCIAL SOLAR ENERGY
SYSTEMS, OR PROHIBITING ENERGY STORAGE SYSTEMS AND WIND GENERATION SYSTEMS, OR
COMMERCIAL SOLAR ENERGY SYSTEMS, ENERGY STORAGE SYSTEMS AND WIND GENERATION
SYSTEMS & REGULAR TOWN BOARD MEETING
OF
TUESDAY, AUGUST 6, 2019

The Town of Westerlo Town Board held a Public Hearing and Regular Town Board meeting on Tuesday, August 6, 2019 at the Town Hall located at 933 County Route 401, Westerlo, NY. Acting Supervisor Bichteman opened the meeting at approximately 7:20 PM with the Pledge of Allegiance to the Flag.

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

Also attending were: Highway Superintendent Jody Ostrander, Highway Employees Carl Anderson Jr. & Justin Case, Zoning Board of Appeals Chairman John Sefcik, Town Historian Dennis Fancher, Clerk to the Supervisor Patricia Boice, Clerk to the Assessor Claire Marshall, Planning Board Chairperson Dorothy Verch and member Edwin Stevens, Town Justice Kenny Mackey, Deputy Town Clerk II Karla Weaver, Town Clerk/Tax Collector Kathleen Spinnato and approximately 25 residents.

PUBLIC HEARING

Acting Supervisor Bichteman mentioned that there are three proposed renewable energy moratoriums for review this evening which will prohibit either Commercial Solar Energy Systems, Energy Storage Systems and Wind Generation Systems or Commercial Solar Energy Systems, Energy Storage Systems and Wind Generation Systems within the Town of Westerlo for 1 year.

Planning Board Chairperson Verch agreed about having a moratorium on Energy Storage as well as the Wind Generation Systems however did not believe there should be a moratorium on Commercial Solar even if it is only for 1 year and mentioned there is no space at the substation or three phase electric available.

ZBA Chairperson Sefcik agreed with placing moratoriums on all three items with there being plans to update the Comprehensive Plan and Zoning Law. He questioned how Commercial Solar Energy Systems was defined in the proposed moratorium law and that it exempts businesses and believed that the definition in the Zoning Law was acceptable.

Planning Board member Edwin Stevens didn't understand why the town would need a moratorium on solar since solar is addressed in the Zoning law.

A resident believed that the Solar Law does a good job at restricting solar installations from becoming something that would go against the Comprehensive Plan.

Acting Supervisor Bichteman asked Attorney Afzali questions regarding Article 10 of NYS law and expressed his concern with areas in the town that could potentially house solar farms. The moratorium would be a temporary measure.

Other residents gave their opinions on the three proposed moratoriums. One resident believed that some issues stemmed from the solar development in South Westerlo. Another resident supported all three moratoriums but didn't believe the solar moratorium jived with the Zoning Law and also noted there is no mention of a kilowatt limit for the smaller businesses.

Councilman Filkins believed the moratoriums would give the town time to work on a solution.

Councilman Boone expressed his concern regarding the solar development in South Westerlo and its effect on the residents there. He enjoys seeing farms and fields in Westerlo and to have a view of energy panels is not the Westerlo he foresees in his future. He understood the benefits of solar including the revenue which is helpful to the community. Not to disparage the work the Boards have done, he indicated he believed solar happened too quickly and maybe the town didn't look at it personally enough. He expressed that of the three moratoriums the solar and the battery storage systems are a major issue. Although there are no current plans for adding another substation he is concerned it could happen and believed the Comprehensive Plan will afford the town the time to make a decision on how the town should move forward. A resident commended Councilman Boone for his very detailed thoughts.

When asked by a resident, Attorney Afzali indicated that he couldn't think of a reason why the town couldn't put a limit on total acreage or percentage used by solar companies.

Acting Supervisor Bichteman asked Attorney Afzali how to handle the definition change for the moratorium of Commercial Solar Energy Systems as defined in section 18.50 of the Zoning Law. Attorney Afzali indicated that it could be part of the regular meeting minutes.

Mrs. Verch mentioned that the solar farms bring in a lot of money for the town. She gave an example of the Shephard East and West PILOT agreement amount of \$75,000/yr or \$840,000 over the life of the farm. Of the \$75,000, she indicated \$56,250/yr goes to the Greenville School District and \$18,750/yr goes to the Town of Westerlo. Councilman Boone clarified that the five solar farms that are complete or in progress are immune to the moratorium. Discussion continued.

With there being no further comments or questions, Councilwoman Burnside made a motion to close the Public Hearing at 7:54pm, seconded by Councilman Boone, all in favor motion carried. Regular Town Board meeting opened.

