

**TOWN OF WESTERLO  
PUBLIC HEARING ON LL # 1-2020 &  
REGULAR TOWN BOARD MEETING  
OF  
TUESDAY, FEBRUARY 18, 2020**

The Town of Westerlo Town Board held a Public Hearing on the proposed Local Law No 1-2020, Code Enforcement Program and Regular Town Board meeting on Tuesday, Feb. 18, 2020 at the Richard Rapp Municipal Building (Town Hall) located at 933 County Route 401, Westerlo, NY. Supervisor William Bichteman, Jr. opened the meeting at 7 PM with the Pledge of Allegiance to the Flag.

Attending were: Supervisor William F. Bichteman  
Councilman Matthew Kryzak  
Councilman Joseph J. Boone  
Councilman Richard Filkins  
Absent were: Councilwoman Amie L. Burnside

Also attending were: Highway Superintendent Jody Ostrander & Employee Salvatore Spinnato, Zoning Board of Appeals Chairman John Sefcik, Code Enforcement Officer (CEO) Jeffry Pine, Town Historian Dennis Fancher, Planning Board Chairperson Dorothy Verch, Attorney Javid Afzali, Deputy Town Clerk Karla Weaver and approximately nine (9) residents.

**PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 1-2020, CODE ENFORCEMENT PROGRAM**

Councilman Boone made a motion to open the Public Hearing on proposed Local Law No. 1-2020, Code Enforcement Program. Seconded by Councilman Kryzak, motion carried by those present.

Planning Board Chairperson Verch asked if the Zoning Law has changed, Supervisor Bichteman advised that the reference numbers that refer to sections of the state code have been updated for the inclusion of the proposed Code Enforcement Program language. Mrs. Verch believed the Town Board previously discussed changing who could appoint the individual of Acting Code Enforcement Officer (CEO), from the Supervisor to the Town Board. Discussion ensued. Town Attorney Afzali explained that the state law allows an Acting CEO not to have to comply with requirements of state law. The Acting CEO may not be qualified but would be trained, which gives the Town Board time to find someone with the necessary requirements while still being able to conduct business. The possibility of requesting assistance from a neighboring town's CEO was suggested. Attorney Afzali proposed changing the language in Article 7, Sec. 7.10 c to read **"in the event the CEO is unable to serve for any reason, an individual may be appointed by the town Supervisor to act and serve as a temporary CEO to be confirmed by the Town Board"**, the Board agreed.

Zoning Board Chairperson Sefcik questioned the fee for inspection of required improvements (such as driveway or installation of road) of \$250 plus escrow for engineering fees, referring to the fee schedule from May of 2018. Supervisor Bichteman did not believe this applied to inspections of building codes. Mr. Sefcik recommended that the town keep a copy of all the previous versions of the Zoning Law for the Planning and Zoning Boards reference as the sections change over time. Attorney Afzali mentioned that all amendments to the original Zoning Law (LL #1-1989) are listed in Article 22 of the new Zoning Code and if the town needed to do a historical trace, they could.

When asked, CEO Pine indicated that the Town may charge for fire and safety inspections however would not recommend it at this time. Considering it is the first time all of the commercial establishments in town will have to have an inspection, it was suggested that no fees be charged initially.

Mrs. Verch asked if the CEO could submit quarterly reports. Mr. Pine indicated that he could once the new computer software program was in place. Councilman Kryzak advised some information is reported in the Town Clerk's monthly report as well. Mrs. Verch also inquired about the civil penalties fee of \$200 day in section 7.90. She believed that figure had been previously discussed. Supervisor Bichteman indicated that people are not just charged, they are notified and he was in favor of keeping the fee the same. Mr. Afzali explained the process for how penalties are handled.

Mrs. Verch mentioned that Section 9.20 refers to a Zoning Administrator but she believed that position was abolished. Mr. Pine indicated he was given the title of CEO, Zoning Administrator and Building Inspector at the Organizational meeting in January. Councilman Boone advised that the minutes only indicate CEO. To correct the issue, **Mr. Afzali suggested changing the definition of CEO to include Zoning Administrator as they are usually the same person. He also suggested adding a definition for Building Inspector and Zoning Administrator that says "see CEO"**, the Board agreed. Mrs. Verch had additional questions which related to the Zoning Law but not specific to Code Enforcement and Mr. Afzali advised the Town Board would have to schedule a separate public hearing for any amendments to the Zoning Law.

