

TOWN OF WESTERLO
PUBLIC HEARING FOR A PROPOSED LOCAL LAW REPEALING AND REPLACING LOCAL LAW 1 OF 2019 TITLED
“COMMERCIAL SOLAR ENERGY SYSTEMS” A LOCAL LAW TITLED BATTERY STORAGE SYSTEMS AND WIND
ENERGY SYSTEM LOCAL LAWS
&
TOWN BOARD MEETING
OF
TUESDAY, JUNE 15, 2021

The Town of Westerlo Town Board held a Public Hearing and Town Board meeting on Tuesday, June 15, 2021 at the Town of Westerlo Town Park located at 950 County Route 401, Westerlo, NY 12193. Supervisor William Bichteman Jr. opened the meeting at 7:00 PM with the Pledge of Allegiance to the Flag.

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

Also attending were: Planning Board Chairperson Dorothy Verch and member Edwin Stevens, ZBA member Guy Weidman, Town Attorney Javid Afzali, Broadband Research Committee (BRC) member Leonard Laub, Highway Superintendent Jody Ostrander, Highway Employees Justin Case, Salvatore Spinnato and John Nevins, Town Clerk Karla Weaver and approximately 23 residents.

PUBLIC HEARING

Councilman Kryzak made a motion to open the Public Hearing at 7:00pm on a proposed Local Law (A Local Law Repealing and Replacing Local Law 1 of 2019 titled “Commercial Solar Energy Systems”, a Local Law titled Battery Storage Systems and Wind Energy Systems Local Law). Councilwoman Burnside seconded; motion carried by those present.

The Town Board heard comments from the public. Some items discussed are as follows:

- Councilman Kryzak clarified that the zoning being discussed is based off of the new renewable section of the proposed new Comprehensive Plan.
- A resident didn’t see a definition for Commercial or Residential in any of the documents
- Guy Weidman from the ZBA suggested reviewing the 400 sq ft as stated on page 5 (ix) of the draft Commercial Solar Energy Systems law.
- John Sefcik sent an email to Mr. Bichteman regarding the nonconforming lot language as stated throughout the document. Mr. Bichteman suggests removing those sentences completely from each as it creates confusion.
- Mr. Bichteman believed (12, a) on page 8 should be eliminated.
- A resident wondered if the Battery Energy Storage Systems document will include what kind of batteries will and will not be allowed.
- It was suggested to add or change Commercial Solar Energy Systems to read “commercial/utility” or just “utility” on page 1, definition 3.
- It was recommended that definitions be the same throughout all documents.
- A resident suggested that the Town Board create a law that says prohibits solar allowing time for the Comprehensive Plan to be properly evaluated.

The Supervisor indicated he is going to request to hold the public hearing sooner on the Comprehensive Plan, mentioning it is a month wasted.

Councilman Kryzak made a motion to adjourn the public hearing at 8:04pm. Councilwoman Burnside seconded; motion carried by those present.

REGULAR TOWN BOARD MEETING

Councilwoman Burnside made a motion to open the Regular Town Board meeting at 8:04pm. Councilman Kryzak seconded; motion carried by those present.

TOWN BOARD MEETING MINUTES

Supervisor Bichteman mentioned there is a typographical error on page 4 of the June 1st minutes. It should read "Mr. Afzali mentioned there is no hard ~~pass~~ fast rule for how many times you can push out the moratorium so long as each extension is based on rational reasoning.". Councilman Boone also advised he made no vote for Resolution # 59 when scheduling the public hearing for the Comprehensive Plan and the minutes need to reflect that. Supervisor Bichteman made a motion to approve the minutes of 5/18/21 & 6/1/21 with corrections. Councilman Kryzak seconded; motion carried by those present.

TOWN CLERK REPORT (MAY)

Councilman Kryzak made a motion to approve the Town Clerk's report for May 2021. Councilwoman Burnside seconded; motion carried by those present.

PAYMENT OF MONTHLY BILLS (JUNE)

Councilman Boone asked for more clarification on the Barton and Loguidice (B&L) bill, wondering if it covers all the work done with the solar code and Comprehensive Plan. Councilwoman Burnside mentioned an additional invoice came in today for \$2,330.00. Mr. Bichteman had asked Mr. Voss from B&L for pricing going forward for the Town Board to assemble any changes from the draft Comprehensive Plan for B&L to put into a final format, for B&L to attend two more meetings with the Town Board to restructure any language, for attending the final public hearing and for printing the final document. Supervisor Bichteman made a motion to adopt the following resolution:

- WHEREAS:** the Town Board has audited the monthly bills, be it hereby
RESOLVED: the following June bills be paid Voucher # 231 through Voucher # 287 in the amount of \$168,502.18 however requesting from B&L a more detailed invoice for Voucher # 244.