REGULAR TOWN BOARD MEETING

LOCAL LAW NO. 2-2019

Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: the Town of Westerlo has held a Public Hearing on three proposed moratoriums, be it hereby

RESOLVED: the Town Board adopt Local Law # 2 of 2019 a temporary land use moratorium prohibiting Commercial Solar Energy Systems, Energy Storage Systems and Wind Generation Systems within the Town of Westerlo (see attached), and be it further

RESOLVED: that the definition of Commercial Solar Energy Systems be changed to match the definition in Section 18.50 of the Town of Westerlo Zoning Law.

Seconded by Councilman Boone. A vote resulted as follows:

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

NAYS: None

RESOLUTION # 46 -2019 was thereby duly adopted.

MINUTES

Councilwoman Burnside made a motion to accept the Town Board meeting minutes of 07/2/19 as submitted, seconded by Councilman Filkins, all in favor motion carried.

Councilman Filkins made a motion to accept the Town Board Workshop meeting minutes of 7/16/19 as submitted, seconded by Councilman Boone, Councilman Sherman abstained, motion carried.

SUPERVISOR'S REPORT

Councilman Boone made a motion to accept the Supervisor's report for June 2019 as submitted, seconded by Councilman Sherman, all in favor motion carried.

TOWN CLERK'S REPORT

Councilman Sherman made a motion to accept the Town Clerk's monthly report for July 2019 as submitted, seconded by Councilman Filkins, all in favor motion 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 # 371 through Voucher # 440 in the amount of \$152,308.71.

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

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

NAYS: None

RESOLUTION # 47-2019 was thereby duly adopted.

WESTERLO RESCUE SQUAD

With difficulty, Westerlo Rescue Squad member Debbie Mackey read a letter informing the Town Board and residents that as of midnight on 12/31/19 Westerlo Rescue Squad services will cease. They are continuing to work with the Albany Co. Sheriff's EMS Division, the Westerlo Town Board and neighboring EMS agencies to see that there will be someone to continue answering future calls for Westerlo residents. They thanked the many people who supported them in the last 21 years as well as the volunteers. All in attendance gave a standing ovation showing their gratitude.

Acting Supervisor Bichteman understood how hard it was to read the letter and for the impending end of the Westerlo Rescue Squad. He personally wanted to express his gratitude and mentioned they have done an excellent job.

OLD BUSINESS

REVISION OF LL#2 OF 1992-ARTICLE 1, SOLID WASTE FACILITIES

Councilman Filkins announced that they are working with Attorney Afzali and hope to provide a final draft of the proposed Solid Waste Law at the September Town Board meeting. Mr. Bichteman asked to discuss their progress at the workshop meeting on the 20th.

TOWN EMAILS

Resident Leonard Laub has done research for a new email service and provided the Town Board with a proposal from Proton Mail indicating that all town emails should be contained and available to access when needed. He reported on the features of Proton Mail and answered questions.

Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: Resident Lenard Laub has provided the Town Board with a proposal from Proton Mail for a new email service which will better suit the town’s needs, be it hereby

RESOLVED: The Town Board allows Acting Supervisor Bichteman to enter into contract with Proton Mail on behalf of the Town of Westerlo with the proposal that has been provided.

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

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

NAYS: None

RESOLUTION # 48 -2019 was thereby duly adopted.

COMPREHENSIVE PLAN /COMMITTEE/CHAIRPERSON

Acting Supervisor Bichteman provided the Town Board with a ballot for voting on the Comprehensive Plan Committee members and Chairperson. The Town Board silently voted and provided their votes in an envelope to the Town Clerk. Councilman Boone made plans to meet with Acting Supervisor Bichteman to tabulate the votes on Wednesday.

COMPREHENSIVE PLAN CONSULTANT SELECTION

Mr. Bichteman mentioned that two potential consultants have met with the Town Board and he wondered if the Town Board was satisfied with the two applicants or if they would like to schedule a presentation from a third consultant. Councilman Boone indicated he would like to hear from a third consultant; Mr. Bichteman will schedule another consultant to attend a future meeting.

POTENTIAL CREDIT CARD PAYMENTS

The Town Clerk’s office is still awaiting information from a potential credit card company and will provide the Town Board with information in the future.

