

**TOWN OF WESTERLO
TOWN BOARD MEETING
OF TUESDAY MARCH 15, 2022**

The Town of Westerlo Town Board held a Regular Town Board Meeting on Tuesday, March 15, 2022 at the Richard H. Rapp Municipal Building located at 933 County Route 401, Westerlo, NY 12193. Supervisor Kryzak opened the meeting at 5:00pm with the Pledge of Allegiance to the Flag.

Attending were: Supervisor Matthew Kryzak
 Councilman Josh Beers
 Councilwoman Lorraine Pecylak
 Councilwoman Amie L. Burnside (left early at 6:20)
 Councilman Peter Mahan (sworn in)

Also attending were: Highway Superintendent Jody Ostrander, Planning Board Chairperson-Beau Loendorf and member William Hall, Museum Committee Members Betty Filkins and Palma Scholer, Town Clerk Karla Weaver and approximately three (3) interested residents.

Supervisor Kryzak made a motion to open the Town Board Meeting. Councilwoman Pecylak seconded; motion carried by those present.

EXECUTIVE SESSION

Councilman Beers made a motion to enter into executive session at 5:01 pm for the purpose of interviewing candidates for the vacancies on the Town Board and Zoning Board of Appeals. Councilwoman Burnside seconded; all in favor motion carried.

Supervisor Kryzak made a motion to return from executive session at 6:09 pm. Councilwoman Burnside seconded; all in favor motion carried.

RE-OPEN TOWN BOARD MEETING

Supervisor Kryzak made a motion to reopen the Town Board meeting at 6:10 pm. Councilman Beers seconded; all in favor motion carried.

APPOINTMENT OF TOWN BOARD MEMBER

Supervisor Kryzak thanked all applicants who applied for the Town Board position. The Town Board advised they were prepared to appoint a new Town Board Member this evening. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: There remains a vacancy on the Town Board due to the last election when Councilman Kryzak took the position of Supervisor, be it hereby

RESOLVED: The Town Board appoints Peter Mahan to the Town Board position with a term expiring on 12/31/2022.

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

AYES: Supervisor Kryzak, Councilwoman Burnside, Councilwoman Pecylak,
 Councilman Beers

NAYS: None

RESOLUTION # 52 - 2022 was thereby duly adopted.

The Town Clerk swore in Mr. Mahan so he could join the Town Board this evening.

ZONING BOARD OF APPEALS (ZBA) APPOINTMENT

Mr. Kryzak advised that there is currently a vacancy on the ZBA and they are also in need of a Chairperson. Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: There is a vacancy on the Zoning Board of Appeals due to the resignation of Chairperson Jillian Henck, be it hereby

RESOLVED: The Town Board appoints Richard Van Iderstine as the Chairman of the ZBA with a term expiring on 12/31/2022.

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

AYES: Supervisor Kryzak, Councilman Beers, Councilwoman Pecylak, Councilwoman Burnside

NAYS: None

RESOLUTION # 53 - 2022 was thereby duly adopted.

TOWN BOARD MINUTES

Supervisor Kryzak made a motion to approve the meeting minutes of February 15, 2022. Councilman Beers seconded; Councilman Mahan abstained; motion carried.

TOWN CLERK & TAX COLLECTOR REPORT (FEBRUARY 2022)

Town Clerk Weaver reviewed the Town Clerk & Tax Collector reports for February 2022. Councilwoman Burnside made a motion to accept the Town Clerk & Tax Collector reports for February 2022 as submitted. Supervisor Kryzak seconded; Councilman Mahan abstained; motion carried.

BUDGET AMENDMENTS (FEBRUARY 2022)

Supervisor Kryzak read and Councilwoman Pecylak made a motion to adopt the following resolution:

2022 Budget Amendments / March

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 2022.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Westerlo does hereby authorize Supervisor Matthew Kryzak to make the following changes to the Town of Westerlo 2022 Budget:

Highway Fund

<u>Amount</u>	<u>From</u>	<u>To</u>
\$18.80	DA9040.8 Workers Comp	DA9055.8 Disability

Museum Fund

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Westerlo does hereby authorize Supervisor Matthew Kryzak to create the following changes to the 2022 Museum Budget:

Appropriation coding – adding
M7450.48 Celebrations

Interfund Transfers

<u>Fund and Line from</u>	<u>Amount</u>	<u>Fund and Line to</u>
DA8160.43 City of Albany Albany	\$5740.58	A8160.43 City of Albany
DA8160.49 Waste Connection Connection	\$128.35	A8160.49 Waste Connection

Councilwoman Burnside seconded; Councilman Mahan abstained; motion carried.

