

**The Town of Westerlo  
Two Public Hearings  
Re: Proposed Local Law No. 1 of 2016 to amend Water Use Law &  
Proposed Local Law No. 2 of 2016 to amend Zoning Law & Land Subdivision Regulations  
&  
Town Board Meeting  
of  
Tuesday, May 3, 2016**

The Town of Westerlo Town Board held a Public Hearing on proposed Local Law No. 1 of 2016 to amend the Water Use Law on Tue., May 3, 2016 in the Town Hall, located at 933 County Route 401, Westerlo, NY. Supervisor Rapp opened the first Public Hearing at 7:00 PM with the Pledge of Allegiance to the Flag.

Attending were: Supervisor Richard H. Rapp  
Councilwoman Amie L. Burnside  
Councilman Anthony W. Sherman  
Councilman William F. Bichteman Jr.

Also attending were: Town Attorney Aline D. Galgay, Deputy Supervisor & Code Enforcement Officer Edwin H. Lawson, Zoning Board of Appeals Chairwoman Virginia Mangold and Member John Sefcik, Planning Board Chairwoman Dorothy Verch and Members Doyle Shaver & Edwin Stevens, Highway Superintendent Keith Wright Sr. and Deputy Highway Superintendent Jody Ostrander, Assessor Peter Hotaling & Assessor's Clerk Claire Marshall, Town Historian Dennis Fancher, Clerk to the Supervisor Patricia Boice, Deputy Town Clerk Karla Weaver, Town Clerk Kathleen Spinnato and approximately twenty-three residents.

The Public Hearings were advertised in the official newspaper and posted on the Town website. Copies of both proposed Local Laws were provided for public review at the Town Clerk's office, posted on the town website and available at the Public Hearings. The Town Clerk read aloud proposed Local Law No. 1 of 2016. The Town Board heard comments and answered questions from three residents, none whom reside within the Water District, in regards to the proposed amendments to the Water Use Law. No one indicated opposition.

There being no further comment, Supervisor Rapp asked for a motion to adjourn the first Public Hearing. Councilman Bichteman made the motion to adjourn, seconded by Councilman Sherman, motion unanimously carried. The first Public Hearing was adjourned.

Supervisor Richard Rapp opened the second Public Hearing. The Town Clerk read aloud the proposed Local Law No. 2 of 2016, an amendment to the Zoning Law and Land Subdivision Regulations. The Town Board heard public opinion in favor of the proposed Local Law from one resident. There being no further comment, Supervisor Rapp asked for a motion to adjourn the second Public Hearing. Councilman Bichteman made a motion to adjourn, seconded by Councilwoman Burnside, motion unanimously carried. The second Public Hearing was adjourned at approximately 7:16 PM.

Supervisor Rapp then opened the regular monthly meeting of the Town Board at 7:30 PM. He asked for a motion on proposed Local Law No. 1 of 2016. Councilman Bichteman made a motion to adopt the following resolution:

WHEREAS: It is the recommendation of the Water Board, and in accordance with Albany County Resolution 465(1) of 2014, the Town of Westerlo has proposed amendments to Local Law No. 1 of 2005 the Town of Westerlo Water Use Law, be it hereby

RESOLVED: the Town Board adopt Local Law No. 1 of 2016 to amend the Town of Westerlo Water Use Law.

Councilwoman Burnside seconded the motion and a roll call vote resulted as follows:

AYES: Supervisor Rapp, Councilman Bichteman, Councilwoman Burnside and Councilman Sherman

NAYS: None

**RESOLUTION # 18-2016 was thereby duly adopted.**

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

WHEREAS: It is the recommendation of the Planning Board to amend the Zoning Law and Land Subdivision Regulations, the Town of Westerlo has proposed Local Law No. 2 of 2016 to amend Local Law No. 1 of 1989 Town of Westerlo Zoning Law, be it hereby

RESOLVED: the Town Board adopt Local Law No. 2 of 2016 as written to amend the Town of Westerlo Zoning Law and Land Subdivision Regulations.

Councilman Sherman seconded the motion and a roll call vote resulted as follows:

AYES: Supervisor Rapp, Councilman Bichteman, Councilman Sherman and Councilwoman Burnside

NAYS: None

**RESOLUTION #19-2016 was thereby duly adopted.**

Councilman Bichteman announced to the public and made a motion that the Town Board enter into Executive Session to discuss pending litigation involving the Town of Westerlo. The Deputy Supervisor, Town Attorney and the Town Clerk were asked to join the Board in Executive Session.

Councilman Sherman seconded the motion a roll call vote resulted as follows:

AYES: Supervisor Rapp, Councilman Bichteman, Councilman Sherman and Councilwoman Burnside

NAYS: None

The Town Board entered into Executive Session at 7:37 PM and returned from Executive Session at approximately 8:04 PM.

