

**Town of Westerlo
Town Board Meeting
of
Tuesday, October 15, 2019**

The Town of Westerlo Town Board held a meeting on Tuesday, October 15, 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 7:02 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 Richard Filkins
 Councilman Joseph J. Boone

Also attending were: Highway Superintendent Jody Ostrander and Employee Salvatore Spinnato, Zoning Board of Appeals Chairman John Sefcik, Town Historian Dennis Fancher, Grant Writer Dr. Nicole Ambrosio, Planning Board Chairperson Dorothy Verch and member Gerry Boone, Library Trustee President Laura Tenney, Museum Director Mary-Jane Araldi, Town Clerk Kathleen Spinnato and approximately 18 residents.

MINUTES

Councilman Sherman made a motion to accept the Town Board Public Hearing & Town Board meeting minutes of 09/17/2019 as submitted. Councilman Filkins seconded, motion unanimously carried.

Councilwoman Burnside made a motion to accept the Special Town Board & Workshop minutes of 10/01/2019 as submitted. Councilman Sherman seconded, Councilman Boone abstained, motion carried.

SUPERVISOR'S REPORT

Councilman Sherman made a motion to accept the Supervisor's Report for August-September as submitted. Councilman Boone seconded, motion unanimously carried.

TOWN CLERK'S REPORT

Councilman Boone made a motion to accept the Town Clerk's monthly report for September as submitted. Councilman Sherman seconded, motion unanimously carried.

PAYMENT OF MONTHLY BILLS

Councilwoman Burnside 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 # 524 through Voucher # 574 in the amount of \$96,761.28.

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

AYES: Councilman Boone, Councilman Sherman, Councilwoman Burnside and Councilman Filkins

NAYS: None

RESOLUTION # 72 -2019 was thereby duly adopted.

OLD BUSINESS

2020 TOWN OF WESTERLO TENTATIVE BUDGET

Acting Supervisor Bichteman asked the Town Board members if they had any questions, comments or changes. Councilman Filkins asked several questions regarding the following items; street lighting, state revenue sharing, supervisor, assessor salary, training hours and mileage. He mentioned he was very satisfied overall with the 2020 tentative budget as presented. Mr. Bichteman responded to his questions.

Councilman Boone questioned the Attorney's fees moving forward. Mr. Bichteman responded that he has spoken to the interim attorney and the budgeted amount of \$2,000/month is a realistic number.

The Town Board heard comments from the public and answered questions. The possibility of having job descriptions for employees was discussed as well as hiring a part time employee in the supervisor's office in 2020. Mr. Bichteman explained that there are several changes currently happening in the town offices to make things more efficient. Mr. Bichteman gave some insight as to some of the duties of the Clerk to the Supervisor. Highway Superintendent Jody Ostrander expressed that although he doesn't have a clerk of his own, all the Town Hall employees help him whenever he needs assistance. Overall, residents were very pleased with the 2020 tentative budget.

The Town Board discussed possibly moving the tentative budget to preliminary budget versus scheduling another date.

2020 TENTATIVE BUDGET TO 2020 PRELIMINARY BUDGET

Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: The Town Board needs to present a Preliminary Budget, be it hereby

RESOLVED: The Town Board move the 2020 Tentative Budget to the 2020 Preliminary Budget.

Seconded by Councilwoman Burnside, a vote resulted as follows:

AYES: Councilman Sherman, Councilman Boone, Councilwoman Burnside, Councilman Filkins

NAYES:None

RESOLUTION # 73 of 2019 was thereby duly adopted.

PUBLIC HEARING'S

The Town Board discussed possible dates for a Special Town Board meeting. Councilman Sherman made a motion to adopt the following resolution:

WHEREAS: The Town Board needs to schedule a Public Hearing and Special Town Board meeting, be it hereby

RESOLVED: The Town Board hold a public hearing and Special Town Board meeting on Oct. 29th at 7pm on the 2020 Preliminary Budget and 2020 Town of Westerlo Fire Co. Budget.

