

**TOWN OF WESTERLO
PUBLIC HEARINGS REGARDING 2021 PRELIMINARY BUDGET, 2021 WESTERLO FIRE CO.
BUDGET AND PROPOSED LOCAL LAW # 4 OF 2020- TAX CAP OVERRIDE &
REGULAR TOWN BOARD
MEETING OF
WEDNESDAY, NOVEMBER 4, 2020**

The Town of Westerlo Town Board held three public hearings regarding the 2021 Preliminary Budget, 2021 Westerlo Vol. Fire Co. Budget and Proposed Law Law # 4 of 2020- Tax Cap Override followed by a regular Town Board meeting on Wednesday, November 4, 2020 at the Richard H. Rapp Municipal Building located at 933 County Route 401, Westerlo, NY via ZOOM # 91571318179. 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: Planning Board Chairperson Verch, Highway Superintendent Jody Ostrander and Highway Employees Justin Case and Salvatore Spinnato, Planner Chuck Voss, Comprehensive Plan Committee Chairperson David Lendrum and member Kelley Keefe, Town Attorney Javid Afzali, Deputy Town Clerk Kathleen Spinnato, Acting Town Clerk Karla Weaver and approximately three interested residents.

ZOOM attendees: ZBA Chairman Sefcik, previous BRC member Eric Markson, Town Historian Dennis Fancher, Comprehensive Plan Committee member Barbara Russell and approximately four interested residents.

PUBLIC HEARING- 2021 PRELIMINARY BUDGET

Councilman Kryzak made a motion to open the first public hearing on the 2021 Town of Westerlo Preliminary Budget. Councilwoman Burnside seconded, all in favor motion carried.

Councilman Filkins believed there should be money in the budget to allow for the Highway Employees to get a raise. Supervisor Bichteman believed it was premature at this time as negotiations with the union are ongoing.

Councilwoman Burnside believed the Highway Superintendent should receive a raise. Supervisor Bichteman proposed increasing Mr. Ostrander's salary to \$62,400, representing a \$2,369.96 raise and discussed options for where the money could come from. Councilman Kryzak suggested using money from the Highway Fund Balance.

ZBA Chairperson Sefcik suggested the Town Board review the Town Clerk's budget, specifically at the salaries for the deputies. Previous BRC member Eric Markson indicated there is a lot more that is falling on that office. Councilman Kryzak indicated that the workload that the

Board is asking them to do justifies the extra expense. He also believed it would be cheaper to pay straight time than over time plus there is a savings on health insurance as the deputies would be part time. Mr. Boone asked if there was anything that could be done to help reduce hours. Ms. Weaver responded she will happily give up the website, transfer station permits and park. Councilman Kryzak indicated there is more going on in the office this year. Deputy Town Clerk Spinnato mentioned that neither her nor Town Clerk Weaver haven't been able to take any vacation that is due to them and she doesn't believe they will be able to take time off this year with the added work. Mr. Markson indicated that when the Board decided to take on the website internally, they knew they would have to pay someone to do the work and it's probably cheaper to pay someone internally, although he will gladly do it.

Supervisor Bichteman mentioned that he reviewed the Town Clerks budget and believes for at least the coming year the hours are necessary however, is unsure if the same will be required for the following year. He believed it will be difficult to find part time help and it may be beneficial to pay the benefits in the end to have two full time people and no part time people for a quality position. Councilman Kryzak mentioned the entire budget is actually lower than last year.

Councilman Kryzak made a motion to close to public hearing on the 2021 Preliminary Budget at 7:21pm. Councilwoman Burnside seconded, all in favor motion carried.

PUBLIC HEARING-2021 TOWN OF WESTERLO VOLUNTEER FIRE CO. BUDGET

Councilman Kryzak made a motion to open the public hearing on the 2021 Town of Westerlo Vol. Fire Co. Budget. Seconded by Councilwoman Burnside, all in favor motion carried.

