

**TOWN OF WESTERLO
REGULAR TOWN BOARD MEETING
OF
TUESDAY, FEBRUARY 21, 2023**

The Town of Westerlo Town Board held a regular meeting on Tuesday, February 21, 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
ABSENT WERE: Councilwoman Amie L. Burnside

Also attending were: Clerk to the Assessor Claire Marshall, Highway Superintendent Jody Ostrander and employee Salvatore Spinnato, Planning Board Chair Beau Loendorf, Hometown Heroes Committee Member Lisa DeGroff, Water Board Member Kelley Keefe, Clerk to the Justices Jaimee Motschmann, Westerlo Rural Cemetery President Betty Filkins, Library President Maureen Sikule and Trustee Mary Ann Witt, ZBA Chair George Spahmer, Fire Co. President Chris Allen and approximately 17 interested residents.

Councilwoman Pecylak made a motion to open the Town Board meeting. Councilman Beers seconded; motion carried by those present.

TOWN BOARD MINUTES

Councilman Mahan made a motion to approve the meeting minutes of January 17th, February 7th. Councilwoman Pecylak seconded; motion carried by those present.

TOWN CLERK AND TAX COLLECTOR REPORT (JANUARY 2023)

Town Clerk Weaver reviewed the Town Clerk and Tax Collector report for January 2023. Councilman Beers made a motion to accept the Town Clerk and Tax Collector report for January 2023. Councilman Mahan seconded; motion carried by those present.

BUDGET AMENDMENTS

Councilman Beers made a motion to adopt the following resolution:

WHEREAS, the Town of Westerlo has had unforeseen deposits in the following accounts;
and

WHEREAS, the Chief Fiscal Officer has determined that in order to maintain proper balances within various accounts, a budget amendment is necessary;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Westerlo does hereby authorize Town Supervisor Matthew Kryzak to make the following transfers for taxes deposited in the A Fund.

General Fund

<u>Amount</u>	<u>From Account</u>	<u>To Account</u>
\$8,200.00	(A)630-Due to other fund	Special Lighting (SL)391
\$62,614.00	(A)630-Due to other funds	Library (L)391
\$577,645.52	(A)630-Due to other funds	Highway (DA)391
\$261,122.88	(A)630- Due to other funds	Highway (DA)391

Councilman Mahan seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 32 – 2023 was thereby duly adopted

TOWN COURT REPORT

Supervisor Kryzak advised that the Town Court collected \$1,599.50 for the month of January 2023 from Town Justice Kenneth Mackey and \$561.00 from Town Justice Robert Carl for the fines and fees for their cases. Councilman Mahan made a motion to approve the Town Court report for January 2023, Councilman Beers seconded; motion carried by those present.

SUPERVISOR REPORT (JANUARY 2023)

Supervisor Kryzak reviewed the Supervisor's report and advised that all accounts for the Town totaled \$4,240,549.26 for the month of January. Councilman Beers made a motion to accept the Supervisor's report for January 2023. Councilman Mahan seconded; motion carried by those present.

PAYMENT OF MONTHLY BILLS (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 2023 bills be paid Voucher # 16 through Voucher # 69 in the amount of \$339,174.93, be it further

RESOLVED: the following January 2023 bills be paid Voucher # 16 through Voucher # 69 in the amount of \$339,174.93.

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

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

NAYS: None

RESOLUTION # 33 – 2023 was thereby duly adopted.

COMMITTEE REPORTS

PLANNING BOARD

Planning Board Chair Loendorf submitted and read the following report:

The board met this past Tuesday where we held one public hearing and approved three applications. All three were for minor subdivisions, these applications were SHARKEY, HUNTER/TARBOX, & CLICKMAN ROAD. We should have the minutes up within the next week for any residents to review. There is no current applications before the board.

-Beau Loendorf, Chairman of the Planning Board

HOMETOWN HEROES

Westerlo Hometown Heroes Meeting Report January 24, 2023

*Present; Amie Burnside, Lisa DeGroff, Matt Kryzak, Becky Kryzak, Beau Loendorf, Lorraine Pecylak
General*

➤ Discussed creation of new logo and header to include first responders. Reviewed Beau's ideas. Asked for revisions.