Seconded by Councilman Boone, a vote resulted as follows:

AYES: Councilman Sherman, Councilman Boone, Councilwoman Burnside, Councilman Filkins

NAYES:None

RESOLUTION # 74 of 2019 was thereby duly adopted.

NYCLASS INVESTMENT

Acting Supervisor Bichteman mentioned that \$167,000 in one account and \$160,000 in another has been invested so far with NYCLASS. To date, \$709.62 in interest has been earned.

NEW BUSINESS

ASSESSOR APPOINTMENT

Mr. Bichteman announced that the Town has received five applications for the Sole Assessor position. Four candidates are certified with one having a long list of experience and education. Mr. Bichteman mentioned that the town can submit a form completed by the applicants to the state for their review and to determine if the applicants meet the minimum requirements and are qualified. The Town Board decided upon holding interviews for the Assessor position on Tuesday, Oct. 22nd at 6:30pm with an alternate date of Wednesday, Oct. 23rd at 6:30pm. Discussion continued regarding the interview process and appointment at the Special Town Board meeting on the 29th of October.

MUNICIPAL WASTE REDUCTION & RECYCLING GRANT

Mr. Bichteman mentioned that the Town may be reimbursed for half of the payroll cost of the transfer station operator if their job title is changed. Councilman Boone made a motion to adopt the following resolution:

WHEREAS: The Town needs to submit an application to be eligible for reimbursement through a grant for the transfer station operator at the transfer station, be it hereby

RESOLVED: the Town Board authorizes Acting Supervisor Bichteman to submit the application for the Municipal Waste Reduction Recycling Grant with the help of the Grant Writer.

Seconded by Councilman Sherman, a vote resulted as follows:

AYES: Councilman Boone, Councilman Sherman, Councilman Filkins, Councilwoman Burnside

NAYES:None

RESOLUTION # 75 of 2019 was thereby duly adopted.

PROPOSED WRITTEN NOTICE HIGHWAY LAW

Acting Supervisor Bichteman mentioned that the Highway Superintendent recently went to a seminar and returned with a book on written notice laws. Written notice laws limits liability for municipalities such as rise from injuries and claims as a result of negligence and maintenance of our highways. Mr. Bichteman explained the process. He indicated that this will be discussed at the next Town Board Workshop meeting and that the Interim Attorney has already been asked to draft a tentative local law in preparation of a possible public hearing on Nov. 19th.

PARK FUND RESOLUTION

In the near future, the Town will be collecting from some of the solar farms \$75,000 in Community Host Agreement (CHA) money. Mr. Bichteman indicated that a park fund must be established for the CHA money. Councilman Sherman made a motion to adopt the following resolution:

- WHEREAS: Anticipated Community Host Agreement funds generated by some solar farms will need to be deposited into an account, be it hereby
- RESOLVED: the Town Board authorizes Acting Supervisor Bichteman to create a park fund account, be it further
- RESOLVED: the Town Board authorizes Acting Supervisor Bichteman to invest up to 50% of the available park fund balance, not limited to CHA monies, into NYCLASS investment.

Seconded by Councilman Boone, a vote resulted as follows:

AYES: Councilman Boone, Councilman Sherman, Councilman Filkins,
Councilwoman Burnside

NAYES:None

RESOLUTION # 76 of 2019 was thereby duly adopted.

WATER RELEVIES TO 2020 PROPERTY TAX BILLS

Mr. Bichteman announced unpaid water bills need to be relevied on the 2020 Property Tax Bills. Councilman Boone made a motion to adopt the following resolution:

- WHEREAS: The Town Board has reviewed the Westerlo Water District No. 1 unpaid invoices/relevy report, be it hereby
- RESOLVED: The Town Board authorizes the Albany County Legislature to relevy onto the 2020 Town of Westerlo Property Tax bills the unpaid water bills for the period, Oct. 15, 2018 through July 15, 2019 totaling \$11,369.50.