Referring to Section 12.20.2 Councilman Filkins wondered if the Town Hall had a wetlands map, Deputy Clerk Weaver responded there is however it is outdated. Supervisor Bichteman also mentioned that DEC indicates where the wetland areas are and that they are dynamic and change. Mr. Pine advised there are interactive maps available on the Albany County website which he refers to regularly. Discussion continued regarding flood plains.

Supervisor Bichteman completed Part 2 of the SEQR, there are no or small impact issues. He advised that Part 1 had already been completed, declaring the Town as lead agency. (SEQR attached)

With there being no further comments/questions, Councilman Kryzak made a motion to adjourn the Public Hearing. Seconded by Councilman Filkins, motion carried by those present.

#### **REGULAR TOWN BOARD MEETING**

Councilman Filkins made a motion to open the Regular Town Board meeting. Seconded by Councilman Boone, motion carried by those present.

#### **SUPERVISOR, TOWN CLERK & TAX COLLECTOR MONTHLY REPORT**

Councilman Boone made a motion to accept the Supervisor, Town Clerk and Tax Collector's monthly report for January 2020. Seconded by Councilman Kryzak, motion carried by those present.

#### **MEETING MINUTES**

Councilman Boone made a motion to accept the Town Board minutes of 1/21/20 & Workshop minutes of 2/4/20. Councilman Kryzak seconded, motion carried by those present.

Discussion ensued regarding when applications will be accepted for the transfer station permits as well as when it will be implemented. The Deputy Town Clerk indicated the Town Clerk's office would begin accepting applications on April 1<sup>st</sup>. Mr. Bichteman advised implementation will need to be determined.

### **NYCLASS INVESTMENT REPORT**

Supervisor Bichteman advised the Town Board that the NYCLASS account has earned the Town \$559.47 in interest for the month of January. Councilman Kryzak made a motion to accept the NYCLASS report for January. Councilman Boone seconded, motion carried by those present.

### **PAYMENT OF MONTHLY BILLS FOR FEBRUARY 2020**

Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: the Town Board has audited the monthly bills, be it hereby

RESOLVED: the following February 2020 bills be paid Voucher # 31 through Voucher # 92 in the amount of \$313,012.02.

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

AYES: Councilman Boone, Councilman Filkins, Councilman Kryzak, Supervisor Bichteman

NAYES: None

**RESOLUTION # 7 -2020 was thereby duly adopted.**

### **OLD BUSINESS**

#### **LOCAL LAW #1-2020**

Councilman Boone made a motion to adopt the following resolution:

WHEREAS: The Town Board is required to complete a SEQRA review on proposed Local Law # 1- 2020, be it hereby

RESOLVED: the Town Board hereby adopts a negative declaration.

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

AYES: Councilman Boone, Councilman Filkins, Councilman Kryzak, Supervisor Bichteman

NAYES: None

**RESOLUTION # 8 -2020 was thereby duly adopted.**

Councilman Boone made a motion to adopt the following resolution:

WHEREAS: The Town Board of the Town of Westerlo has determined the Zoning Law is inadequate for the proper administration and enforcement of Code Enforcement, be it hereby

RESOLVED: The Town Board adopts Local Law # 1-2020, amending the Town Zoning Law to include the local Code Enforcement Program with the amendments suggested by the Town Attorney during the public hearing.

Councilman Kryzak seconded the motion, a vote resulted as follow:

AYES: Councilman Boone, Councilman Filkins, Councilman Kryzak, Supervisor Bichteman

NAYES: None

**RESOLUTION # 9 -2020 was thereby duly adopted.**

### **PERMA WORKERS COMPENSATION**

Supervisor Bichteman announced that the Town agreed to a 22 month policy with PERMA for a total of \$64,157.00. The total represents the premium for March 2020 through December 2021 and will be paid out of the 2020 budget. He indicated the savings would be approximately \$7,000 from the previous year.

### **TOWN WIDE EMAIL -PROTON MAIL**

Mr. Bichteman mentioned that all town email will be handled through Proton Mail moving forward. The Town Attorney advised that all town correspondence is subject to Freedom of Information Law (FOIL) even if using a personal email. Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town Board requires all employees and officials to use an official town email, be it hereby

RESOLVED: The Town Board selects Proton Mail as the official town email provider for all email correspondence.