MACHINERY & EQUIPMENT BOND RESOLUTION

Attorney Afzali explained the SEQR process; this is a type II action as set forth in the law and the town can move forward without having to do an environmental review to purchase these trucks. Acting Supervisor Bichteman read and Councilman Sherman made a motion to adopt the following resolution:

**RESOLUTION DETERMINING THAT PROPOSED ACTION
IS A TYPE II ACTION FOR PURPOSES OF
THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT**

WHEREAS, the Town Board of the Town of Westerlo, Albany County, New York (the "Town") is considering undertaking a project (the "Project") consisting of the purchase of machinery and apparatus to be used for constructing, reconstructing, repairing, maintaining or removing the snow and ice from any physical public betterment or improvement and other Town improvements, the cost of which is \$30,000 or over, including one (1) 2020 Western Star 4700 Cab and Chassis with Galbreath Hoist and Assembly Garbage Truck; one (1) 2020 Western Star 4700 Cab and Chassis with Dump Body, Plow,

Sander and Assembly; one (1) 2019 F-350 1 Ton Pickup Truck with Plow, Sander and Assembly; and, one (1) 2019 F-350 1 Ton Dually Dump Truck with Plow, Sander and Assembly to be used by the Town Highway Department; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), the Town desires to comply with the SEQR Act and the Regulations with respect to the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF WESTERLO, NEW YORK AS FOLLOWS:

1. The Project constitutes a "Type II Action" under 6 NYCRR § 617.5(c)(31), and no further action under the SEQR Act and the Regulations is required.

2. This resolution shall take effect immediately.

Seconded by Councilman Filkins, a vote resulted as follows:

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

NAYS: None

Resolution # 49 of 2019 was thereby duly adopted.

Councilman Boone made a motion to adopt the following resolution:

BOND RESOLUTION NO. 50 OF 2019

BOND RESOLUTION DATED AUGUST 6, 2019 OF THE TOWN OF WESTERLO, ALBANY COUNTY, NEW YORK, AUTHORIZING THE ISSUANCE OF \$450,000 SERIAL BONDS TO FINANCE THE PURCHASE OF MACHINERY AND APPARATUS FOR THE HIGHWAY EQUIPMENT.

Introduced by Councilor Joseph Boone, who moved its adoption, seconded by Councilor Amie Burnside.

BE IT RESOLVED by the Town Board of the Town of Westerlo, Albany County, New York as follows:

Section 1. The Town of Westerlo, Albany County, New York (the "Town") is hereby authorized to purchase machinery and apparatus to be used for constructing, reconstructing, repairing, maintaining or removing the snow and ice from any physical public betterment or improvement and other Town improvements, the cost of which is \$30,000 or over, including one (1) 2020 Western Star 4700 Cab and Chassis with Galbreath Hoist and Assembly Garbage Truck; one (1) 2020 Western Star 4700 Cab and Chassis with Dump Body, Plow, Sander and Assembly; one (1) 2019 F-350 1 Ton Pickup Truck with Plow, Sander and Assembly; and, one (1) 2019 F-350 1 Ton Dually Dump Truck with Plow, Sander and Assembly to be used by the Town Highway Department, at an aggregate estimated maximum cost not to exceed \$450,000.

Section 2. It is hereby determined that the aggregate maximum estimated cost of the aforesaid specific objects or purposes to be financed by the Town is \$450,000, and the plan for the financing the

cost thereof shall consist of the issuance of \$450,000 in serial bonds (the "Bonds") which are hereby authorized to be issued pursuant to this resolution and the provisions of the Local Finance Law.

Section 3. It is hereby determined that the periods of probable usefulness of the aforesaid specific objects or purposes is 15 years as set forth in the subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law. The proposed maturity of the Bonds authorized by this resolution shall not be in excess of five years measured from the date of the Bonds or the date of the first bond anticipation note in anticipation of the sale of the Bonds, whichever date is earlier.

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00 inclusive of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to sell and deliver the Bonds and any bond anticipation notes providing for substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2.

Section 9. The serial bonds and bond anticipation notes authorized to be issued by this resolution are hereby authorized to be consolidated, at the option of the Town Supervisor, the chief fiscal officer of the Town, with the serial bonds and bond anticipation notes authorized by other bond

resolutions adopted by the Town Board for purposes of sale in one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolution. All matters relating to the sale of the Bonds, including the date of the Bonds, the use of electronic bidding, the consolidation of the Bonds and bond anticipation notes with other issues of the Town, and the serial maturity of the Bonds, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 10. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of this resolution or a summary thereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution, or a summary thereof, shall be published in the official newspapers of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution is not subject to permissive referendum pursuant to Section 35.00 (b)(1) of the Town Law.

Section 13. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 14. The Town Board hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 15. This resolution shall take effect immediately upon its adoption.
Seconded by Councilwoman Burnside, a vote resulted as follows:

AYES: Joseph Boone, Amie Burnside, Anthony Sherman and
Richard Filkins

NAYS: N/A

Resolution # 50 -2019 was thereby duly adopted.