Seconded by Councilwoman Burnside, a vote resulted as follows:

AYES: Councilman Boone, Councilman Sherman, Councilman Filkins,
Councilwoman Burnside

NAYES:None

RESOLUTION # 77 of 2019 was thereby duly adopted.

GRANT WRITER REPORT

Grant Writer Dr. Nicole Ambrosio submitted and read the following report:

Hello!

The WIIA grant was sent in! Let's hope that all goes well. I would like to give a shout-out to Karla and Kathy, Patty and Claire for their invaluable help in finding out information that I need for the grant.

I am now looking into the DEC Municipal Waste Reduction and Recycling (MWRR) Program- RC Grants (Grants Gateway) that has the potential to pay for ½ the salary of Westerlo's full time recycling employee. There is also recycling education attached to the grant. Eligible costs are:

1. Salary and allowable fringe benefits of an employee responsible for recycling coordination, public education, promotion, or outreach. Personnel must be employees of the applicant and assigned to the project for no less than 50 percent of their full-time work schedule;
2. Direct costs necessary to educate the public and increase public awareness of and participation in waste reduction and recycling, including:
 - a. Recycling guides, mailers, brochures, and webpages
 - b. Advertising on TV, radio, newspaper, internet, billboards, etc.
 - c. Recycling signs and displays
 - d. Give-a-way items, children's shows, county fair displays, America Recycles Day items;
3. Reasonable costs for consultant services necessary for recycling education, promotion, planning, public relations, or other specialized purposes; and
4. Costs for supplies and material specifically acquired and used as part of the municipal waste reduction and recycling education, promotion, planning and coordination project.

ZONING BOARD REPORT

Chairperson Sefcik submitted and read the following report:

Town Board ZBA Report (10/15/19) on the 9/23/19 ZBA Mtg

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

However, a Westerlo resident came to the meeting and explained that she believes a neighboring parcel to hers is in violation of Westerlo's zoning law. I explained that she would need to work with Jeff Pine, our code enforcement officer, and that the ZBA would be involved only after an application came to us.

The ZBA members spent the rest of the meeting in a general discussion on our zoning law, especially on non-conformances, as well as on some ZBA updates and reminders. We will invite Jeff Pine to come to a future meeting (when we don't applications) to discuss our zoning law more with us.

The next ZBA meeting is scheduled for Oct 28th at 7 PM.

Submitted by

John Sefcik, ZBA Chairman

PLANNING BOARD REPORT

Chairperson Verch submitted and read the following report:

*PLANNING BOARD
REPORT TO
THE
TOWN BOARD
OCTOBER 15, 2019*

The Planing Board met on September 24th with Ned Stevens, Gerry Boone and Dotty Verch in attendance. The minutes from the September meeting were approved. The public hearing for the Valentine subdivision was opened. The Type 1 SEQRA part 1 was read. There were no objections from the gallery and there were no letters of dispute received. The Public hearing was closed and Part 2 and 3 of SEQRA was read. A negative declaration was declared. The subdivision was approved by the Board.

Under new business, Mr. Thompson submitted an application for a special use permit for the old Ketchem's diner now called the Thompson diner. Mr. Thompson wants to open a small dry goods store and dining area in the front of the building with 3 retail spaces in the remainder of the building. The architect has identified 26 parking spots with 2 handicapped for the diner, the retail space and the 2 upstairs apartments. A new septic system has been installed and Mr. Thompson has purchased additional space in the back for expansion of parking spaces . Inbound and outbond traffic is being addressed with the owner of the adjacent property. A site visit will be scheduled for October 12th.

The public hearing, according to law, needs to be opened 45 days from the acceptance of the application., the public hearing will be opened October 22nd. Mr. Thompson will be out of town and unavailable for that meeting. It will, therefore, be adjourned until November 26th meeting. Doyle Shaver will Chair the October meeting.

