

**WESTERLO TOWN BOARD  
MEETING OF  
TUESDAY, MARCH 17, 2020**

The Town of Westerlo Town Board held a Town Board meeting on March 17, 2020 at the Richard H. Rapp Municipal Building located at 933 County Route 401, Westerlo, NY. Supervisor Bichteman opened the meeting at 7:00 PM with the Pledge of Allegiance to the Flag.

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

Also attending were: Highway Superintendent Jody Ostrander, Highway Employee Carl Anderson Jr., and approximately five (5) residents.

**CORONA VIRUS PRECAUTIONS**

Supervisor Bichteman reviewed the precautions and measures he has enacted under Section 24 of NYS Executive Law to protect the public infrastructure and the health & safety of the people in the Town of Westerlo due to the Novel Coronavirus (COVID-19) outbreak in New York State. His decisions were based upon declarations made by the Governor, Albany County and communication from these agencies earlier this month. As Supervisor, he has enacted and filed the following documents with FEMA, Secretary of State and the Town Clerk.

1. Local State of Emergency Declaration
2. Declaration of the Town Supervisor
3. Two Local Emergency Orders:
  - Closure of the Library
  - Closure of Town Hall to the public with the exception of the March 17<sup>th</sup> Town Board meeting.
  - All meetings of boards and committees going forward are cancelled.
  - Town Highway Dept. workers no longer report to work unless there is an event requiring their essential services.
  - Transfer Station will only be open on Saturdays 8:00 AM - 3:45 PM & Sundays 8:00 AM - 11:45 AM.

In addition, he mentioned he receives at least two briefings per day from either the Albany County Executive or the County Executive in combination with the Albany County Health Dept. The briefings provide the epicenter of viruses detected, number of known cases, number of people quarantined and a county by county listing of where cases exist. As of today, there are 12 cases in Albany County, none in the Town of Westerlo.

Further discussion ensued between the Supervisor and the Town Board members. Supervisor Bichteman providing further insight to the Town Board regarding; the Town Supervisor's authority, State and County regulations, interaction with the Town Attorney, the chain of events leading to the reduction of non-essential town hall staff followed by a reduction of the entire non-essential workforce of the Town, causing the change in transfer station hours. He

will be working with Highway Superintendent Jody Ostrander to resolve a conflict with a trash hauler whose route involves a Tuesday schedule. Councilman Kryzak commended the Supervisor for his swift actions taken thus far. He posed questions concerning any steps that could be taken by the town to continue services for those who may not have access to the food pantry, etc. The Supervisor believed the food pantry remained open at this time. He has reached out to the library, churches and other entities to arrive at decisions on a mutually agreed upon basis but advised that he has authority to close churches under section 24.

#### **SUPERVISOR MONTHLY REPORT**

Councilman Boone made a motion to accept the Supervisor's monthly report for Feb 2020, Councilwoman Burnside seconded, all in favor motion carried.

#### **NYCLASS INVESTMENT REPORT**

Supervisor indicated that the Town Board had before them a NYCLASS summary statement and current balance to date and a statement of accounts. Today the town received CHIPS and some other monies which would make it possible to invest more in NYCLASS. As of today, the NYCLASS account shows \$887,778 plus change, however he added another \$500,000 to that account so the number is incorrect. The money came from the general savings account reducing the balance from \$360,000 to \$160,000 and the Highway Savings from \$572,000 to \$272,000. The present fund balance is \$2,745,013, 50% of this amount is \$1,372,507 under current rules, is the maximum investment allowed by the town board. This leaves an additional \$500,000 currently in the savings account which could be invested. He asked the Town Board to consider re-evaluating their decision on NYCLASS investment allowing the Supervisor to increase the investment from 50% to 75%. Councilman Kryzak questioned whether there is a waiting period to remove funds. Supervisor Bichteman indicated that money can be removed at any time, interest however is calculated based upon the hour of the day. Discussion continued with Board members Kryzak and Boone voicing their opinions in favor of the increase to 75%. Councilman Boone then made a motion to adopt the following resolution:

WHEREAS: the Town of Westerlo currently invests 50% of available funds in the town's NYCLASS account, and

WHEREAS: the Supervisor has requested that the Town Board reconsider raising the total investment to 75% of available funds, be it hereby

RESOLVED: the Town Board grants the Supervisor the authority to increase the percentage cap of investment from 50% to 75% of the available fund balance with NYCLASS.