Acting Supervisor Bichteman announced that the Town Clerk will advertise the Estoppel notice in the Altamont Enterprise. Attorney Afzali explained that the Estoppel notice gives public notice of the Town Board's obligation to this debt allowing the public time to protest.

NEW BUSINESS

APPOINTMENT OF WATER BOARD MEMBER

Acting Supervisor Bichteman announced that George Hadden, a member of the Water Board has moved out of town leaving a vacancy to fill. Councilwoman Burnside made a motion to adopt the following resolution:

WHEREAS: There is a vacancy on the Water Board due to member George Hadden moving out of the water district, be it hereby

RESOLVED: The Town Board appoints previous member James Loux as a member of the Water Board.

Seconded by Councilman Boone.

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

NAYES: None

Resolution # 51 - 2019 was thereby duly adopted.

Mr. Bichteman announced that the next Water Board meeting is Wednesday, August 14th at 6 pm.

TOWN PARK USE

Mr. Bichteman mentioned that apparently there was a policy where employees didn't have to pay for the use of the town parks. Currently the rules indicate there is no preferential treatment given to town employees, if the Town Board wishes to change the park rules then they would need to make that a resolution. Discussion continued and it was suggested it be tabled until the next Town Board Workshop meeting.

INVESTMENT POLICY

Acting Supervisor Bichteman mentioned that the National Bank of Coxsackie pays the town interest for the money market accounts at a current rate of .2% annually and highway market accounts at a current rate of .4% annually. He has asked the accounting firm to investigate other options for the town and was especially interested in investment opportunities that are standard core AAA rated, one that state pension fund and other municipalities participate in and that the comptroller's office approves. He indicated that NYCLASS, a liquid asset security system fits the ticket. Some of their attributes are that they pay more than 2%, are AAA rated, the bulk of their investments are treasury bonds and they are compounded daily. There is no delay if the town needs to take money out of the account. Councilman Boone asked Attorney Afzali his opinion. Attorney Afzali indicated that the risk is that the town may not get as high as what they say but not going to get as low as a traditional savings account. The town would not be risking a loss of money just risking not as high of a gain as you otherwise would. He indicated that the town can take their money out at any time. No decision was made.

MODIFICATION TO EMPLOYEE HANDBOOK

Acting Supervisor Bichteman mentioned that some items need to be addressed in the employee handbook. He is proposing that instead of a cash raise this year for the Highway Employees, he is hoping to provide them with some more benefits. The town for quite some time has been reimbursing the Highway crew for the cost of their DMV Commercial Driver's License and continue to do so as a benefit. He reviewed vacation leave and is proposing adding in a 5 yr service of 80 hours. For sick leave, he proposed increasing the 3 yr from 32 to 56 hours, and after 5 yrs of service increase from 56 to 64 hours. He proposed increasing personal leave days for 6 + months from 16 to 32 hours. He provided the Town Board with the following proposed amendments for their review and for discussion at the next Town Board Workshop meeting:

PROPOSED AMENDMENTS TO EMPLOYEE HANDBOOK

Section 500 OPERATIONAL POLICIES

505 Expense Reimbursement Policies

¶ 1: **Eligible Expenses-** following 1st sentence add “Highway Department employees may be reimbursed for the cost of maintaining a NYS Commercial Driver’s License.”

Section 800 EMPLOYEE BENEFITS

801 Holidays

¶ 4: **Assigned to Work on a Holiday-** strike 2nd sentence “For example”

Section 800 EMPLOYEE BENEFITS

802 Vacation Leave Policies

¶ 1: Allowance- change allowances to read;	
AFTER COMPLETION OF:	ALLOWANCE:
6 months of service	40 hours
2 years of service	80 hours
5 years of service	120 hours
10 years of service	160 hours
After 10 years of service	Add 8 hours more for each 4yrs

Section 800 EMPLOYEE BENEFITS

803 Sick Leave Policies

¶ 1: Allowance- change allowances to read;	
AFTER COMPLETION OF:	ALLOWANCE:
6 months of service	40 hours
3 years of service	56 hours
5 years of service	64 hours

Section 800 EMPLOYEE BENEFITS

804 Personal Leave Policies

¶ 1: Allowance- change allowances to read;	
AFTER COMPLETION OF:	ALLOWANCE:
6 months of service	32 hours
5 years of service	40 hours

Mr. Bichteman indicated that 801 Holidays be revised immediately and the other amendments be made for the 1st of the year.

