

**WESTERLO TOWN BOARD
WORKSHOP MEETING
OF
TUESDAY, APRIL 16, 2019**

The Town of Westerlo Town Board held a workshop meeting on April 16, 2019 at the Town Hall located at 933 County Route 401, Westerlo, NY. Acting Supervisor Bichteman opened the workshop at 7 PM with the Pledge of Allegiance to the Flag.

Attending were: Acting Supervisor William Bichteman Jr.
 Councilwoman Amie L. Burnside
 Councilman Richard Filkins
 Councilman Joseph J. Boone
 Councilman Anthony W. Sherman

Also attending were: Highway Superintendent Jody Ostrander, Planning Board Chairperson Dorothy Verch, Zoning Board Chairperson John Sefcik, Deputy Town Clerk II Karla Weaver and approximately 6 residents.

PROPOSED CHANGES TO SOLID WASTE LAW

Acting Supervisor Bichteman asked Councilman Filkins if the intention was to revise the current Solid Waste Law or to replace it. Mr. Bichteman spoke to Interim Attorney Afzali who suggested that the Town Board make edits and recast the law as a totally different law even though it has similar provisions in it. Councilman Filkins indicated it made sense to replace the current law.

Councilman Filkins read some of the suggested changes to the proposed new Solid Waste Law including the definitions section. Some points that were discussed:

Definitions Section:

Under *Construction Debris*, Mr. Bichteman suggested instead of saying small or large amounts of waste, that a quantitative amount pertaining to each be defined. After discussion, it was suggested that 6 sq. ft would be considered a small amount anything more would be considered a large amount. Councilman Filkins also mentioned residents must rent a dumpster for removal of large amount of construction debris however Mr. Bichteman believed that should be removed; aside from dumpsters, there are many ways to dispose of such material and the town should not be involved in that. It was suggested to state that large amounts of construction debris are not permitted.

Another suggestion was adding *Department of Environmental Conservation (DEC)* to the definitions.

The definition of a *Resident* was discussed. It was proposed that a resident would be described as someone residing in a household that generates trash on property located in the Town of Westerlo. Discussion continued regarding different scenarios and wording.

Rubbish was defined and mentioned would go in the dumpster.

After a short discussion, all were in agreement that Attorney Afzali should massage the language to the definitions and law to his liking.

Solid Waste Law:

Section *01-04 Authority for Establishment of Solid Waste Facilities* was discussed and a suggestion was made to have this reviewed by the Interim Town Attorney. Acting Supervisor Bichteman wondered if this should be added to the Zoning Law instead of the Solid Waste Law. Discussion continued.

When referring to section *01-05 Consequences for Violators*, it was proposed that any violators will be documented. Discussion ensued regarding citing violators. Mr. Bichteman mentioned that it is important to provide the employees at the Transfer Station with the proper documentation so they don't have to make a judgment call.

Under section *01-08 Repeal of All Previous Local Laws and Regulations Regarding Dumps and Dumping*, it was proposed that the new Solid Waste Law will repeal and replace all portions and provisions of Local Law # 1 of 1989, Local Law # 2 of 1992 and Local Law # 1 of 2011.

It was suggested to discuss section *01-09 Amendments to Other Local Laws and Regulations* with the Zoning Administrator and that perhaps this could be added as part of his permit application process. It was suggested that the final sentence referring to how to find a private container for construction debris removal be removed.

Under *01-11 Rules and Regulations*, it was recommended to place the word “legally” in front of “generated and collected within the Town” and to strike “which are not otherwise prohibited”. Under *E* of this section, SWMC should be inserted into the language. In *K* of this section, it was proposed that all persons collecting, transporting and disposing of solid waste for Westerlo residents must provide a list of the residents they are servicing. Collectors and client lists were discussed and it was suggested that Collectors should supply a list of permit numbers yearly to the Town Clerk’s office with their renewals. Discussion continued regarding who has access to the Transfer Station outside of employees and if it should continue to be allowed.

Options were discussed on Section *01-13 Solid Waste Permits* as for issuing, requirements, coded colored stickers and implementation at the Town Clerk’s office and Transfer Station.

Discussion then ensued regarding how to handle rental properties and the possibility of issuing tags for the property that the landlord could give to the tenants with their keys that would be returned when they move. How the Transfer Station staff regulates people coming in without a permit and if a PO Box is acceptable as proof of residency or not was also mentioned. Mr. Bichteman suggested making a permit section which can be applied to the other sections.

Mr. Ostrander did not believe fees should be included in the law but instead should be part of a fee schedule. It was suggested that a fee schedule could be handed out with permits.

Mr. Bichteman commented that the law should be clear on violations and made some suggestions.

In section *01-22 Disposal of Reusable Items*, Councilman Sherman suggested changing Manager to Operator, all agreed.

