

**TOWN OF WESTERLO
TOWN BOARD MEETING OF
TUESDAY, NOVEMBER 16, 2021**

The Town of Westerlo Town Board held a Town Board meeting on Tuesday, November 16, 2021 at the Richard H. Rapp Municipal Building located at 933 County Route 401, Westerlo, NY 12193. Deputy Supervisor opened the meeting at 7:00 PM with the Pledge of Allegiance to the Flag.

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

Also attending were: Town Attorney George McHugh, Highway Superintendent Jody Ostrander, Deputy Town Clerk Marta Pongo, Town Clerk Karla Weaver and approximately 13 interested residents.

MOTION TO OPEN MEETING

Councilman Filkins made a motion to open the Town Board meeting. Councilman Councilwoman Burnside seconded; all in favor motion carried.

TOWN BOARD MINUTES

Councilman Boone made a motion to approve the meeting minutes of October 19th, October 28th and November 3rd 2021. Councilwoman Burnside seconded; all in favor motion carried.

TOWN CLERK REPORT (OCTOBER 2021)

Councilwoman Burnside made a motion to accept the Town Clerk's report for October 2021. Councilman Filkins seconded; all in favor motion carried.

PAYMENT OF MONTHLY BILLS (NOVEMBER 2021)

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 November bills be paid Voucher # 521 through # 566 in the amount of \$76,436.55.

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

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

NAYS: None.

RESOLUTION # 112 - 2021 was thereby duly adopted.

INVESTMENT REPORT

The Town earned through Bank of Green County a total of \$215.27 in interest. No interest earned for NYCLASS. Councilman Boone made a motion to accept the Investment Report for October 2021. Councilman Filkins seconded; all in favor motion carried.

SUPERVISOR REPORT (OCTOBER 2021)

Mr. Kryzak reviewed some key items on the Supervisor’s report for October 2021.

BUDGET AMENDMENTS

Councilman Kryzak made a motion to adopt the following resolution:

Amendments to the 2021 Budget / November

WHEREAS: the Chief Fiscal Officer has determined that in order to maintain proper balances within various accounts the following transfers are necessary for the Budget Year 2021, be it hereby

RESOLVED: that the Town Board of the Town of Westerlo does hereby authorize Deputy Supervisor Matthew Kryzak to transfer the following funds:

General Fund (A)

<u>Amount</u>	<u>From</u>	<u>To</u>
\$3000	A1410.12 Deputy Clerk II	A1410.14 Deputy Clerk III
\$344.60	A1410.25 Office Equip.	A1410.23 Furniture/Fixture
\$400	A1410.41 Mileage	A1410.45 Altamont Enterprise
\$700	A1620.46 Central Hudson Internet	A1620.48 High speed
\$1000	A7110.43 Parks repairs	A7110.41 Parks Toilet

Highway Fund (DA)

<u>Amount</u>	<u>From</u>	<u>To</u>
\$3900.00	DA5110.44 Aggregates	DA5110.43 Chips
\$240.00	DA5110.44 Aggregates	DA5110.46 Drainage Pipe
\$400.00	DA8160.43 City of Albany	DA8160.44 Electronics/JGS
\$1500.00	DA8160.49 Waste Connections	DA8160.48 Repairs

Library (L)

<u>Amount</u>	<u>From</u>	<u>To</u>
\$2.00	L1710.1 Self Ins. Deductible	L9010.8 NYS Retirement

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

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

NAYS: None.

RESOLUTION # 113 - 2021 was thereby duly adopted.

COMMITTEE REPORT'S

Councilwoman Burnside advised that the Hometown Heroes had their closing ceremony over the weekend. Over 102 veterans were honored.

Councilman Boone made a motion to accept the Planning Board Report for November 16, 2021, Assessors Report dated November 11, 2021, Code Enforcement Report for October 2021 and the Hometown Heroes verbal report read by Councilwoman Burnside. Councilman Kryzak seconded; all in favor motion carried. (See attached reports)

OLD BUSINESS

LOCAL LAW TO AMEND LOCAL LAW #1 OF 1989- MODIFY DEFINITIONS OF MAJOR AND MINOR SUBDIVISIONS

Councilman Kryzak indicated Local Law #1 of 1989 is currently being reviewed by the Town Attorney to prepare for amendments made to modify definitions of major and minor subdivisions. There are a few other items in the zoning law that are also under review.