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

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

NAYES: None

**RESOLUTION # 16 of 2020 was duly adopted.**

### **TOWN CLERK & TAX COLLECTOR MONTHLY REPORTS**

Councilman Filkins made a motion to accept both the Town Clerk and the Tax Collector's reports for the month of February as submitted. Councilwoman Burnside seconded, all in favor motion carried.

### **TOWN BOARD MINUTES**

Councilman Kryzak made a motion to accept the Town Board minutes of 2/18/2020 and the Town Board workshop minutes of 3/3/2020, Councilman Filkins seconded, Councilwoman Burnside and Supervisor Bichteman in favor. Councilman Boone in favor of 2/18/20 minutes, and abstained from 3/3/20 minutes due to his absence from the workshop. Motion carried.

### **PAYMENT OF MONTHLY BILLS FOR MARCH 2020**

Councilwoman Burnside made a motion to adopt the following resolution:

WHEREAS: the monthly bills have been audited by the town board, be it hereby

RESOLVED: that the following March 2020 invoices be paid Voucher # 93 through Voucher # 155 in the amount of \$138,452.01.

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

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

NAYES: None

**RESOLUTION #17-2020 was duly adopted.**

### **OLD BUSINESS:**

### **TOWN WEBSITE**

Supervisor Bichteman advised the Town Board that as of 4/25/2020 Steve MacLasco has indicated he will no longer perform a website service for the town. Mr. MacLasco was very inexpensive and he does not expect to find someone else to do this for the same price. He has reached out to three vendors and has received prices from two, but is waiting for a price the third Mr. Markson. Mr. Markson had proposed to bring this information to the Town Board at a workshop, the Supervisor hopes to see something in place by the 1<sup>st</sup> of next month. Mr. Bichteman will ask Mr. Markson to send his proposal to the Town Board. Due to open meetings law and the cancelation of meetings due to the COVID 19 virus, Mr. Bichteman asked that the Town Board respond with their comments to the Supervisor individually on the proposal, indicating it is the only way he can see around this under the present circumstance. He will then ask the Town Board for permission to enter into a contract for a town website with an amount not to exceed \$3,000. He suggested to the Town Board that he anticipates the process for any updates for postings to the website to be made via the Town Clerk's office. With no other questions/commments from the Town Board, Councilman Boone made a motion to adopt the following resolution:

WHEREAS: the Town of Westerlo will need to seek website services from a new vendor, be it hereby

RESOLVED: the Town Board authorizes the Supervisor to enter into contract Negotiations not to exceed \$3,000 with a vendor responsible for

implementing, maintaining and updating the Town of Westerlo official website as necessary, working in conjunction with the Town Clerk's office.

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

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

NAYES: None

**RESOLUTION #18-2020 was duly adopted.**

### **TOWN PARK; RESERVATIONS, EVENT & EVENT FEES, DEPOSITS & REFUNDS**

Supervisor Bichteman asked the Board to nail down the above referenced items for the town parks. He is suggesting reservations be made no further than 1 yr in advance of the anticipated date. Currently, fees are charged are based upon resident and non-resident and if applicant is holding a "special event". He would like definition of what constitutes a "special event". Deposits would remain the same as it reserves the park and helps defray costs for any damages. Refund of deposits would require a voucher be completed and then deposit would be returned follow approval at a regular Town Board meeting as was suggested at the previous workshop meeting. Councilman Kryzak suggested eliminating special events altogether. Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: the Town Board finds it necessary to simplify the town park reservation, be it hereby

RESOLVED: the Town Board authorizes the following town parks fees to be classified as either; resident fee \$50, non-resident fee of \$100, elimination of a special event fee, reservations not allowed further than one year in advance, deposits still required with issuance of return of deposits following the next scheduled Town Board meeting.

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

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

NAYES: None.

**RESOLUTION #19-2020 was duly adopted.**

A resident questioned if the deposits for So. Westerlo Park and Westerlo Park would remain \$100 and \$200 respectively, Supervisor Bichteman responded yes.

