

**TOWN OF WESTERLO
TOWN BOARD MEETING
OF
TUESDAY, JUNE 1, 2021**

The Town of Westerlo Town Board held a Public Hearing, Special Town Board and Workshop meeting on Tuesday, June 1, 2021 via Zoom # 91571318179. Supervisor William Bichteman Jr. opened the meeting at 7:06 PM with the Pledge of Allegiance to the Flag.

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

Also attending were: Planning Board Chairperson Dorothy Verch, Comprehensive Plan Committee member John Sefcik, Town Attorney Javid Afzali, Town Clerk Karla Weaver and approximately four residents.

PUBLIC HEARING

Councilman Kryzak made a motion to open the Public Hearing regarding the Community Development Block Grant (CDBG). Councilman Filkins seconded; all in favor motion carried. Supervisor Bichteman read the following:

The purpose of this hearing is to receive public comments on the Town of Westerlo community development needs, and to discuss the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2021 program year. The CDBG program is administered by the New York State Office of Community Renewal (OCR), and will make available to eligible local governments funding amounts as listed in current NOFA for the 2021 program year for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefitting low/moderate income persons. The hearing will provide further information about the CDBG program and will allow for participation in the development of any proposed grant applications and/or to provide technical assistance to develop alternate proposals. Comments on the CDBG program or proposed project(s) will be received at this time. The hearing is being conducted pursuant to Section 570.486, Subpart 1 of the CFR and in compliance with the requirements of the Housing and Community Development Act of 1974, as amended.

The Town intends to apply for a Grant under the "Urgent Community Development Needs" which appears to be the exception to the Low or Medium Income (LMI) criteria normally employed for qualification. The Grant would be used to fund the mitigation of the Town of Westerlo, Water District #1, BromoMethane contamination problem. The mitigation project is valued at an estimated \$250,000. The Mitigation qualifies as a "Public Infrastructure" improvement with ancillary activities limited to 10% of the Grant amount. Application submission opened May 10th and applications must be received not later than 4:00PM, July 30, 2021.

Mr. Bichteman mentioned that the bromomethane issue requires immediate assistance and can be classified as an emergency. Mr. Bichteman indicated the Town meets the requirements and with the Town Board's consent he will apply. The maximum amount the Town would need to kick in is 25%, which is \$62,500. He indicated that at some point the Town may need to kick in some money to assist with the bromomethane situation. Discussion continued.

Councilman Boone indicated the Town Board has an obligation to the Town and that options should be investigated.

The Supervisor advised that part of the funds from the recovery act money could be applied to the bromomethane issue.

Councilman Kryzak made a motion to end the Public Hearing. Councilwoman Burnside seconded; all in favor motion carried.

SPECIAL TOWN BOARD MEETING

Councilman Boone made a motion to open the Special Town Board meeting at 7:29pm. Councilman Kryzak seconded; all in favor motion carried.

APPLICATION FOR GRANT FUNDING

Councilman Kryzak made a motion to open the application for grant funding through CDBG. Councilman Filkins seconded; all in favor motion carried.

IT BACKUP

Following the pipeline issue when the petroleum pipeline was interrupted for hacking, the question was posed by the Town's IT company if the Town was adequately protected. If hit by a crypto virus, the Town would recover but it would take roughly a few days. If we move to the ACRONIS system which is an image-based backup system, the IT company would be able to restore the system to hardware in the event of an emergency. ACRONIS has a secured I-cloud backup for better all-around protection. The system does however have a monthly recurring fee of \$140 and a one-time hardware setup fee of \$1,541. It is expected to cost roughly \$2,381 through December 2021. The Town Board agreed to table for now and discuss for next year's budget.

HERITAGE MUSEUM FORMATION

The Town Board discussed the draft resolution for the formation of the Heritage Museum. Councilman Kryzak believed more language was needed in the draft resolution regarding the removal of a Trustee member. Councilman Kryzak offered to come up with other language and will provide to Supervisor Bichteman by email. Attorney Afzali indicated they mirrored what is done with the Planning and Zoning Boards.

Councilman Boone asked for clarity between the two positions of Museum Director and Museum Curator. Councilman Kryzak understood that the Director and Chairperson is one of the same. Mr. Bichteman indicated that the Museum would operate similar to the library, where they would be given their budget and be in charge of their own checkbook and purchases. Councilman Kryzak inquired about compensation in \$10; Supervisor Bichteman mentioned that he believed the Museum would submit their budget and decide who would be compensated.