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

AYES: Councilman Boone, Councilman Filkins, Councilman Kryzak, Supervisor Bichteman

NAYES: None

**RESOLUTION # 10 -2020 was thereby duly adopted.**

### **NEW BUSINESS**

#### **2020 SHARED SERVICES AGREEMENT -SENIOR BUS**

Supervisor Bichteman mentioned he received the 2020 Senior Bus Agreement which is shared with the Town of Rensselaerville. He advised of the fees of \$0.70/mi for the bus and \$1.40 for the car with a maximum charge of \$6,000/year. Councilman Boone made a motion to adopt the following resolution:

WHEREAS: The Town of Westerlo contracts with the Town of Rensselaerville for a senior bus/car, be it hereby

RESOLVED: The Town Board authorizes the Supervisor to enter into an agreement with the Town of Rensselaerville for the shared senior bus/car service.

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

AYES: Councilman Boone, Councilman Filkins, Councilman Kryzak, Supervisor Bichteman

NAYES: None

**RESOLUTION # 11 -2020 was thereby duly adopted.**

### **INFORMATION TECHNOLOGY POLICY**

The draft Information Technology Policy was discussed. Councilman Boone questioned the section on disciplinary action and Mr. Bichteman advised that the employee handbook addresses disciplinary action. Mrs. Verch wondered who would be in charge of an investigation if one would need to be conducted. Supervisor Bichteman responded there would be a disciplinary hearing. **Councilman Boone made a suggestion for a change on the final page under "Privacy, Monitoring, and Reporting". He suggested adding to the end of the last sentence in the third paragraph "as outlined in Section 408 of the employee handbook", the Town Board agreed.**

ZBA Chairman Sefcik suggested removing the second bullet on page 2 regarding storing Town of Westerlo data on any non-authorized Town of Westerlo equipment. The Town Attorney believed that the personal computers used by town officials and employees are considered authorized but he suggested forwarding all data to Proton Mail as a backup and indicated all final data should be permanently stored at the Town of Westerlo, not on personal computers. Discussion continued. **To address the issue, Attorney Afzali suggested in the "Computer Access and Control" section to replace "IT Systems" to "Electronic Devices" throughout the document and keep the second bullet as is, the Town Board was in agreement.**

**Councilman Boone questioned “line managers” just after the last bullet on page 2. Attorney Afzali suggested changing that to “Department Head”. Mr. Boone also indicated there was a typo on the same page under “Internet and Email Conditions of Use”. The third sentence is missing an “i” for “is”. The Town Board agreed.**

Mrs. Verch questioned the word “individuals”. Attorney Afzali indicated that individuals are defined within the document as not just employees but agents and appointed and elected officials as well.

Councilman Boone made a motion to adopt the following resolution:

WHEREAS: The Town of Westerlo needs a technology policy in place for employee to follow, be it hereby

RESOLVED: The Town Board adopts the Town of Westerlo Information Technology Policy with the agreed upon changes. (Unrevised policy attached)

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

AYES: Councilman Boone, Councilman Filkins, Councilman Kryzak, Supervisor Bichteman

NAYES: None

**RESOLUTION # 12 -2020 was thereby duly adopted.**

#### **PROPOSED CHANGES TO THE EMPLOYEE HANDBOOK**

Supervisor Bichteman suggested the following changes be made to the employee handbook:

