

**WESTERLO TOWN BOARD
PUBLIC HEARING RE: PROPOSED LOCAL LAW NO. 2-2018
(AMENDING LOCAL LAW NO. 1 OF 1989
COMMERCIAL SOLAR ENERGY SYSTEM SECURITY FENCING)
&
TOWN BOARD MEETING
OF
MARCH 6, 2018**

The Town of Westerlo Town Board met on Tue., March 6, 2018 at Town Hall, 933 County Route 401, Westerlo, NY. Supervisor Richard Rapp opened the meeting at 7:02 PM with the Pledge of Allegiance to the Flag.

ATTENDING WERE: Supervisor Richard H. Rapp
Councilman Joseph J. Boone
Councilman Richard Filkins
Councilwoman Amie L. Burnside

ABSENT: Councilman Anthony W. Sherman

Also attending were: Planning Board Chairwoman Dorothy Verch, Zoning Board of Appeals member John Sefcik, Town Historian Dennis Fancher, Clerk to the Assessor Claire Marshall, Clerk to the Supervisor Patricia Boice, Deputy Town Clerk II Karla Weaver, Town Clerk/Tax Collector Kathleen J. Spinnato and approximately 12 residents.

PUBLIC HEARING

Supervisor Rapp made motion to open the Public Hearing on proposed Local Law No. 2-2018., Councilman Boone seconded, motion carried by those in attendance. Councilman Boone read aloud the proposed local law to amend the Zoning Law;

DRAFT

Local Law No. 2 of 2018

A Local Law to amend Law #1 of 1989 (as revised and amended thereafter) by amending Article 18.50(3)[i]: COMMERCIAL SOLAR ENERGY SYSTEM as it pertains to security fencing

Section 1:

ARTICLE 18: SOLAR ENERGY SYSTEMS, Section 18.50: COMMERCIAL SOLAR ENERGY SYSTEM of Local Law #1 of 1989 (as revised and amended thereafter, is hereby amended to replace the language in Section 3(i) with the following language:

- (i) The site plan shall include fencing of not less than 2.1 m (7 feet) in height or a combination of 1.8 m (6 ft.) or more of fence fabric and a 300 mm (1 ft.) or more extension utilizing strands of barbed wire or equivalent, as currently set forth in the National Electric Code. In the event that fencing as specified in the National Electric Code is changed, this provision shall default to those specifications set forth in the National Electric Code.

Section 2: SEVERABILITY OF PROVISIONS

Should any section or provision of this Local Law be declared null, void, voidable or invalid, such finding shall not affect the validity of the remaining portions of this local law.

Section 3: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York State Secretary of State's Office.

The Town Board heard Public comment and discussion regarding the proposed local law. There being no further public comment relating to the fencing, Councilman Boone made a motion to close the Public Hearing. Councilwoman Burnside seconded, motion carried by those attending. The Public Hearing closed at 7:14 PM.

REGULAR MEETING

Supervisor Rapp announced the opening of the regular monthly meeting of the Town Board.

MINUTES

Councilman Boone made a motion to approve the Town Board minutes of 2/6/2018, Councilman Filkins seconded, Councilman Filkins later abstained, motion carried by those in attendance.

Councilwoman Burnside made a motion to accept the Town Board Workshop minutes of 2/20/2018, Councilman Boone seconded, motion carried by those in attendance.

SUPERVISOR'S REPORT

Supervisor Rapp made a motion to approve the Supervisor's Report for the month of January 2018.

Councilman Boone seconded, motion carried by those in attendance.

TOWN CLERK REPORT

Councilman Boone made a motion to accept the Town Clerk's report for the month of February 2018.

Councilwoman Burnside seconded, motion carried by those in attendance.

TAX COLLECTOR'S REPORT

Councilman Boone made a motion to accept the Tax Collector's report submitted for February 2018.

Councilman Filkins seconded, motion carried by those in attendance.

PAYMENT OF MONTHLY BILLS

Supervisor Rapp 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 # 88 through Voucher # 141 in the amount of \$ 117,887.08

Councilwoman Burnside seconded the motion, a vote resulted as follows:

AYES: Supervisor Rapp, Councilwoman Burnside, Councilman Boone and Councilman Filkins

NAYS: None

RESOLUTION # 16-2018 was thereby duly adopted.