CEMETERY BUDGET LINE ITEM

There is a line item in the budget of \$5,000 for cemeteries. There are three active cemeteries in the town and Mr. Bichteman mentioned he had received an email that the three cemeteries had agreed on how the money will be broken out; Westerlo Rural will get 50%, Hannacroix will get 25% and Westerlo Central will get 25%. He believed the town should require that the cemeteries provide in writing what they intend to use the money for. Betty Filkins a volunteer at the Westerlo Rural Cemetery indicated there are upkeep and insurance costs. Linda Smith a volunteer for the Hannacroix Cemetery mentioned that the money received from the town barely covers what they pay for up keeping. Acting Supervisor Bichteman asked Mrs. Filkins about the renewal perpetual fund but she indicated it isn’t a lot and most of their money comes from selling plots.

CREDIT CARD PURCHASES

Mr. Bichteman mentioned that the town has a credit card that is in the previous Supervisor's name with a \$2000.00 limit. He intends to apply for a municipal credit card and do away with the other card. The credit card is mainly used for purchasing cleaning supplies, etc.

SPEED LIMITS/ENFORCEMENT

The Town Board discussed the speed limit and enforcement on Anable Rd. Acting Supervisor Bichteman mentioned that the town has to go through the county to have speed limit signs placed but the town will probably be asked what the speed limit should be. Highway Superintendent Jody Ostrander suggested doing Slade Hill as well. Mr. Bichteman also mentioned he had someone contact him about County Route 312.

GRANT WRITER REPORT

Grant Writer Dr. Nicole Ambrosio was not in attendance but submitted the following report read by Councilman Boone:

We received the Archive grant for sure. I spoke with Maria McCashion who is in charge and she confirmed that Westerlo received the grant! Karla, Kathy, and I have submitted all the MWBE (Minority and Women Business Enterprise) paperwork, so at some point we will receive 50% of the \$47,000+ to get things started. We will be working with K. Sickler Murphy Consultants, Rupeka Construction for the stage alterations, GNH lumber for construction supplies, Southwest Solutions for shelving, and New York State Individuals with Disabilities for storage boxes.

I am reworking the WIIA grant for the 2019 application and updating project costs since the last estimate for the Bubble filter was in June of 2018. At the same time, I am working on the DWSRF (Drinking Water State Revolving Fund) application. The two grants can be paired as per the webinar I viewed on Tuesday. I spoke with someone at the State who said that Hardship Loans are automatically applied to grants if they qualify. I have included some facts regarding the WIIA grant below (just in case you didn't have enough to read!)

Drinking Water WIIA

WIIA Drinking Water Projects

An applicant with an eligible drinking water project may receive a WIIA grant award as described below:

- *A project, including phases of the project, is limited to the lesser of \$3 million or 60% of net eligible project costs.*
- *Municipalities are limited to \$3 million of combined Drinking Water State Revolving Fund (DWSRF) grant and WIIA grants annually.¹*

Municipalities may apply for this grant on more than one project, but each municipality is limited to receiving no more than \$3 million per year.

Eligible projects include water quality infrastructure projects at municipally-owned sewage treatment works² OR municipally-owned public water systems³ for:

- *Construction, replacement or repair of infrastructure; or*
- *Compliance with environmental and public health laws and regulations related to water quality.*

*Each WIIA project must meet the following criteria: **I think we got this one!***

- *Result in construction of the project;*
- *Not have started construction before October 1, 2018; and*
- *Not have completed construction before May 1, 2019.*

Estimated Total Project Cost: *Provide the estimated total project cost. The total project cost should reflect all costs associated with the entire project, including costs known or anticipated to be funded by other sources.*

I received a grant alert about Recycling that I will look into next week.

Dr. Nicole Ambrosio

ZONING BOARD OF APPEALS REPORT

Zoning Board Chairperson John Sefcik submitted and read aloud the following report:

Town Board ZBA Report (8/6/19) on the 7/22 ZBA Mtg

The ZBA had our regular July meeting.

Old Business:

- *We approved a front yard setback variance for a new house in the South Westerlo hamlet. The new house is much farther from the road than the house that it is replacing, and the setback is consistent with other houses in the area.*
- *We approved a side yard variance for a new garage in the Westerlo hamlet. Literally nothing can be built on this lot without a variance. The new garage is further from the nearest property line than the building that it is replacing.*

New Business:

- *None.*

Note: We are using the town web site to:

- *Post our agenda*
- *Advertise our public hearings*
- *Post draft minutes within 2 weeks of our meeting.*

Regards,

John Sefcik, ZBA Chairman

PLANNING BOARD REPORT

The Planning Board meeting on 7/23/19 was cancelled- no report submitted.

BRC REPORT

The BRC meeting on 7/25/19 was cancelled- no report submitted.

MUSEUM REPORT

Museum director Mary-Jane Araldi was not present but submitted the following report read by Councilman Sherman:

*Westerlo Heritage Museum
Report to Town Board
August 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.