A resident commented that other towns have similar problems with renters and wondered if anyone reached out to other towns for advice. Councilman Filkins agreed to reach out to the Town’s of Knox and Rensselaerville. Mr. Ostrander believed enforcement will come down to the operators at the Transfer Station.

The proposed changes to the Solid Waste Law will continue to be worked on and brought to a future meeting for further discussion.

EMAIL RESPONSE FROM INTERIM ATTORNEY AFZALI

Mr. Bichteman handed out an email response from Attorney Afzali that he received during tonight’s meeting regarding emails that were going around between the Acting Supervisor, Town Board members and Attorney Afzali about Solar Engineers. He asked that the Town Board take a few minutes to read and review the Attorney’s response, discussion ensued below:

Mr. Bichteman explained that the Planning Board Chairperson reached out to Kaaterskill Engineer to do the review of the contract for Cypress Creek. He indicated that Cypress Creek has a new site plan for review which is a modification to their original site plan. He mentioned that Kaaterskill has declined to continue due to their workload. In the interim and per the resolution passed at the April Town Board meeting, he along with Attorney Afzali spoke to Dave Ingalls from Ingalls Associates regarding the solar projects before the town. Mr. Bichteman sent Mr. Ingalls the scope of work; basically asking to review the existing solar projects within the town for conformity within the solar laws. Mr. Ingalls provided Mr. Bichteman with an agreement to do this on an hourly basis and after review of each, would give an estimate.

Mr. Bichteman indicated that the Shepard and Medusa projects were both in need of engineer review starting from the beginning. He explained that they fell within the purview that the applicant’s escrow accounts would pay for those expenses.

Mr. Bichteman then discussed Cypress Creek and the new site plan application which is a continuation of the original application that Kaaterskill was going to take care of but is currently too busy. Knowing the added site plan was new work to review and would be covered under the escrow money, Mr. Bichteman asked Mr. Ingalls to review the new portion of the project and bill separately for that.

The Borrego projects were already approved and Mr. Bichteman advised they basically just need to be reviewed after the fact. He explained to Mr. Ingalls that the Borrego projects would be at an hourly cost at the town expense. They had already been reviewed once in part although Mr. Bichteman couldn't locate a letter from an engineer saying they were done.

Mr. Bichteman entered into an agreement with Mr. Ingalls on Monday to do the engineering review. He met with Planning Board Chairperson Verch who advised him that she had reached out to Hyde Engineering to do the review as well and he asked her not to. Mr. Bichteman also reached out to Attorney Afzali for his opinion on the Engineer. Mr. Afzali agreed with Mr. Bichteman that Hyde Engineering was specifically hired for the review of solar electrical storage for the town as that was their area of expertise. Councilwoman Burnside believed there was a lack of communication with Mrs. Verch. Mr. Bichteman did not believe that with Mrs. Verch present at the last Town Board meeting where the Town Board passed a resolution for Mr. Bichteman with the assistance from the Attorney to hire Engineers for the solar projects before the town that Mrs. Verch would have hired Hyde Engineering. He continued that he did not understand why the Planning Board would hire Hyde Engineering when they were clearly hired for their expertise on battery storage. He also indicated that at the time Hyde Engineering was hired, the Town also had Kaaterskill Engineering employed on the same projects. He wasn't clear why we would hire a separate engineer when Kaaterskill was already doing the site work. The bottom line, the Attorney made note that the contract with Ingalls is binding and calls for review of those projects. Mr. Bichteman advised, that although well intended, the reach out to Hyde Engineering doesn't fit the ticket; their scope of work and their project is limited. The Attorney recommended calling Hyde Engineering to let them know that the Town does not wish for them to move forward on the project and if they do, we can't guarantee they will get paid. Mrs. Verch felt that she should make that call; Mr. Bichteman was in agreement but asked that Hyde send an acknowledgement email confirmation to him to confirm.

PUBLIC COMMENT

A resident did not believe it was a good policy to give the Town Board members something to review during the meeting, they should be allowed proper time for review. Mr. Bichteman responded that no decision can be made at workshop meetings and the email presented tonight was prompted by emails from Councilwoman Burnside and himself to the Town Attorney this afternoon and he felt it was important that the Town Board was apprised of the information immediately. The resident believed the email should have been read aloud for all to hear. Councilwoman Burnside indicated that a lot of the email had to do with executive session which was the reason it could not be disclosed. Councilman Sherman also indicated that the Attorney was giving the Town Board his opinion which fell under Attorney client privilege.

ZBA Chairperson John Sefcik commented on the proposed Transfer Station Law and the possibility that modifications would be made in the future to the Zoning Law in regard to the Transfer Station. He suggested any changes be added to the end of the Zoning Law.

There being no further business to discuss, Councilman Boone made a motion to adjourn the meeting, seconded by Councilman Filkins, all in favor motion carried. Meeting adjourned at 9:33pm.

Respectfully submitted,

Karla Weaver