

**Town of Westerlo Town Board
Workshop Meeting
of
Tuesday, September 1, 2020**

The Town of Westerlo Town Board held a workshop meeting on Tuesday, September 1, 2020 at the Richard Rapp Municipal Building located at 933 County Route 401, Westerlo, NY. Supervisor Rapp opened the meeting with the Pledge of Allegiance to the Flag at 7:00 PM.

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

Also attending: Highway Superintendent Jody Ostrander, Planning Board Chairwoman/Broadband Research Committee Chairwoman Dorothy Verch, Planning Board members Edwin Stevens and Richard Kurylo, Zoning Board members Guy Weidman and Jillian Henck, previous Transfer Station employee Charles Benninger, Town Attorney Javid Afzali, Acting Town Clerk Karla Weaver and approximately five residents.

Attending via Zoom: Zoning Board of Appeals Chairman John Sefcik, residents Anita Marone, Leonard Laub, Ted and Hope Nugent, Eric Markson, Betty Filkins and several other interested residents.

ZOOM/PRIVILEGE OF THE FLOOR

Supervisor Bichteman read a letter to the Town Board and audience about trying to improve upon zoom meetings. He indicated that the public will only be able to participate when called upon. Zoom attendees will need to raise their hands and when called upon will be able to speak.

2021 HEALTHCARE PLAN OPTIONS

Councilman Kryzak advised that it was his and Councilwoman Burnside's goal to try to offset the rising costs of health insurance by researching the best possible plan the Town can provide to its employees. The option that looks the best financially, is to move from a gold to a silver plan and keep everyone who contributes zero at zero and anyone who contributes 20% at 20%. The silver plan will be paid completely by the town. If employees want to keep the gold plan, they would just have to pay the difference. As far as covering the deductible, the town is already paying 70% and Mr. Kryzak believes it's only fair to maintain that. A resolution will be brought in front of the Board on the 15th. Councilman Filkins was in agreement.

COMBINING PLANNING AND ZBA BOARDS

Councilman Kryzak asked the Planning and Zoning Board Chairs for their opinion of the possible merger of the Planning and Zoning Boards. Chairperson Verch advised that the proposed merger is modeled from the Town of Coeymans who merged due to application conflicts. She indicated it was expeditious of Coeymans to merge their two Boards and mentioned that Westerlo is different.

Resident Leonard Laub gave some historical background regarding the Town of Westerlo Planning and Zoning Boards as none of the elected officials to date were present back then. In 1992, the Planning Board was dissolved by the Town Board and for 15 years, there was no Planning Board. In 2006, the Town was sued by an applicant who didn't like what happened when they put their application forward and had no recourse for what they believed was inappropriate handling. Back then, Mr. Laub attended

meetings frequently and could see the stress and concern regarding the present suit and the possibility of more. At that point the Town Board decided to reestablish a Planning Board, Local Law #1 of 2007 was passed which chartered a new Planning Board consisting of 5 members who would meet monthly and be compensated. In addition to hearing applications, the Planning Board was tasked with the development of a comprehensive plan. Since that time, Mr. Laub believed they have developed considerable expertise and were doing a good job considering the very complex applications before them.

Mrs. Verch explained the application process which can be quite extensive and complicated which takes more time and effort. She mentioned that the Planning Board members are capable of handling all applications that come before them as a result of the intense training they receive. All members are independent thinkers, speaking their minds.

Mrs. Verch advised, at one of the training seminars that the Planning Board attended at Hudson Valley Community College, the Dept. of State pointed out that towns enjoy a triumvirate of power (3 boards); the Town Board is the legislative branch who creates the laws, the ZBA is the appellate division and acts as a buffer for aggrieved applicants and the other type of appeal is interpretations and variances. Mrs. Verch explained that the Planning Board has two types of powers, advisory and regulatory. Advisory powers come from either the state statute or local town board. For land use regulations, the state statute authorizes the Planning Board to recommend to the Town Board regulations related to any subject over which the Planning Board has jurisdiction. In her opinion, merging the boards would be detrimental to the town, depriving applications of checks and balances. She indicated that merging and populating the Board with the same individuals would provide no other recourse for the applicants other than the supreme court, also lending itself to conflict of interest. Both boards serve individual services to the town and it's her recommendation to keep them separate. Salaries should be paid per meeting unless it is cancelled.

Planning Board member Richard Kurylo asked who advised the Town Board that the Planning Board volunteered their salaries. Councilman Kryzak mentioned he did not do his due diligence as he was informed that the members were on board with not taking salaries. Mr. Kryzak now believes salaries should be reinstated and paid on a per meeting basis and wondered if the previous member who resigned would come back if salaries were reinstated. The Planning Board members indicated they would speak to Mr. Shaver about returning.

The Board also heard comments from ZBA Chairperson Sefcik, having no opinion one way or the other regarding combining boards. He did not feel it was necessary to have a 7-member board however was in favor of having substitutes. He did not believe co-chairs work.

ZBA member Jillian Henck indicated that many planning and zoning boards do not get paid and she would volunteer on any board however it is her preference to spend less time and be more efficient. She enjoys the flow the current ZBA has.