Banners

➤ Discussed and agreed to place donation boxes at area businesses. Identified some businesses to approach. Need to order more boxes, 2 broke and 1 given back to Betty. Lisa to research boxes and cost to discuss at next meeting.

➤ Strategized for banner sponsors. Businesses and individuals identified, committee members and volunteers assigned to businesses and individuals

➤ Decided on date for 2023 Closing Ceremony to be 11/4/2023 – 2pm. Would like to utilize the Westerlo Baptist Church again. Lisa to submit application.

Veteran Memorial & Tribute area.

➤ Need to submit for first round of paver engraving soon to be ready to set in the spring

o Still need the stone sand donated by Carver once pavers placed

➤ Need to make a site visit as a committee to decide on:

o # of benches

o Placement of benches

o # of trees

o Placement of trees

o Fence location

o Landscaping – will have boxwood bushes donated by Josh Beers for around poles and monuments. Will need to dig into crusher run. Likely need to fill holes with topsoil

o What kind of other landscaping to be installed. Discussed easy maintenance, full sun hardy plantings.

o Need advice of professional

o Need additional solar lighting for flag poles – uplighting.

o Need solar lighting for monuments o Need solar lighting for park sign

• Veterans Day Ceremony

➤ Veterans Day is on a Saturday. Can hold a brief meaningful ceremony. Will run into obstacles due to conflicts with Albany events and other Veteran organization events.

➤ Discussed the possibility of sunset event

- Will need to secure a vendor for hot coffee – likely to be cold.
- Will have further discussion after April 1st deadline for banners as the focus is on securing donors for banners at this time.

Next meeting: February 28, 2023

LIBRARY

Library Trustee Robert Wilcox advised that the Hannay community room is available for use for any reason as long as it's not a private meeting. There is a projector and sound system, you may have refreshments as long as you clean up after yourself and it is free of charge.

ZBA

ZBA Member George Spahmer reported that the ZBA received no new applications in January or February 2023. They are working on meeting rules and procedures on how to conduct their meetings. Members attended training provided by Town Attorney George McHugh. Guy Weidman and George Spahmer also attended an annual Planning and Zoning Conference in Saratoga Springs.

FIRE DEPARTMENT

Fire Co. President Chris Allen reported that the Fire Co. will have a pancake breakfast on February 25th at Woodmans Hall. Andrew Joslyn thanked the Town for the ATV and mentioned they are looking into where they can pull water from.

HIGHWAY DEPARTMENT

Highway Superintendent Jody Ostrander reported that the last truck was purchased in 2020. An order for a new truck was placed back in October 2021 but there is still no information on when it might be available. He contacted International however they won't have any available for 2+ years. Alamo which is the father company to Everest, may have a new International available for the Town to purchase. He mentioned he may be asking Supervisor Kryzak for a letter of intent to buy this truck in a few weeks.

CEO

CEO Jeff Pine previously submitted the following report via email:

*January 2023 Report
Building/ Zoning
Jeffry Pine BI/CEO*

Applications Processed

Special use – 1

Variance request- 0

Sub- divisions – 3

Building permits issued – 4

New houses – 0

Accessory structures – 1

Solar Pv – 1
Other – 2
Cell tower / commercial –
Construction inspections- 17
Site visits – 6
Fire calls – 1
Fire safety inspections and follow ups – 3
0 – In-service Training hours. 0 hrs YTD (24 hours required to maintain certification)

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: February 9, 2023
Re: Monthly Report – February 2023

A “New Sales Transmittal Report” was submitted to the State with 32 sales since last submittal.

A new exemption for volunteer firefighters or ambulance workers has been approved by the Governor. The Albany County Legislature will be adopting the Volunteer FF/EMS exemption this year for the 2024 roll year. See below:

“Albany County Executive Daniel P. McCoy today announced that he is introducing new legislation to the Albany County Legislature that would provide 10% real property tax exemptions to volunteer firefighters and emergency medical personnel. This exemption will be eligible for Albany County residents who are enrolled members of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service that provide such services within the county.

