

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

The Town of Westerlo Town Board held a regular meeting on Tuesday, March 21, 2023 at the Town Hall 933 CR 401, Westerlo, NY. Supervisor Kryzak opened the meeting with the Pledge of Allegiance to the Flag at 6:00 PM.

ATTENDING WERE:	Supervisor Matthew Kryzak
	Councilman Peter Mahan
	Councilman Joshua Beers
	Councilwoman Lorraine Pecylak
Arriving at 6:30 PM	Councilwoman Amie Burnside

Also attending were: Town Justice Kenneth Mackey, Highway Superintendent Jody Ostrander, Town Attorney George McHugh, Planning Board Chair Beau Loendorf & Member Bill Hall, Deputy Town Clerk II Jaimee Motschmann, Library President Maureen Sikule & Trustee Mary Ann Witt, Hometown Heroes Committee Member/Confidential Administrator Lisa DeGroff, Westerlo Rural Cemetery President Betty Filkins and approximately eleven residents.

Councilman Beers made a motion to open the meeting. Councilman Mahan seconded; motion carried by those present.

NEW BUSINESS IN TOWN "FLOWERS AND STUFF"

Supervisor Kryzak welcomed Flowers & Stuff owners Joe Frechette and Karen Neville to speak about their new business. They announced they have been in business for approximately 6 months and are looking to get word out. They are a full-service florist who do deliveries for your events, host and offer their own events/classes. They also have bouquets and locally made products and unique and imported snacks for sale. They are located at 276 County Route 405 in South Westerlo (formerly the site of the Blue Churn and more recently Tin Tarnish and Torn). Currently their hours are Monday-Friday 9-5 and Saturday 9-1, other hours by appointment.

TOWN BOARD MINUTES

Councilwoman Pecylak made a motion to approve the meeting minutes of February 21, 2023. Councilman Beers seconded; motion carried by those present.

TOWN CLERK (FEBRUARY 2023) & TAX COLLECTOR REPORTS (JANUARY & FEBRUARY 2023)

Town Clerk Weaver reviewed the Town Clerk and Tax Collector reports.

Councilman Beers made a motion to approve the Town Clerk report for February 2023; Councilman Mahan seconded; motion carried by those present.

Councilwoman Pecylak made a motion to approve the Tax Collector summary reports for January & February 2023. Councilman Mahan seconded; motion carried by those present.

PAYMENT OF MONTHLY BILLS (FEBRUARY)

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 January 2023 bills be paid Voucher # 70 through Voucher # 125 in the amount of \$93,681.96.

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

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

NAYS: None

RESOLUTION # 37 – 2023 was thereby duly adopted.

INVESTMENT REPORT

Interest for all account for the month of January and February brought in a total of \$733.22 for the Bank of Greene County. NYCLASS only made \$0.85 for February. Councilman Beers made a motion to approve the investment report for February 2023. Councilman Mahan seconded; motion carried by those present.

SUPERVISOR REPORT

Supervisor Kryzak reported there was a balance of \$4,783,766.36 in all accounts at the end of February 2023 and that everything looks good. Councilwoman Pecylak made a motion to approve the Supervisor Report for February 2023. Councilman Beers seconded; motion carried by those present.

COMMITTEE REPORTS

PLANNING BOARD

Meeting was cancelled due to the storm; all business was moved to March.

HOMETOWN HEROES

Meeting was cancelled due to the storm; all business was moved to March.

LIBRARY

The Library reported that they applied for a grant through Stewart's and were approved for purchasing day passes to different programs. There are many programs coming up including for seniors and can be found on their website. The Mother's Day bake is sale coming up on May 7th.

ASSESSOR REPORT

Assessor Melanie Bunzey previously submitted the following report via email:

ASSESSOR'S MONTHLY DEPARTMENTAL REPORT

To: Westerlo Town Board
From: Melanie Bunzey, Assessor
Date: March 16, 2023
Re: Monthly Report – March 2023

A "New Sales Transmittal Report" was submitted to the State with 6 sales since last submittal.

Due to the 2nd notice regarding the Aged-All (low-income senior) exemption was mailed by the County; 25 new applications have been received. Also, it prompted 39 new Enhanced STAR exemptions.

March 1st was exemption deadline. The last month in particular has been very busy with questions and requests for assistance which Claire has handled primarily and we are beginning to process the new exemptions and renewals.

Income Verification Program ("IVP") forms which are required to be completed and submitted with any new Enhanced STAR exemption application have been entered into the system. The IVP report from the State was updated deleting those that have moved or are now deceased.

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

CEO REPORT

CEO Jeff Pine previously submitted the following report via email:

Report - Building/ Zoning -Jeffry Pine BI/CEO – for February 2023

Applications processed or pending before the boards

Special use – 0 / Variance request- 0 / Sub- divisions – 1

Building permits issued – 6

New houses – 1 / Swimming Pools – 0

Additions, renovations - 0

Accessory structures – 5

Solar Pv – 0 / Other – 0

Cell tower / commercial - 0

Construction inspections- 21

Site visits – 3 / Fire calls – 0 / Fire safety inspections and follow ups - 3

4 - In-service Training hours. 4 hrs YTD (24 hours required to maintain certification)

JUSTICE REPORT

Supervisor Kryzak reported that the Town Court transmitted electronically \$828.00 for Town Justice Robert Carl and \$1,504.00 for Town Justice Kenneth Mackey for the month of February.

MOTION TO APPROVE COMMITTEE & DEPARTMENT REPORTS

Councilman Beers made a motion to accept the Committee and department reports as read or submitted. Councilman Mahan seconded; motion carried by those present.