EMPLOYEE HANDBOOK UPDATES

Deputy Supervisor Kryzak mentioned the handbook is still being revised; however, he is hopeful to have more of an update in December, indicating it is a slow process. Councilwoman Burnside asked if anything could be done now to amend full time hours from 40 to 30 a week for the Deputy Town Clerk. Councilman Kryzak indicated the Deputy Clerk has been made full time and is temporarily working 40 hours a week until the handbook is finished. He also mentioned she is eligible for the buyout for not taking health insurance through the Town. The new handbook is being revised and expected to be ready by January 1st. A policy for full time hours is being addressed from 40 to 30 hours a week.

NEW BUSINESS

AUCTIONS INTERNATIONAL

Highway Superintendent Jody Ostrander reported that he auctioned off \$42,365 worth of old equipment that was no longer needed. He reported that the new loader is expected in April. He also plans to auction off the old loader and the 550. He is in need of a new 10-wheeler which is estimated to take roughly 13 months; all that is needed is a letter of commitment, no money down.

PLANNING BOARD CHAIRPERSON RESIGNATION

Councilman Kryzak advised he has received Dorothy Verch's resignation as Chairperson of the Planning Board; however, Beau Loendorf volunteered to Chair. Councilman Boone made a motion to adopt the following resolution:

- WHEREAS:** The Planning Board Chair position is currently vacant due to the resignation of interim Chair Dorothy Verch, and
- WHEREAS:** Planning Board member Beau Loendorf volunteered to become the next Chairman, be it hereby
- RESOLVED:** The Town Board appoints Beau Loendorf as the Planning Board Chairman effective immediately through December 31st 2021 to fill Dorothy Verch's term.

Councilman Filkins seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 114 - 2021 was thereby duly adopted.

ADVERTIZEMENT FOR PLANNING BOARD MEMBER

There is currently a vacancy on the Planning Board. Councilman Kryzak indicated the Town Clerk should advertise the position for one (1) week in the newspaper. Applications are due by Friday, December 10th. Councilman Kryzak made a motion to adopt the following resolution:

- WHEREAS:** There is a vacancy on the Planning Board due to Beau Loendorf taking over as Chairperson, be it hereby
- RESOLVED:** The Town Board authorizes the Town Clerk to advertise in the newspaper and on the website for a Planning Board member to fill Beau Loendorf's unexpired term, and be it further
- RESOLVED:** applications are due back by Friday, December 10, 2021.

Councilman Filkins seconded; all in favor motion carried.

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

NAYS: None

RESOLUTION # 115 - 2021 was thereby duly adopted.

NEW YORK STATE MUNICIPAL WORKERS COMPENSATION ALLIANCE (NYSMWCA)

Councilman Kryzak advised that the Supervisor's office has negotiated a 3-year, no audit contract with NYSMWCA. All three years will be based off 2021 salaries. In addition to the \$7,782 which was shaved off the 2021 to 2022 budget, an additional \$8,000 will be saved off with this contract for a total savings of \$15,782 on workers compensation alone for 2022. This is all based on reclassifying employees. Councilman Kryzak made a motion to adopt the following resolutions:

- WHEREAS** there has been proposed a "NEW YORK STATE MUNICIPAL WORKERS' COMPENSATION ALLIANCE PLAN DOCUMENT" pursuant to Section 50 3-a of the Workers' Compensation Law (hereinafter "the Plan"); and

WHEREAS the *Town of Westerlo* is eligible for membership in the Plan; and

WHEREAS the *Town of Westerlo* has made an independent investigation of the Plan and reviewed the Plan document, and has concluded that it would be in the interests of the *Town of Westerlo* to participate therein; now, therefore, be it

RESOLVED, that the *Town of Westerlo* enter into membership in the Plan pursuant to Section 50 Subdivision 3-a of the Workers' Compensation Law; and be it further

RESOLVED, that *Matthew Kryzak* be and hereby is authorized and instructed to execute the Plan's charter document on behalf of the *Town of Westerlo*); and be it further

RESOLVED, that the custody of all joint Plan moneys by the Plan Administrator under the Plan be and the same hereby is approved and be it further

RESOLVED, that the Town of Westerlo hereby elects, pursuant to Subdivision 3-a of Section 50 of the Workers' Compensation Law, to become a self-insurer as to Workers' Compensation claims against this Municipality; and be it further

RESOLVED, that pursuant to Section 50 Subdivision 3-a of said Workers' Compensation Law, notice of such election shall be filed forthwith with the Chairman of the Worker's Compensation Board, Self-Insurance Section; and be it further,

RESOLVED, that this election shall become effective on January 1, 2022.

