

**TOWN OF WESTERLO
REGULAR TOWN BOARD MEETING
OF
TUESDAY, JANUARY 17, 2023**

The Town of Westerlo Town Board held a regular meeting on Tuesday, January 17, 2023 at the Town Hall 933 County Route 401, Westerlo, NY. Supervisor Kryzak opened the meeting with the Pledge of Allegiance to the Flag at 6:02 PM.

Attending were: Supervisor Matthew Kryzak
Councilman Joshua Beers
Councilwoman Lorraine Pecylak
Councilman Peter Mahan
Councilwoman Amie L. Burnside

Also attending were: Planning Board Chair Beau Loendorf and Members Gerry Boone and William Hall, Library Director Amy Powarzynski and Trustees Robert Wilcox and Mary Ann Witt, Highway Superintendent Jody Ostrander and employees Salvatore Spinnato, Dan Rohrmiller and Philip Mackey, Hometown Heroes Committee Members Lisa DeGroff and Rick Haley, Town Justices Robert Carl and Ken Mackey, Clerk to the Justices Jaimee Motschmann, Town Clerk Deputies Marta Pongo and Kathleen Spinnato, Town Clerk Karla Weaver and approximately 7 interested residents.

Councilman Mahan made a motion to open the Town Board meeting. Councilman Beers seconded; all in favor motion carried.

TOWN BOARD MINUTES

Councilwoman Burnside made a motion to approve the meeting minutes of December 20th, December 28th and January 4th. Councilwoman Pecylak seconded; all in favor motion carried.

TOWN CLERK REPORT (DECEMBER 2022 & ANNUAL)

Town Clerk Weaver reviewed the Town Clerk report for December 2022 and the annual report for 2022. Councilman Beers made a motion to accept the Town Clerk report for December 2022 and the annual report for 2022. Councilwoman Burnside seconded; all in favor motion carried.

PAYMENT OF MONTHLY BILLS (DECEMBER 2022 & JANUARY 2023)

Councilwoman Pecylak made a motion to adopt the following resolution:

- WHEREAS:** the Town Board has audited the monthly bills, be it hereby
RESOLVED: the following 2022 bills be paid Voucher # 701 through Voucher # 729 in the amount of \$25,003.56, be it further
RESOLVED: the following January 2023 bills be paid Voucher # 1 through Voucher # 15a in the amount of \$34,441.58.

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

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

NAYS: None

RESOLUTION # 24 – 2023 was thereby duly adopted.

INVESTMENT REPORT (DECEMBER 2022)

Mr. Kryzak reported the Town earned \$296.98 in interest with the BOGC for the month of December. Councilwoman Pecylak made a motion to accept the investment report as reviewed by Supervisor Kryzak. Councilman Mahan seconded; all in favor motion carried.

SUPERVISOR REPORT (DECEMBER 2022)

Supervisor Kryzak reviewed the Supervisor's report and advised all accounts for the Town totaled \$3,429,158.01 for the month of December. The Town is fiscally healthy and he will be doing the Annual Update Document (AUD) for the State Comptroller. Councilman Beers made a motion to accept the Supervisor's report for December 2022. Councilman Mahan seconded; all in favor motion carried.

COMMITTEE REPORTS

PLANNING BOARD

Planning Board Chair Loendorf submitted and read the following report:

The Planning Board meet last week, welcoming Angela Carkner to our board for her first meeting. We held four public hearings, two which the board voted and passed. These applications were the Winner Minor SD-22 and Gallagher Travel Trailer SUP 22-4. Our other two applications were pushed to New Business for our February meeting, awaiting information back from the Albany County Planning Board. These two applications were the Shrkey and Hunter Minor Subdivisions.

We also received a new application for Clickman Road, dividing 50 acres into 3 parcels. The board voted to move for a public hearing next month and conduct site visits. The board also voted on meeting rules to ensure we are allowing our residents to understand the boards meeting process while also running a transparent meeting, ensuring we give enough time to thoughtfully make the best decisions. These meeting rules were passed by the board and will be in place for the upcoming year.