Councilman Boone questioned §4 if the word "alternate" before members should be removed. Supervisor Bichteman believed that the members of the Museum and Historical Society should be the same.

Councilwoman Burnside inquired if the meeting on the 15th was a regular Town Board meeting and if that would be Supervisor Bichteman's last meeting; Mr. Bichteman responded that he originally planned on staying through the 30th. Mrs. Burnside mentioned that Board of Elections has already notified people that his last day is the 16th. Councilman Kryzak advised this should be discussed during executive session.

CONTRACTING CAPITAL IMPROVEMENT

Supervisor Bichteman discussed the crumbling stairs at the north entrance of the Town Hall, replacement of the front entrance to include a handicap ramp and replacement of the rear steps. Initially Jim Loux was hired on an hourly basis however he has since resigned. The Town is currently without someone to fill that position and needs to hire someone else who has the experience to complete the work either as an employee of the Town or contract it out. The Supervisor indicated the engineer drawings have been received for the stairs. Discussion continued.

Mrs. Verch inquired how much money was budgeted for the steps; Mr. Bichteman responded \$66,000 and total spent so far prior to getting the bill from Trinity Construction is around \$1,500. He advised that Trinity was called because Jim Loux could not remove the steps and the Town has a contract with Trinity for any and all contract work. Councilman Filkins asked if Mr. Bichteman would get three bids if work had to be contracted out; he indicated he would.

Mrs. Verch wondered if a camera would be placed at the north entrance of the Town Hall; Supervisor Bichteman indicated no. Councilman Kryzak mentioned that the Town Board put in as many cameras as they could with the budget. Future budgets could include additional cameras at the Town Hall, Highway Garage and Transfer Station.

FREESE HOUSE

Mr. Bichteman mentioned the home in the hamlet previously owned by Mr. Freese has been vacant since his passing. It hasn't been maintained and although it hasn't been foreclosed as of yet, the real estate taxes are in arrears. The inspection report provided by the Code Enforcement Officer revealed that the house is not secure from entry, two doors are open, major damage to the roof leaving the interior exposed to elements and there is concern that the chimney may not be able to stand under windy conditions. In time, the roof will fail. The building is unsafe per the unsafe structure law, LL #1-2012 which provides the Town with various methods to deal with unsafe structures. If the building gets knocked down it creates two problems; the Town will lose the structure as a part of the tax base and the water district loses another customer. The Town Attorney advised Mr. Bichteman that the Town can actually develop that property for sale however, costs have not been investigated yet. There is enough property that the parcel could maintain its own septic system. The Town Board discussed possible options. The Supervisor will prepare a resolution for June 15th Town Board meeting regarding the next steps.

SCHEDULING PUBLIC HEARINGS FOR PROPOSED ZONING LAW CHANGES & DRAFT COMPREHENSIVE PLAN

The only sense of urgency that applies to the Comprehensive Plan is the fact that it is a pre-requisite to changing the renewable energy section of the zoning. Attorney Afzali mentioned that the issue is the moratorium on renewable energy which is due to expire soon. Mr. Afzali indicated that best practice says if contemplating a new Comprehensive Plan, pass the Plan and amend the zoning law, solar facility law, wind energy and battery laws. While that is the preferred method, there is nothing prohibiting the Town from passing the zoning laws for solar facility, wind energy and battery knowing that it is generally consistent with the proposed Comprehensive Plan and that should the Plan result in substantial changes after a public hearing and after actual adoption, the Town Board may need to go back and amend the solar facilities laws. There is no rush but ideally you want a Comprehensive Plan in place and because the Town has certain limitations with the moratorium, will need to work on it quickly. If the Board is ok with moving forward with the proposed local laws for the renewable energies, then can handle the Comprehensive Plan after and if there is work needed to make them consistent, tackle that at the end. Mr. Bichteman mentioned that the committee is very close to having the draft zoning changes done after tomorrow night's meeting. They will have something that can easily be put into a formal resolution for consideration for a public hearing which takes the urgency off of the proposed Comprehensive Plan. The Town has already reviewed the segments

of the Plan as it pertains to the renewable energy; he doesn't recall any comments on that section, therefore believes they are safe moving forward with the proposed zoning changes.

Previous Comprehensive Plan member Barbara Russell expressed concern for solar in the Town of Westerlo and emailed the Town Board a document today that solar is not the answer in NYS. Discussion continued.