AYES: Supervisor Kryzak, Councilwoman Burnside, Councilwoman Pecylak, Councilman Beers

ABSTAIN: Councilman Mahan

NAYS: None

RESOLUTION # 54 – 2022 was thereby duly adopted.

PAYMENT OF MONTHLY BILLS (MARCH 2022)

Councilman Beers made a motion to adopt the following resolution:

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

RESOLVED: the following March 2022 bills be paid Voucher # 85 through Voucher # 137 in the amount of \$87,940.32.

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

AYES: Councilman Beers, Councilwoman Pecylak, Supervisor Kryzak

ABSTAIN: Councilman Mahan

NAYS: None

RESOLUTION # 55 - 2022 was thereby duly adopted.

INVESTMENT REPORT (FEBRUARY 2022)

Supervisor Kryzak advised that the Town earned \$300.13 in interest for the month of February with the Bank of Greene County. No interest was earned with NYCLASS. Supervisor Kryzak made a motion to accept the Investment Report for February 2022. Councilman Beers seconded; Councilman Mahan abstained; motion carried.

SUPERVISOR REPORT (FEBRUARY 2022)

Supervisor Kryzak reviewed the Supervisor’s report for February 2022. Supervisor Kryzak made a motion to approve the Supervisor’s report for February 2022. Councilwoman Pecylak seconded; Councilman Mahan abstained; motion carried.

COMMITTEE REPORT’S

HOMETOWN HEROES REPORT

Hometown Heroes Committee Member Lisa DeGroff advised that Albany Co. Executor Dan McCoy indicated that the County would help this year with hanging veterans banners in Westerlo. She also mentioned a permanent memorial would be installed in the Westerlo Town Park for all branches of the military. She also indicated the deadline is April 1st to apply for or sponsor a banner.

PLANNING BOARD REPORT

Planning Board Chairman Beau Loendorf reported that the Planning Board is still working with an applicant to finalize her application before scheduling a Public Hearing. The Planning Board will begin issuing Special Use Permits regarding RV's once a Local Law is passed to move the responsibility from the Town Board to the Planning Board.

LIBRARY REPORT

Library Trustee Laura Tenney mentioned they are still conducting the survey on at the library. The annual Mother's Day spring bake sale is on May 7th; items can be dropped off the morning of the bake sale. The library has reserved days at the park for their summer reading program for kids and will be collaborating with 4H.

BROADBAND RESEARCH COMMITTEE (BRC) REPORT

BRC Member Leonard Laub mentioned, in order to fund a considerable expansion of fiber-based internet in Westerlo, the Town will need to spend 25% on materials in order to receive 100% of the grant money that was requested. He explained, Mid-Tel will be coming from the north-western side of town and running along routes that have no Mid-Hudson coverage. Coverage is expected to be provided to a lot of Westerlo but not all. Mr. Kryzak understands that the Town will receive the full awarded grant amount once the Town spends their portion of the money that was required to be matched. He explained that the grant does not subsidize any equipment or connections from fiber along the road to the homes; however, Mid-Tel advised they will provide that connection.

MUSEUM REPORT

Museum Member Palma Schloer advised that the Winter Festival was postponed to Sunday due to the weather. Overall, it was a nice event and roughly 7 people attended. There will be a Mother's Day Brunch on May 1st at the Town Hall as a fundraiser for the Museum.

HIGHWAY REPORT

Highway Superintendent Ostrander reported they are still waiting for a loader and there is no eta on the new truck.

APPROVAL OF REPORTS

Supervisor Kryzak made a motion to accept the Hometown Heroes, Planning Board, Library, BRC, Museum and Highway reports as submitted. Councilman Beers seconded; Councilman Mahan abstained; motion carried.

OLD BUSINESS

LOCAL LAW # 1-1989

Mr. Kryzak advised the amendment to Local Law # 1 of 1989 is still in progress; the Town Attorney will be working with General Code.