Finally I want to thank Jeff Pine for being part of this last meeting and providing lots of support on certain application details. Also, a special shoutout to Bill Hall, a Planning Board member who took extra hours or training to help ensure we are learning about future problems and solutions that could arise in our community. I want to confirm that our next meeting will be February 14th, on Valentines Day at 7pm here in the Town Hall.

-Beau Loendorf, Chairman of the Planning Board

ASSESSOR

Assessor Melanie Bunzey previously submitted the following report via email:

ASSESSOR'S MONTHLY DEPARTMENTAL REPORT

To: Westerlo Town Board

From: Melanie Bunzey, Assessor
Date: December 15, 2022
Re: Monthly Report – January 2023

School tax relevies were entered into RPS so that they appear on 2023 property tax bills. Arrear flags were entered as well according from report from Albany County.

2023 Water District values and omitted taxes were applied to the appropriate parcels for the January bills. Bills were mailed last week.

A “New Sales Transmittal Report” was submitted to the State with 12 sales since last submittal.

A new exemption for volunteer firefighters or ambulance workers has been approved by the Governor. The Town will need to enact a local law or resolution to adopt the exemption. Please see below:

Real Property Tax Law § 466-a authorizes the governing body of a county, city, town, village, school district, fire district, or special district, to partially exempt up to 10% of the assessed value of the residence of a volunteer firefighter or ambulance worker. The exemption does not apply to special assessments. An eligible city, village, town, school district, fire district, special district, or county may enact, after a public hearing, a local law, or a resolution in the case of a school district, to adopt the volunteer firefighters/ambulance workers exemption.

The exemption is available only to members of incorporated volunteer fire companies, fire departments, or incorporated ambulance services who have been certified as being enrolled members for a minimum of two to five years, depending on the policy. The municipality determines the procedure for certification.

At local option of the city, town, village, school district, fire district, special district, or county, an enrolled member who has accrued more than 20 years of active service may be granted the exemption for the remainder of their life, as long as the member’s primary residence is located within such county.

At local option, the exemption may be continued or reinstated for the un-remarried spouse of an enrolled member killed in the line of duty who had been a member of the volunteer fire company, fire department, or volunteer ambulance service for at least five years and was receiving the exemption prior to their death. At local option, the exemption may be continued or reinstated for the un-remarried spouse of an enrolled member who accrued at least 20 years of active service and was receiving the exemption prior to their death. The exemption may be granted only to applicants who reside in the jurisdiction served by the fire company, fire department, or ambulance service. The exemption is only available for the applicant’s primary residence and only to property (or the portion thereof) exclusively used for residential purposes.

A 2nd notice with regard to low-income senior citizens is now required by the State. We will consider options how to accomplish sending the notice (i.e., through individual letters, through the newsletter, etc. -- There is also indication from the County that there is tentative approval to have the County send this second notice this year only to Westerlo residents at no cost to the Town.) See below:

On December 23, Governor Hochul signed into law Chapter 738 of the Laws of 2022. The new law requires a second copy of the notice required by Real Property Tax Law § 467, Subsection 4 to be sent 30 days prior to the filing deadline (March 1st is the filing deadline.)

Updated exemption forms for are available from the State and were printed and copied in preparation of the new exemption year. Forms have been mailed and we have been logging them in as they arrive for processing beginning in January.

Photos have been taken of parcels where building permits have been issued or when a new sale has been processed. Assessments will be adjusted for 2023 accordingly. We will be continuing to drive around taking photos and collecting information to update our database.

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 received, exemptions are then removed if necessary and notifications of exemption change mailed.

