

**TOWN OF WESTERLO
TOWN BOARD MEETING OF
TUESDAY AUGUST 17, 2021**

The Town of Westerlo Town Board held a Town Board meeting on Tuesday, August 17, 2021 at the Richard H. Rapp Municipal Building located at 933 County Route 401, Westerlo, NY 12193. Deputy Supervisor Kryzak opened the meeting at 7:00pm with the Pledge of Allegiance to the Flag.

Attending were: Councilwoman Amie L. Burnside
Deputy Supervisor/Councilman Matthew Kryzak
Councilman Joseph J. Boone
Councilman Richard Filkins

Also attending were: Previous Planning Board Chairperson Dorothy Verch, Planning Board member Edwin Stevens, Highway Superintendent Jody Ostrander and employees Justin Case and Salvatore Spinnato IV, Webmaster Eric Markson, Town Clerk Karla Weaver and approximately three interested residents.

TOWN BOARD MEETING

MINUTES

Councilman Boone made a motion to make an amendment to page 2 of the 6/22/21 minutes. Under Library Park Rental Dates/Summer Rec. Program, he would like the last sentence to read "Planning Board member Beau Loendorf would be requested to act in an assistant coordinator position for the subcommittee". Councilwoman Burnside seconded; all in favor motion carried.

Councilman Filkins made a motion to accept the Town Board meeting minutes of 6/15/21, 6/22/21 (with correction), 7/6/21, 7/14/21, 7/20/21 as submitted. Councilwoman Burnside seconded; all in favor motion carried.

TOWN CLERK'S REPORT (JULY 2021)

Councilwoman Burnside made a motion to accept the Town Clerk's monthly report for July as submitted. Councilman Filkins seconded; all in favor motion carried.

PAYMENT OF MONTHLY BILLS (JULY)

Councilman Filkins made a motion to adopt the following resolution:

WHEREAS: the Town Board has audited the monthly bills, be it hereby

RESOLVED: the following July bills be paid Voucher # 357 through Voucher # 403 in the amount of \$128,325.48.

Seconded by Councilwoman Burnside; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 83 -2021 was thereby duly adopted.

NYCLASS/INVESTMENT REPORT (JULY)

Bank of Greene Co. earned the Town \$228.10 in interest on all of the Town accounts. No interest was earned with NYCLASS. Councilwoman Burnside made a motion to accept the Investment report for July 2021. Councilman Kryzak seconded; all in favor motion carried.

SUPERVISOR’S REPORT

Councilwoman Burnside made a motion to accept the Supervisor’s report for July. Councilman Filkins seconded; all in favor motion carried.

BUDGET AMENDMENTS

Councilman Kryzak read the proposed budget amendments. Councilman Boone made a motion to adopt the following resolution:

WHEREAS: Amendments need to be made to the 2021 Budget, be it hereby

RESOLVED: The Acting Supervisor is hereby authorized to make the following line transfers within the 2021 budget.

Amendments to the 2021 Budget

Be it resolved that the Acting Supervisor is hereby authorized to make the following line items transfers:

General Fund

<u>Amount</u>	<u>From</u>	<u>To</u>
\$1000.00	A7310.1 Youth Personal	A7310.4 Youth crafts
\$400.00	A1320.42 Audit Town Clerk	A1320.41 Audit AUD Prep
\$500.00	A1620.48 Building-Mid Hudson	A1620.41 Building-Utility water
\$300.00	A1620.60 Building-COVID	A1620.52 Building-Proton mail
\$200.00	A1620.23 Building-Fixtures	A1920.41 Municipal Dues

Highway Fund

\$200.00	DA8160.49 Refuse-Waste Conn	DA8160.44 Refuse-Recyclables
----------	-----------------------------	------------------------------

Special Water Fund

\$1500.00	SW8330.44 Maintenance	SW8330.42 Disinfection
-----------	-----------------------	------------------------

Seconded by Councilman Filkins; a vote resulted as follows:

AYES: Councilman Boone, Councilman Filkins, Councilwoman Burnside, and Councilman Filkins

NAYS: None

RESOLUTION # 84 - 2021 was thereby duly adopted

COMMITTEE/DEPARTMENT REPORTS & ESTABLISHMENT OF LIAISONS FOR EACH COMMITTEE

Councilman Kryzak suggested establishing a liaison from the Town Board for the Planning Board, Zoning Board, Hometown Heroes Committee (HHC), Broadband Research Committee (BRC), Highway, Assessor, and Code Enforcement Officer (CEO). It was decided that Councilwoman Burnside will be the liaison for HHC & BRC, Councilman Filkins for the Assessor and CEO, Councilman Boone for Planning and Zoning Boards and Councilman Kryzak for Highway Department, Museum and will help with Planning and Zoning Boards.