### **TRANSFER STATION PERMITS**

The implementation of transfer station permits were discussed. It was mentioned that the acceptance of applications would be pushed from April 1<sup>st</sup> to June 1<sup>st</sup> due to the COVID-19 situation and would be enforceable 90 days thereafter. Mr. Bichteman believed a fee of \$5 a yr for the permits was an acceptable fee to cover the costs of the tag and stickers however after Town Board discussion it was decided no fee would be enforced until 2021. The transfer station application will be available at the transfer station and on the town website. Councilman Kryzak recommended allowing applications to be mailed to the Town Clerk and suggested the permits

could be picked up at the transfer station, no decision was made. Councilwoman Burnside made a motion to adopt the following resolution:

WHEREAS: The Town of Westerlo will be enforcing a new permit process for the transfer station, be it hereby

RESOLVED: The Town Board implements the process of obtaining transfer station tags by June 1<sup>st</sup> and making them enforceable by Sept 1<sup>st</sup> 2020 for a 1 year term at no fee for this year.

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

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

NAYES: None

**RESOLUTION # 20-2020 was thereby duly adopted.**

### **RESOLUTION TO ADOPT CHANGES TO EMPLOYEE HANDBOOK**

Mr. Bichteman advised that section 700, Compensatory Time was previously discussed at the workshop meeting and reviewed the suggested change. He also indicated the insurance company suggested including section 1002, the law for Hazard Communication Program into the handbook. There was question regarding OSHA, so the topic was tabled to allow time to research OSHA requirements.

### **TOWNWIDE EMAIL-PROTON MAIL**

The subcommittee formed of Councilmen Kryzak and Boone updated the Board on the Policy and Procedures for proton mail. Councilman Kryzak indicated he had a rough draft of information he collected and hoped to be able to provide more information at the April 7<sup>th</sup> meeting. Supervisor Bichteman suggested he speak with the Town Clerk and Code Enforcement Officer to discuss any requirements.

### **NEW BUSINESS**

#### **5 YEAR INTER-MUNCIPAL SHARED SERVICE AGREEMENT**

Supervisor Bichteman announced he has received an agreement between New Scotland, Guilderland, Knox, Altamont, Voorheesville, & Westerlo which was originally conceived in 2014. He indicated there is an addendum to the contracts adding the Town of Westerlo to the group. Highway Superintendent Ostrander advised that the agreement basically means each town will help us and we will help them if the need arises, he gave some examples. He also indicated this covers certain liabilities and advised is something the Town has been doing for a long time.

Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town of Westerlo was provided with a 5 year Inter-Municipal Shared Service Agreement between the towns of New Scotland, Guilderland, Knox, Altamont, Voorheesville and Westerlo, be it hereby

RESOLVED: The Town Board authorizes Supervisor Bichteman to enter into this agreement on behalf of the Town of Westerlo.

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

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

NAYES:None

**RESOLUTION # 21-2020 was thereby duly adopted.**

**WESTERLO WATER DIST. NO. 1 WATER BILLING AND COLLECTION**

Supervisor Bichteman advised that currently the billing for the water district is handled through the Supervisor's office and collection is handled by the Town Clerk's office. To streamline the process, he is suggesting allowing the Supervisor's office to be the collector of the water rents and charges. He indicated state law requires the receiver of taxes to accept water rents however he contacted the Associations of Towns and the Town Attorney to get their opinion. He advised that LL 1-2016 indicates the Town Board can designate someone else to collect these monies. Councilman Boone made a motion to adopt the following resolution:

- WHEREAS: the Town Board seeks to provide an orderly and efficient means of collecting water rents and charges; and
- WHEREAS: the Town Board further wishes to establish a single and central source for billing and collection of such rents and charges; and
- WHEREAS: Local Law 1 of 2016; amendment to the water use law sets forth the criteria regulating of methods, collection of water rents and charges; and designation of the receiver; and now therefore be it
- RESOLVED: that the Town Supervisor be designated as collector of water rents and charges.

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

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

NAYES:None

**RESOLUTION # 22-2020 was thereby duly adopted.**

It was determined that this will become effective immediately

**APPOINTMENT OF FOIL APPEALS OFFICER & ZONING AND PLANNING ADMINISTRATOR**

Mr. Bichteman indicated the FOIL Appeal Officer and Zoning and Planning Admin was accidentally omitted from the organizational minutes in January. Councilman Boone made a motion to adopt the following resolution:

- WHEREAS: There is a vacancy for a FOIL Appeals officer and Zoning and Planning Administrator, be it hereby
- RESOLVED: The Town Board reappoint Amie Burnside as FOIL Appeal Officer and appoints Jeffry Pine as Zoning and Planning Administrator both for a term of 1 year made retroactive from January 1<sup>st</sup> 2020 and to expire Dec. 31<sup>st</sup> 2020.