Old business, the special use permits and building permits terms for the solar farms were identified. Shepard Farms building permit expires November 2019; Westerlo A expires in 2020; Costanza has not applied for a building permit at this time; Medusa A expires in 2020.

*Respectfully submitted,
Dotty Verch*

Discussion ensued between a resident and Mrs. Verch regarding the entrance and exit of the properties owned by Mr. Thompson and the Post Office.

BROADBAND RESEARCH COMMITTEE REPORT

Chairperson Verch submitted and read the following report:

*BRC REPORT
TO
THE TOWN BOARD
OCTOBER 15, 2019*

The BRC met on September 26th with John Sefcik, Bob Wilcox and Dotty Verch of the BRC present along with Ned Stevens of the Planning Board.

Vince Randazzo, Rachel Puckett of Mid-Hudson Cablevision and Arnie Cavallero of Mid-Hudson Cable were guest speakers. There were 6 interested residents in attendance.

The August minutes were approved.

Vince Randazzo of Mid-hudson gave an overview of the various phases that have been completed in Westerlo. All of Phase 1, 2 and 3 have been completely wired and customers should already be up on the network.

The BRC was furnished with a list of installation costs for Phase 3.

The line extension forms that were submitted (38) can not be addressed probably until the end of 2019 beginning of 2020 because their (MHC) first priority is completion of Phase 3. They are behind production in Greene county and Columbia County.

Vince explained the technical aspects of the installation and Rachel explained the census blocks and the regulatory aspects. Arnie addressed the actual installation process.

*Arnie provided a list of homes installed and the installation costs/residence.
There was a good deal of interaction between the representatives of MHC, the BRC and the gallery.
The line extensions along 412 show enough homes but is there enough interest. The problems that MHC encounters is the line extension forms are filled out, but when the cost is addressed, they decline. This is after Mid-Hudson has expended time and money with the installations. MHC is asking that we do a better job of qualifying the possible residents. Some installations can cost as much as \$1000. The actual cost cannot really be identified until the residence is evaluated.
Fiber build out is less expensive than Coax.*

BRC will not be meeting in October- I will be out of town.

*Respectfully submitted,
Dotty Verch*

Discussion ensued regarding Mid-Hudson Cable franchise fees and the possible costs passed on to residents interested in signing up for cable/internet hookup at their residences.

MUSEUM REPORT

Museum Director Mary Jane Araldi was not in attendance but previously submitted her report to the Town Board. Town Clerk Kathleen Spinnato read the following report on her behalf:

*Westerlo Heritage Museum
Report to Town Board
October 2019*

*We continue to meet once a month on the second Thurs of the month.
We are meeting as time allows to sort through museum items.*

I continue to take pictures of the items in the archive and add the picture of the item into the archival program.

*We are gearing up for a couple more fund raisers:
Our second annual fall festival will be held on Sat. October 5th.
We are also planning on having a silent auction with Christmas Wreaths.*

The other thing I am working on is doing the Wreaths Across America at the Westerlo Rural Cemetery on December 14th. I have gotten verbal permission from the cemetery association. So I will be looking for donors to support a wreath for a veteran. The paperwork has been submitted for that.

One Board member, Diane Therrien-Smith and I, went to Cooperstown on Wed. Sept 25 for a free NYS Preservation seminar on Archiving.

HISTORIAN REPORT

Historian Dennis Fancher submitted and read the following report:

*Historian's Report
Town Board Meeting October 15, 2019*

Many are aware of the history of the Anti-Rent Wars. I recently found a document that I will share with you.

But first a brief history.

At age 75, The Old Patroon, Stephen Van Rensselaer died in Watervliet on January 1839. He was the sole heir of Rensselaerwyck which comprised of approximately 726,000 acres. Acreage was divided into farms, 1397 farms in Albany County and 1600 farms in Rensselaer County, and leased to tenants with an annual rental. He was an enormously rich man but his only interest in money was to do good.