ZONING BOARD OF APPEALS REPORT

Chairwoman Virginia Mangold submitted the following report read aloud by Councilman Boone.

TO: Town Board of Westerlo, New York

FROM: Virginia Mangold, ZBA Chairperson

RE: ZBA Report for February 26, 2018

DATE: March 5, 2018

With no new applications nor old business to discuss, the Town of Westerlo Zoning Board did not meet on February 26, 2018. Notice was sent out and posted.

The ZBA's next scheduled monthly meeting is March 26, 2018 at 7 p.m.

Respectfully,

Virginia A. Mangold, Chairperson ZBA

Councilman Filkins made a motion to accept the ZBA report. Councilman Boone seconded, motion carried by those in attendance.

PLANNING BOARD REPORT

Chairwoman Dorothy Verch submitted and read the following report:

PLANNING BOARD REPORT TO TOWN BOARD MARCH 6, 2018

The Planning Board met on February 27th. The board reviewed previously approved applications- Beller solar farm will be managed by Clean Energy Collectives.

Tarpon Towers/ Verizon cell tower- no activity on this application. Contacted Nick at Airosmith Development. It seems that NYS will only allow a certain number of cell towers to be installed in a calendar year and they are graded on rank of importance. They have been informed that if no action is started by May 23, 2018, the anniversary date, the PB may revoke or rescind the application. Nick was meeting with Tarpon Towers and will provide a followup to me this month.

Shepard Farm LLC- Received notification from NY-Sun that the size of solar farms in NYS have been increased from 2Mw to 5Mw. Dated 2/22/18 Received SWPP for east side of Rt. 32. Army Corp of Engineers met with Borrego – awaiting the report.

WesterloNY 01 received the decommissioning bond and the ACPB 239 recommendations. Furnished copy of 239 to CEC so that they can apply to DEC.

Medusa received decommissioning bond and the ACPB will be reviewing the application at the March 15th meeting.

Opened the public hearing for Costanza in order to up date the public on the most recent activities.

Received sales agreement for property that will allow access to the proposed solar farm area.

Agreement is between Mr. Thomas P. Carney and Angelo Costanza and Marisa Abbatiello, Co-Trustees of the Costanza Family Trust. A diagram of the propose property purchase is available for viewing and was the source of much discussion by Mr. Sharkey and Mr. and Mrs. Maier whose properties abut the proposed solar farm and access. Given the circumstances, the Board has recommended that Cyprus Creek will be required to notify all of the abutters and a notice placed in the AE as well as the Pioneer. In addition, they (Cyprus Creek) will be required to submit a new SEQRA to include the addition of the new property. The public hearing was adjourned until March 27th.

The Planning board accepted the application for a minor subdivision of the estate of Catherine Liebhaber situated on AC 405. A public hearing will be held on March 27th.

Respectfully submitted,

Dotty Verch

BROADBAND RESEARCH COMMITTEE (BRC)

Chairwoman Dorothy Verch advised that there was no BRC meeting held in February due to bad weather. It will be held on March 22nd and Mr. Finger of Mid-Hudson Cablevision will be in attendance.

Councilman Boone asked Chairperson Verch questions pertaining to the cell tower as to what determines importance and who dictates that. Dotty advised the NYS PSC and FCC make the determination. Dorothy further discussed the proposed cell tower and a recent accident where response was delayed because there was no cell signal in the area. Councilman Boone also her asked about a solar application before the Planning Board. She then provided more detail about the circumstances involved with gaining access to the proposed solar farm's landlocked property.

Councilman Filkins made a motion to accept the Planning Board & BRC Reports. Councilwoman Burnside seconded, motion carried by those in attendance.

MUSEUM REPORT

Director Mary Jane Snyder-Araldi was unable to attend but submitted the following report read by Councilman Boone:

WESTERLO HERITAGE MUSEUM REPORT TO TOWN BOARD-MARCH 6, 2018

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

The museum was open during the Feb firemens breakfast with old sleds, skis and ice skates. Approximately 20 people came through the museum.

The museum will be open Sat. 3/10 from 9-12noon with a display of older maple syrup gathering equipment. The winter sports display will remain up for March also.

Councilwoman Burnside made a motion to accept the Museum Report. Councilman Filkins seconded, motion carried by those in attendance.