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

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

NAYES:None

**RESOLUTION # 23-2020 was thereby duly adopted.**

## **BANK OF GREENE COUNTY**

Supervisor Bichteman mentioned the benefits of declaring the Bank of Greene County as the depository for town funds at the last workshop meeting and reviewed them briefly tonight. He indicated there had been a question regarding a potential conflict of interest between the Bank of Greene Co. and the Town of Westerlo and after review, there is no one that has a shared interest. Similar to National Bank of Coxsackie, the Bank of Greene County also has a third party trust company to insure deposits in excess of the \$250,000, the FDIC amount. Supervisor Bichteman indicated he would need to raise the \$250,000 limit in one account set at the organizational meeting to \$400,000 due to the elimination of savings accounts. Councilman Kryzak made a motion to adopt the following resolution:

- WHEREAS: The Town Board endeavors to maximize the earnings potential of the depositories at any and all Town Funds; and
- WHEREAS: The Bank of Greene County is a local bank having an active branch within the Town of Westerlo; and
- WHEREAS: The Bank of Greene County meets or exceeds all NY State municipal financial management and banking requirements including third party collateralization; and therefore be it
- RESOLVED: That the Bank of Greene County is hereby designated a depository for any or all Town Funds, the maximum amount on deposit at any one time not to exceed \$400,000 per account and in association with M&T Bank as its third-party custodian.

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

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

NAYES: None

**RESOLUTION # 24-2020 was thereby duly adopted.**

## **CONSIDERATION OF PROPOSED LL # 2-2020 – GREIVANCE DAY DATE CHANGE**

Supervisor Bichteman indicated that the Town Assessor has a conflict with the designated grievance day date for taxes and therefore he is suggesting to change the date which requires a local law. It is suggested that the date be changed to the Wednesday after the 4<sup>th</sup> Tuesday in May. It was decided that a public hearing will be held on April 21<sup>st</sup> @ 6:45pm. Mr. Bichteman also indicated the need to continue Town Board meetings moving forward during the current COVID-19 situation to continue important business and to pay the monthly bills. Councilman Boone made a motion to adopt the following resolution:

- WHEREAS: The Town Assessor has a conflict with the grievance day date, be it hereby
- RESOLVED: The Town Board hold a public hearing on April 21<sup>st</sup> at 6:45pm for the purpose of changing the grievance day date to the Wednesday after the 4<sup>th</sup> Tuesday in May.

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

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

NAYES: None

**RESOLUTION # 25-2020 was thereby duly adopted.**

### **MONTHLY REPORTS**

Supervisor Bichteman requested to suspend the monthly reports for this month.

### **COMMUNITY HOST AGREEMENTS (CHA) & PILOT AGREEMENT FOR MEDUSA 1 LLC**

Supervisor Bichteman advised he just received the CHA and PILOT agreement for Medusa 1 LLC. He indicated they are draft agreements and will be exactly the same as the Westerlo 1 LLC (Shepard Farm) agreements. He requested permission to sign these when they become final. Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: The draft Community Host and PILOT agreements have been provided to the town, be it hereby

RESOLVED: The Town Board authorize the Supervisor to sign the final agreement when it becomes available on behalf of the Town of Westerlo.

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

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

NAYES: None

**RESOLUTION # 26-2020 was thereby duly adopted.**

### **EXECUTIVE SESSION**

Supervisor Bichteman made a motion to enter into executive session at 8:43pm to discuss personnel and legal matters before the town. Motion seconded by Councilman Boone, all in favor motion carried.

Councilman Filkins made a motion to close executive session and at 9:34pm. Seconded by Councilman Kryzak, all in favor motion carried.

### **CLOSE TOWN BOARD MEETING**

Councilman Kryzak made a motion to reopen the regular town board meeting. Councilman Boone seconded the motion, all in favor motion carried.

Councilman Kryzak made a motion to adjourn the Town Board meeting. Seconded by Councilman Filkins, all in favor motion carried. The Town Board meeting adjourned at 9:37pm.

Respectively submitted,

Kathleen Spinnato  
Town Clerk