

**TOWN OF WESTERLO
PUBLIC HEARING ON LL # 3-2019, LL #4-2019 &
REGULAR TOWN BOARD MEETING
OF
TUESDAY, NOVEMBER 19, 2019**

The Town of Westerlo Town Board held a Public Hearing on both proposed Local Law No 3-2019, Solid Waste Management Code and Local Law #4-2019 Notice of Highway Defects and the Regular Town Board meeting on Tuesday, Nov. 19, 2019 at the Richard Rapp Municipal Building (Town Hall) located at 933 County Route 401, Westerlo, NY. Acting Supervisor William Bichteman, Jr. opened the meeting at 7 PM with the Pledge of Allegiance to the Flag.

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

Also attending were: Highway Superintendent Jody Ostrander and Highway Employee Salvatore Spinnato, Zoning Board of Appeals Chairman John Sefcik and Member Guy Weidman, Town Historian Dennis Fancher, Planning Board Chairperson Dorothy Verch, Library Board of Trustee Members Laura Tenney and Maureen Sikule, Deputy Town Clerk II Karla Weaver, Town Clerk/Tax Collector Kathleen Spinnato and approximately ten (10) residents.

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 3-2019, SOLID WASTE MANAGEMENT CODE

Councilman Boone made a motion to open the Public Hearing, seconded by Councilwoman Burnside, motion carried by those present.

Acting Supervisor Bichteman provided the Town Board with a draft of the Solid Waste Management Code (SWMC) which included previously discussed changes. Councilman Boone indicated that the SWMC committee will work on an application form to present at the December Workshop meeting.

The Town Board addressed questions and concerns from the public regarding; fees, Hannay Reels, haulers, permits, solar panels, hazardous waste and violations.

Attorney Afzali reviewed household hazardous waste and explained that in Section 7B on page 13, "including" should be changed back to "except" or "excluding". Discussion ensued regarding past participation in Household Hazardous Waste Day.

There were no further comments/questions.

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 4-2019, NOTICE OF HIGHWAY DEFECTS

Acting Supervisor Bichteman explained that the proposed Highway Defects law protects the town from actions commenced for damages from alleged defective, out-of-repair, unsafe, dangerous or obstructed condition of any highway, street, bridge, culvert, or crosswalk in the town. Mr. Bichteman indicated he previously completed parts 1 and 2 of the SEQR. The Town is awaiting Albany County Planning Board review and response.

There were no comments/questions.

Councilwoman Burnside made a motion to close the public hearings on both proposed Local Law No. 3 & 4 of 2019, seconded by Councilman Boone. Motion carried by those present.

REGULAR TOWN BOARD MEETING

Councilman Boone made a motion to open the regular Town Board meeting, seconded by Councilman Sherman. Motion carried by those present.

NEXAMP PRESENTATION

Acting Supervisor Bichteman introduced David Wells from Nexamp which took over for Borrego on the Shepard Farm East and West projects. He indicated that Nexamp is looking to provide discounts and advantages to town residents for use of the power generated from these projects.

Mr. Wells explained that Nexamp is not an energy services company nor an agreement to buy energy from the project itself. He explained how the process of the Community Solar works. They do not install any panels at residences or dispose of any solar panels at the transfer station. Community Solar gives residents the chance to participate in solar and help NYS and Central Hudson with their energy saving goals. Nexamp will manage, own and maintain the Shepard Farm projects throughout their life as well as manage the customers who subscribe to those projects. Nexamp is offering Westerlo residents the opportunity to participate with the projects prior to non-residents.

Mr. Wells explained that Nexamp will help determine how much energy residents can sign up for. Nexamp will notify Central Hudson of the resident's participation and make sure the energy credits appear on their bill when the projects begin generating electricity. The savings come from the purchase of energy credits at a discount, basically customers purchase \$1 coupons for \$.90, a 10% savings off their current electric bill. He indicated subscribers will be receiving two bills, one from Central Hudson and one from Nexamp. If residents are interested they may visit Nexamp's website and begin the process online. He answered additional questions from the audience.

The Town Board thanked Mr. Wells for his time and information.