OLD BUSINESS

Supervisor Rapp advised that the first order of old business was for the expansion of the water district. Councilman Boone read aloud the final order:

FINAL ORDER OF THE TOWN BOARD OF THE TOWN OF WESTERLO TO EXPAND WESTERLO WATER DISTRICT NO. 1 TO INCLUDE 560 SR 143, WESTERLO

WHEREAS, the Town of Westerlo formed the Westerlo Water District #1 (hereinafter referred to as the "Water District") in 2002; and

WHEREAS, on January 16, 2018 the Town Board of the Town of Westerlo, after a duly noticed public hearing, adopted a Resolution authorizing the Expansion of the Westerlo Water District #1 to include 560 SR 143, Westerlo, NY (sbl 139.-2-22); and

WHEREAS, the Resolution was subject to subject to permissive Referendum; and

WHEREAS, the Resolution, with referendum language, was duly posted and published in the official town newspaper, the Altamont Enterprise, on January 18, 2018; and

WHEREAS, the 30 day permissive referendum period expired on February 16, 2018; and

WHEREAS, No petition was filed during the 30 permissive referendum period; now it is

SO ORDERED that the Westerlo Water District No. 1 is officially extended to include 560 SR 143, Westerlo, New York (sbl 139.-2-22); and it is further

ORDERED, that within ten (10) days herefrom, a copy of this Order shall be filed in the Albany County Clerk's Office, and the NYS Comptroller on or about the date of the publication of a copy of the Order.

DATED: March 6, 2018
MOTION MADE: Councilman Boone
SECONDED BY: Councilman Filkins

Richard Rapp	aye X	nay	
Anthony Sherman	aye	nay	absent X
Amie Burnside	aye X	nay	
Joseph Boone	aye X		nay
Richard Filkins	aye X		nay

RESOLUTION # 17-2018 was thereby duly adopted.

LOCAL LAW NO. 2-2018

Councilman Boone made a motion to adopt the following resolution:

WHEREAS: The Town of Westerlo Town Board held a public hearing on 3/6/2018 regarding proposed Local Law No.2-2018, be it hereby

RESOLVED: that the Town Board adopts Local Law No. 2-2018 to amend Local Law No. 1 of 1989 Article 18.50 (3) [i] commercial solar fencing

Councilwoman Burnside seconded the motion, a vote resulted as follows:

AYES: Supervisor Rapp, Councilman Boone, Councilwoman Burnside, and Councilman Filkins

NAYS: None

ABSENT: Councilman Sherman

RESOLUTION # 18-2018 was thereby duly adopted.

GRANT WRITER UPDATE

Dr. Nicole Ambrosio provided the Town Board with a February update of bulleted information she is compiling on a variety of grants she is either researching, has subscribed to, attended a webinar on, or she has signed up for email information on. She also reported on several grants which may be of interest to the community in general. Audience discussion followed in reference to the Highway Garage/Court Building and any potential grants for renovation/repairs.

WATER BOARD - VACANCY

Councilman Boone announced two applicants have applied for the one Water Board vacancy. Interviews will be conducted March 8th by two members of the Town Board and Deputy Supervisor Ed Lawson. A recommendation will be made and a decision will be made at the April 3rd Town Board meeting.

ZONING BOARD of APPEALS - VACANCY

The Town Clerk reported that notices for ZBA vacancy have been advertised in the official newspaper the Altamont Enterprise for four weeks and as a community news article in the Greenville Pioneer for two separate times per the direction of the Town Board. Councilman Boone advised that the Town Board is setting times for when applications can be received. Upon the end date the Town Board will schedule interviews as necessary, a final decision will be made later.

MUSEUM BOARD TRUSTEE – 2 VACANCIES

Museum Director Araldi had advised that it is the Museum Board not the Director who needs to provide language for notice to fill vacancies. The Town Board directed the Town Clerk to reach out to Museum Board Vice President Elaine Nevins regarding language they need to provide for posting notices to fill vacancies.

UTILITY REPAIR CREW BIDS

Councilman Boone reported he was unsure with recent & impending weather circumstances if Highway Superintendent Jody Ostrander has been able to provide an update for requests for proposals on a utility repair crew bid. Supervisor Rapp will look into an update from Mr. Ostrander.