Supervisor Bichteman indicated the Fire Co. will have no increase to their budget, operating on the same amount as 2019 which Councilman Kryzak believed was commendable.

Councilman Filkins mentioned that the Fire Co. will be receiving \$1,200 a month from the cell tower in So. Westerlo. President Kelley Keefe responded, that money hasn't been received yet.

With there being no further public comment, Councilman Boone made a motion to close the public hearing on the 2021 Town of Westerlo Vol. Fire Co Budget at 7:29pm. Councilman Kryzak seconded, all in favor motion carried.

PUBLIC HEARING ON PROPOSED LOCAL LAW # 4-2020-TAX CAP OVERRIDE

Councilman Boone made a motion to open the public hearing on proposed Local Law # 4-2020, Tax Cap Override. Councilman Kryzak seconded all in favor motion carried.

Supervisor Bichteman advised that the proposed budget exceeds the tax cap by \$67,161 therefore the Board needs to override the tax cap by local law. Councilman Kryzak read the proposed law aloud (see attached).

With no further comments, Councilman Kryzak made a motion to close the public hearing on proposed local law # 4-2020 Tax Cap override at 7:34pm. Councilwoman Burnside seconded, all in favor motion carried.

REGULAR TOWN BOARD MEETING

Councilman Boone made a motion to open the regular town board meeting at 7:35pm. Seconded by Councilman Kryzak, all in favor motion carried.

OLD BUSINESS

ADOPTION OF 2021 PRELIMINARY TOWN OF WESTERLO FIRE COMPANY BUDGET

Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town of Westerlo has held a Public Hearing on the 2021 Preliminary Town of Westerlo Vol. Fire Co. Budget, be it hereby

RESOLVED: the 2021 Preliminary Fire Co. Budget becomes the 2021 Town of Westerlo Vol. Fire Co. Adopted Budget.

Seconded by Councilwoman Burnside, a vote resulted as follows:

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

ABSTAIN: Councilman Filkins

NAYS: None

Resolution # 67 of 2020 was hereby duly adopted.

ADOPTION OF LOCAL LAW NO. 4, TAX CAP OVERRIDE

Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town of Westerlo held a Public Hearing on Proposed Local Law No. 4 of 2020, be it hereby

RESOLVED: The Town Board adopts Local Law No. 4 of 2020 to override the Tax Levy Limit for Fiscal Year 2021.

Seconded by Councilman Boone, a vote resulted as follows:

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

NAYS: None

RESOLUTION # 68 of 2020 was hereby duly adopted.

REVIEW & ADOPTION OF 2021 PRELIMINARY TOWN OF WESTERLO BUDGET

Supervisor Bichteman indicated that \$2,400 will be taken from the fund balance and added to the appropriated fund balance on the Highway budget line to increase the salary of the Highway Superintendent by \$2,369.96 to \$62,400 annually. Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town of Westerlo has held a Public Hearing on the 2021 Preliminary Town of Westerlo Budget, be it hereby

RESOLVED: the 2021 Preliminary Budget becomes the 2021 Town of Westerlo Adopted Budget which includes an increase of \$2,369.96 to the Highway

Superintendents salary for a total of \$62,400 annually from the fund balance.

Seconded by Councilwoman Burnside, a vote resulted as follows:

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

NAYS: None

Resolution # 69 of 2020 was hereby duly adopted.

PROPOSED TRANSFER STATION PERMIT APPLICATION

The Supervisor provided the Town Board with an proposed updated Transfer Station application. The Town Clerk believed the point of the initial Transfer Station permit was to prohibit people who don't reside in Westerlo from using the transfer station and with the new application allowing for two permits to be given to the homeowner, the Town has no idea who the second permit holder is. The Supervisor did not believe it made any difference. Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town of Westerlo Town Board reviewed the revised Transfer Station application which was provided by the Supervisor, be it hereby

RESOLVED: The Town Board approve the new application and fee of \$25.00.

Seconded by Councilman Boone, a vote resulted as follows:

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

NAYS: None

Resolution # 70 of 2020 was hereby duly adopted.