Councilman Bichteman announced on the issue of the proposed abandonment of Clickman Rd. it is the consensus the Town Board to hold a Public Hearing. Councilman Sherman suggested the Town Attorney draft a letter to the Town of Rensselaerville to invite them to attend or to send their comments in writing before the Public Hearing as Clickman Rd. runs through Town of Rensselaerville. Attorney Galgay suggested that anyone planning to speak at the Public Hearing contact the Town Clerk with their name and information. Councilman Bichteman made a motion to cancel the Town Board Workshop & Building Committee meeting scheduled for May 25<sup>th</sup> and instead hold a Public Hearing on the potential abandonment of a section of Clickman Rd. instead on May 25<sup>th</sup>, at 7:00 PM. Notification of the Public Hearing to be sent to the Town of Rensselaerville, anyone intending to speak giving the Town Clerk in advance their name and information. Councilman Sherman seconded the motion, motion unanimously carried. A resident asked for clarification. Councilman Bichteman advised that residents John and Dianne Sefcik's attorney sent correspondence to the Town of Westerlo asking for abandonment of a section of Clickman Rd. starting from their driveway to the end of the road. The purpose of the Public Hearing is to allow everyone a chance to be heard on the matter, no decision will be made that evening.

Councilman Bichteman then made a motion that the Town Attorney be authorized to coordinate the Towns' defense regarding a separate matter of litigation, Councilman Sherman seconded the motion, motion unanimously carried.

Supervisor Rapp and the Town Board agreed to review the Building Committee meeting minutes of 3/30/16 and minutes of Town Board Workshop & Building Committee meeting of 4/13/2016 at the next Building Committee meeting scheduled for May 11, 2016.

Supervisor Rapp asked for a motion to accept the Town Board meeting minutes of 4/5/2016. Councilman Bichteman made the motion to accept the minutes, seconded by Councilwoman Burnside, motion unanimously carried.

Supervisor Rapp indicated the monthly bills need to be paid and 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 # 122 through Voucher # 164 in the amount of \$82,034.73

Councilman Sherman seconded the motion and a roll call vote resulted as follows:

AYES: Supervisor Rapp, Councilman Sherman, Councilman Bichteman and Councilwoman Burnside

NAYS: None

**RESOLUTION # 20-2016 was thereby duly adopted.**

Supervisor Rapp stated the Town Board received a copy of the Supervisor's Report for the month of March and asked for a motion to accept. Councilman Sherman made a motion to accept the March Supervisor's Report as submitted, Councilman Bichteman seconded the motion, motion unanimously carried.

Supervisor Rapp stated the Town Board received the Town Clerk's April monthly report and asked for a motion to accept. Councilman Sherman made a motion to accept the Town Clerk's April monthly report as submitted, Councilwoman Burnside seconded the motion, motion unanimously carried.

Supervisor Rapp asked Zoning Board of Appeals (ZBA) Chairwoman Virginia Mangold to give a report. Virginia reported the ZBA met 4/25/2016 at 7 PM. The meeting opened with the Pledge of Allegiance and a review and approval of March 28<sup>th</sup> minutes. The first Public Hearing opened for applicant David Rebeor, 40 CR 401, Tax Map #139.9-1-13 for a side line variance to replace a former building with a storage shed. It was reviewed with a motion to approve. A second Public Hearing was opened for applicant John Hancock, 46 Gifford Rd., Tax Map #174.-1-38 for a side line variance for a ground mounted solar array. The ZBA reviewed and answered questions from abutters and made a motion to accept and approve with the following contingency to add an additional 5 ft. to the variance, amounting to a total of 35 ft. Chairwoman Mangold made the following recommendation that the Town Board consider a six month Moratorium on all ground mounted solar array at a Public Hearing on May 25<sup>th</sup>. Attorney Galgay advised the Town Board had previously received a request from the Zoning Board for a six month Moratorium on ground mounted solar panels and solar farms, not roof mounted systems. CT Male has a solar consultant who will give a consultation with Boards for municipalities. ZBA Chairwoman Mangold can contact this individual to come to the meeting. The next ZBA meeting is scheduled for Monday, May 23 at 7PM. Discussion followed with several residents asking questions or giving their opinions on the subject of a moratorium and the yet to be drafted proposed Local Law # 3 of 2016.

Councilman Bichteman made a motion to hold a Public Hearing Wed., May 25, 2016 at 6:30 PM on proposed draft Local Law #3 of 2016 a six month Moratorium on Ground Mounted Solar & Solar Farms. Motion was seconded by Supervisor Rapp and unanimously carried.

Councilman Bichteman made a motion to accept the ZBA report as submitted by Chairwoman Mangold. Motion was seconded by Supervisor Rapp and unanimously carried.

Supervisor Rapp asked Planning Board Chairwoman Dorothy Verch to give a report. Dotty reported on April 26<sup>th</sup> a Public Hearing was held for application #16-002 for a minor subdivision. After closing the Public Hearing, the Board unanimously approved the application for Peter Snyder's Minor Subdivision at 729 Goodfellow Rd. There being no new business the meeting was adjourned.