TOWN HISTORIAN

Town Historian Dennis Fancher reported on a receipt from the year 1928 for Woodruff's Garage (now Silver Creek Store/formerly Woodruff's store) and the history of what they sold including garage parts, ice cream and candy. The actual receipt was for a 1928 Chevrolet sedan for \$728 sold to Frank Hallenbeck. He also reported on the history of a South Westerlo/Albany bus line - C. Swartout & Sons proprietors and the operating route. Lastly, on an article dated 6/13/1945 - Meet Miss Westerlo in support of the bond effort for the war. Uncle Sam was Joe Farkas, Miss Westerlo was Dorothy Rivenburg. He has more photos on display in the hallway at the Town Hall.

NEW BUSINESS

COUNTY COMPTROLLER

Supervisor Rapp announced that Albany County Comptroller Michael Connors will be attending the April 3rd Town Board meeting at his invitation to address the Town Board. Councilwoman Burnside read his email to the Supervisor he will highlight the risk of declining sales tax revenue due to rising internet sales.

PROPOSED HOMETOWN HEROS PROJECT

Councilman Boone announced through several emails & phone calls amongst the ranks of Town Officials regarding Miss DeGroff's proposed idea of a Hometown Hero's Project they have come to the conclusion that this project warrants the forming of an investigative committee. He was personally surprised at the number of topics which came up through the discussions. He reported a lot of work needs to be done and there are a lot of things that need to be taken into consideration. It is a viable project the Town would greatly benefit from it. He applauds Miss DeGroff for bringing it to the Town's attention. Councilwoman Amie Burnside volunteered to be on the Hometown Hero's Project committee as a liaison between the Town and the committee. Discussion followed.

MARCH MEETINGS

Councilman Boone reviewed the upcoming scheduled meeting dates for the month of March ie; Town Board Workshop on the Tue., 20th, Museum Board Thurs. 8th, Planning Board Tue., 27th, Zoning Board of Appeals Mon., 26th & BRC Thur. 22nd ; all to start at 7 PM.

HIGHWAY DEPT.

Councilwoman Burnside commended the Town of Westerlo Highway Dept. for their efforts during last week's snowstorm. Applause followed. To her knowledge, Westerlo was the only area Town that did not declare a State of Emergency. Supervisor Rapp advised that the Town was very lucky to not lose power.

BUILDING RENOVATIONS

Councilman Boone thanked and again recognized the continuing great work being done by Rick & Theresa Rupeka to renovate the Town Hall and the Town Court. Applause followed.

COMMUNITY NEWS

Town Clerk Kathleen Spinnato reported that volunteer drivers are needed for Town of Rensselaerville/Westerlo Sr. Bus/Car anyone who would like to volunteer please contact the Town of Rensselaerville for more details. Also, Albany County Health Dept. will hold a Rabies Clinic on Saturday, March 17th at the Town of Berne Highway Garage from 1 PM-4 PM.

OPEN TO PUBLIC

The Grant Writer asked the Town Board a question regarding the expansion of the Water District to include 560 State Route 143.

Fire Co. President Kelley Keefe announced the next Westerlo Vol. Fire Company Breakfast is on Sat. March 10th and she also reported on the calendar contest. At the last breakfast they served 160 people in 3 hrs. She commended the people of the town during the recent Noreaster snowstorm. They only had one call for a false alarm. People stayed off the roads and used common sense and stayed safe.

Councilman Boone reported on his attendance at his first Fire Co. meeting. Betty Filkins informed everyone that the Fire Co. meetings are open to the Public. Meetings are held on the last Wednesday of each month at 8 PM.

Councilwoman Burnside reported that BKW Central School is having their Shrek musical March 23, 24, & 25th.

Dorothy Verch reported Barn & Bistro is having Corned Beef and cabbage dinner March 17th.

The Town Clerk reported that second notice letters for unpaid 2018 property tax bills will be mailed out this week.

A resident suggested the Town website should be updated to include a listing of the Town Board members, their terms and contact information. The Town Clerk advised that each Dept./Board should be looking over their individual information and sending updates to the Town Clerk for posting. Deputy Clerk Karla Weaver advised the website was discussed at the last workshop. A revision of the website is in the process, it may take a few months. She has been looking at other websites for ideas and information so that revisions or updates of the content can be made with the Town Board's approval.

CLOSE MEETING

There being no further public comment, Supervisor Rapp made a motion to adjourn. Councilman Boone seconded, motion carried by those in attendance. Meeting adjourned at 8:40 PM.

Respectfully submitted,

Kathleen Spinnato, Town Clerk