*We are gearing up for a couple more fund raisers:
Our second annual fall festival will be held on Sat. October 5th.
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 14th. I have gotten verbal permission from the cemetery association. So I will be looking for donors to support a wreath for a veteran. I am currently working on the paperwork for that.

HISTORIAN REPORT

Town Historian Dennis Fancher submitted the following report but had to leave early. It was read aloud by Town Clerk Kathleen Spinnato:

*Historian's Report
Westerlo Town Board Meeting
August 6, 2019*

Last Saturday Sue and I were invited to display some historical items at Clarksville's Heritage Days. We chose farming and took some of the items currently on display in the Town Building. In addition to the scale model of the stationary hay baler we also took a Hit and Miss model of a water pump. The kids really enjoyed the scale model of a John Deere hay baler.

I recently came across a very interesting document. The heading reads "Constitution of the Farmers Fish & Game Club of Westerlo" dated Dec 22, 1906. I will read a few of the articles.

"Membership may include any owner or occupier of farming lands in the Town of Westerlo or the adjacent region and any other person who shall be approved by all the members of the executive committee or by a 3/4ths vote of all the members of the club present at any duly called meeting. Any person, as limited and described above may become a member by signing the official copy of the constitution in the possession of the secretary-treasurer: but the club may exclude from membership any person when it thinks best not to admit or retain.

Dues and assessments: There shall be no regular dues from members who are bona fide owners or occupiers of farming lands in this section; but, annual dues of one dollar be paid by all other members at or before the date of the annual meeting of the club. Money to meet any other duly authorized expenditures not already provided for shall be secured by an equal assessment of all members.

*Officers: C.G. Greene President
W.H. Swartout Vice Pres
Geo. W. Layton Sec Treas*

About 75 members

Some names you may have heard of:

<i>John Peck</i>	<i>Frank Stanton</i>	<i>Walter Clickman</i>
<i>Edsel Quick</i>	<i>Ferris Swartout</i>	<i>Wm Boomhower</i>
<i>Arthur Barkman</i>	<i>Byron Lockwood</i>	
<i>Gilbert Britton</i>	<i>Fred Lord</i>	
<i>J.L. Hannay</i>	<i>Clifford Lockwood</i>	

Dennis Fancher

WESTERLO HOMETOWN HEROES COMMITTEE (WHHC) REPORT

Hometown Heroes Chairperson Amie Burnside submitted and read the following report:

***Hometown Heroes Committee
Meeting Date July 23, 2019***

- ***Closing Ceremony***
 - *Discussed sponsors to date, reviewed potential sponsor list for more donors to ceremony. The list is being resent to all committee members along with sponsor letter and closing ceremony donor form.*
 - *Reviewed supplies needed for complimentary buffet and inventory of supplies on hand from last year.*
- ***Ceremony Invitation***
 - *Reviewed invitation draft. Invitation will be emailed to all committee members for closer inspection*
 - *Discussed guest list for ceremony*
 - *Discussed number of invitations to print and number of envelopes and amount of postage required.*

- **Ceremony Program**
 - Reviewed draft program. Suggestions were made. Program will be emailed to all committee members for closer inspection
 - Discussed how many to print
 - Reviewed places to get quotes from. Will get quotes from 4 places. Betty will forward the name and contact information for one company she has used.
- **Resident volunteer**
 - Local resident/family member of banner honoree reached out and offered assistance. Amie will contact resident and ask if she would like to volunteer for set up and clean up after event

*Respectfully Submitted,
Amie Burnside, Committee Chairperson*

APPROVAL OF REPORTS

Councilman Sherman made a motion to approve the Grant Writer, Zoning Board, Museum, Historian and Hometown Heroes reports as submitted. Seconded by Councilman Filkins, all in favor motion carried.

PUBLIC COMMENT

Highway Employee Justin Case asked Acting Supervisor Bichteman if the town planned to consolidate with Albany County. Mr. Bichteman indicated that if he had anything to do with it than no. Mr. Bichteman explained that the town really shouldn't want to consolidate any services with the County and there is no reason to consolidate. He believed Westerlo has the best Highway Department in the hilltowns; indicating the Highway Department does the best job on the roads, ditching, are responsive to the public and maintains the building themselves. When needed, the Highway Department has always shared equipment and people well. On the other hand he believed the idea of shared services with the County is important as it allows the town to pick and choose what services the town wants/needs; for example health insurance at a cheaper rate. He indicated that as long as the County allows the town to withdraw from that system if Westerlo chooses, those shared services are important.

Kelley Keefe president of the Westerlo Volunteer Fire Department expressed her appreciation to the Westerlo Rescue Squad.