Councilman Boone made a motion to accept the Planning Board, Zoning Board and Assessor’s reports as submitted. Councilman Filkins seconded; all in favor motion carried.

OLD BUSINESS

CAPITAL IMPROVEMENTS

Mr. Kryzak mentioned that Rick Rupeka is doing an excellent job on the stairs outside and he also fixed the leak in the meeting room at the Town Hall. He would like to use some of the American Rescue Funds money on the maintenance of the buildings.

REVITALIZING THE MUSEUM

Councilman Kryzak mentioned that his office made corrections to the By-Laws and draft resolution to establish the Museum based off of the suggestions Councilman Boone made at the August 11th Special Town Board meeting. Councilman Boone would like the current Museum Board to review both documents prior to the Town Board adopting them. This was tabled to give the Museum Board time to review.

HOMETOWN HEROES’ RESOLUTION

Councilman Kryzak advised that “F” was added to §4 of the proposed resolution to establish the HTH Committee to read as “The HTH Committee shall take advantage of the Town of Westerlo tax exemption”. Councilman Kryzak reviewed the other changes previously made to the document. Councilman Filkins made a motion to adopt the following resolution:

Town of Westerlo

RESOLUTION 2021-08-17

Regarding Establishment of the Home Town Heroes Committee

Dated: August 17, 2021

At a meeting of the Town Board of the Town of Westerlo, Albany County, New York, held at the Town Hall, 933 County Route 401, Westerlo, N.Y. 12193, on the 17th day of August, 2021, there were:

- Supervisor (Acting) Matthew Kryzak
- Councilwoman Amie L. Burnside
- Councilman Richard Filkins
- Councilman Joseph J. Boone

- ~~Present~~ / Not Present
- ~~Present~~ / Not Present
- ~~Present~~ / Not Present
- ~~Present~~ / Not Present

Councilperson Filkins offered the following resolution and moved for its adoption:

WHEREAS, this Board has determined that it is in the best interest of the Town to authorize and organize a Town Committee known as the Town of Westerlo Home Town Heroes to allow for the orderly and proper administration of the program and its resources, and to provide continued participation by the public and appointed members.

NOW THEREFORE BE IT RESOLVED, that the **Town of Westerlo Home Town Heroes Committee** is established and organized as follows:

§ 1. Establishment.

The Town Board of Westerlo (“Town Board”) does hereby establish the Westerlo Home Town Heroes (**HTH**) Committee.

§ 2. Purpose and objective.

The purposes and objectives of this Committee shall be as follows:

- A. To honor past and present residents of Westerlo who are veterans or are serving in the United States Armed Forces;
- B. To initiate, continue, and oversee a Hometown Heroes banner program for Westerlo veterans;
- C. To encourage community participation by supporting appropriate public events; and
- D. To uphold the purposes of this Resolution.

§ 3. Committee Membership.

A. The HTH Committee shall consist of five (5) members who shall be appointed by the Town Board. One member shall be designated by the HTH Committee to serve as the Chairperson. The HTH Committee may make an advisory recommendation for each open position to the Town Board.

B. Appointments shall be calendar year appointments, with renewals and or appointments occurring at the Town Board’s yearly organizational meeting in January.

C. The Town Board may remove, after public hearing, any member of the HTH Committee for cause, including non-compliance with minimum requirements relating to meeting attendance and/or training as applicable. If a committee member is absent six (6) meetings in a calendar year the Town Board may remove the committee member.

§ 4. Meetings.

- A. The HTH Committee shall meet at a regularly scheduled time and place, with additional meetings scheduled as needed. Notice of meetings and agendas shall be published using usual and customary means of the Town.
- B. The Town Clerk must be notified of all scheduled meetings or changes to the meeting, including emergency or special meetings. Special meetings may be called at the discretion of the Chairperson or may be called at the written request of two (2) members, for the purposes stated in the call for the meeting.
- C. Meeting agendas and notices shall indicate the time, date, and place of the meeting, and indicate all subject matters intended for discussion. Committee meetings shall be open to the public for observation and a period of public comment may be made available to attendees. Accurate records of HTH Committee meetings, including members present, all motions enacted and by whom, and the proceedings of the meeting, shall be kept by the recording secretary and filed with the Town Clerk within five days. In addition, the HTH Committee shall also present a report to the Town Board at every regularly scheduled monthly Town Board Meeting.
- D. A quorum for the HTH Committee will be a majority of the total members of the Committee. Motions passed by the HTH Committee shall require an affirmative vote of at least three (3) members regardless of vacancies.
- E. Public communications using social media, traditional media, press releases, public statements, presentations, shall be authorized or issued by the Town Supervisor's office.

