

**TOWN OF WESTERLO
REGULAR TOWN BOARD
MEETING OF
TUESDAY, DECEMBER 15, 2020**

The Town of Westerlo Town Board held a Regular Town Board meeting on Tuesday, December 15, 2020 via ZOOM #93051000713. 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

ZOOM attendees: Town Historian Dennis Fancher, Planning Board Chairperson Verch, Zoning Board Chairman Sefcik, Town Attorney Javid Afzali, Highway Superintendent Jody Ostrander, Town Clerk Karla Weaver and three interested residents.

SUPERVISOR'S MONTHLY REPORT (NOVEMBER)

Councilwoman Burnside made a motion to approve the Supervisor's monthly report for November. Councilman Kryzak seconded, all in favor motion carried.

INVESTMENT & NYCLASS REPORT (OCTOBER & NOVEMBER)

Mr. Bichteman mentioned the Bank of Greene Co. accounts are only earning a small amount of interest. Councilman Boone made a motion to approve the Investment & NYCLASS report for October & November. Councilman Kryzak seconded, all in favor motion carried.

TOWN CLERK MONTHLY REPORT (NOVEMBER)

Councilwoman Burnside made a motion to approve the Town Clerk's monthly report for November. Councilman Kryzak seconded, all in favor motion carried.

TOWN BOARD MINUTES

Councilman Kryzak made a motion to approve the Town Board minutes of 11/24/20 and Special Town Board & Workshop minutes of 12/1/20. Councilwoman Burnside seconded, all in favor motion carried.

PAYMENT OF MONTHLY BILLS (NOVEMBER)

Supervisor Bichteman 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 November 2020 invoices be paid Voucher # 551 through Voucher # 594 in the amount of \$163,145.53

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

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

NAYS: None

RESOLUTION # 80 -2020 was duly adopted.

OLD BUSINESS

TOWN PARK SECURITY

Councilman Kryzak provided Supervisor Bichteman with a quote that he received for four cameras and a monitor. With this quote, the Town Hall would have a cabled connection and the park could be wireless.

ELECTRICAL INSPECTOR; IEC NEW YORK CHAPTER, INC

Mr. Bichteman advised he asked Code Enforcement Officer Jeffrey Pine to look into IEC New York Chapter, Inc. They have the electrical credentials and liability insurance that is required; therefore, they are qualified. Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: Independent Electrical Contractors New York Chapter, Inc has requested to perform electrical inspections within the Town of Westerlo, be it hereby

RESOLVED: The Town Board authorize IEC New York Chapter, Inc to perform electrical inspections within the town.

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

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

NAYS: None

RESOLUTION # 81 -2020 was duly adopted.

BID FOR EMERGENCY REPAIR

Supervisor Bichteman advised that the bids for the Emergency Repair Crew were opened at 2pm at the Town Hall on November 30th by him and the Town Clerk. He mentioned that Trinity Construction was the only bidder and the documents were in order and signed. The contract runs from January 2021 to December 2021. Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: Utility Repair Crew bids were submitted by one company and opened on November 30th, with Trinity Construction being the low bidder with a properly submitted bid packet, be it hereby

RESOLVED: The Town Board award Trinity Construction the Utility Repair Crew Bid

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

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

NAYS: None

RESOLUTION # 82 -2020 was duly adopted.

HUDSON VALLEY GREENWAY GRANT

Supervisor Bichteman mentioned that Hudson Valley Greenway renewed the Town's grant effective December 2019, which means that the cost incurred from then on will count toward the town's in kind contribution.

PLANNING BOARD VACANCY

Supervisor Bichteman mentioned that the Town is still searching for a Planning Board member. He and Planning Board Chairperson Verch agreed they would like to hold the position open a bit longer to see if they could find the best qualified applicants. They have received two responses so far and three others are considering it.

NEW BUSINESS

WESTERLO MUSEUM, TRUSTEES & OFFICERS

Museum trustees Mary-Jane Araldi, Diane Therrien-Smith and Elaine Nevins met on zoom on the 10th. Mr. Bichteman and Councilman Boone were also in attendance and advised of the Museums lack of movement, however learned the Museum does not have a full staff of trustees or a slate of officers. Mr. Bichteman has a copy of the By-Laws which was established so the Museum could go for a Charter, making them eligible for grants. Councilman Boone mentioned they need more members.

MARVIN & COMPANY, ACCOUNTS ENGAGEMENT RENEWAL

Supervisor Bichteman advised it was time to renew the engagement letter with Marvin and Co. He advised Marvin and Co. has gone with an hourly rate this year instead of a flat rate since the Town is more efficient now. Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: The Supervisor has received the 2021 engagement letter for Marvin and Co., be it hereby

RESOLVED: The Town Board authorizes the Supervisor to engage with Marvin & Co. as the Town's accountants for the year 2021 with an hourly rate.