TOWN PARK SECURITY

Councilman Kryzak indicated he was working to obtain information and pricing for the possibility of having two cameras, one at the parking lot at the Town Hall and one pointing to the Town Park across the road. There is a 30-day backup before it erases and is to be discussed for next years budget. The Town Clerk advised that the lighting outside the Town Hall should be addressed.

NEW BUSINESS

RESOLUTION TO RE-LEVY WATER DIST. NO 1 UNPAIDS

Supervisor Bichteman announced that unpaid water bills need to be releived on the 2021 Property Tax bills and made a motion to adopt the following resolution:

WHEREAS: The Town Board has reviewed the Westerlo Water District No. 1 unpaid invoices/relevy report, be it hereby

RESOLVED: The Town Board authorizes the Albany County Legislature to relevy onto the 2021 Town of Westerlo Property Tax bills the unpaid water bills for the period, Oct. 15, 2019 through July 15, 2020 totaling \$12,424.76.

Seconded by Councilman Kryzak, a vote resulted as follows:

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

NAYS: None

Resolution # 71 of 2020 was hereby duly adopted.

ESTABLISH PETTY CASH FUND FOR TOWN CLERK & TAX COLLECTOR

Supervisor Bichteman advised the Town Board that the Town Clerk & Tax Collector's office is requesting petty cash as they do not have enough to make change. It was recommended that the Town Clerk petty cash be increased by \$30 for a total of \$100 and that a petty cash fund of \$200 be established for tax collection. Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town Clerk/Tax Collector's office needs to increase their petty cash fund in order to make change, be it hereby

RESOLVED: The Town Board authorizes the Supervisor to establish a petty cash fund of an additional \$30.00 for the Town Clerk and \$200.00 for tax collection.

Seconded by Councilwoman Burnside, a vote resulted as follows:

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

NAYS: None

Resolution # 72 of 2020 was hereby duly adopted.

COMPREHENSIVE PLAN PROGRESS REPORT

Supervisor Bichteman advised that Diane Sefcik who has been working very hard behind the scenes and was very helpful in putting the entire plan together will no longer be assisting the Comprehensive Plan. Comprehensive Plan Chairman David Lendrum gave an update on the plan:

- Reviewed their progress including the community workshop and inventory process that took place earlier in the year
- Since mid Oct. have been working on goals and actions
- Meeting twice a month since August to meet the deadline and hope to have plan complete by April.
- He thanked Mrs. Sefcik for volunteering her time, assisting with the initial layout of the plan and organizing the content. It is too much for one person to handle.
- Committee members have spent roughly 400 hours so far on the plan.
- He believed they now need guidance to help with mapping, goals and layout.

Supervisor Bichteman believed that in order to finish the plan the Comprehensive Plan Committee will need professional help. Since the Town still requires further services, he has asked Planner Chuck Voss to provide a proposal. Mr. Voss explained what he can provide to get the plan over the finish line including a scope of work, for a total of \$11,200. To cover the additional expense, Supervisor Bichteman indicated that there is still \$12,000 left in the budget for Engineering services and with no plans to spend it this year, believed it could be used for this purpose. Councilman Kryzak believed it was worth spending the money to invest in the town's future and made a motion to adopt the following resolution:

WHEREAS: The Town of Westerlo Comprehensive Plan Committee is in need of assistance with finishing the plan, be it hereby

RESOLVED: The Town Board authorizes the Supervisor to enter into agreement with Barton and Loguidice as the professional consultants for an amount of \$11,200 to complete the plan.

Seconded by Councilman Boone, a vote resulted as follows:

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

NAYS: None

Resolution # 73 of 2020 was hereby duly adopted.

ACCEPTANCE OF ONLINE CREDIT CARD AND E-CHECK PAYMENTS FOR TAX COLLECTION

The Supervisor mentioned that the Tax Collector's office would like to offer online credit/debit card and e-check payments for future property tax payments.