1. Signature page should reflect the new Supervisor.
2. Section 407 Code of Ethics- remove the distribution section and insert the entire Code of Ethics.
3. Section 505 Expense Reimbursement Policies- suggested changing the last sentence in the mileage section to read “All required documentation and corresponding receipts must be submitted to the Town Clerk for reimbursement at the end of each month. Receipts over 60 days old are ineligible for reimbursement”.
4. Add Section 514 the Information Technology Policy that was just implemented.
5. Section 702 Overtime Pay- replace “or” to “and” in the middle of the paragraph to read “authorized time worked over 8 hrs in a given workday ~~or~~ and 40 hrs in a given week.
6. Also in Section 702 Overtime Pay. Mr. Bichteman indicated there was previously a question whether it was discriminatory or not to limit the Compensatory time to only the Highway Dept. and he advised it is not. He recommends changing Compensatory Time section to read, “At the discretion of the Highway Superintendent and in lieu of overtime pay, the Highway Department employee’s may request and be granted compensatory time off for overtime hours worked between November 1 and October 15. Compensatory time may accrue to a maximum of 75 hours off and may be taken with consent of the Highway Superintendent commencing April 16. Compensatory time off is not applicable to clerical staff.” He indicated the last sentence “Compensatory time accrued and unused by October 31 will be forfeited” must be stricken as it is illegal.
7. Section 704 Pay Period Check Distribution- change pay week to what we use now. Change the first sentence to read, “The payroll period will begin Monday at 12:01am and end seven calendar days later at Sun 12:00 midnight.”

Councilman Kryzak commented on Compensatory time and mentioned he believed in fairness and treating everyone the same. He would like to see Compensatory time remain the same with it being

available to clerical staff with their Department Heads approval. After a long discussion, Supervisor Bichteman made a motion to adopt the following resolution:

WHEREAS: The employee handbook is in need of revision, be it hereby

RESOLVED: The Town Board authorizes the Supervisor to update the employee handbook with the above changes with the exception of the overtime pay for Compensatory time off which will read "At the discretion of the employee's Department Head and in lieu of overtime pay, an employee may request and be granted compensatory time off for overtime hours worked between November 1 through April 15. Compensatory time may accrue to a maximum of 75 hours off and may be taken with consent of the Department Head commencing April 16.", be it further

RESOLVED: The last sentence, "Compensatory time accrued and unused by Oct. 31 will be forfeited." will be stricken.

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

AYES: Councilman Boone, Councilman Filkins, Councilman Kryzak, Supervisor Bichteman

NAYES: None

**RESOLUTION # 13 -2020 was thereby duly adopted.**

## **PLANNING & ZONING BOARD TRAINING & GUIDELINES**

Supervisor Bichteman provided the Town Board with a draft Policy & Procedure document for both the Planning & Zoning Boards. Planning Board Chairperson Verch asked if the Planning and Zoning Boards would be allowed time to review the documents and report back to the Town Board at the next workshop meeting, the Town Board agreed. The Town Attorney indicated that the documents were created based off of state law requirements and follows open meetings law. He believed the town could potentially face liability without these documents in place.

Supervisor Bichteman spoke with Comprehensive Planner Chuck Voss and Attorney Afzali regarding holding an in house seminar to help improve zoning and planning in the Town of Westerlo. He also recommended that the Planning and Zoning Boards attend some of the Town of Colonie Planning & Zoning Board meetings to gain real world experience. He indicated that with authorization from the Town Board, it could count toward their training hours and their mileage would be reimbursed.

Supervisor Bichteman is looking to form a sub-committee made up of two Town Board members to help improve record keeping policies and procedures for the Planning and Zoning Boards. It was determined that Councilmen Kryzak and Boone will head the sub-committee and will focus on how records will be maintained. They hope to provide a preliminary recommendation for the Town Board at the workshop meeting on April 7<sup>th</sup>.

Councilman Boone made a motion to adopt the following resolution:

WHEREAS: Two members of the Zoning Board attended educational training at the Saratoga County Planning and Zoning Conference on Feb 5<sup>th</sup>, be it hereby

RESOLVED: The Town Board authorizes reimbursement of \$80 ea to Zoning Board Chairman John Sefcik and member Guy Weidman for the registration fee. Councilman Filkins seconded the motion, a vote resulted as follows:

AYES: Councilman Boone, Councilman Filkins, Councilman Kryzak, Supervisor Bichteman

NAYES: None

**RESOLUTION # 14 -2020 was thereby duly adopted.**

## **TOWN WEBSITE**

Supervisor Bichteman mentioned that the current web administrator advised he would be retiring. Mr. Bichteman indicated he is in the process of soliciting proposals for a replacement with the intention that most updates could be done in house.

## **TOWN PARK**

The Town Board tabled planned discussion for the Town Park in the interest of saving time.