RENSELAERVILLE AND TOWN OF WESTERLO SENIOR CAR SERVICE AGREEMENT

The Town Attorney requested some changes be made to the Senior Car service agreement regarding liability after the last Town Board meeting. Changes were agreed to by the Town of Rensselaerville and they have signed the agreement. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town of Westerlo contracts with the Town of Rensselaerville for a senior car/bus; be it hereby

RESOLVED: The Town Board authorizes the Supervisor to enter into agreement with the Town of Rensselaerville for the shared senior car/bus service.

Councilwoman Pecylak seconded; a vote resulted as follows:

AYES: Supervisor Kryzak, Councilwoman Pecylak, Councilman Beers

ABSTAIN: Councilman Mahan

NAYS: None

RESOLUTION # 56 - 2022 was thereby duly adopted.

UTILITY AGREEMENT- BID PROPOSAL UPDATE

The Town Board did not have time to review the Utility Bid's that were received. The Board intends to review them and make a decision at the April 5th meeting.

NEXAMP/CENTRAL HUDSON BILLING ISSUE UPDATE

The Town Clerk indicated there was no update from NexAmp; however, Central Hudson indicated a revised bill would be sent in April. She hopes to have more information by the next meeting.

EMPLOYEE HANDBOOK UPDATE

Mr. Kryzak advised that the new updated draft Employee Handbook is available for the Town Board and Town Employees to review.

PROPOSED BESS LOCAL LAW CHANGES

Supervisor Kryzak indicated that CEO Jeff Pine suggested one change be made to the BESS Law. Suggested changes are as follows:

Local Law ____ of 2022

A Revision to Local Law entitled "Battery Energy Storage Systems"

BE IT ENACTED by the Town Board of the Town of Westerlo, County of Albany, the following revision to the Local Law Entitled "Battery Energy Storage Systems" as follows:

1. Tier 1 BESS have an aggregate energy capacity ~~less than or equal to 600kWh~~ 32kwh to 600kwh and, if in a room or enclosed area, consist of only a single Energy Storage System technology.

Mr. Kryzak indicated a Public Hearing needs to be scheduled for April 19th regarding the proposed change to the law.

PROPOSED REVISION TO LOCAL LAW ENTITLED "AMENDMENT TO THE ZONING LAW REGARDING CODE ENFORCEMENT"

Mr. Kryzak advised the Town Board that a Public Hearing will also need to be scheduled for a proposed change to Local Law Entitled "Amendment to the Zoning Law Regarding Code Enforcement" on April 19th. This language will transfer the process from the Town Board to

the Planning Board. Suggested changes are as follows:

Local Law ____ of 2022

A Revision to Local Law entitled “Amendment to the Zoning Law regarding Code Enforcement”

BE IT ENACTED by the Town Board of the Town of Westerlo, County of Albany, the following revision to the Local Law Entitled “Amendment to the Zoning Law regarding Code Enforcement” as follows:

Section 14.110. TRAVEL TRAILERS OUTSIDE TRAVEL TRAILER PARKS No unoccupied trailer shall be left on a vacant lot, without a special use permit approved by the Town Plan-ning Board. No occupied travel trailer shall be used as a year-round occupancy.

SCHEDULE PUBLIC HEARINGS

Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: Two Public Hearings need to be scheduled, be it hereby

RESOLVED: The Town Board schedule and authorize the Town Clerk to advertise two Public Hearings on Tuesday, April 19th at 6pm. The first Public Hearing is regarding proposed changes to Local Law # 2 of 2021 – Battery Energy Storage Systems Local Law. The second Public Hearing is regarding proposed changes to Local Law # 1 of 2020 - amend portions of the Town Zoning Law regarding administration and enforcement of the zoning laws within the Town of Westerlo to be consistent with applicable state law and regulations. The Regular Town Board meeting will immediately follow the Public Hearings.

Councilman Beers seconded; a vote resulted as follows:

AYES: Councilman Beers, Supervisor Kryzak, Councilwoman Pecylak

ABSTAIN: Councilman Mahan

NAYS: None

RESOLUTION # 57 - 2022 was thereby duly adopted.