Councilman Filkins seconded; a vote resulted as follows:

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

NAYS: None.

RESOLUTION # 116 - 2021 was thereby duly adopted.

CORRECTION TO RESOLUTION #'S – MINUTES OF DECEMBER 30, 2020

The Town Clerk requested that the Town Board to amend the December 30, 2020, Special Town Board minutes due to an error in numbering the resolutions. Resolution #'s 23, 24 and 25 were incorrectly numbered and duplicated. Resolution #23 for paying the year end bills should be #89. Resolution #24 to increase Town Clerk & Highway Superintendent salaries due to leap year should be #90. Resolution #25 was an Executive Order temporarily suspending the Reapplication for Tax Exemptions for Property Taxes and should be #91. Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: An error was made in numbering resolutions from the December 30, 2020 Special Town Board meeting minutes, be it hereby

RESOLVED: The Town Board authorizes the Town Clerk to correct resolution #'s for the December 30th meeting from # 23, 24 and 25 to # 89, 90 and 91. Councilman Filkins seconded; all in favor motion carried.

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

NAYS: None

RESOLUTION # 117 – 2021 was thereby duly adopted.

PUBLIC COMMENT

Discussion included Library districts and Central Hudson bills.

EXECUTIVE SESSION REGARDING JAMISON CORALLO-APPEAL ON DISPOSAL PERMIT

Councilman Kryzak made a motion to enter into Executive Session at 7:48pm for the purpose of discussing the Appeal from Jamison Corallo regarding his hauling permit. Councilman Filkins seconded; all in favor motion carried.

Councilman Kryzak made a motion to adjourn the Executive Session at 8:23pm. Councilman Filkins seconded; all in favor motion carried.

REOPEN TOWN BOARD MEETING

Councilman Kryzak made a motion to reopen the Town Board meeting at 8:23pm. Councilman Filkins seconded; all in favor motion carried.

ADDITIONAL PUBLIC COMMENT

Resident Abby Bensen of Abby Rd, located off of Lake Rd, advised of an issue she is having with her neighbor. She advised she has a right-of-way in her deed which is the only access to her home and has been that way since 1989. The neighbor who purchased the property four (4) years ago just put up a gate blocking her access. She indicated if there was a fire at her home, a fire truck wouldn't be able to get there. She advised the right-of-way was created in 1897 between Berlin C. Willsey and Dewitt Furman. In 1991 Abby Rd was also her right-of-way that went from Lake Onderdonk to CR 408. The Town was involved in 1991 and the boundary changed, which they signed off on, and it then became a Town road. She explained that the same thing happened between her father and the previous neighbor, Mr. Zeh. They went before the Westerlo Town Court and Mr. Zeh had to remove it. Mr. Kryzak asked her to leave documentation for the Town to review. He indicated he would speak to Code Enforcement Officer Jeff Pine and schedule a time for her to speak with him. He will also have the Town Attorney review to see if there is anything the Town can do or if it's a private matter. She advised she is currently parking on a Town road.

DECISION ON APPEAL OF JAMISON CORALLO'S HAULER PERMIT

Councilman Kryzak recused himself from voting on the appeal request from Jamison Corallo's hauler permit matter before the Board as he is the one who initially denied the permit due to non-compliance. Councilwoman Burnside made a motion to adopt the following resolution:

- WHEREAS:** The Town Board indicated they received an appeal request from Jamison Corallo regarding the Supervisor's decision to terminate his Commercial Hauler permit to dispose of his customer's trash at the Town of Westerlo Transfer Station, be it hereby
- RESOLVED:** The Town Board affirmed the Supervisor's decision to revoke Viking Solar's Commercial Collection and disposal indefinitely at the Town of Westerlo.