APPROVAL OF MEETING MINUTES

Councilwoman Burnside made a motion to approve the Town Board meeting minutes of Oct. 15th and the Public Hearing & Town Board meeting minutes of Nov. 6th. Seconded by Councilman Sherman, motion carried by those present.

TOWN CLERK & SUPERVISOR MONTHLY REPORTS & PAYMENT OF MONTHLY BILLS

Councilman Boone made a motion to accept the Town Clerk and Supervisor reports both for October 2019 as submitted 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 # 575 through Voucher # 632 in the amount of \$234,789.95.

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

AYES: Councilman Boone, Councilman Sherman, Councilwoman Burnside

NAYES: None

RESOLUTION # 84 -2019 was thereby duly adopted.

OLD BUSINESS

ADOPTION OF LOCAL LAW # 3-2019 SOLID WASTE MANAGEMENT CODE

Councilwoman Burnside made a motion to adopt the following resolution:

WHEREAS: the Town Board of the Town of Westerlo determined that the Town’s local laws, rules and regulations related to solid waste did not adequately provide for the collection, transportation, disposal, management and recycling of solid waste within the Town of Westerlo and directed that a draft local law replacing and replacing all prior rules and regulations be prepared for the Town Board’s consideration;

WHEREAS: the local law was developed with the assistance of the Town’s consultants and was distributed to and reviewed b the Town Board members;

WHEREAS: the local law was referred to the Albany Conty Planning Board, and clerks of the towns of Berne, Greenville, Durham, Coeymans, New Scotland and Rensselaerville and Green County;

WHEREAS: the comments, if any, of the Albany County Planning Board were considered by the Town Board;

WHEREAS: a duly noticed public hearing was held on November 6, 2019 (attached is the newspaper notice of the public hearing) and any public comments were carefully considered by the Town Board members;

WHEREAS: the Town Board is the only involved agency for this unlisted action under NYS Environmental Quality Review Act (SEQRA)- the adoption of a local law regulating solid waste;

NOW THEREFORE BE IT RESOLVED that the Town Board declares itself lead agency pursuant SEQRA for the required environmental review of this action;

BE IT RESOLVED that the Town Board has carefully considered the Environmental Assessment Form (EAF), Parts 1 and 2 prepared to evaluate the proposed local law and hereby adopts the Full EAF attached hereto;

BE IT RESOLVED that the Town Board hereby adopts a negative declaration incorporated therein finding that the adoption of the proposed local law will not have the potential for at least one significant adverse environmental impact and that no Environmental Impact Statement will be prepared

BE IT RESOLVED that the Town Board hereby adopts Local Law No. 3 of 2019, entitled “Solid Waste Management Code” with the correction made to page 13 changing “including” to “excluding” and directs that the SEQRA documentation and the Local Law be filed as required by SEQRA and the NYS Municipal Home Rule Law;

Seconded by Councilman Sherman, motion carried by those present.

AYES: Councilman Boone, Councilman Sherman, Councilwoman Burnside

NAYES: None

ABSENT: Councilman Filkins

RESOLUTION # 85 of 2019 was thereby duly adopted.

EXECUTIVE SESSION

Councilman Boone made a motion for the Town Board, Acting Supervisor and Town Attorney to enter into Executive Session at 8:38pm regarding a legal matter before the Town Board. Seconded by Councilwoman Burnside, motion carried by those present.

Councilman Boone made a motion to end Executive Session and continue with the Town Board meeting at 8:57pm. Seconded by Councilwoman Burnside, motion carried by those present.

APPOINTMENT OF SOLE ASSESSOR

Acting Supervisor Bichteman read a draft resolution for the appointment of a sole assessor with the following conditions:

1. The position is a part time appointment with a starting salary of \$20,000 annually. No health insurance will be provided.
2. The Assessor will be required in addition to duties and responsibilities set forth by the Office of Real Property Tax Services shall to maintain regular hours at the Town Hall Mondays & Wednesdays from 8:30am-11:30am and Thursdays 7pm-9pm. 80% attendance is required.
3. In addition the Assessor will provide the Town Board with quarterly reports and records of activities including listing properties reviewed, assessment adjustments and terms of assessment being negotiated.