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

Report 10: NYS Tax Return Deceased Report
Report 11: STAR Credit Issued Report

Respectfully submitted,
Melanie Bunzey, Assessor

CEO

CEO Jeff Pine previously submitted the following report via email:

December 2022 Report
Building/ Zoning
Jeffry Pine BI/CEO

Applications Processed

Special use – 1

Variance request- 0

Sub– divisions – 1

Building permits issued – 3

New houses - 1
Accessory structures – 1
Solar Pv -
Other – 1
Cell tower / commercial -
Construction inspections- 21
Site visits – 5
Fire calls – 1
Fire safety inspections and follow ups - 3
- In-service Training hours. 26 hrs YTD (24 hours required to maintain certification)

HOMETOWN HEROES

Hometown Heroes Member Lisa DeGroff reported that the application for first responder banners is now complete and is posted on the Town's website and on the Hometown Heroes Facebook page.

LIBRARY

Library Director Amy Powarzynski thanked the highway department for their new circulation desk. She also reported that there is a new art exhibit in the gallery space through February.

BRC

Supervisor Kryzak mentioned he is still dealing with the USDA for the Tonko grant as they are asking for engineered evaluations which can't be done until the Town awards a project. Unfortunately, he has not been told yet when they are going to disburse the funds and in what manner. He needs to be guaranteed the Town will get 100% of the disbursement before he puts it out for a bid. There is no new information to discuss at meetings so there is no need to meet until at least March.

HIGHWAY DEPARTMENT

Highway Superintendent Jody Ostrander reported the Town received 99% of the CHIPS money.

MUSEUM

Museum Member Karla Weaver reminded the public that the Winter Festival is on February 4th with a snow date of February 5th.

APPROVAL OF COMMITTEE REPORTS

Councilwoman Burnside made a motion to approve the committee reports for December 2022. Councilman Beers seconded; all in favor motion carried.

OLD BUSINESS

NEW HOLDING FACILITY AGREEMENT

Mr. Kryzak mentioned the contract for the new holding facility for dogs will be with Cheryl Baitholts. The Town will pay her directly at a cost of \$15/day per dog. She has a contract with

Schoharie Valley Vet for any dogs needing medical attention. Any medical costs incurred will need to be reimbursed by the owner in order to get their dog back.

FOOD TRUCK VENDOR PERMIT DISCUSSION

Mr. Kryzak advised he has a draft document for the proposed food truck vendor permit. This will be reviewed at the next workshop meeting.

NEW BUSINESS

MUSEUM MEMBER APPOINTMENT

The Museum Board voted to appoint Bill Hall as the President of the Museum at their last meeting to replace Palma Schloer's unexpired term through 12/31/26. Councilwoman Burnside made a motion to adopt the following resolution:

WHEREAS: There is a vacancy on the Museum Board, be it hereby

RESOLVED: The Town Board appoints Bill Hall as the president of the Museum Board with a term set to expire 12/31/26, a term previously held by Palma Schloer.

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

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

NAYS: None

RESOLUTION # 25 – 2023 was thereby duly adopted.

TOWN PROSECUTOR SALARY DISCUSSION

Supervisor Kryzak indicated the Town Board recently added dog cases to the list of duties of the Town Prosecutor. She also has not had a salary increase in many years and was asking that the Town Board consider an increase from \$600/month to \$750/month. Councilman Beers made a motion to adopt the following resolution:

WHEREAS: The salary for the Town Prosecutor was discussed, be it hereby

RESOLVED: The Town Board increases the salary for the Town Prosecutor from \$600/mo to \$750/mo in order to handle all prosecutions that come before the Town of Westerlo. This change will take effect immediately.

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

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

NAYS: None

RESOLUTION # 26 – 2023 was thereby duly adopted.

FIRE COMPANY CONTRACT

Supervisor Kryzak indicated the Town of Westerlo Vol. Fire Co. contract was signed by him and President of the Fire Co. Chris Allen today.

CAMERA QUOTES

Mr. Kryzak mentioned that unfortunately the camera's view at the south entrance of the Town Hall is now obstructed due to the covered deck that was installed outside the Clerk's office. The

Town Board discussed a quote that was received to relocate the camera for a total cost of \$676.50. The Town Clerk's office also would like to install a monitor in their office due to public safety concerns. The Town Board was in favor. Supervisor Kryzak indicated no vote was necessary; the Town Clerk will notify the camera company to move forward.