Immediately following the PB meeting the Broadband Research Committee (BRC) held their first meeting. Present were: Edwin Stevens, Doyle Shaver, & Dotty Verch of the Planning Board and volunteers Eric Markson, Bob Wilcox, Leonard Laub and Michael Sikule. Items relating to the potential line extensions (Mid-Hudson Cable) were discussed. They discussed securing and reviewing the original Franchise Agreement, forming a plan to address the agreement and requesting a full map layout of the Town of Westerlo as it relates to the locations of those served. The next BRC meeting will be May 24<sup>th</sup> following the Planning Board meeting. Councilman Sherman made a motion to accept the Planning Board report, second by Councilman Bichteman, motion unanimously carried.

Supervisor Rapp asked Councilman Bichteman to give a Building Committee report. He reported they discussed floor plans and the various finishes within the rooms and the potential for changing the cellar stairway location. Delaware Engineering has provided the revised floor plan as was discussed and the evaluation for the cost of moving the stairs. The next meeting is May 11<sup>th</sup> at 7:00 PM.

Supervisor Rapp asked Councilman Bichteman to give a Water Board report. He advised there is nothing to report at this time the system is functioning, with exception Local Law #1-2016.

Supervisor Rapp reported Highway Superintendent Keith Wright needs authorization for the expenditure of Highway funds and he made a motion to adopt the following resolution:

WHEREAS: Highway Superintendent Keith Wright Sr. has asked the Town Board for an Agreement for the Expenditure of Highway funds, be it hereby

RESOLVED: the Town Board authorized the expenditure of Highway funds for improvements to Barnside Rd, Lake Rd. and Sunset Rd. in the amount of \$31,000.00.

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

AYES: Supervisor Rapp, Councilman Sherman, Councilwoman Burnside and Councilman Bichteman

NAYS: None

**RESOLUTION # 21-2016 was thereby duly adopted.**

There being no further business Supervisor Rapp opened the meeting to the Public

A resident inquired about the status of speed limit sign on County Route 312. Supervisor Rapp said he hopes to hear something on that shortly.

A resident asked about the vacancy of a Town Board seat. Supervisor Rapp responded to his inquiry indicating it is being looked into appropriately.

Tom Diederich, member of the Westerlo Volunteer Fire Co. informed the Town Board of a Non-profit corporation in the area that would like some support. He is a member of the board of the Hilltown Regional Fire Training Center Corp (HRFTC). The HRFTC recently met with Senator Amedore, County Executive McCoy & Albany County Sheriff Apple and are working on trying to obtain funding to build a fire training center. He reported on the three current aging training facilities owned by other townships and current training requirements plus commute times for classes. This non-profit corp. has been in existence for two years, is recognized by the IRS and NYS Higher Education, there are eleven regional Fire Depts. involved and more Depts. outside of the region. He described the 25 acre property in East Berne (formerly the old East Berne Auto) was purchased by the Berne Fire Co. The HRFTC has signed a 99 year lease on a portion of the property. No grants are available for fixed assets, but they have applied for and are waiting on pending grants for mobile training. They are looking to build a state of the art steel building with special "porcelain type panels" meeting fire standards. To build the building, it would cost no less than \$400,000.00. He asked if the Westerlo Town Board would consider writing a letter of support for the facility which the HRFTC would pass onto Senator Amedore. The Town Board was receptive to the prospect of a fire training center. Councilman Bichteman made a motion that the Town of Westerlo write a letter of support, Councilwoman Burnside seconded the motion, motion unanimously carried.

Claire Ansbro Ingalls a member of the Board of Directors and Dawn Gibson Vice President of Board of Directors of Kenneth's Army spoke next. Kenneth's Army was formed after the 2014 murder of Kenneth White, a child from Berne/Knox area. Last year they held a Motorcycle Run to fund a scholarship in the memory of Kenneth White which was very successful, 197 bikers attended. This year they are holding a 2<sup>nd</sup> Annual Kenneth's Ride on Saturday, June 4, 2016 with the expectation of the number of bikers to double. Registration is at 9 AM at Thacher State Park. Senator Amedore, Albany County Sheriff Craig Apple, American Legion, and 17 confirmed motorcycle clubs to date will be attending. She wanted to make the public aware of the event and she handed out flyers describing the route, fees and activities.

Betty Filkins asked about the possibility of storing Cemetery records at the Town Hall, Supervisor Rapp advised he will do something for them.

A resident thanked the Town for fixing the fence at the Little League Field at the Westerlo Town Park. They will have the first minors team there in about 8 or 9 years.

There being no further comment, Supervisor Rapp asked for a motion to adjourn the meeting. Councilman Sherman made the motion to adjourn, seconded by Councilman Bichtman, motion unanimously carried. Meeting adjourned at 8:52 PM.

Respectfully submitted,

Kathleen Spinnato Town Clerk