

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

The Town of Westerlo Town Board held a Regular Town Board meeting on Tuesday, September 15, 2020 at the Richard H. Rapp Municipal Building located at 933 County Route 401, Westerlo, NY 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

Also attending were: Town Historian Dennis Fancher, Planning Board Chairperson Verch, Town Attorney Javid Afzali, Highway Superintendent Jody Ostrander and Highway Employees Justin Case, Carl Anderson Jr. and Salvatore Spinnato, previous employee Chuckie Benninger, Deputy Town Clerk Kathleen Spinnato, Acting Town Clerk Karla Weaver and several interested residents.

ZOOM attendees: ZBA Chairman Sefcik, previous BRC member Eric Markson, Library Trustee Laura Tenney and several interested residents.

Councilman Boone made a motion to open the Regular Town Board meeting. Councilman Kryzak seconded, all in favor motion carried.

ZOOM MEETINGS

Supervisor Bichteman advised that some improvements have been made since the last meeting in regards to the audio system. He advised that all public comments will be held until privilege of the floor.

SUPERVISOR'S MONTHLY REPORT (AUGUST) AND INVESTMENT REPORT (AUGUST),

Councilman Boone made a motion to approve the Supervisor's monthly report and Investment report for August. Councilman Kryzak seconded, all in favor motion carried.

TOWN CLERK MONTHLY REPORT (AUGUST)

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

TOWN BOARD MINUTES

Councilwoman Burnside made a motion to approve the Town Board workshop minutes of 8/4/20 and 9/1/20 and Town Board minutes of 8/18/20. Councilman Kryzak seconded, all in favor motion carried.

PAYMENT OF MONTHLY BILLS (SEPTEMBER)

Councilwoman Burnside inquired about the bill to have locks changed at the water building and for the Supervisor's office and believed the Town Clerk should have a key since she is FOIL Officer. The Supervisor indicated there is always someone there to provide the records. Attorney Afzali indicated that the FOIL officer can reach out to the department head to get access to records. Mrs. Burnside indicated she received a different answer from the Association of Towns. 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 September 2020 invoices be paid Voucher # 404 through Voucher # 454C in the amount of \$193,976.27.

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

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

NAYS: None

RESOLUTION # 53 -2020 was duly adopted.

OLD BUSINESS

PROPOSED TRANSFER STATION FEE SCHEDULE

Supervisor Bichteman provided a proposed resolution to the Town Board for Transfer Station tipping fees. Councilman Boone read and Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town Board wishes to offset the rising cost of recycling by establishing transfer and recycling station tipping fees and

WHEREAS: The Town Board having held a public hearing on the efficacies enacting Resident Transfer and Recycling Station fees now therefore be it hereby,

RESOLVED: That the Town establishes Tipping Fees in the amount of:

Residential * \$25.00 per household (2 persons/permit)

\$25.00 per Apartment (multiple family dwelling)

Commercial** \$400.00 per Commercial carrier

*Residential permit fees are valid Jan. 1-Dec. 31 and are renewable annually

**Commercial permits are renewable annually from the date of purchase

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

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

NAYS: None

RESOLUTION # 54 -2020 was duly adopted.

PROPOSED COMBINATION OF PLANNING AND ZONING BOARDS

Councilman Filkins did not believe joining the Planning and Zoning Boards was a good idea. He indicated it may cost the town more money in the long run.

After hearing from many of the members, Councilman Kryzak was not in favor of combining the Boards either. He advised he was in favor of members being paid per meeting.

Councilwoman Burnside was also in agreement to not combine Boards.

Planning Board Chairwoman Verch indicated she contacted an attorney at the NY Planning Federation who advised her that it was not a good idea to merge Boards. Attorney Afzali indicated there is no adjustment that needs to be made under the state law. It is a case by case basis and Towns are authorized to combine Boards if they believe it is in their best interest.

Supervisor Bichteman mentioned that a resolution would not be required to change members pay to per meeting, it would just be changed at the organizational meeting in January.