Mr. Bichteman requested that the present Town Board members complete a ballot to vote for the candidate they would like to see fill the position of Assessor. Following the completion of the ballot count, Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: There is currently a vacancy for the Sole Assessor position, be it hereby
RESOLVED: The Town Board appoint Justin Maxwell to the position of Sole Assessor for the Town of Westerlo, a six year term expiring September 30th 2025 subject to the conditions listed above.

Seconded by Councilman Boone. A vote resulted as follows:

AYES: Councilman Boone, Councilman Sherman, Councilwoman Burnside

NAYES: None

RESOLUTION # 86 of 2019 was thereby duly adopted.

NEW BUSINESS

NYS BUILDING STANDARDS AND CODES OVERSIGHT UNIT

Mr. Bichteman announced that he and Code Enforcement Officer Jeffry Pine were visited recently by NYS Building & Codes due to a resident complaint which alleged that the building codes in the Town weren't being properly enforced. As a result of the discussion, the Town has been directed to adopt the newest building code and local law to establish a code enforcement program which includes the current edition of the building code (Aug 15, 2018) which the current Zoning Law does not have. The Town Attorney will be working to incorporate the building standard code into the Town's Zoning Law for the Town Board's review by the next workshop meeting. Mr. Bichteman indicated Mr. Pine will be conducting fire safety inspections on commercial buildings within the town and developing an implementation plan for series of safety inspections and improving building permit record keeping. He advised that many other surrounding towns do not have commercial building inspections as part of their program either however NYS is enforcing it in our town due to the complaint. He also indicated there will be additional expenses associated, including the software which was originally a "wish list" item that the CEO requested for the 2020 budget, additional compensation for the CEO and possibly a part time clerk for that office. Mr. Bichteman was informed that the town must comply immediately, therefore Mr. Pine will begin inspections as soon as the Fire and Safety law is passed.

SCHEDULE UPCOMING MEETINGS

The Town Board discussed potential dates for the Public Hearing on proposed Local Law No 5, End of Year meeting and 2020 Organizational meeting. Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: The Town Board must schedule a Public Hearing on proposed Local Law # 5-2019, End of Year meeting to pay bills and schedule an Organizational meeting in January, be it hereby

RESOLVED: The Town Board schedules the Public Hearing on LL # 5 on Dec. 17th at 7pm, End of Year meeting on Dec. 30th at 6:30pm and Organizational meeting on Jan 7th at 7pm.

Seconded by Councilman Boone, a vote resulted as follows:

AYES: Councilman Boone, Councilman Sherman, Councilwoman Burnside

NAYES: None

RESOLUTION # 87 of 2019 was thereby duly adopted.

MONTHLY REPORTS

ZONING BOARD REPORT

Town Board ZBA Report (11/19/19) on the 10/28/19 ZBA Mtg

The ZBA held our regular October meeting, even though we had no old business or scheduled new business.

Jeff Pine, our Code Enforcement Officer and Zoning Administrator, attended the meeting and we discussed our zoning law and different types of zoning situations.

The next ZBA meeting is scheduled for Nov 25 at 7 PM.

*Submitted by
John Sefcik, ZBA Chairman*

PLANNING BOARD REPORT

I was tasked with filling in as chairperson for the October 2019 Planning Board meeting in the absence of Dotty. We only had one item on the agenda, to open the public hearing for the special use permit for a small restaurant/retail space for Mr. Thompson at the old Ketchum's location. Mr. Thompson was not in attendance but we did have some discussion with members of the audience about some of their questions and concerns. Meeting was adjourned until the November 26th Planning board meeting.

No other topics or issues were discussed.

*Respectfully submitted,
Doyle Shaver*

HOMETOWN HEROES COMMITTEE REPORT

Hometown Heroes Committee Chairperson Amie Burnside indicated she was not at the closing ceremony, however indicated it went very well with over 200 people in attendance. She will provide an end of year report. She also announced there is a new banner hanging in the meeting room.

Mrs. Burnside asked the Town Attorney if the Hometown Heroes committee could sell raffle tickets at a future Town Board meeting. He will research and get back to her.