## **REPORTS**

### **GRANT WRITER REPORT**

Dr. Nicole Ambrosio was not in attendance but submitted the below report which Supervisor Bichteman paraphrased:

*February 2020 Westerlo Grant Writer Notes*

*Hello All!*

*Time to organize and plan for what we will try for this year.*

- 1. I will resubmit the WIIA grant and look for other funding as usual.*
- 2. I am gathering information on our roll-off truck in order to put the grant in. After speaking with Gus Ribeiro at the State, we can go ahead and apply. The three-year plan only consists of a planned obsolescence schedule that includes replacing containers and other items at the transfer station.*
- 3. I came across the Grant below which has proved to be helpful in other communities. It is awarded through CDTC (Capital District Transportation Committee). They help to research funding sources and information that is integral to grant writing. What they give to the town is research that can be used as in-kind hours for grants. This will help us with all grants. Before we apply, they would like a face-to-face meeting with the Town Supervisor in order to discuss our town's needs and wants. The in-kind match can be my grant writer salary.*

#### ***Community Planning Technical Assistance Program Applications Due April 3, 2020***

The Capital District Regional Planning Commission's (CDRPC) 2019 Community Planning Technical Assistance Program, with support from CDTC, is intended to offer staff time and expertise to local governments undertaking small scale community planning initiatives that resonate with the principles of CDTC's New Visions 2040 Regional Transportation Plan. Send an email to [techassist@CDRPC.org](mailto:techassist@CDRPC.org) for more information.

**Submission Checklist:** ☐ Application Form ☐ Pre-Application Meeting Held ☐ Match Documentation Worksheet ☐ Municipal Commitment Letter

***In-Kind Match*** is a non-cash contribution of value provided by the municipality, organizations, or individuals participating in the project. In-kind match is typically the calculated value of personnel, goods, and services, including direct and indirect costs. The In-Kind Rate for volunteer time must be counted at the following standardized current rate for New York State

[https://www.independentsector.org/volunteer\\_time](https://www.independentsector.org/volunteer_time), unless a justifiable professional rate applies.

For additional information visit the Program webpage at [www.cdtrmpo.org/techassist](http://www.cdtrmpo.org/techassist).

**Eligible Initiatives** *I thought this would help with the comprehensive plan also- If we are looking to put in sidewalks and crosswalks in town for safety – this may help us.*

The program is intended to empower local governments to explore land use and transportation planning issues as they are occurring or in advance of their appearance in the communities served by CDRPC and CDTC. Proposed initiatives must be small in scale and scope, result in a defined product, and in some way relate to the principles of a Quality Region as outlined in CDTC's New Visions 2040 Regional Transportation Plan. Planning initiatives that support New Visions preserve and enhance the Capital Region's existing urban form, infrastructure and quality of place; emphasize livable communities and smart growth; encourage concentrated development patterns and smart economic growth; and protect sensitive environmental resources.

**Conferences and Webinars** – Conferences are free, you just need to register at: <http://www.archives.nysed.gov/workshops>

I remember a discussion about how the Town should go about emails and social media record management, so I have signed up for the following NYS Archive Webinars:

1. Managing Social Media Records (Writer 2020 Series) 2/12/2020 Informative. I have the links for the webinar should anyone want to view it. I also have their workbook which goes along with the webinar

1. Digital Imaging (Writer 2020 Series) 2/25/2020
2. Email Essentials (Writer 2020 Series) 3/11/2020

The CDRPC (Capital District Regional Planning Commission) is having a training on how to use their website to benefit grants with regard to municipalities.

1. I will be attending that conference in Albany on February 21<sup>st</sup>.

### **Signs for Westerlo Town Hall**

*I called Greenville about their school sign and they gave me company they bought it from: Toth's Sports – They don't have a complete price with installation because the footings and brickwork were extra. The company is going to give me a call back, but to date has not called me. I don't know if there are any specific grants for signs, but I am looking. I just wanted to give you some idea of different models and sizes. I called the TV Liquidator company below to see if the price was for one or two sides, and they said that it is per side, which means that you will have to decide on how you want your sign displayed. I have several companies below and pricing information.*

1. Aarco MMLED4872RBA 45 3/4" x 70 1/4" Red LED Marquee Motion Sign System Item: #320920 MFG: #MMLED4872RBA \$4,781.99 without shipping and installation
2. Programmable Outdoor Full color led sign 3' X 6' (40" X 72") P16 MM LED DISPLAY