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

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

NAYS: None

RESOLUTION # 83 -2020 was duly adopted.

PAYROLL ISSUE-ADP

Supervisor Bichteman advised that there is a payroll issue that came to his attention this morning, which only effects the Highway Superintendent and Town Clerk. Both are salaried individuals whose salaries are divided equally each week throughout the year. Allegedly, ADP sent a letter to the Town in December of 2019 that 2020 was a leap year, which means there are 53 weeks in the 2020 year. At the end of the 52nd week, both positions will have been paid their full salaries. If they are paid for the 53rd week they will actually get paid a bonus. He has requested that ADP send them a copy of the letter. The Town Board must decide whether those individuals either don't get paid for the last week of the year or they get a bonus which is an out of budget pay. Mr. Bichteman advised the Board has until the last meeting of the month to decide what to do and indicated those employees were just hearing about the issue now. Councilman Kryzak, Councilwoman Burnside and Supervisor Bichteman all expressed they were leaning toward paying those employees as it is not their fault. The Board discussed options of

where the money could come from. Attorney Afzali indicated he would need to find out how additional compensation could be given since their salaries were already decided.

FUTURE EXECUTIVE SESSION

Supervisor Bichteman believed it would be at least a month or more before meetings could be held again at the Town Hall. There are several issues that require the Town Board to have an executive session, such as contract negotiations. Discussions need to be kept confidential. It was suggested that this could be done with a conference call.

2020 BUDGET FUND TRANSFERS

Supervisor Bichteman provided and read the following Interfund Transfers for December 2020 and an Amendment to the 2020 Budget:

Interfund Transfer Dec 2020

NYSLRS – Transfer \$23,315.98 From DA-9010.8 to A-9010.8, The budget reflected to much for Hwy and not enough for General Fund.

Lighting Dist. – Transfer \$1921.26 from General to Special lighting (May-Oct was coded/paid incorrectly, Voucher #'s- 219a, 294b, 309b, 375b, 454b,474b)

Bond – Transfer \$195,331.80 from General to Highway for Western Star

City of Albany – Transfer \$8099.06 from General 8160.43 to Hwy 8160.43 (voucher 476 was coded wrong)

Verizon Cell – Transfer \$33.68 from General 5010.41 to Hwy 5010.41 (Voucher 139 was coded wrong)

Amendment to 2020 Budget

Revenues and Appropriation to reflect proceed of \$450K Bond.

*General Revenues \$254,668.20 for line 5720 Statutory Bond
Highway Revenues \$195,331.80 for line 5720 Statutory Bond
\$450,000.00 Total*

*General Appropriations \$254,668.20 A- 8160.2 Refuse & Garbage – Capital Outlay
Highway Appropriations \$195,331.80 DA- 5130.2 Machinery Capital Outlay*

\$450,000.00 Total

General			
From line	Amount	To Line	
Amount			
1620.2 Buildings Capital Outlay	\$13841	1910.41 Unallocated Insurance	\$239
		1920.41 Muni. Ass. Dues/Ass. Of Town	\$120
		8020.13 Planning Board Clerk	\$3,070
		8664.45 BAS Licensing/Support	\$4412
		8664.1 Code Enforcement Srvcs	\$6000
1440.4 Engineer Contractual	\$12,000	8684.4 Planning & Municipal Dev.	\$12,000

Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: Interfund transfers and amendments to the 2020 Budget need to be made, be it hereby

RESOLVED: The Town Board authorize the transfers and amendments as stated above.

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

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

NAYS: None

RESOLUTION # 84 -2020 was duly adopted.

ORGANIZATIONAL MEETING DATE

Councilwoman Burnside made a motion to adopt the following resolution:

WHEREAS: The Town needs to schedule an Organizational Meeting in January 2021, be it hereby

RESOLVED: The Town Board will hold the Organizational meeting on the same date as the regularly scheduled Workshop meeting on Tuesday, January 5th 2021 at 7pm.

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

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

NAYS: None

RESOLUTION # 85 -2020 was duly adopted.

ZBA REAPPOINTMENT & WATER BOARD REAPPOINTMENT

Mr. Bichteman advised ZBA member Pam Schreiber's term is due to expire at the end of the month and the same for Water Board member Kelley Keefe. Councilman Boone made a motion to adopt the following resolution:

WHEREAS: The terms for ZBA member Pam Schreiber and Water Board member Kelley Keefe are set to expire on 12/31/20, be it hereby

RESOLVED: The Town Board reappoints Pam Schreiber to the ZBA for a 5-year term set to expire 12/31/25, and be it further

RESOLVED: The Town Board reappoints Kelley Keefe to the Water Board for a 3-year term set to expire 12/31/23.

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

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

NAYS: None

RESOLUTION # 86 -2020 was duly adopted.