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

- AYES: Councilman Boone, Councilman Kryzak, Councilwoman Burnside,
and Supervisor Bichteman
NAYS: None

RESOLUTION # 60 - 2021 was thereby duly adopted.

INVESTMENT REPORT (MAY)

The Bank of Greene Co. earned a total of \$248.28 in interest. No interest was earned with NYCLASS. Councilman Boone made a motion to accept the investment report for May. Councilman Kryzak seconded; motion carried by those present.

SUPERVISOR'S REPORT (APRIL/MAY)

Councilman Kryzak had a question regarding his copy of the Supervisor's report; his numbers were not the same as other Board members. Councilman Kryzak made a motion to approve the Supervisor's report for May. Councilman Boone seconded; motion carried by those present.

OLD BUSINESS

AMERICAN RESCUE PLAN

The Supervisor reported he hasn't received any new information, still does not know the exact amount of money the Town may get or how the money can be spent.

FREESE HOUSE-ENGINEERING REPORT

The Town has a law to deal with unsafe buildings and Mr. Bichteman has asked Code Enforcement Officer Jeff Pine to write a letter that the Freese house on SR 143 with the roof falling in is in poor condition. Mr. Pine has asked for clarification on whether or not he is entitled to make that classification or if he needs to have an engineer involved to do that. Mr. Pine believes the Town's engineer can do the basic drive by, provide their recommendations and a letter saying it is in the condition it is so the Town can start the process with the county. Supervisor Bichteman asked for the Town Board to authorize spending part of the engineer budget to hire Ingalls Engineer, discussion continued. The county will not do anything until the Town provides them a letter saying the building is condemned. Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: The Freese parcel located within the hamlet at 578 SR 143 is potentially unsafe, be it hereby

RESOLVED: The Town Board authorize the Supervisor to spend part of the engineer budget to have Ingalls Engineer do an evaluation of the property for public safety, with an amount not to exceed \$500.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 61 - 2021 was thereby duly adopted.

Attorney Afzali explained that the money spent on the engineer is recoverable. Section 10 of Local Law 1 of 2012, the Unsafe Buildings Law, the town is allowed to charge as an additional or special assessment against the property, any fees, expenses or costs enacted to deal with the unsafe building which gets levied as a tax against the property. The county must sell that property and if monies are leftover, that money goes back to the town and more likely than not, the county will give the property back to the town.

COMMUNITY PROJECT FUNDING & NYS CDBG CARES GRANTS PROGRESS REPORT

Mr. Bichteman mentioned Congressman Tonko visited the town recently to discuss the possibility of receiving a grant for broadband throughout the town. Although there is no guarantee, Supervisor Bichteman believed Mr. Tonko will put in his best effort for getting it for the town.

Mr. Bichteman gave an update on the potential CDBG Cares grant. The town submitted the application today and if awarded, the money could subsidize the potential broadband grant and/or for other expenses. Supervisor Bichteman indicated Broadband Research Committee (BRC) member Leonard Laub has done a fantastic job showing that Westerlo has a low to moderate income, qualifying the town for the grant.

Unfortunately, the Town will not receive the transportation park grant monies for park trails in the amount of \$200,000.

Supervisor Bichteman indicated the paperwork was filed today for the proposed grant money to deal with the bromomethane issue in the Water District.

Leonard Laub answered some questions regarding the potential broadband grants.

CAPITAL IMPROVEMENTS

The Supervisor is waiting for Councilman Kryzak to get him information on the steps outside the Town Hall which are in the process of being renovated.

Mr. Bichteman advised that work on the South Westerlo park bathrooms cannot begin until after the Little League season is over at the end of the first week in July.

Mr. Bichteman has asked the engineer not to continue work on the multi-use trail at the Town Park until he found out the status of the transportation grant. The trails are intended to be blacktopped walking trails throughout and leave the nature trails alone in the woods. The trails will be wide enough to be plowed.

A resident requested to have toddler swings installed at the South Westerlo park.

REVITALIZING THE HERITAGE MUSEUM

Attorney Afzali is working on the final language to establish the Heritage Museum.

EXECUTIVE SESSION

The Town Board discussed whether they wanted to go into executive session to discuss the Planning Board appointment. The Town Board did not enter into executive session. Supervisor Bichteman disagreed with postponing the executive session discussions.

NEW BUSINESS

RESOLUTION HIGHWAY EXPENDITURES

Supervisor Bichteman made a motion to adopt the following resolution:

WHEREAS: Flood Road and Myrtle Lane are in need of repairs and paving, be it hereby

RESOLVED: The Town Board authorizes the Highway Superintendent to spend \$267,012.74 to repair and pave Flood Rd and Myrtle Lane.

Councilman Kryzak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 62 - 2021 was thereby duly adopted.