Rescue Squad member Debbie Mackey mentioned that the Youth Recreation Program concluded on Friday and although there wasn't a large turnout she heard the kids say they had a good time. Councilman Boone gave some highlights and thanked all involved.

Jay Kalyko the president of the Onderdonk Lake Association mentioned that in April the Town of Westerlo and property owners of the Onderdonk Lake dam received a letter from Albany County that they will be doing their 5 year inspection. They have since done the inspection and found a few problems. He indicated that no one owns the bottom of the lake and the Association has nothing to do with the dam and he believed because the town maintains the road that the town owned under the road. He was hoping the town would hire an engineer to look at the dam to say its okay and send the report to Encon. He indicated that the Lake Association can't afford it and is not legally responsible for the dam. Acting Supervisor Bichteman explained that since the last inspection it has been the town's position that the dam does not belong to the Town of Westerlo. The town paid to have the properties around the dam searched by a title company. The road is a use road deeded to the property owners and does not belong to the Town of Westerlo. Mr. Ostrander indicated that the town does receive "chips"

money for maintaining the road and also mentioned that over 90% of town roads are not deeded to the town but they do maintain and receive “chips” money to maintain them. Mr. Bichteman believed that if the town hired an engineer to assess the dam then the town would take ownership but he would investigate and get back to him.

A resident thanked the Town Board members who attended the American Creed screening on bridging the gap between republicans and democrats.

With there being no further business to conduct, Councilman Sherman made a motion to adjourn the meeting. Seconded by Councilman Filkins, all in favor motion carried. Meeting adjourned at 10:10pm.

Respectfully submitted,

Kathleen Spinnato
Town Clerk

TOWN OF WESTERLO

LOCAL LAW NO. 2 of 2019

A LOCAL LAW ESTABLISHING A TEMPORARY LAND USE MORATORIUM PROHIBITING COMMERCIAL SOLAR ENERGY SYSTEMS, ENERGY STORAGE SYSTEMS, AND WIND GENERATION SYSTEMS WITHIN THE TOWN OF WESTERLO

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF WESTERLO AS FOLLOWS:

SECTION 1. PURPOSE AND INTENT.

This local law is intended to temporarily prohibit the creation or siting of Commercial Solar Energy Systems installations, Commercial Energy Storage Systems, and Commercial Wind Generation Systems (as hereinafter defined) within the Town of Westerlo for a period of up to twelve (12) months, pending the further development and adoption of a comprehensive plan, local laws and/or ordinances prepared to regulate and govern such installations. It is deemed necessary to enact this moratorium in order to permit the Town Board adequate time in which to draft suitable additional legislation to allow for proper siting and development of the solar industry within the Town of Westerlo. During the term of the moratorium, the Town of Westerlo shall work to prepare and eventually adopt revisions to the Town comprehensive plan and additional land use provisions and regulatory processes to provide for the benefit, health and general welfare of the residents of the Town of Westerlo.

The objective of this moratorium is to allow the Town of Westerlo to assess and address its Code to promote community planning values by properly regulating future commercial scale solar installations, commercial energy storage systems, and commercial wind generation systems. During the pendency of the moratorium, the Town Board will consider how best to permit such installations so as to harmoniously integrate such installations with the existing agricultural community and landscape. If the community allows such development during that time, the goals of the Town Comprehensive Plan and its related legislation favoring the successful continuity of agricultural operations could be undermined or damaged. Moratoria are useful in controlling or temporarily inhibiting development until satisfactory final regulations are adopted.

For these reasons, the Town Board finds that temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to further develop and adopt necessary zoning and land use changes to the Westerlo Town Code, thus protecting and furthering the public interest, health and safety.

SECTION 2. TEMPORARY MORATORIUM.

- A. *There is hereby adopted in the Town of Westerlo a twelve (12) month moratorium on the consideration, receipt or granting of land use applications, site plan approval, and zoning changes or amendments to permit the siting or creation of “Commercial Solar Energy Systems,” “Commercial Energy Storage Systems,” and “Commercial Wind Generation Systems.”*

“Commercial Solar Energy Systems” are defined, for the purpose of this local law, as any installation of solar panels or equipment undertaken principally for commercial purposes with an intention of generating power in excess of 25 kilowatts for resale into the power grid by a third party. Any installations by, or undertaken on behalf of individual landowners, householders, businesses or farmers, primarily for the purpose of off-setting their own electric energy use as set forth in section 18.40 of Local Law 1 of 1989 (as amended) shall not be considered a Commercial Solar Energy System and shall be specifically exempted from this moratorium.