§ 5. Powers.

- A. The HTH Committee may conduct fundraising with Town Board approval.
- B. The HTH Committee may accept donations. All monetary funds must be turned in to the Supervisor's Office for deposit.
- C. The HTH Committee Chairperson must sign and approve all grant requests, submitting any requiring matching funds to the Town Board for approval before applications are submitted.
- D. The HTH Committee shall not spend or obligate any funds without Town Board approval. The HTH Committee is funded by donations.
- E. The HTH Committee shall have no authority to direct actions of Town staff or otherwise replace or supplant any authority reserved for the Town Board or Town Supervisor.
- F. The HTH Committee shall take advantage of the Town of Westerlo tax exemption.

§ 6. Compensation and expenses.

HTH Committee members shall receive no compensation for their services as members thereof.

On a motion by Councilperson Filkins, seconded by Councilman Boone, the resolution was adopted on a roll call vote, the results which follow:

Supervisor (Acting) Matthew Kryzak	Aye – Nay – Abstain
Councilwoman Amie L. Burnside	Aye – Nay – Abstain
Councilman Richard Filkins	Aye – Nay – Abstain
Councilman Joseph J. Boone	Aye – Nay – Abstain

 3 Ayes 0 Nays

Adopted this 17th day of August 2021.

BY ORDER OF THE WESTERLO TOWN BOARD

RESOLUTION # 85 - 2021 was thereby duly adopted.

SPECIAL TOWN BOARD MEETING

Councilman Kryzak reminded the Town Board and public that there will be four (4) Public Hearings on the draft Comprehensive Plan and three (3) proposed Local Laws on Commercial Solar Energy Systems, Wind Generation Systems, and Battery Energy Storage Systems on September 7th at 6pm. The Public Hearings will be followed by a Special Town Board meeting for the purpose of discussing any business before the Board.

MARIJUANA LEGALIZATION

The Town Board mentioned holding a Public Hearing in October to discuss opting in or out of legalizing marijuana dispensaries in Town. No date was set.

NEW BUSINESS

BUDGET CALENDAR

Councilman Kryzak provided the Town Board with the budget calendar in preparation for the 2022 budget.

BRC CHAIRMAN

Councilwoman Burnside made a motion to adopt the following resolution:

WHEREAS: There is a vacancy on the Broadband Research Committee due to the resignation of Chairperson Dorothy Verch, be it hereby

RESOLVED: The Town Board appoints BRC member Carrie Wallace as Chairperson of the BRC to fill Dorothy Verch's unexpired term set to expire 12/31/21.

Seconded by Councilman Filkins; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 86 -2021 was thereby duly adopted.

TERMINATE HARRIS BEACH LAW FIRM

Councilman Kryzak mentioned that he would like to terminate Harris Beach Law Firm on the grounds that there is a proposal from another law firm that is going to save the Town money. The proposal is that the attorney would be a salaried employee for \$24,000/annually. Per the current contract with Harris Beach, the Town is charged \$350/hr for solar company escrow services, this will be waived with the new attorney. He discussed some of the language in the Harris Beach contract regarding not billing above \$2,000/month without written request for authorization. Discussion continued regarding recent bills received from Harris Beach. The new proposal is with the Law Office of George McHugh who advised he is willing to also attend Town Board, Planning Board and Zoning Board meetings. Mr. Kryzak also advised that at any time the current contract can be terminated by either party. Discussion continued. Councilman Kryzak mentioned it would be a cost savings and also provide the Town with the legal assistance that is needed. Discussion ensued regarding advertising and interviewing for the position. Councilman Boone mentioned the possibility that the previous Supervisor may have given authorization to the Town Attorney to bill beyond the \$2,000 limit. He also requested to see the termination letter proposed to be sent to Harris Beach before it is sent and would like to interview Mr. McHugh as a Board.

At a Meeting of the Town Board of the Town of Westerlo, at Town Hall, 933 County Route 401, Westerlo, New York, on August 17, 2021, there were:

	<u>PRESENT</u>	<u>ABSENT</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Matthew Kryzak	.....X.....	.....	...X....	.....	.....
Joseph Boone	.....X.....	.....	...X....	.....	.....
Amie Burnside	.....X.....	.....	...X....	.....	.....
Richard Filkins	.....X.....	.....	...X....	.....	.....
<u>TOTAL</u>	.....4.....	.....	...4....	.....	.....