GRANT WRITER REPORT

The Waste Management and Recycling Grant was submitted. I will have a phone conversation with the DEC regarding another recycling grant. The agricultural grant will soon open up and I will be working on that.

Nicole

HISTORIAN REPORT

*Historian's Report
November 19, 2019*

I have been attending the Comprehensive Plan meetings and the changing character of the Town was discussed. I thought I would give a talk about how much has changed in the last 250 years.

From the mid 1700's and forward our area was a dense wilderness but those who settled here, knew that agriculture would be a safe occupation to pursue.

They cleared the land, burned the trees and gathered the ashes & took them to asheries where they were sold or bartered for necessary supplies. Hemlock bark was used for pot ash & lye, used in tanning.

Farm crops include honey, rye, corn, oats, buckwheat & hops, but hay was predominate. The most serious problem a farmer had to contend with was the killing of cattle and sheep by dogs (which roamed at large) and wolves which roamed the forest. In one location, on 402, farmers would cover an old stone quarry with limbs and brush, place bait in the center, trapping the animals and shot as many as they could to protect their herds.

Fruit trees were cultivated with Westerlo being the largest producer of apples in Albany County in 1860.

In the early history of the townships, mills & manufacturing were few. In order to meet the limited needs of the communities, grist & saw mills, blacksmith shops, creameries, tanneries, mercantiles, lye & soap, carding and cloth dressing mills were established.

Modern progress came to the villages when better roads were constructed and automobiles became affordable. Prosperity resulted.

In later years prosperity continued in farming, manufacturing and retail businesses. In 1916, there were 294 farms in the hamlets.

Farm equipment dealers (international Harvester and Allis Chalmers) & 3 automobile dealerships and of course Hannay Reels who has become a large employer in our area.

As automobiles would allow people to travel farther, the competition from other areas resulted in many local businesses to close.

Even a multistate horseradish business called Hi-Praise, founded by the Sowa family and later owned by Mary Costello in the mid 1900's, was no longer viable for the family and it was sold and moved out of our area.

For those families who have lived here 70 or more years, there has been a noticeable change in the landscape caused by farms closing and hayfields growing up to brush and trees. Some fields were sold and homes built.

I have lived on CR 402 all my life and from CR 1 to stop sign at the Bear Swamp Rd, a distance of about 3 ½ miles, what used to be all farm fields, there are now 18 homes that have been built.

MUSEUM REPORT

Museum Director Mary-Jane Araldi left the meeting early and submitted the following report which Councilman Boone read:

*Wreaths Across America campaign for Westerlo Rural Cemetery going well.
Small orange flags have been placed at each veteran's grave with the veteran's name on the flag.
If a family member has sponsored a wreath, the flag has a star on it to alert wreath layers to allow family to place wreath.*

APPROVAL OF REPORTS

Councilman Boone made a motion to accept the Zoning Board, Planning Board, Hometown Heroes Committee, Grant Writer, Historian and Museum reports as submitted. Seconded by Councilwoman Burnside, motion carried by those present.

CREDIT CARD PAYMENTS

Mr. Bichteman advised that the Town Clerks office will be able to accept credit card payments at the beginning of the year for most Town Clerk and Tax Collector transactions.

PUBLIC COMMENT

A resident asked for an update on the records room. Mr. Bichteman mentioned that it is still a ways away from being completed. Town Clerk Spinnato indicated consultants who are being paid through the grant would be assisting the Clerk's office and following the MU-1 schedule for purging records.

Councilman Boone informed that Planning Board Chairperson Verch shared an email with the Board regarding ways NYSDEC is reducing waste.

The Westerlo Vol. Fire Co. informed the Board that they had an incident with #2 Fuel Oil which leaked into the crick by the fire house down toward the Town Park. Luckily a neighbor contacted them early enough that they were able to stop it before it could cause more damage. They are working with DEC to rectify the issue.

With there being no further business to discuss, Councilman Boone made a motion to adjourn the meeting, seconded by Councilwoman Burnside, motion carried by those present. Meeting adjourned at 9:31pm.

Respectfully submitted,

Kathleen Spinnato
Town Clerk