“Commercial Energy Storage Systems” are defined, for the purpose of this local law, as any rechargeable energy storage system consisting of electrochemical storage batteries, battery chargers, controls, power conditioning systems, and associated electrical equipment designed to store and provide electrical power primarily off site or for commercial purposes. Any installations by, or undertaken on behalf of individual landowners, householders, businesses or farmers, primarily for personal, residential and onsite use shall not be considered a Commercial Energy Storage System and shall be specifically exempted from this moratorium.

“Commercial Wind Generation Systems” are defined, for the purpose of this local law, as any individual or collection of wind turbine generators designed to convert the kinetic energy in wind into a usable form of electricity, and any and all related infrastructure, electrical lines, substations, access roads and accessory structures, which are designed and intended to produce electricity to be consumed primarily off site or for commercial purposes. Any installations by, or undertaken on behalf of individual landowners, householders, businesses or farmers, primarily for the purpose of off-setting their own electric energy use shall not be considered a Commercial Wind Generation System and shall be specifically exempted from this moratorium.

- B. *During the term of the moratorium the Town Board intends to develop, consider and adopt changes to comprehensive land use plan and local laws so as to regulate Commercial Solar Energy Systems, Commercial Energy Storage Systems, and Commercial Wind Generation Systems. Said moratorium shall be effective as of the date set forth herein below.*
- C. *While the moratorium is in effect, no applications shall be accepted, and no permits issued or approvals given by any Board, agency or official of the Town of Westerlo for the siting or creation of Commercial Solar Energy Systems, Commercial Energy Storage Systems, or Commercial Wind Generation Systems.*

SECTION 3. APPLICABILITY.

The provisions of this local law shall apply to all real property within the Town of Westerlo, and all land use applications for the siting or creation of Commercial Solar Energy Systems, Commercial Energy Storage Systems, and Commercial Wind Generation Systems within the Town of Westerlo.

SECTION 4. RELIEF FROM APPLICABILITY OF MORATORIUM.

Applications for land use otherwise subject to this moratorium may be exempted from the provisions of this local law following a noticed public hearing before the Town Board, at which hearing the Town Board shall consider:

- 1. The proximity of applicant's premises or the subject of applicant's request for relief to natural resources, including but not limited to prime agricultural soils, wetland areas, conservation districts and other environmental concerns.*
- 2. The impact of the proposed application on the applicant's premises and upon the surrounding area.*
- 3. Compatibility of the proposed application with the existing land use and character of the area in general proximity to the subject of the application, and its effect upon aesthetic resources of the community.*
- 4. Compatibility of the proposed application with the recommendations of any administrative body charged with such review by the Town of Westerlo.*
- 5. The written opinion of the Town of Westerlo Planning Board and the Town of Westerlo Code Enforcement Officer that such application may be jeopardized or made impractical by waiting until the moratorium is expired.*
- 6. Such other reasonable considerations and issues as may be raised by the Town Board.*

In making a determination concerning a proposed exemption or grant of relief from application of the moratorium, the Town Board may obtain and consider reports and information from any source it deems to be consistent with review of said application. A grant of relief from application of the moratorium shall include a determination of unreasonable hardship upon the property owner which is unique to the property owner, and a finding that the grant of an exemption will be in harmony with, and will be consistent with the recommendations of the Comprehensive Plan.

An application for relief of application of the moratorium shall be accompanied by a fee of \$500, together with the applicant's written undertaking, in a form to be approved by the Town Attorney, to pay all of the expenses of the Town Board and any agent or consultant retained by the Town Board to evaluate and consider the merits of such application.

SECTION 5. STATUTORY AUTHORITY; SUPERSESION.

This local law is promulgated and adopted pursuant to Municipal Home Rule Law and the State Environmental Quality Review Act, and its implementing regulations. It expressly supersedes any provisions of the Town Code of the Town of Westerlo, and sections 267, 267-a, 267-b, 267-c, 274-a, 274-b and 276 of the Town Law of the State of New York.

This local law shall supersede and suspend those provisions of the Town Code and New York state law which require the Planning Board and the Town Code Enforcement officer to accept, process, and approve land use applications within certain statutory time periods.

SECTION 6. SEQRA DETERMINATION

The Town Board hereby determines that the adoption of this local law is a Type II action under 6 NYCRR 617.5(c)(36) and that environmental review under the NYS Environmental Quality Review Act (SEQRA) is not required.

SECTION 7. CONFLICTS.

For and during the stated term of this legislation, unless the stated term thereof shall be modified or abridged by the Town Board, this moratorium shall take precedence over and shall control over any contradictory local law, ordinance, regulation or Code provision.

SECTION 8. SEVERABILITY.

The invalidity of any word, section, clause, sentence, paragraph, part or provision of this local law shall not affect the validity of any other part of the law which can be given effect without such invalid part or parts.