Councilman Boone indicated he agreed with the revised payment schedule however believed it is incumbent on the Town Board to address instances where different actions should've been taken. Discussing these matters with the Planning and Zoning Boards would be a good idea so that these errors or misjudgments are not done going forward. He indicated it may go a long way to address concerns and negativity seen recently between Board members.

Councilman Kryzak indicated that the majority of the Boards would like their pay reinstated. Supervisor Bichteman mentioned that they were paid for an extended period of time where they did not have any meetings. Councilman Kryzak understood.

Planning Board member Rich Kurylo mentioned he spoke to previous Planning Board member Doyle Shaver who resigned recently regarding the possibility of returning. Mr. Shaver told him he would be more than happy to come back if pay was reinstated. Supervisor Bichteman believed the position should be open to all applicants. Mr. Kryzak believed Mr. Shaver should be able to withdraw his resignation. A resident advised that a lot has been invested in Mr. Shaver with training. Another resident indicated that in the past, advertising was not done for hiring secretaries and the previous building inspector withdrew his resignations. Attorney Afzali advised that when a vacancy is open, the Town should follow normal procedure for filling that vacancy. He indicated someone can't resign, have the resignation become effective and then withdraw without having to go through the appointment process again, the Town Board would have to reappoint. Discussion ensued.

Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: There is a vacancy on the Town of Westerlo Planning Board due to the resignation of Doyle Shaver, be it hereby

RESOLVED: the Town of Westerlo advertise the Planning Board vacancy for two (2) weeks.

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

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

NAYS: None

RESOLUTION # 55 -2020 was duly adopted.

US CENSUS PROGRESS & REMINDER

Supervisor Bichteman reminded the residents to complete the US Census.

PROPOSED HEALTH INSURANCE PLAN 2021 BUDGET YEAR

Councilman Kryzak read the proposed resolution that he and Councilwoman Burnside created in regards to the Town's health insurance.

- WHEREAS:** The Town Board authorizes the Supervisor to enter into an agreement with Cool Insuring for the fiscal year 20/21 to provide health insurance benefits along with essential support services for the employees of the town, therefore be it hereby
- RESOLVED:** Cool Insuring has provided the most cost efficient proposal and should be the town's insurance provider of choice, and
- FURTHER RESOLVED:** MVP Silver Plan 3 Local HMO will be provided at the employees previous percentage negotiated at the time of hire, and
- FURTHER RESOLVED:** MVP Gold Plan 2 can be provided if the employee pays the difference between the Silver Plan and the desired Gold Plan, and
- FURTHER RESOLVED:** The Town will pay 70 % of the employees deductible for the provided MVP Silver 3 Plan, and
- FURTHER RESOLVED:** The Town will pay 100% of the deductible for those who choose to upgrade to the MVP Gold 2 Plan, and
- FURTHER RESOLVED:** The Town of Westerlo will offer an incentive for those who decline to participate in the Town provided Health benefits in the amount of \$3,000 annually, and
- FURTHER RESOLVED:** The current Medicare benefits will not be affected by this resolution however all employee benefits will be represented by Cool Insuring, and
- FURTHER RESOLVED:** Dental remains unaffected.

Councilman Kryzak and Councilwoman Burnside responded to the Supervisor's questions and reviewed the reasons why Cool Insuring might be selected as the insurance company of choice for the Town. Councilman Kryzak further explained the reasons why they chose MVP Silver 3 Plan vs. CDPHP Silver. If the Town is going to have an HSA or HRA it is better to stay with the same insurance carrier MVP. Supervisor Bichteman indicated there was no pricing included in the resolution. Councilman Kryzak indicated that a spreadsheet was provided on Sept. 1st and it's the same spreadsheet he emailed to the Supervisor. He suggested that the Supervisor examine the figures and advised these are only recommendations made by him and Councilwoman Burnside who were authorized to investigate the insurance. The Supervisor indicated it was imperative that this be decided on so it could be included in the 2021 budget which has to be completed by September 30th, there are no other meetings before then. Discussions continued between the Supervisor and Councilwoman Burnside and Councilman Kryzak regarding cost inefficiency of HRA fees of \$4.50 per month per person insured if the

Town were to switch to CDPHP. They further discussed insurance plan options and the deductible costs for family vs. individual health care insurance plans.