He was sincerely mourned in death as he had been beloved in life.

His business affairs were relegated to the management of his agents and legal representatives.

His son Stephen inherited the West Manor (Watervliet) which included the Hilltowns. After the Old Patroons death, a delegation called upon the new Patroon to present their requests. He refused to see them and and sent the following- which is an absolute refusal to make any compromise.

I am reading this exactly as written.

*TO THE
TENANTS OF WESTERLO*

Gentleman:

Having intimated to you that no change of terms of Release would be made without notice, we take the trouble to inform you those who do not make arrangements for a settlement of arrears of rent before the 15th day of October next, and all who contest the payment of rents, that they will be charged, for their soil, a sum which at six percent, interest, will produce the rent, estimating Wheat at Ten Shillings per bushel. This change will make a difference of one quarter in our charge for Releases, but if the tenants choose to delay to their own detriment, the fault is theirs, and they must pay for their folly.

Henceforth, we shall immediately and indiscriminately sue for the collection of all Rents in arrears; those who have settled must be prompt hereafter in their payments, as we will not allow the rent to accumulate. We have refrained from prosecuting all until every question which honest doubts or dishonest damages could raise concerning the Title and rights of the parties has been settled, even to the repeated failure of well paid lobby men to get up the shallow pretence of an existing Indian claim. No further indulgence can reasonably be asked for, nor will it be given.

The politicians will get through with you in November and they will probably then let the Indian Title rest until another election. Now decide whether you will settle your rents without cost, and purchase your releases at the lowest rate or be fooled by politicians, pay heavy bills of cost and 25 % addition for your soil.

ISAAC VAN LEUVEN, Esq. of Westerlo, is authorized to purchase stock, in payment of rent.

Dated Albany September 14th 1855

Signed: Stephen Van Rensselaer, Church & Tyler

HOMETOWN HEROES COMMITTEE REPORT

Chairperson Burnside submitted and read the following report:

Hometown Heroes Meeting Report

September 24, 2019

Banner costs have been set for the 2020 season. Banners will be \$175 each.

Forms will be updated.

New letter to hand out to sponsors has been created with committee member names and contact information. The letter can be used when approaching potential sponsors and no one is available to speak to and/or someone needs to get back in touch with a committee member.

New Closing Ceremony Sponsor form has been created for those wishing to be a sponsor of the Closing Ceremony specifically.

Complimentary Buffet Menu discussed. Quantities determined and assignments made for which committee member will be responsible for approaching which businesses for donations/supplies and which committee member will be donating what items.

Inventory of items left over from last year reviewed and a shopping list created for what needs to be purchased for this year.

Invitations will be mailed out no later than October 1st.

Ceremony program- all participants have been confirmed with the exception of the bagpipes. Still need to confirm. The program itself will be finalized once confirmed and 300 copies printed.

PUBLIC COMMENT

Betty Filkins President of the Westerlo Rural Cemetery mentioned that the cemetery is hosting their annual "Trunk or Treat" on Oct. 26th at the Westerlo Town Park. She also mentioned that the Westerlo Vol. Fire Co. is doing their "Haunted Hall" the same evening at Woodman's Hall.

A resident asked if additional monies could be invested with NYCLASS. Discussion ensued. Mr. Bichteman indicated that the system is very easy to navigate however NYCLASS doesn't typically work with bank savings accounts so there have been a few glitches that are being worked out. The Town Board will discuss the possibility of investing more money in the future.

Councilman Boone thanked the residents who have been attending the meetings regularly.

Residents were reminded that there is a Comprehensive Plan Committee meeting tomorrow night, Wednesday Oct. 16th at 7pm.

With there being no further business to discuss, Councilman Filkins made a motion to adjourn the meeting, seconded by Councilwoman Burnside, all in favor motion carried. Meeting adjourned at 9:05pm.

Respectfully Submitted,

Kathleen Spinnato
Town Clerk