“As a former firefighter, I know the very real sacrifices first responders and their families make each day that these individuals go into work. This new property tax exemption for volunteer firefighters and EMS personnel shows them that their bravery and selflessness have not gone unnoticed,” said County Executive McCoy. “But we also know that many communities rely on these volunteer services for their safety, and we need to ensure that positions are filled. It’s my hope that this tax incentive will allow us to attract even more talented individuals to these firehouses and ambulance services.”

For those who have been active members of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service for at least twenty years and who have since retired, they would be granted the 10% tax exemption for the remainder of their lives. Additionally, the un-remarried surviving spouses of volunteers who lost their lives in the line of duty or otherwise are also eligible for the property tax exemption under specifically designated circumstances.

The local law that will be formally introduced by County Executive McCoy to the County Legislature will be sponsored by the Majority Leader of the Legislature, Dennis Feeney.

"Volunteer firefighters are the very backbone of emergency response and rescue operations in so many communities in Albany County," Albany County Legislature Chairman Andrew Joyce said. "The Albany County Legislature has been working closely with our Director of Real Property and the County Executive's team to make this idea a reality at a time where the number of volunteer firefighters are dwindling. It's our expectation that tax exemptions, better compensation and more training options will draw more brave individuals into the volunteer fire and emergency medical services."

"This is such an important initiative. It is increasingly difficult to get individuals to fill these positions and this is just one thing that the County can do to assist in the recruitment for volunteer firefighters and EMS workers," said Majority Leader Dennis Feeney.

"The Republican & Conservative Conference of the Albany County Legislature is in full support of pursuing this important benefit for those who put their lives on the line in the name of public safety," said Minority Leader Frank A. Mauriello. "As a former Commissioner of the Midway Fire District, Town of Colonie, I can attest to the need for enhanced recruiting benefits for volunteer firefighters and ambulance workers. Besides the recruiting aspect to this exemption, as a society it's important that we recognize the sacrifices these individuals make, and enacting a property tax exemption will go a long way in offsetting the long hours of training and dangerous situations our volunteers subject themselves to."

Once passed by the full Albany County Legislature, this local law will take effect on January 1, 2024 and shall apply to taxable status dates occurring on or after such date."

A 2nd notice in a letter form with regard to low-income senior citizens is required by the State was mailed by County Executive Daniel P. McCoy. Many calls have been received and responded to regarding the letter

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: None

*Respectfully submitted,
Melanie Bunzey, Assessor*

APPROVAL OF COMMITTEE REPORTS

Councilman Beers made a motion to approve the committee reports for January 2023. Councilwoman Pecylak seconded; all in favor motion carried by those present.

OLD BUSINESS

REVIEW RULES AND APPLICATION FOR FOOD TRUCK VENDOR PERMIT

Mr. Kryzak proposed a few changes to the food truck vendor permit document. He discussed adding that permit holders are responsible for the removal of all trash generated and that any violation of the rules and regulations would revoke the permit. Supervisor Kryzak also advised he reached out to the insurance company to see if any potential food truck vendor would have to hold additional certificate of insurance. It was mentioned that all permits would be valid January – December and cost \$25.00/yr. Vendors will typically be able to park by the ball field at the Westerlo Veterans Memorial Park or Town Hall entrance if there is a little league game so it doesn't affect money raised by their concession stand.

PROPOSED LOCAL LAW REVIEW COMMITTEE

Supervisor Kryzak advised that Bill Hall suggested adding one more member to the proposed Local Law Review Committee for a total of six members. Councilman Beers questioned how Mr. Hall decided on the proposed members but ultimately the Town Board members present were in favor of a 6-member committee. After discussion, it was decided that the committee will meet on the third Monday of each month at 6 pm. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town Board discussed creating a committee to review previous local laws for accuracy and potential updates, be it hereby

RESOLVED: The Town Board creates a committee to be known as "Local Law Review Committee" made up of 6 members, Chairman Bill Hall and members Guy Weidman, George Spahmner, Beau Loendorf, Lorraine Pecylak and Mary Ann Witt who will review previously filed local laws for accuracy and will provide the Town Board with potential updates, and further

RESOLVED: The Committee will meet the third Monday of each month at 6 pm and may be disbanded by Board resolution at any time.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 34 of 2023 was thereby duly adopted.