I, Council member, Amie Burnside offer the following resolution and move its adoption:

WHEREAS, the Town wishes to cancel the contract for legal services of Harris Beach, PLLC as Attorney for the Town,

NOW, THEREFORE, BE IT RESOLVED, that the contract for legal services of Harris Beach, PLLC is hereby terminated, effective August 31, 2021.

Seconded by Council member Richard Filkins, offered for discussion and duly put to a vote, the results of which appear above.

RESOLUTION # 87 -2021 was thereby duly adopted.

RESOLUTION TO CONTRACT WITH LAW OFFICE OF GEORGE MCHUGH

The Town Board discussed the possibility of hiring Mr. McHugh on an interim basis until he could be interviewed and an advertisement could be done for the position. Discussion continued regarding advertising. Councilman Kryzak advised that the way the proposed resolution was written, he would be hired through December 31st 2021. Town Clerk Weaver contacted Mr. McHugh during the meeting to ask if this position had to be advertised; he responded no, it is strictly a Town Board decision even as an employee. He advised that section 20 of Town Law is very specific; the Town Board of every Town may establish the Town Attorney or Town Engineer or both. Discussion ensued about appointing Mr. McHugh and Mr. Kryzak mentioned to satisfy the Town Board, Councilmen Filkins and Boone could interview him if they wish.

At a Meeting of the Town Board of the Town of Westerlo, at Town Hall, 933 County Route 401, Westerlo, New York, on August 17, 2021, there were:

	<u>PRESENT</u>	<u>ABSENT</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Matthew Kryzak	.....X.....	.....	...X...	.....	.....
Joseph Boone	.....X.....	.....	...X...	.....	.....
Amie Burnside	.....X.....	.....	...X...	.....	.....
Richard Filkins	.....X.....	.....	...X...	.....	.....
<u>TOTAL</u>	.....4.....	.....	...4...	.....	.....

I, Council member, Matthew Kryzak offer the following resolution and move its adoption:

WHEREAS, the Town wishes to hire an attorney, pursuant to Town Law Section 20, to render legal advice to the Town Board through December 31, 2021,

NOW, THEREFORE, BE IT RESOLVED, that George D. McHugh, Esq., is hereby appointed as Town Attorney to the Town of Westerlo, pursuant to Town Law, Section 20, effective September 1, 2021, and

BE IT FURTHER RESOLVED, that for his services Attorney McHugh shall be paid a salary in the amount of \$24,000.00 annually; paid monthly.

Seconded by Council member, Richard Filkins offered for discussion and duly put to a vote, the results of which appear above.

RESOLUTION # 88 - 2021 was thereby duly adopted.

TRUNK OR TREAT PARK APPLICATION

Councilman Kryzak advised he received a park application from Westerlo Rural Cemetery for their “Trunk or Treat” event and he would like to waive all fees associated with the reservation. Although it is within his powers as Deputy Supervisor, he asked the Board for their approval. The Town Board was in agreement. Mr. Kryzak will waive the fees.

PARK RESERVATION CONCERN

Town Clerk Weaver advised she received some last-minute requests for park reservations today. She expressed concern with people scheduling events within two (2) weeks of the event and who wish to pay by check; the check could bounce and if there is damage, the Town is out the deposit money and the fee. She mentioned they should be required to pay cash or credit card within the two (2) week period prior to the event. The Town Clerk will provide the Town Board with proposed changes to the park rules and regulations and application for them to review at a future meeting. A resident mentioned if people are waiting last minute to reserve, then they should have to pay in person with cash or credit card.

HIGHWAY PICK-UP BID

Highway Superintendent Jody Ostrander would like to bid on a pick-up. Discussion continued regarding replacing vehicles every few years so that when you go to resell, they are still valuable.

PARK MAINTENENCE

Councilman Boone mentioned more mulch needs to be added under the playground equipment at the park; Mr. Ostrander advised it is on the list and will probably get done in the spring.

PUBLIC COMMENT

Planning Board member Edwin Stevens mentioned that the Assessor and Clerk to the Assessor should be notifying people if they plan to be going around taking pictures of homes to update their records.

ADJOURNMENT OF MEETING

With there being no further business, Councilman Filkins made a motion to adjourn the Town Board meeting. Councilman Kryzak seconded; all in favor motion carried. Meeting adjourned at 8:49pm.

Respectfully Submitted,

Karla J. Weaver