Highway Superintendent Jody Ostrander expressed he was very disappointed in the Town Board's decisions. He indicated the \$1,200 equates to a 58 cent per hour loss in wage to the Highway Dept. employees who on top of this would have to pay \$100 a week toward their insurance. The Highway Dept. has been kicked enough. Supervisor Bichteman responded that the decision to change insurance companies/policies has not been made yet.

The Town Board heard strong opinions of the following residents attending in person; Rick Rupeka, Barbara Russell, and Bobby Sherman in support of no decreases to either health insurance plan options or the additional increases to the percentage being paid currently by the Highway Department employees for health care insurance. Mr. Sherman questioned how the Town lost 5 people but is still in serious trouble with the budget. Councilman Kryzak indicated they were discussing next year's budget.

Mr. Ostrander advised there were employees teetering on tonight's decision. Councilman Kryzak expressed concern regarding more employees walking out if changes were made to the health insurance. Supervisor Bichteman understood and tax increases were discussed. Councilwoman Burnside indicated the Supervisor will need to use the old health insurance numbers for the budget.

More strong opinions were heard from previous employee Rick Rupeka. Councilman Boone provided his comments regarding Supervisor Bichteman; mentioning that he has taken on a large responsibility for the Town. Mr. Ostrander indicated the Town Board is making it hard for him to do his job. Councilman Boone understood but mentioned the Town has never been through a pandemic.

Highway employee Justin Case questioned why the Town of Westerlo was having such big problems when every Town around is hiring and has a better insurance plan. He also mentioned that employees in other towns don't contribute 20% toward their health insurance costs, their boot allowance is higher and indicated the Town Highway employees are the lowest paid around. He believed that the Town of Westerlo roads are better, they work harder on the roads and they are losing more than everyone else and indicated there was something wrong when everyone around is hiring and the Town of Westerlo is firing and losing insurance. Councilman

Supervisor Bichteman indicated that whatever numbers the Board tells him to use for the health insurance budget is what he will put down. He expressed disappointment because sometimes the conversations he has with people turns out to be different when they get to the meeting. Councilman Kryzak advised he has had similar experiences. Councilman Kryzak suggested keeping the gold plan as is and try to make the budget work. It's the worst-case scenario.

For budget purposes, the Town Board discussed leaving health insurance as it is for next year.

BUDGETING FOR PLANNING AND MUNICIPAL DEVELOPMENT

Supervisor Bichteman spoke with a few members of the Comprehensive Plan, Attorney Afzali and Barton and Loguidice concerning mapping that would be required to determine the appropriate areas for alternative energy sites within the Town. If we do a global mapping limiting certain areas of the town as potential sites and change the language of the Zoning Law regarding the adequacy for special use permits, that would be nondiscriminatory for solar, wind and battery powers. He proposed budgeting \$11,100.00 for the consultant fund in the 2021 budget. Councilman Kryzak indicated he was in support and advised that the Town has already spent \$8,726.00 this year and are not yet in the 3rd quarter. Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town wishes to promote the successful completion of the
Comprehension Plan Committee mission and;

WHEREAS: the expenditure of funds in the 2021 Budget year will be required to
provide the necessary funding to retain consulting services, now
therefore, be it hereby;

RESOLVED: that the Town Board establishes a budget in the amount of
\$ 11,100.00 to be included in the 2021 Town of Westerlo Budget
for Planning and Municipal Development – line item (8684.4).

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

AYES: Supervisor Bichteman, Councilman Kryzak, Councilman Boone

NAYS: Councilman Filkins, Councilwoman Burnside

RESOLUTION # 56 -2020 was duly adopted.