VISION COVERAGE FOR RETIREES

Supervisor Kryzak mentioned that the way the handbook currently reads is that the Town will make available major medical, hospital and surgical insurance to an eligible full-time employee, including the Superintendent of Highways and the Town Clerk who retires from the Town of Westerlo. Coverage will also be made available for the employee’s eligible family. All other employees and elected officials are not eligible for retiree medical insurance. He indicated dental was included for retirees but he would like to add vision as well. The rate would even be better if vision coverage is added. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: Vision insurance coverage is not currently included for Town Retirees, be it hereby

RESOLVED: The Town Board authorizes the Supervisor to revise the handbook to include vision and dental coverage to major medical package for retired employees paid by the Town.

Councilman Beers seconded; a vote resulted as follows:

AYES: Supervisor Kryzak, Councilman Beers, Councilwoman Pecylak

ABSTAIN: Councilman Mahan

NAYS: None

RESOLUTION # 58 - 2022 was thereby duly adopted.

NEW BUSINESS

CHANGING LOCAL LAW #5 OF 2021 - CANNABIS LAW TO #1 OF 2022 FOR FILING PURPOSES

Attorney McHugh advised that the Town received notice from the Department of State that a resolution needs to be passed to allow the Town Clerk to change the No. for what was once known as Local Law #5 of 2021 to #1 of 2022 for the Cannabis opt out law. He further explained that the law was passed in 2021; however, due to the 45-day period of time where people could bring a petition for a permissive referendum, it crossed over into 2022 when the law was actually filed. Supervisor Kryzak made a motion to adopt the following resolution:

- WHEREAS:** on December 7, 2021 the Town Board passed Resolution 121-2021 adopting a local law pursuant to the Marijuana Regulation and Taxation Act opting out of licensing and establishing on-site cannabis consumption establishments within the Town of Westerlo and subject to permissive referendum pursuant to Cannabis Law § 131; and
- WHEREAS:** the New York State Department of State has advised the Town that the local law shall be numbered Local Law 1 of 2022 as the said law became effective in 2022 following the 45-day permissive referendum period; be it hereby
- RESOLVED:** that the Town of Westerlo's local law opting-out of the of the licensing of on-site cannabis consumption sites pursuant to the Marijuana Regulation and Taxation Act adopted by Resolution 121-2021 shall be known as Local Law No. 1 of 2022.

Councilwoman Pecylak seconded; a vote resulted as follows:

AYES: Supervisor Kryzak, Councilwoman Pecylak, Councilman Beers

ABSTAIN: Councilman Mahan

NAYS: None

RESOLUTION # 59 - 2022 was thereby duly adopted.

LIVE STREAMING MEETINGS/BETTER SIGNAGE IN FRONT OF TOWN HALL

Supervisor Kryzak indicated that the Town of Coeyman's live streams their meetings on tv channel 901, YouTube or on Facebook. Mr. McHugh advised that the Town of Coeyman's invested in equipment which cost roughly \$18,000 but it can be done much cheaper. Discussion ensued regarding having better signage in front of the Town Hall instead of streaming meetings. Councilman Beers was not in favor of live streaming meetings; this topic was tabled. Discussion ensued regarding potentially getting an electronic sign for in front of the Town Hall. Mr. Kryzak needs to investigate where the money is going to come from to fund a new sign, but those present from the Town Board were in favor. He expressed concern that the Zoning Law only allows for certain size signs; Mr. McHugh advised that the Town is exempt from Zoning.

PARTNERSHIP GRANT FOR CAPACITY BUILDING

Supervisor Kryzak mentioned that the Town applied for a partnership grant for a capacity building for the Museum. With the money, a building would be built behind the Museum to house and exhibit larger items such as the mail wagon, band wagon and sleighs.

DONATING THE 4-MIC MIXER TO THE FIRE DEPARTMENT

The Town would like to donate the unused 4-mic mixer that was used originally at Town Hall for meetings to the Town of Westerlo Vol. Fire Department to use in Woodman's Hall. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The 4-mic mixer that was used at one time for meetings has been replaced with a larger unit and is therefore no longer needed; be it hereby

RESOLVED: The Town Board authorizes the Supervisor to donate the 4-mic mixer to the Town of Westerlo Vol. Fire Department for use at Woodman's Hall.