\$3,959.01 Free shipping in US **LED Sign City**

Display messages in 1 and 2 lines. 4 lines on 36" high sizes. Display hundreds of messages and images still, rotating or scrolling. It's easy with our wireless remote control keyboard. [Call 888-885-7740](tel:888-885-7740)

[www.tvliquidator.com](http://www.tvliquidator.com)



**69”X36” multicolor – programmable – scrolling \$2,185      Free Shipping    Educate and inform your city. We sell thousands of LED signs to government agencies like fire departments, USPS, city halls, military bases, airports, hospitals, parks etc.**

*Happy Valentine’s Day to All!      Nicole*

## **ZONING BOARD REPORT**

Chairperson Sefcik submitted and read the following report:

*Town Board ZBA Report (for 2/18/20) .... on the 1/27/20 ZBA Mtg*

*We held our regularly scheduled ZBA meeting in January, even though we had no open applications in either old or new business. We met for over an hour, discussing various aspects of our zoning law as well as 2020 educational requirements. It is likely that I will ask next month for approval for 2 newer members to attend the Capital District Regional Planning Commission Government Workshop in May at HVCC.*

*Our next meeting is February 24<sup>th</sup>, and we do have a new area variance application.*

*Submitted by*

*John Sefcik, ZBA Chairman*

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*Request for Town Board approval for education credit for attendance at the Saratoga Country Planning and Zoning Conference on Feb 5<sup>th</sup>:*

- *Guy Weidman – 6 hrs*
- *John Sefcik – 6 hrs*
- *Jill Henck – 2 hrs (was also working the CDRPC booth)*

*Request for Town Board approval for registration for attending the Saratoga Country Planning and Zoning Conference on Feb 5<sup>th</sup>:*

- *Guy Weidman - \$80*
- *John Sefcik - \$80 (not submitting mileage)*

Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS:      Three (3) Zoning Board members attended training at the Saratoga County Planning and Zoning Board Conference on Feb. 5<sup>th</sup>, be it hereby  
RESOLVED:      The Town Board approve 6 training hours for both John Sefcik and Guy Weidman and 2 training hours for Jill Henck.

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

AYES:      Councilman Boone, Councilman Filkins, Councilman Kryzak, Supervisor Bichteman

NAYES: None

**RESOLUTION # 15 -2020 was thereby duly adopted.**

## **HISTORIAN, PLANNING BOARD, BROADBAND RESEARCH COMMITTEE (BRC), MUSEUM & HOMETOWN HERO REPORTS**

No reports submitted.

## **ACCEPTANCE OF REPORTS**

Councilman Boone made a motion to accept the Grant Writer and ZBA reports as submitted.

Councilman Kryzak seconded, motion carried by those present.

**PUBLIC COMMENT**

None

**ADJOURN TOWN BOARD MEETING**

Councilman Kryzak made a motion to adjourn the Town Board meeting. Councilman Boone seconded, motion carried by those present. Meeting adjourned at 10:00pm.

Respectfully submitted,

Karla Weaver  
Deputy Town Clerk

## Short Environmental Assessment Form

### Part 1 - Project Information

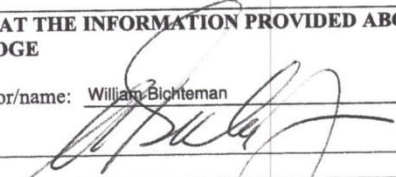
#### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Local Law incorporating NYS Uniform Fire Prevention and Building Code and the State Energy Construction Code in the Town of Westerlo, N.Y.			
Project Location (describe, and attach a location map): Town of Westerlo, New York			
Brief Description of Proposed Action: Local Law incorporating NYS Uniform Fire Prevention and Building Code and the State Energy Construction Code in the Town of Westerlo, N.Y. Local Law is adopted pursuant to Section 10 of the Municipal Home Rule Law.			
Name of Applicant or Sponsor: Town of Westerlo		Telephone: (518) 797-3111 E-Mail: Supervisor@townofwesterlony.com	
Address: PO Box 148, 933 County Route 401			
City/PO: Westerlo		State: New York	Zip Code: 12193
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: 5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input type="checkbox"/>	YES <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor/name: <u>William Bichteman</u> Date: <u>December 20, 2019</u> Signature: <u></u> Title: <u>Supervisor</u>		