PROPOSED EAGLE SCOUT PROJECT, FIRE DEPT. SURVEY UPDATE & PROPOSED TAX DISCOUNT FOR VOL. FIRE FIGHTERS

Fire Department Chief Andrew Joslyn's son Andy presented his new Eagle Scout project "Heroes Way" to the Town Board. This project would allow first responders, active-duty volunteer personnel, veterans and even civilians who are struggling mentally to relax, reflect and find resources to help them heal. It will improve the trails at the Westerlo Veterans Memorial Park, repair three bridges, trail markers, add three new benches and a kiosk which will include a trail system map and crisis intervention for visitors. Mr. Joslyn mentioned he will be reaching out to

businesses for donations and materials but in the meantime he is asking the Town Board for the approval. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: Andrew Joslyn presented his Eagle Scout project "Heroes Way" to the Town Board for improving the trails at the Westerlo Veterans Memorial Park with the purpose of creating a place to allow first responders, active-duty volunteer personnel, veterans and civilians who struggle mentally with a place to relax, reflect and find resources to help them heal, be it hereby

RESOLVED: The Town Board approves Mr. Joslyn's Eagle Scout project "Heroes Way". Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 35 - 2023 was thereby duly adopted.

Supervisor Kryzak mentioned he is meeting with the surveyor on Monday, February 27th at 9 am to show him the proposed subdivision lines and he is encouraging anyone from the Town Board who is willing to come and be a part of it to do so.

Supervisor Kryzak mentioned to the Town Board that there is a potential 10% discount on property taxes for first responders. The resolution was already adopted by the County and now the Town can decide if they want to approve; it would go into effect in 2024. (See attached) Assessor Clerk Claire Marshall advised that first responders will not be eligible for this exemption and the one for income tax, it's one or the other. Discussion continued. Supervisor Kryzak read the proposed law and attempted to make a motion to adopt it however had to retract his motion as Town Clerk Weaver reminded the Board that a Public Hearing would need to be set prior to adopting a local law. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: A Public Hearing needs to be scheduled, be it hereby

RESOLVED: The Town Board authorizes the Town Clerk to advertise a Public Hearing at the Town Board Workshop on April 4th at 6 pm for the purpose of discussing proposed Local Law No. 1 of 2023 regarding providing real property tax exemptions for volunteer firefighters and ambulance workers pursuant to section 466-A of the Real Property Tax Law.

Councilman Beers seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 36 - 2023 was thereby duly adopted.

FREESE PROPERTY

Councilman Mahan inquired if the Town can do anything with the Freese property in town. Supervisor Kryzak advised it is on the delinquent tax rolls but it isn't yet with the Albany County Landbank, at which time, the town can potentially purchase it for \$1. Discussion ensued.

PUBLIC COMMENT

Library Trustee Mary Ann Witt mentioned that the Albany County Water Board reached out to her about available grant money for conservation easements and to purchase property as part of the water shed.

Planning Board Chairman Loendorf asked if he could start a committee for the park. Supervisor Kryzak advised he would need to find people to volunteer on the proposed committee.

Town Clerk Weaver gave an update on the ongoing Central Hudson billing issues. She advised that after 1.5 years of working with them, they have finally advised they have reversed a roughly \$16k charge on one of the many accounts that she has been fighting.

ADJOURN THE MEETING

Councilman Mahan made a motion to close the workshop meeting. Supervisor Kryzak seconded; motion carried by those present. Meeting adjourned at 7:12pm.