BUDGET AMENDMENTS-INCREASE SPENDING

Supervisor Bichteman provided proposed amendments to the 2021 budget to the Town Board. Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: Amendments need to be made to the 2021 Budget, be it hereby

RESOLVED: The Supervisor is hereby authorized to increase the following appropriation accounts from available fund balances (DA, A, M, SW) to the 2021 Budget

Amendments to the 2021 Budget

Highway Fund

DA5110.1	Maintenance of Roads – Hwy Personal Svc’s	\$36,000.00
DA9720.6	Principal on Bonds	\$250,000.00

General Fund

A7110.12	Parks Personal Srvc's - Hwy Personal Srvc's	\$6000.00
A1620.23	Buildings Fixtures - Cameras	\$4500.00
A8684.4	Planning & Municipal - Comp Plan	
\$13,500.00		
A1420.41	Law Contractual – Union (CBA)	\$800.00

Museum Fund

M7450.4	Historical Society - Contractual - Sign	\$1500
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Water Dist Fund

SW8330.44	Maintenance/Repair Fund	\$35,000.00
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Interfund Transfer

<u>From Line</u>	<u>Amount</u>	<u>To Line</u>
A8160.41 General Refuse	\$160.00	DA8160.41 Hwy Refuse (Voucher #91,140)
A8160.42 General Refuse	\$190.66	DA8160.42 Hwy Refuse (Voucher #94,143,232)
A9089.83 Drug Testing	<u>\$210.00</u>	DA9089.83 Hwy Drug Testing (Voucher#52)
	\$560.66	

Seconded by Councilman Kryzak, a vote resulted as follows:

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

NAYS: None

RESOLUTION # 63 - 2021 was thereby duly adopted.

DEPARTMENT OF TRANSPORTATION TRAINING

Emerson Testing notified the Town regarding Department of Transportation law which requires supervisors of those with commercial driver's licenses to attend training. Once training is taken it is no longer required. There is a \$25 fee and held locally on June 22nd from 10am-noon in Schoharie. The Confidential Administrator Amber Bleau-Green will also attend since she administers the plan. Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: The Highway Superintendent is required to attend training per Department of Transportation law for supervisors of those with commercial driver's licenses, be it hereby

RESOLVED: The Town Board authorize Highway Superintendent Jody Ostrander and Confidential Administrator Amber Bleau-Green to attend this training at a cost of \$25 a person in Schoharie on June 22nd from 10am-noon.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 64 - 2021 was thereby duly adopted.

COVID-19 MORATORIUM-UTILITY SERVICE CONNECTIONS/DISCONNECTIONS

Mr. Bichteman advised that the governor has signed a law amendment to the State of NY Public Service Law which basically allows those who do not have the ability to pay utility bills not to pay. Attorney Afzali further explained that it's not necessarily a release from those obligations, it's a moratorium on payment.

The order is effective on utilities which includes water districts and the requirements are that the town has to have an implementation plan regarding how it's going to implement the moratorium and then go ahead and effectuate that implementation. In short, notice has to be given to the bill payers saying you have this option to hold off on your payments for a given amount of time but once that time has elapsed, they will have to make a payment plan to catch up. Supervisor Bichteman explained this could create a delinquent amount. If water bills are unpaid, they get relieved against the property taxes and the Water District isn't allowed to collect that money in arrears. This can create a financial hardship for the Water District. Notice will be provided to Water District customers.

PUBLIC COMMENT

Councilman Kryzak asked when the bathrooms at the park will be open, Supervisor Bichteman responded they will be opened for anyone reserving the park.

Councilman Kryzak asked what the status was of hanging the Hometown Heroes banners. Hometown Heroes member Lisa DeGroff responded there were supply and manufacturing delays and the weather has not been good. There is a plan in place to begin hanging them tomorrow assuming there is no rain.

A resident questioned why the Town didn't receive three estimates for the Comprehensive Plan consultants. There were three presentations. Supervisor Bichteman indicated there was no way to know how much money would be spent.

The president of Lake Onderdonk Association discussed the speed limit on Lake Rd. He wondered if there was anything the town could do to change the speed limit from 30mph to 15mph. Supervisor Bichteman advised that the town cannot change the speed limit however can petition the county. The Town will look into it.

Planning Board member Edwin Stevens thanked Chairwoman Verch for all her years of service on the Planning Board, BRC and with the previous Comprehensive Plan, she will be dearly missed.

Councilman Boone thanked Planning Board Chairperson Verch and Supervisor Bichteman for their many years of service.

ADJOURNMENT OF MEETING

Councilman Kryzak made a motion to close the meeting. Councilman Boone seconded; motion carried by those present. Meeting adjourned at 9:32pm.

Respectfully Submitted,

Karla J. Weaver
Town Clerk