TIME CLOCK TOWN HALL BUILDING

Supervisor Bichteman mentioned he would like to have time clocks installed by the 1st of the year at a cost of \$150-\$250. Councilman Filkins made a motion to adopt the following resolution:

WHEREAS: The Supervisor requested to have time clocks installed in the Town Hall, be it hereby

RESOLVED: The Town Board authorizes the Supervisor to install time clocks for hourly employees.

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

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

NAYS: None

RESOLUTION # 87 -2020 was duly adopted.

ADVERTISEMENT FOR DEPUTY TOWN CLERK

Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town Clerk needs to advertise for a Deputy Town Clerk position, be it hereby

RESOLVED: The Town Board authorize the Town Clerk to advertise a Deputy Town Clerk position in the newspaper and website.

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

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

NAYS: None

RESOLUTION # 88 -2020 was duly adopted.

JOB DESCRIPTION

Councilman Filkins advised he emailed a list of job descriptions to the Town Board. Supervisor Bichteman suggested discussing them at the February Workshop meeting.

RESTRUCTURING OF DEPARTMENTS

Supervisor Bichteman advised he would like to set a standard workweek for elected salaried positions since there is no such thing currently. He mentioned that elected positions are performance related and judged by the voters. The Supervisor believed that the Highway

Superintendent usually follows the standard workforce hours however the Town Clerk's standard workweek allows for a casual schedule. He indicated that the Town Clerk's open office hours as of January totaled 28.5 hours however on the website is open 30 hours. He advised the Town Clerk establishes the hours for her office, however the Town Board and Supervisor can establish days the town will conduct business or perform services per the Town handbook. The Supervisor also advised there is no guarantee other than the Town Board has authorized to provide town officers and employees with health insurance benefits and other things. The Supervisor also indicated that the town handbook does not apply to the elected town officials and he believes that should be addressed to provide that guarantee. He indicated there is nothing in the handbook stating the Town has to provide health insurance for the Town officers, whether it is the Town Clerk or Highway Supervisor; advising that it should specify that the Town is guaranteed to do that. He indicated the same thing applies for leave and vacation however the State Comptroller says the Town Clerk is not subject to the town leave policy, only appointed clerks' hours are regulated by towns policies. He advised that the Town handbook has no provisions to deal with holiday, personal or sick time of elected salaried positions nor can they. He questioned how long someone can be sick for and asked if the Town Board would like to establish hours for the Town Clerk's office or if the Town Board is ok with how things are and then will table for now. He believed the hours should be established so the office is manned during those hours. He mentioned that the Town Clerk has elected to take the day after Thanksgiving and the following Monday off as well as Christmas and New Year's Eve. He suggested that the Board specify the Town Clerk's office hours and that any time before 7:30am is excessive. He indicated the office should be open 40 hours a week and that it is not staffed properly; he believed the office was getting farther behind.

Councilwoman Burnside questioned why it mattered when the Town Clerk is in the office. If something doesn't require the public why does it matter when she goes in as long as it is not interfering with the posted hours. She advised that the Town Board has gone over the posted hours in the past and no one has ever wanted to change them in past years. She indicated that elected officials are their own departments, they run their offices as they see fit and doesn't feel the Board should be intermingling unless it becomes a problem and she has not heard about anyone complaining about the hours. Supervisor Bichteman responded that he is complaining because the record room has files piled up and he didn't believe transfer station permits are being processed suggesting there was no way permits would be done on time. He also indicated vouchers aren't posted in Quickbooks weekly. He indicated he does not regulate the Town Clerk's office but he does regulate when the Town Clerk's office is open. He expressed he had a problem that he or someone else has to get the mail on Friday, indicating it's not his job to sort the mail every day. Councilwoman Burnside mentioned she had previously disagreed with switching from a PO Box to a mailbox, advising the post office was safer but Mr. Bichteman did it anyway. Councilwoman Burnside advised the Town Clerk works nights, weekends and holidays. She believed offices were closed due to COVID however the Town Clerk was still open by appointments and has never said no to an appointment.

Councilman Kryzak suggested tabling discussion until they could speak with the Town Clerk. Mr. Kryzak believed the Board should get the Town Clerk's take. He suggested speaking to her to

see what the Board can do to make things better as he knows from speaking to her this afternoon that she was working alone. Supervisor Bichteman indicated this would be tabled until the next meeting.

PUBLIC COMMENT

Councilwoman Burnside asked if the Town Hall is following the mask policy. Supervisor Bichteman responded that most of the time they have masks on however could attest that the Town Clerk always has hers on.

Councilman Boone thanked the Mackey family for putting up the reindeer display and to the Town Clerk and Supervisor's Confidential Secretary for putting up the holiday lights at the Town Hall.

ADJOURNMENT OF MEETING

Councilman Kryzak made a motion to adjourn the Town Board meeting. Councilwoman Burnside seconded, all in favor motion carried. Meeting adjourned at 8:18pm.

Respectfully Submitted,

Karla J. Weaver