Planning Board member Edwin Stevens mentioned people should be compensated for the time they spend, indicating it was fair to pay per meeting. He expressed concern about the new Comprehensive Plan going too far and turning the town into a homeowner's association. He believes in keeping the two boards separate otherwise applicants are dealing with the same people. A lot of time is spent reviewing solar farm applications and sometimes doing multiple site visits. Although the boards do their best to

get information to the public, many times they don't receive feedback until after the fact. Councilman Filkins agreed with Mr. Stevens regarding solar farms.

Guy Weidman from the ZBA believed they should probably have seven members if the boards were to merge and indicated compensation doesn't matter to him if it means keeping full time people on.

Town Attorney Afzali explained the process of dissolving the Planning Board and how the powers fall to the Town Board which can then be passed on to the ZBA. In no case would an adverse decision ever be taken to the ZBA for an appeal. There is no notion of checks and balances because the boards don't act as an appellate view.

Resident Leonard Laub indicated that the town hasn't been sued since they created the separate Planning Board 13 years ago. He reminded the Town Board of LL # 1 of 2007 which created the Town of Westerlo Planning Board consisting of 5 members. Article 3 of the law indicates each member shall be compensated and compensation shall be approved in the budget at the organizational meeting. He did not see that there was an opportunity to dissolve the Planning Board or take away compensation unless the Town Board does something to change the law. Councilwoman Burnside believed if the Town Board approved dissolving the Planning Board, it wouldn't take effect until January. Mr. Laub believed the current Planning Board is very effective and skilled.

The Town Board heard comments from residents seemingly not in favor of dissolving the Planning Board.

BUDGETING FOR RENEWABLE ENERGY ZONING CONSULTANT

Comprehensive Plan consultant Chuck Voss, provided Bill with an estimate for the framework for the proposed zoning changes as it relates to renewable energy. The estimate is roughly \$7,600 for his services. The Comprehensive Plan Committee's activities are going to push the limit of whether or not the Town has time to construct the changes to the zoning. Mr. Bichteman advised that the moratorium was renewed to maintain the protection from any farm wanting to build in town and without the guidelines in place, the town was at risk. He read the proposal from Mr. Voss. Discussion ensued.

Mrs. Verch indicated it was up to the Town Board to build the laws, without them, the Planning Boards hands are tied.

HR ISSUES

Councilman Kryzak expressed concern regarding employee retention as many employees have left since the budget cuts were made. He would like to try to keep the employees that the town has and is hearing many people are unhappy and would like to address those concerns before it's too late. Supervisor Bichteman mentioned that the two Highway employees who were laid off had short term plans for the town anyway and that hasn't affected the rest of the town's employees other than creating some hysteria. He indicated many of the others who left were performance related, had family issues, illnesses and/or better opportunities and not a direct result of budget cuts. The town is trying not to change health insurance too much and he will be bringing a payout/buyout option for employees who partake in insurance outside of the town.

PUBLIC COMMENT

Highway Superintendent Jody Ostrander mentioned that he found out that the Westerlo Highway Department is behind everyone else, advising Westerlo's boot allowance is a lot lower (\$300 in Town of

Berne) and employees have never had longevity pay which everyone else has. When comparing other towns, employee contribution of 20% towards their health insurance is the highest. He believed employee retention is going to be difficult. He asked Councilman Kryzak about health insurance, wondering if an employee opts to take the gold plan, is their deductible fully covered being that it's only 70% of the silver plan. Councilman Kryzak indicated that the deductibles on the silver plan are higher than on the gold plan. If someone opts to take the gold plan and pay the difference, the town just saved \$600, the plan shouldn't matter. Supervisor Bichteman agreed.

A resident indicated she was kept from speaking during the meeting. Other residents had issues with unmuting as well. Zoom attendee Mr. Markson advised it is a feature of zoom that was just put in place this evening.

Planning Board Chairperson Verch asked if the Town Attorney could attend Planning Board meetings. The Town Attorney explained his process with the ZBA, with many questions being done pre-meeting via email. If he is needed for a meeting, the applicant would be responsible for paying his fees.

A resident asked if the Town Board planned to ask Mrs. Verch and Mr. Markson to come back as members of the Broadband Research Committee indicating there are a lot of kids going back to school and would benefit. Mrs. Verch will think about it and Mr. Markson mentioned there were some things he would like addressed first but would consider.

A resident advised that Albany County Conservation is offering free water testing. Visit their website to find out how to pick up a free test.

Planning Board member Stevens has been attending Town Board meetings since the 90's. For many years, employees didn't get a raise or cost of living increase. The main thing they were told is the Town wouldn't touch their health insurance. He believed they should be left at the gold plan as it is currently. The town should figure out how to absorb the cost. It's unfair how much they have given over the years, health insurance should be left alone.

EXECUTIVE SESSION- POSTPONED

Supervisor Bichteman advised that Councilman Filkins would like to be in attendance for the executive session so it will be postponed until September 15th.

ADJOURNMENT OF MEETING

With there being no further public comment, Councilman Kryzak made a motion to adjourn the Town Board Workshop meeting. Councilwoman Burnside seconded, all in favor motion carried. Meeting adjourned at approximately 9pm.

Respectfully Submitted,

Karla J. Weaver
Acting Town Clerk