Councilman Beers seconded; a vote resulted as follows:

AYES: Supervisor Kryzak, Councilman Beers, Councilwoman Pecylak

ABSTAIN: Councilman Mahan

NAYS: None

RESOLUTION # 60 - 2022 was thereby duly adopted.

FARMERS MARKET DAYS

Supervisor Kryzak advised that the Town will hold Farmers' Market Days on the 4th Saturday of June, July and August from 8am-noon at the Westerlo Town Park. Town of Westerlo resident vendor spots are free, non-residents will be charged \$25 each day or \$60 for all three months. The Town Clerk will advertise in the calendar section of the Altamont Enterprise as well as on the website, Facebook page and Town Newsletter. Mr. McHugh suggested going to the Troy Farmer's Market with flyers to get them to come.

LIVE MUSIC IN THE PARK

Mr. Kryzak mentioned that the Town is also looking to do live music in the park nights with vendors most likely one Thursday a month during June, July and August. No dates have been officially set yet.

PUBLIC COMMENT

Museum Board Member Palma Scholer asked about the possibly of having garage and sliding doors installed on the pavilion and upgrading electrical at the Town Park. Mr. Ostrander indicated his department could do the work in house. Library Trustee Laura Tenney also advised that the Library has indoor/outdoor space available although it's smaller. Other ideas for upgrades for the pavilion were discussed such as, updating lighting, installing a speaker system and possible disco ball for roller-skating nights.

Newsletter Committee Member Betty Filkins provided information to the Town Board regarding options for programs to create the newsletter at the Town Hall. A resident wondered about having the newsletter mailed to residents; Mr. Kryzak advised it wasn't in this year's budget. Ms. Tenney suggested having local businesses sponsor it.

Planning Board Chairman Loendorf wondered if there was any interest in the Town Board creating an Events Committee. Mr. Kryzak indicated it was a good idea; however, Town Clerk Weaver advised meetings would have to be held during the day so the Confidential Administrator could be a part of it.

Garage Sale Day is June 11th. Maps can be purchased at the Town Park the day of the sale. Mr. Kryzak advised the Town can have food that was donated without a special permit.

Town Clerk Weaver would like to have movie nights at the Town Hall for kids one night a month. It would be chaperoned and popcorn and juice would be available during the movie. Parents would have to drop kids off and pick them up. Ms. Tenney advised the Library looked into this at one point and mentioned the need for a special license to show movies. The Library owns a license for a season that the Town may be able to use. The Town is also looking into purchasing a soft serve ice cream machine for events.

The Town Clerk advised that some changes are being made to the Town website. There is an issue with some of the drop downs on the mobile site so that is being addressed, pages are being made for the BRC, Planning and Zoning Board's as well as a better calendar of events. Ms. Weaver is also looking to create a place on the site for people to subscribe to the Town's newsletter with their email address. This can also be used for other items such as updates on meetings, upcoming events, emergency notices, etc. It's free up to 2000 emails, after that, there is a small fee.

Museum Committee Member Betty Filkins mentioned that the Town Historian hit a road block trying to get vital records from the Town Clerk to continue Thurman Bishop's records he created. The Town Clerk advised vital records were not given to Thurman Bishop by the Town Clerk's office in the past and vital records can't be given to the Historian now. The Town Historian, like anyone else, can request records for genealogy purposes, by filling out a form and paying a fee to the Town Clerk in order to conduct the search. The Town Clerk believes Mr. Bishop got the information for his books from Cemetery and Church records. Town Historians are treated just like anyone else when it comes to genealogy records; she took multiple training courses on this subject last week where the process was confirmed.

A resident questioned why the Town Hall meeting space was being used to hold political meetings. Attorney McHugh indicated it was up to the Town Board. Discussion ensued regarding the potential to allow the space to be used by resident groups as well as the Board creating a Town Hall use policy at a future meeting. The Planning Board Chair asked if the Rotary Club could use the building space for meetings; those present thought that was a good idea. All meetings should be scheduled through the Town Clerk.

ADJOURNMENT OF MEETING

Supervisor Kryzak made a motion to adjourn the meeting. Councilwoman Pecylak seconded; motion carried by those present. Meeting adjourned at 8:21 pm.

Respectfully Submitted,

Karla Weaver, Town Clerk