Discussion continued regarding the comprehensive plan. Councilman Filkins and Councilwoman Burnside expressed concern for spending this money when the Town has made so many cuts. A resident suggested pushing the plan back. Supervisor Bichteman indicated that wasn't a good idea due to the moratorium on solar.

NEW BUSINESS

STORY WALK

Supervisor Bichteman mentioned that the story walk at the town park has been completed.

HIGHWAY GARAGE ENERGY GRANT

The Supervisor announced the Highway Energy Grant is completed. The Highway Department did an excellent job. They completed insulating the highway garage and installed a new ceiling, spending all of the \$30,000 they received.

HEALTH INSURANCE-OPTION/OUT INCENTIVES

Supervisor announced that the Health Insurance is not on the table any longer.

PLANNING BOARD REPORTS

Dorothy Verch submitted and read the Planning Board minutes for the months of July and August 2020.

Supervisor Bichteman had questions regarding applications and escrow and Mrs. Verch and Attorney Afzali responded.

Councilman Boone advised that a correction should be made to the August minutes. He advised that the minutes indicate the entire Town Board was at the solar site on Strawberry Lane however it was only three members.

Mrs. Verch requested to have the Town Attorney attend future Planning Board meetings. Attorney Afzali explained how he works with other boards, indicating 95% of problems with an application can be addressed before a meeting through email. He should however attend meetings where decisions are being made regarding controversial applications. He believed it should be the same for a town engineer to help the town save money. Mrs. Verch will have the Building Dept. send Planning Board applications to Mr. Afzali in the future and will request his presence when needed.

Supervisor Bichteman made a motion to accept the Planning Board reports for July and August as submitted with the correction made to the August minutes. Councilman Kryzak seconded, all in favor motion carried.

BROADBAND RESEARCH COMMITTEE (BRC)

Eric Markson a former volunteer on the BRC indicated he would like to discuss serving on the committee again. Councilman Kryzak agreed to meet with him and Mrs. Verch.

ZONING BOARD REPORT

ZBA Chairman Sefick indicated the reports for the last few months were available on the website and mentioned the ZBA has accepted and approved two applications and did one interpretation for the Code Enforcement Officer.

BUDGET TIME CLOCK

The Supervisor advised that he will present the Tentative budget to the Town Clerk on Sept. 30th and she will present it to the Town Board by Oct 5th. He will have presentation on the budget at the workshop meeting on Oct. 6th.

VANDALISM AT THE TOWN PARK

Councilwoman Burnside discussed the vandalism at the Town park. She advised that the sheriff's department has offered to help the Town paint and restore the park. The sheriff's department does have names of people who they believe were involved and suggested having a dawn to dusk sign posted at the entrance, then they could throw people out after hours.

A resident mentioned there should be consequences for vandalism.

MERGER OF PLANNING AND ZONING BOARDS

No action was taken earlier in the meeting with regards to combining the Planning and Zoning Boards, therefore Attorney Afzali suggested that the Town Board make a motion to withdraw. Councilwoman Burnside made a motion to withdraw the merger of the Planning and Zoning Boards. Seconded by Councilman Filkins, all in favor motion carried.

PUBLIC COMMENT

There were no public comments.

EXECUTIVE SESSION

Supervisor Bichteman announced the Town Board will be entering into an executive session to discuss a personnel disciplinary matter before the Board. Councilman Boone made a motion to enter into executive session at 9:12pm. Seconded by Councilman Kryzak, all in favor motion carried.

Attorney Afzali indicated no action was taken by the Board during the executive session. Councilman Boone made a motion to adjourn the executive session at 10:28pm. Seconded by Councilman Kryzak, all in favor motion carried.

ADJOURNMENT OF MEETING

Councilman Kryzak made a motion to adjourn the Town Board meeting. Councilman Filkins seconded, all in favor motion carried. Meeting adjourned at 10:29pm.

Respectfully Submitted,

Karla J. Weaver