The Town Attorney advised that there is nothing prohibiting the Town Board from extending the moratorium however he cautioned that the justification for doing so should be rock solid. In the event someone is waiting to submit an application and it has been extended a couple of times, the Town Board is going to want to have sufficient support explaining the rationale for why it is taking so long if the extension gets sued. Mr. Afzali mentioned there is no hard fast rule for how many times you can push out the moratorium so long as each extension is based on rational reasoning. The Town Board would determine those reasons and then would be reviewed by the attorney.

Supervisor Bichteman believed that the proposed zoning law changes that have been prepared are very comprehensive, it doesn't say no, but there are many reasons to protect views, areas and environment and plenty of information to help the Planning Board to make an objective decision. He would like to schedule the date for the Public Hearing now. He explained that the document replaces the previous zoning law and is broken out into three sections, each section is roughly 20 pages. The document will not be available until after tomorrow evening.

Councilman Filkins mentioned that if the Town wants to have anything advertised on the sign board at the Fire Co. it needs to go before their Board for permission.

Supervisor Bichteman hoped that the proposed documents would be available before the end of the week and posted on the Town's website. Councilman Boone commented on residents making an effort to learn what is going on in town. The Town Board discussed posting meeting video to the website to help residents to stay informed. Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town Board needs to schedule a public hearing regarding proposed zoning law changes for the renewable energy section on solar, wind and battery, be it hereby
RESOLVED: The Town Board schedules a Public Hearing for proposed Local Law No. 1 of 2021 for June 15th prior to the regularly scheduled Town Board meeting at 7pm. The meeting will be held in person at the Westerlo Town Park and the proposed documents will be available on the Town website and in the Town Clerk's office.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 58 of 2021 was thereby duly adopted.

Supervisor Bichteman mentioned that he spoke with Chuck Voss from Barton & Loguidice (B&L) who advised that they are meeting tomorrow night to put the final touches on the draft Comprehensive Plan document. Mr. Bichteman suggested that they make the changes prior to being sent to the Town Board however advised B&L that this needs to be wrapped up as there is no more money in the budget. The committee will be discharged after. It was mentioned that there will probably be many public hearings and copies of the draft will be made available at the Town Clerk's office, Library and on the Town's website. Potential dates were discussed for the public hearing. Barbara Russell expressed concern regarding the renewable section of the plan. Councilwoman Burnside made a motion to adopt the following resolution:

- WHEREAS:** The Town Board needs to schedule a Public Hearing regarding the proposed Comprehensive Plan, be it hereby
- RESOLVED:** The Town Board schedules a Public Hearing for the proposed draft Comprehensive Plan on July 20th prior to the regularly scheduled Town Board meeting at 7pm. The meeting will be held in person at the Westerlo Town Park. The Proposed documents will be available on the Town website and in the Town Clerk's office and Library.

Councilman Filkins seconded; a vote resulted as follows:

AYES: Councilman Kryzak, Councilwoman Burnside, Councilman Filkins

ABSTAIN: Councilman Boone

NAYS: Supervisor Bichteman

RESOLUTION # 59 of 2021 was thereby duly adopted.

DECOMMISSIONING BOND FROM BORREGO SOLAR

Supervisor Bichteman mentioned he received a notice from Borrego regarding the decommissioning bond and the Town Attorney is preparing an obligatory letter. NEXAMP is recalling the decommissioning bond and will be providing another in its place when the Town sends the letter. He also advised that the Town received a non-renewal notice from Clean Energy Collective that the insurance will not be renewed in September. Councilman Kryzak asked if the new decommissioning bond would be in place before they withdraw the current one; Supervisor Bichteman indicated he is unsure if there is anything in the rules that says that but without it, they can shut it down. Attorney Afzali mentioned that the letter is notice that in 45 days the policy will no longer be in effect triggering a 45-day period for the new owners to make sure there is a policy in place. Permits could get pulled and violations could go out if no other policies come into place.

EXECUTIVE SESSION

With their being no further business to discuss or public comments, Councilman Kryzak made a motion to enter into executive session at 9:45pm for the purpose of discussing Assessor and Planning Board appointments. Councilman Boone seconded; all in favor motion carried.

Councilman Kryzak made a motion to end executive session at 10:23pm. Councilman Filkins seconded; all in favor motion carried.

ADJOURNMENT OF MEETING

Councilman Filkins made a motion to close the meeting. Councilwoman Burnside seconded; all in favor motion carried. Meeting adjourned at 10:23pm.

Respectfully Submitted,

Karla J. Weaver
Town Clerk