NEW CONFIDENTIAL ADMINISTRATOR

Councilwoman Pecylak expressed concern about transparency in the workplace, specifically that the Town Board did not know about the current confidential administrator's resignation or the hiring of a replacement. Mr. Kryzak explained that the confidential administrator serves at the pleasure of the Supervisor, just like the Town Clerk's office and Highway Superintendent. He doesn't announce until he is ready. He did find a qualified Westerlo resident for the position that he will be appointing but is working out the dates and will let the Board know when he has it figured out. He reminded the Town Board that personnel issues need to be discussed in an executive session. Mr. Kryzak reviewed sections of the Town Law manual pertaining to the Supervisor having the authority to appoint a confidential administrator.

Councilman Beers made a motion to enter into Executive Session at 6:31 pm. Councilman Mahan seconded. Discussion continued. The Town Board decided they would like to hear public comment before going into executive session. Motion did not carry.

PUBLIC COMMENT

A resident indicated jobs should be advertised. He also questioned how many grants were applied for since Rosemary McHugh became the confidential administrator. Mr. Kryzak responded that in the past year they've only applied for two grants, the one that they got was the Albany County Soil and Water Conservation grant which they worked on with the Highway Superintendent and the one they did not get was for the fitness items in the park which Rosemary and him had to rewrite. Discussion ensued. The Supervisor commented on the operation of his office.

Councilman Mahan read a section of the Town Law manual indicating salaries of town officers are fixed each year at the organizational meeting and that the salaries may be fixed from time to time to increase or decrease throughout the year. Discussion ensued. Residents discussed the confidential administrator potentially going back to an hourly position instead of salary.

A resident commented that two of the previous confidential administrators had the credentials. She questioned if during the transition period there would be two salaries; Supervisor Kryzak responded yes, he put aside money in the budget for a part time position for training.

A resident asked why the current confidential administrator was leaving, Supervisor Kryzak advised she took a job with the county. It wasn't because she was unhappy but instead was offered more money.

Discussion also included questions on why the Town owns so many buildings, broadband service and recent Verizon cell service issues.

EXECUTIVE SESSION

Councilman Beers made a motion to enter into executive session at 6:58 pm for the purpose of discussing the salary for the new confidential administrator. Councilman Mahan seconded; all in favor motion carried.

Supervisor Kryzak recorded a vote during the executive session:

Supervisor Kryzak called for a vote to table the vote on the salary of the new confidential administrator until the Town Attorney could be consulted on section 4-24 of the Town Law manual. Councilmen Mahan and Beers left executive session at 7:14 pm prior to voting. A vote resulted as follows:

AYES: Supervisor Kryzak, Councilwoman Burnside, Councilwoman Pecylak

NAYS: Councilman Beers, Councilman Mahan

Motion carries.

Councilman Beers and Mahan left executive session early at 7:15 pm.

Vote to adjourn executive session at 7:22 pm:

AYES: Supervisor Kryzak, Councilwoman Burnside, Councilwoman Pecylak

Councilwoman Pecylak made a motion to return from executive session at 7:23 pm. Councilman Burnside seconded; a vote resulted as follows:

AYES: Supervisor Kryzak, Councilwoman Burnside, Councilwoman Pecylak

NAYS: Councilman Beers and Councilman Mahan

Motion carries.

ADDITIONAL PUBLIC COMMENT

Public comment continued and included discussion regarding building a garage on vacant land, the Freese house that is unsafe in the hamlet and Planning Board Chair Loendorf suggested the Town create a committee to review local laws.

ADJOURN THE MEETING

With there being no further discussion, Councilwoman Burnside made a motion to close the Town Board meeting. Councilwoman Pecylak seconded; all in favor motion carried. Meeting adjourned at 7:34 pm.

Respectfully submitted,

Karla Weaver

Town Clerk