**PRINT FORM**

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Agency Use Only [If applicable]

Project: LL1-2020

Date:

*Bulldog Code*

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**PRINT FORM**

Page 1 of 2

SEAF 2019

Project: \_\_\_\_\_  
 Date: \_\_\_\_\_

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Westerlo, New York	February 18, 2020
Name of Lead Agency	Date
William Bichteman	Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

## **Town of Westerlo Information Technology Policy**

### **Applicability**

This Information Technology Policy applies to all Town of Westerlo employees, elected or appointed officials, contractors, agents, and any other individual authorized to use Town Electronic Devices or Networks (hereafter referred to as 'individuals'). This Policy covers:

- The security and use of all Town of Westerlo equipment, including computers, laptops, mobile devices, information storage devices (such as USB memory sticks, or CDs/DVDs), telephones (mobile or land lines), and other Town owned information technology equipment (hereinafter "Electronic Devices").
- The use of Town email, internet, voice and mobile networks, and IT and information communications facilities operated by Town of Westerlo or on its behalf (hereinafter "Town Networks").
- To all information, in whatever form, relating to Town of Westerlo business activities, and to all information handled by Town of Westerlo relating to other organizations with whom it deals.

### **Computer Access Control- Individual's Responsibility**

Access to the Town of Westerlo IT systems is controlled by the use of individual user credentials (User ID), passwords and/or tokens. All User IDs and passwords are to be uniquely assigned to named individuals and consequently, individuals are accountable for all actions on the Town of Westerlo IT systems.

#### **Individuals Must Not:**

- Allow anyone else to use their user ID/token and password on any Town of Westerlo IT system.
- Leave their user accounts logged in at an unattended and unlocked computer.
- Use someone else's user ID and password to access Town of Westerlo IT systems.
- Leave their password unprotected (for example, writing it down).
- Perform any unauthorized changes to Town of Westerlo IT systems or information.
- Attempt to access data that they are not authorized to use or access.
- Exceed the limits of their authorization or specific business need to interrogate the system or data.



- Connect any Non-Town of Westerlo authorized device to the Town of Westerlo network or IT systems.
- Store Town of Westerlo data on any non-authorized Town of Westerlo equipment.
- Give or transfer Town of Westerlo data or software to any person or organization outside Town of Westerlo without the authority of Town of Westerlo.

Line managers must ensure that individuals are given clear direction on the extent and limits of their authority with regard to IT systems and data.

#### **Internet and Email Conditions of Use**

Use of Town of Westerlo internet and email is intended for Town business. Personal use of Town email is not authorized. Personal use of Town internet is permitted where such use does not affect the individual's business performance, is not detrimental to Town of Westerlo in any way, not in breach of any term and condition of employment and does not place the individual or Town of Westerlo in breach of statutory or other legal obligations.

All individuals are accountable for their actions on the internet and email systems.

#### **Individuals Must Not:**

- Use the internet or email for the purposes of harassment or abuse.
- Use profanity, obscenities, or derogatory remarks in communications.
- Access, download, send or receive any data (including images), which Town of Westerlo considers offensive in any way, including sexually explicit, discriminatory, defamatory or libelous material.
- Use the internet or email to make personal gains or conduct a personal business.
- Use the internet or email to gamble.
- Use the email systems in a way that could affect its reliability or effectiveness, for example distributing chain letters or spam.
- Place any information on the Internet that relates to Town of Westerlo, alter any information about it, or express any opinion about Town of Westerlo, unless they are specifically authorized to do this.
- Send unprotected sensitive or confidential information externally.
- Forward Town of Westerlo mail to personal Non-Town of Westerlo email accounts (for example, a personal Hotmail account).
- Make official commitments through the internet or email on behalf of Town of Westerlo unless authorized to do so.

- Download copyrighted material such as music media (MP3) files, film and video files (not an exhaustive list) without appropriate approval.
- In any way infringe any copyright, database rights, trademarks or other intellectual property.
- Download any software from the internet without prior approval of the IT Department.
- Connect Town of Westerlo devices to the internet using non-standard connections.