Councilman Filkins seconded; a vote resulted as follows:

- AYES: Councilwoman Burnside, Councilman Filkins, Councilman Boone
ABSTAIN: Councilman Kryzak
NAYS: None

RESOLUTION # 118 - 2021 was thereby duly adopted.

UPCOMING MEETINGS

The Town Board discussed scheduling upcoming meetings. Councilman Kryzak made a motion to adopt the following resolution:

- WHEREAS:** The Town Board discussed the need to schedule upcoming meetings, be it hereby
- RESOLVED:** The Town Board authorizes the Town Clerk to advertise the following meetings:
- Special Town Board meeting – November 30th at 7PM for the purpose of scheduling a Public Hearing regarding a proposed Local Law # 5 for opting in/out of Cannabis dispensaries in the Town of Westerlo.
 - Public Hearing, Special Town Board and Workshop meeting – December 7th at 5:30pm. The Public Hearing is regarding Proposed Local Law #5 for opting in/out of Cannabis dispensaries in the Town of Westerlo. The Public Hearing will be followed by a Special Town Board meeting to adopt the Proposed Cannabis Law and Workshop.
 - End of the Year Special Town Board meeting – December 28th at 7pm for the purpose of paying the End of Year bills and any other business before the Board.

Councilwoman Burnside seconded; a vote resulted as follows:

- AYES: Councilwoman Burnside, Councilman Filkins, Councilman Boone,
Councilman Kryzak
NAYS: None

RESOLUTION # 119 - 2021 was thereby duly adopted.

ADJORNMENT OF MEETING

With there being no further discussion, Councilman Filkins made a motion to close the Town Board meeting. Councilman Kryzak seconded; all in favor motion carried. Meeting adjourned at 8:41pm.

Respectfully submitted,

Karla Weaver
Town Clerk

*PLANNING BOARD REPORT TO THE
TOWN BOARD
NOVEMBER 16, 2021*

The Planning Board met on November 9th, 2021. SUP 21-3 Carkner Application for an outdoor event venue located at 420 CR 404 in Westerlo was the only item up before the Board. The Board listened to neighbors and Mrs. Carkner. Still the same discussions as far as needing to meet with an Engineer and the Town Attorney discussed what else needs to be done. There will still need to be more discussion for parking and other restrictions for the venue. The Board Chairwoman read out loud the Type 1 Unlisted SEQRA and filled it in as they read it. The Board accepted the application, with needing more information to be provided by the Carkners. No Public Hearing is scheduled at this time.

Respectfully submitted,

*Britta Biggs
Planning Board Clerk*

ASSESSOR'S MONTHLY DEPARTMENTAL REPORT

*To: Westerlo Town Board
From: Melanie Bunzey, Assessor
Date: November 11, 2021
Re: Monthly Report – October 2021*

Exemption renewal forms have been mailed to all residents currently receiving an exemption for Senior STAR; Agricultural and Disability.

A new Sales Transmittal Report was submitted to the State (listing sales since last report) with 15 sales.

Data has been entered for the five solar farms within the Town. The County Director is planning on coming to review things to ensure accuracy.

Two Enhanced STAR exemptions have been granted directly from the State for "good cause" and processed.

There is one pending merge request.

Address changes are made on a regular basis as well as bank escrow information. Routine calls and emails are received and answered on nearly a daily basis.

The system is checked for property owners listed on death notices regularly received via email from A.J. Cunningham Funeral Home and exemptions removed if necessary.

STAR reports received from New York State to date have been processed. Those reports are:

November: Report #9 – Senior Income Level Report

Respectfully submitted,

*Melanie Bunzey
Assessor*

October Report - Building/ Zoning

Jeffry Pine BI/CEO

Applications Processed

Special use – 2

Variance request- 0

Sub- divisions – 0

Building permits issued – 1

New houses – 0

Commercial buildings - 0

Accessory structures – 1

Demo - 0

Other – 2

Cell tower related - 0

Construction inspections- 21

Site visits – 11

Fire calls – 0

Fire safety inspections and follow ups - 4

20 - In-service Training hours. (29 hours to date 24 hours required to maintain certification)