WHEREAS: General Municipal Law § 5-b and Real Property Tax Law § 5-c authorize local governments to accept tax payments through municipal website or through a third-party vendor, and

WHEREAS: The Town Clerk's office has requested to allow the acceptance of credit/debit card and e-check payments online for the purpose of tax collection, be it hereby

RESOLVED: that the Town Board authorizes the Town Clerk's office to accept credit/debit card and e-check payments online for tax collection, be it further

RESOLVED: that any transaction fees be incurred by the customer.

Seconded by Councilwoman Burnside, a vote resulted as follows:

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

NAYS: None

Resolution # 74 of 2020 was hereby duly adopted.

ELECTRICAL INSPECTIONS

Mr. Bichteman advised that Code Enforcement Officer Jeffry Pine mentioned that electrical inspections are no longer done by underwriters but instead by private electrical firms. JBC NY Chapter Inc. has applied to be able to do electrical inspections within the town. Mr. Bichteman will do the research on the company and provide more information at the next meeting.

PUBLIC COMMENT

No public comment.

EXECUTIVE SESSION

Councilman Kryzak made a motion to enter into executive session to discuss a personnel matter at 8:24pm. Councilman Boone seconded, all in favor motion carried. Planning Board Chairwoman Verch was asked to join the executive session.

Councilwoman Burnside made a motion to close executive session at 9:54pm. Councilman Boone seconded, all in favor motion carried.

ADJOURNMENT OF MEETING

Councilwoman Burnside made a motion to adjourn the Town Board meeting. Councilman Kryzak seconded, all in favor motion carried. Meeting adjourned at 9:54pm.

Respectfully Submitted,

Karla J. Weaver
Town Clerk

**TOWN OF WESTERLO
LOCAL LAW NO. __ of 2020**

**A LOCAL LAW TO OVERRIDE OF THE TAX LEVY LIMIT FOR FISCAL YEAR 2021
PURSUANT TO GENERAL MUNICIPAL LAW §3-c**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF WESTERLO AS
FOLLOWS:**

SECTION 1. TITLE, PURPOSE, INTENT.

This Local Law shall be known and cited as Town of Westerlo “Local Law No. _ of the Year 2020 To Override the Tax Levy Limit for Fiscal Year 2021”.

The Town Board acknowledges that it is vitally important to use the taxes of the Town of Westerlo in a fiscally responsible manner and it is necessary to keep the tax levy on the property taxpayers to a minimum amount, especially in economically hard times.

However, the Town Board and Supervisor have reviewed the appropriation requests of the Town Department Heads and the financial position of the Town and have determined that the Fiscal Year 2021 Budget may require a tax levy increase that is greater than that allowed by General Municipal Law §3-c.

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Westerlo, County of Albany, pursuant to General Municipal Law § 3-c, and to allow the Town of Westerlo, County of Albany, to adopt a Town budget for Town purposes and any other special or improvement district governed by the Town Board for the fiscal year 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

SECTION 2. STATUTORY AUTHORITY; SUPERSESSION.

This local law is promulgated and adopted pursuant to Municipal Home Rule Law and subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

SECTION 3. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Westerlo, County of Albany, is hereby authorized to adopt a budget for fiscal year 2021 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

SECTION 4. SEVERABILITY.

The invalidity of any word, section, clause, sentence, paragraph, part or provision of this local law shall not affect the validity of any other part of the law which can be given effect without such invalid part or parts.

SECTION 5. EFFECTIVE DATE.

The effective date of this local law shall be immediate upon its filing with the Secretary of State.

Supervisor William Bichteman Jr.	Aye – Nay – Abstain
Councilwoman Amie L. Burnside	Aye – Nay – Abstain
Councilman Richard Filkins	Aye – Nay – Abstain
Councilman Joseph J. Boone	Aye – Nay – Abstain
Councilman Matthew Kryzak	Aye – Nay – Abstain

Adopted this ___ day of _____, 2020.

By Order of the Westerlo Town Board

Karla Weaver, Town Clerk