Respectfully submitted,

Karla Weaver
Town Clerk

PROPOSED LOCAL LAW

LOCAL LAW INTRODUCTORY NUMBER ___ OF 2023 A LOCAL LAW OF THE TOWN OF WESTERLO PROVIDING REAL PROPERTY TAX EXEMPTIONS FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS PURSUANT TO SECTION 466-A OF THE REAL PROPERTY TAX LAW BE IT ENACTED by the Town Board of Westerlo.

SECTION I. Legislative intent and purpose.

a. The Town Board of the Town of Westerlo finds and determines that attracting and retaining quality volunteer firefighters and emergency medical personnel is one of the most critical problems facing our community and that maintaining effective emergency protection depends on the ability to train and retain volunteers.

b. The Town Board finds and determines that it is essential for the Town to provide real property tax exemptions as an incentive to attract new volunteers and help combat a persistent and alarming decline in the number of volunteers serving as active responders to fire and medical emergencies and unless recruits are found to replace retiring volunteers and seasoned members are encouraged to continue their volunteer service, the health and safety of citizens served by the volunteer firefighter and emergency medical personnel corps may be jeopardized.

c. The Town Board further finds and determines that real property tax exemptions are an appropriate way to recognize the personal sacrifices and dedication of these community-spirited men and women

who unselfishly give their time and risk their safety to protect their neighbors without compensation. d. The purpose of this Local Law is to adopt the real property tax exemptions provided for volunteer firefighters and emergency medical personnel in accordance with Section 466-a of the Real Property Tax Law to read as follows.

Section 1. Real Property Tax Exemption. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in the Town of Westerlo shall be exempt from taxation to the extent of 10 percent of the assessed value of such property for Town purposes, exclusive of special assessments.

Section 2. Qualifications. Such exemption shall only be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance services if:

(a) the applicant resides in the Town of Westerlo and is a member of an incorporated volunteer fire company or fire department or incorporated voluntary ambulance service which provides service within the town.

(b) the real property which is the subject of such exemption is the primary residence of the applicant.

(c) the real property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this Local Law.

(d) the applicant has obtained and displayed a certificate issued by the authority having jurisdiction for the incorporated volunteer fire company or fire department indicating that the applicant has been an enrolled member of such incorporated volunteer fire company or fire department for at least two years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least two years.

Section 3. Continuation of eligibility requirements. The applicant shall maintain continual eligibility for the exemption by being a continuously active member of the incorporated volunteer fire company, fire department, fire district, or incorporated voluntary ambulance service. An active member shall meet the requirements for active service as defined by each company, department or corporation. Annual attestation by such company, district or corporation is required to maintain this exemption.

Section 4. Twenty-year active members. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service, as defined in Section 3 hereof, and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within the Town of Westerlo.

Section 5. Un-remarried Surviving Spouses of Volunteers killed in the line of duty. An un-remarried spouse of a volunteer firefighters or volunteer ambulance workers killed in the line of duty may receive the real property tax exemption if:

1. Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated volunteer ambulance service who was killed in the line of duty; and.

2. Such deceased volunteer had been an enrolled member for at least five years; and.

3. Such deceased volunteer had been receiving the exemption prior to his or her death. Section 6. Un-remarried Surviving Spouses of Volunteers with at least Twenty Years of Service. An un-remarried spouse of a volunteer firefighters or volunteer ambulance workers with twenty years of service may receive the real property tax exemption if:

1. Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated volunteer ambulance service.

2. Such deceased volunteer had been an enrolled member for at least twenty years.

3. Such deceased volunteer and un-remarried spouse had been receiving the exemption of such property prior to the death of such volunteer.

Section 7. Application process.

1. Applications for such exemption shall be filed with the assessor of the town on or before the taxable status date on a form as prescribed by the New York State Commissioner for the Office of Real Property Tax Services.

2. The assessor of the town shall have the duty and responsibility of procuring and filing a copy of such certification prior to granting the exemption provided for by this Local Law.

Section 8. No diminution of current benefits. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of law on the effective date of this Local Law shall suffer any diminution of such benefit because of the provisions of this Local Law.

SECTION II. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.