

**TOWN OF WESTERLO  
TOWN BOARD WORKSHOP  
MEETING OF  
Tuesday, December 20, 2016**

The Town of Westerlo Town Board held a Workshop meeting on Tue. Dec. 20, 2016 at the Town Hall located at 933 CR 401, Westerlo, NY 12193. The meeting opened at 7:10 PM with the Pledge of Allegiance to the Flag.

ATTENDING WERE: Councilwoman Amie L. Burnside  
Councilman Joseph J. Boone (Arrived at 7:40PM)  
Councilman Anthony W. Sherman  
Councilman William F. Bichteman Jr.

ABSENT WERE: Supervisor Richard H. Rapp

Also attending were: Zoning Board Member John Sefcik, Town Historian Dennis Fancher, Deputy Supervisor/Code Enforcement Officer Edwin Lawson, Deputy Town Clerk II Karla Weaver and approximately four residents.

Code Enforcement Officer Edwin Lawson updated the Board on the progress of a proposed draft of Local Law No. 1 of 2017, entitled "Regulation and Approval Standards for Solar Energy Systems". He mentioned that some language changes were made to the code and legal aspects of the original draft document. Discussion followed on some changes:

- Lot size- Ed Lawson believes it has to be a sliding scale depending on the acreage.
- Sureties/bonds section- Councilman Bichteman questioned the 20% fee under construction and maintenance. Ed Lawson agreed that it didn't seem specific enough. He mentioned possibly mimicking the language in article 17 and the special use permit and leaving out the percentage. He is looking into if the language for that could be used here.
- Ed Lawson suggested the law be as simple as possible in trying to address the above, but if needed down the road, the Zoning could be tweaked.
- Insurance in Additional Requirements section- Councilman Bichteman questioned if the insurance requirements as stated in this document were definitive enough. Ed Lawson responded that as part of the building permit process, the contractor is required to have liability and comprehensive insurance on board. Usually contractors have their own liability insurance. He went on to explain that a homeowner doing their own work would not need that insurance. Councilman Bichteman believes the Town should have a more defined number.

Discussion continued on some other aspects related to Solar:

- Ed Lawson mentioned that the State and the power companies are restrictive.
- At the last Town Board meeting, questions were raised in regards to how the Town will evaluate this for tax purposes. Ed Lawson mentioned that the Tax Assessor is still looking into this. He also informed that there are income tax credits available for these systems.
- Planning Board Chairwoman Dorothy Verch offered six months ago to contact Chris E. Smith from the Department of State who is an expert on solar and brought it up again tonight. She believes he would be willing to visit the hilltowns to answer questions.
- Dorothy Verch questioned Section 5, Expedited Process. Ed Lawson mentioned that the Expedited Process is being struck from the document. He also confirmed she had been

referring to an earlier draft, she was then given a copy of the updated draft to follow.  
(Councilman Joseph Boone arrived at the meeting at this time, 7:40 PM.)

Councilman Bichteman updated the Board on the current heating situation as well as the Asbestos removal. Temporary heaters were installed in the Supervisor, Assessor and Town Clerk offices as well as the meeting room. As far as permanent heat, the proposal is not available yet but should go out on Friday. Sullivan Contracting anticipated being finished this week with the asbestos removal in the basement, however as far as the change order to the contract, Councilman Bichteman was not sure where they stood on that. Ed Lawson stated that he contacted PSI requesting the floor tiles in the hallway be sampled. The sample would be given to the contractor to evaluate what would need to be done and would get back to us as soon as possible. Councilman Bichteman stated that D.E. contacted him today with a list of what they need to do to write the change order into the contract if in fact the price is sufficient. In addition, at the time the tiles would be removed, the Town Clerk's office could remain open. The Supervisor and Assessor's offices would need to be closed. Since the Assessor's office will need to be open during tax season and Sullivan has another job, the work on the tile will be put on hold until both are available. Councilwoman Burnside mentioned that the Fire Company offered the use of Woodman's Hall if the Town Hall could not be occupied. The Asbestos contractor does not expect work to take more than a week to remove the tiles, but Councilman Bichteman did not expect it to take that long. It would depend if the underlayment would need to be removed as well.

Discussion transitioned from the heating system to insulating the Town Hall along with other repairs. The heating system is being designed based on the building being insulated. The Town Board will need to meet to decide if they will insulate and to what extent based on what the estimates will be to do the work. Councilman Bichteman believes the insulation goes hand in hand with the heating system. In addition, at least one set of exterior doors are in need of replacement. Replacing the other exterior doors would depend of the cost. The Board will also need to determine based on cost, if the bathrooms should be updated to ADA compliance once the tile is removed. Councilwoman Burnside shared her concern about getting into all of this since the public voted these renovations down. Councilman Bichteman mentioned that there are things that need to be done regardless, one being making the building handicap accessible as it is currently a code violation and really needs to be addressed. Updates to the bathroom for wheelchair accessibility would include, new sink, toilets, petitions and grab rails. The floor tile is being removed anyway and a new floor does not need to be installed right away which would leave it the same as the kitchen floor is currently. He does not feel it will be a big expense and is in favor of these updates. Discussion continued on the fixtures for the bathroom. Only one bathroom needs to be handicap accessible and will need to have proper signage.

Councilwoman Burnside suggested allowing the public to speak/comment for two minutes at the end of workshop meetings. Councilman Bichteman disagreed, he has found that a lot of the time it leads to a question, turning into a discussion and nothing gets accomplished. He has agreed to try it since Councilwoman Burnside feels so strongly about it. Councilman Boone gave his thoughts on allowing public comment and is willing to give it a try as well. He understands how it can lead to a big discussion and getting off topic, but if it doesn't work, they can always revert back to the system that they know.

A resident then commented about drive by lawsuits which can be done by anyone. The resident recommended that the Town explore handicap accessibility completely to avoid any such lawsuits.

Town Historian Dennis Fancher asked if the Board would respond to comments at the end of workshop meetings. Councilwoman Burnside stated that the Board would not respond, it is more for informational purposes.

ZBA member John Sefcik was not clear on the plan moving forward for Solar. Councilman Bichteman stated he would contact Attorney Galgay to work with Code Enforcement Officer Edwin

Lawson and ZBA Chairwoman Virginia Mangold to resolve changes to the draft in hopes a final draft could be brought to the Town Board meeting in January.

There being no further business to discuss, Councilman Bichteman made a motion to adjourn the workshop meeting, Councilman Sherman seconded, motion carried by those present. The meeting adjourned at 8:10 PM.

Respectfully Submitted,

Karla Weaver  
Deputy Town Clerk II