#### **Clear Desk and Clear Screen Policy**

In order to reduce the risk of unauthorized access or loss of information, Town of Westerlo enforces a clear desk and screen policy as follows:

- Personal or confidential business information must be protected using security features provided (for example, secure print on printers).
- Computers must be logged off/locked or protected with a screen locking mechanism controlled by a password when unattended.
- Care must be taken to not leave confidential material on printers or photocopiers.
- All business-related printed matter must be disposed of using confidential waste bins or shredders.

#### **Working Off-Site**

Town laptops and mobile devices may be used off-site under the following conditions:

- The individual is solely responsible for all damage or loss to the device under the individual's possession or custody incurred while used off-site.
- The individual must sign a written acknowledgment and receipt for Town electronic devices to be removed from Town property. Such receipt will include the Town's Remote Working Policy and will remain on file with the Town until the device is returned.

#### **Mobile Storage Devices**

Mobile devices such as memory sticks, CDs, DVDs and removable hard drives must be used only in situations when network connectivity is unavailable or there is no other secure method of transferring data. Only Town of Westerlo authorized mobile storage devices with encryption enabled must be used, when transferring sensitive or confidential data.

## **Software**

Individuals must use only software that is authorized by Town of Westerlo on Town of Westerlo computers. Authorized software must be used in accordance with the software suppliers licensing agreements. All software on Town of Westerlo computers must be approved and installed by the Town of Westerlo IT department. Individuals may not store files such as music, video, photographs or games on Town of Westerlo IT equipment.

## **Viruses**

The IT department has implemented centralized, automated virus detection and virus software updates within the Town of Westerlo. All PCs have antivirus software installed to detect and remove any virus automatically. Individuals may not remove or disable anti-virus software, or remove virus-infected files or clean up an infection, other than by the use of approved Town of Westerlo anti-virus software and procedures.

## **Telephony (Voice) Equipment Conditions of Use**

Use of Town of Westerlo voice equipment is intended for business use. Individuals must not use Town of Westerlo voice facilities for sending or receiving private communications on personal matters, except in exceptional circumstances. All non-urgent personal communications should be made at an individual's own expense using alternative means of communications.

### **Individuals Must Not:**

- Use Town of Westerlo voice for conducting private business.
- Make hoax or threatening calls to internal or external destinations.
- Accept reverse charge calls from domestic or international operators, unless it is for business use.

## **Actions upon Termination of Contract**

All Town of Westerlo Electronic Devices must be returned to Town of Westerlo at termination of contract.

All Town of Westerlo data or intellectual property developed or gained during the period of employment remains the property of Town of Westerlo and must not be retained beyond termination or reused for any other purpose.

## **Use of Social Media**

The use of public social media sites to promote Town of Westerlo activities requires written pre-approval from the Supervisor, Town of Westerlo. Approval is at the discretion of the Supervisor and may be granted upon demonstration of a business



need, and a review and approval of service agreement terms by the Town Attorney. Final approval by the Supervisor should define the scope of the approved activity, including, but not limited to, identifying approved users.

Unless specifically authorized by the Town Board, the use of the Town of Westerlo email addresses on public social media sites is prohibited. In instances where users access social media sites on their own time utilizing personal resources, they must remain sensitive to expectations that they will conduct themselves in a responsible, professional, and secure manner with regard to references to the Town of Westerlo and Town of Westerlo staff.

### **Privacy, Monitoring, and Reporting**

All data that is created, transmitted, or stored on Town of Westerlo Electronic Devices is the property of Town of Westerlo. All data that is created, transmitted, or stored on Town networks, internet or email is the property of Town of Westerlo. There shall be no expectation of privacy for any data or information that is created, transmitted, or stored Town Electronic Devices, networks, internet or email.

Town of Westerlo may, in compliance with all applicable law, monitor activity on its networks, internet, email, or Electronic Devices in order to ensure systems security and effective operation, and to protect against misuse.

All breaches of information security policies will be investigated. Where investigations reveal misconduct, disciplinary action may follow in line with Town of Westerlo disciplinary procedures.

Individuals must report suspected breaches of the Town Security Policy without delay to management, the IT department, or Town Supervisor.

### **Effective Date**

This Information Technology Policy is effective as of February \_\_, 2020 by resolution of the Town Board.

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**Kathleen Spinnato, Town Clerk**