OLD BUSINESS

MOBILE VENDOR PERMIT

No comments/concerns were heard regarding the final draft of the mobile food truck permit and rules. Councilman Mahan made a motion to accept the documents are submitted. Councilman Beers seconded; motion carried by those present.

FIRE DEPT SURVEY UPDATE

Mr. Kryzak provided the public and Board with an update on the Fire Department survey and mentioned, as soon as the updated survey map is received, it will be provided to the Town Board and public. Discussion ensued regarding what will happen with the current fire house. Mr. Kryzak indicated that if they make a roadway at the Town Hall, they may be able to receive CHIPS money to maintain it.

BROADBAND GRANT UPDATE

Supervisor Kryzak hopes to have an RFP out by the end of the month to the internet providers. He explained the need to partner with the utility provider. He will inquire about which company will be able to serve the most households. The broadband companies will need to provide mapping, a project plan and a list of who they will service. Mr. Kryzak advised that there will no longer be a matching portion of the grant. Neither the Town nor the taxpayers will need to provide any money for the grant; the utility provider will be responsible instead.

TRUCK DISCUSSION

Mr. Ostrander already sent a letter of intent for the purchase of a new truck. He is waiting to hear from the claims adjuster regarding the vehicle that was damaged in the last storm but he believes it is totaled. He would like the Town Board to consider purchasing two vehicles instead of one. He put aside \$200,000 last year and another \$200,000 this year plus he hopes to receive around \$50,000 from the totaled vehicle. Supervisor Kryzak indicated the Town has the money but is just waiting to hear back on the AUD numbers. The Town Board commended the Highway Department for their hard work and dedication during the storm.

REMINDER PUBLIC HEARING REGARDING PROPOSED LOCAL LAW 1-2023

Supervisor Kryzak reminded the Town Board and public that there will be a public hearing on April 4th regarding proposed Local Law 1 of 2023.

UPDATE ON GENERAL CODE

General Code reviewed all of the Local Laws and the Town has received an analysis from them which will be reviewed by the Local Law Review Committee (LLRC). He would like to have the LLRC review and provide the Town Board with their recommendations so they can be discussed at a future workshop. Mr. Kryzak mentioned the Town has already paid General Code \$5,000 however, the Town may be eligible for a Greenway grant where they could receive \$5,000 which would cover the remaining balance owed to General Code. The deadline for the grant is May 5th.

NEW BUSINESS

GRANT WRITER APPOINTMENT

Supervisor Kryzak mentioned the Town Board needs to appoint Lisa DeGroff to the Grant Writer position. Councilwoman Burnside made a motion to adopt the following resolution:

WHEREAS: There is vacancy for the position of Grant Writer due to the resignation of Rosemary McHugh, be it hereby

RESOLVED: The Town Board appoints Lisa DeGroff as the Grant Writer.

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

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

NAYS: Councilman Beers, Councilman Mahan

RESOLUTION # 38 – 2023 was thereby duly adopted.

APPROVAL TO PURSUE GREENWAY GRANT

Councilwoman Burnside made a motion to adopt the following resolution:

WHEREAS: The Confidential Administrator is looking for Town Board approval to proceed with the application for the Greenway Grant, be it hereby

RESOLVED: The Town Board authorizes Lisa DeGroff to proceed with the application for the Greenway Grant.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 39 – 2023 was thereby duly adopted.

GRANT FOR AED'S FOR TOWN BUILDINGS

Mr. Kryzak advised there is a grant the Town may be eligible to receive for AED's. The AED's could be for the Town Hall, Highway, Justice Court, Transfer Station and Library buildings. Councilwoman Burnside made a motion to adopt the following resolution:

WHEREAS: The Town is interested in applying for a grant that would provide AED's for Town Buildings; be it hereby

RESOLVED: The Town Board authorizes the Confidential Clerk to proceed with the application process for a grant for AED's for Town Buildings.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 40 – 2023 was thereby duly adopted.

A resident asked if the grant covers the cost of training, Mrs. DeGroff indicated it depends, there may be a fee. Discussion continued.

Councilman Beers asked for a job description for the Confidential Administrator. Mr. Kryzak advised he has one.

CONFIDENTIAL ADMIN PROCESS

Councilman Beers asked why in the past elected officials stated who had been hired in the meeting minutes; wondering why it hadn't been done with the new Confidential Administrator. Mr. Kryzak

mentioned that on April 19th 2022, the Town Board set the salary for Rosemary McHugh. Mr. Kryzak further advised that the Supervisor has the authority to fill the position but the Town Board must fix the compensation for the position. He indicated the Confidential Admin salary was set at the Organizational meeting. The Town Supervisor stated for the record that he hereby appoints Lisa DeGroff to the Confidential Clerk position. Discussion continued. Mr. Kryzak indicated the draft job description for the Confidential Administrator includes grant writing. He also mentioned the Town Clerk has a job description.

FUEL TRACKING SOFTWARE DISCUSSION

Supervisor Kryzak mentioned there are two tanks located at the highway garage, a diesel and a gas tank. The fuel tracing software that had been used in the past is obsolete and hasn't worked since May of 2022. Since there are only two tanks to keep track of, he recommended that the Highway Department keep track of when the Fire Co. uses fuel on our own spreadsheet. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town currently does not have a fuel tracking software that works, be it hereby

RESOLVED: the Town Board discontinue the current fuel track system and instead use the existing fuel tracking spreadsheets.

Councilman Beers seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 41 – 2023 was thereby duly adopted.

PUBLIC HEARING ON PROPOSED LOCAL LAW NO 2 OF 2023 "ATTORNEY MUST BE A RESIDENT OF THE STATE OF NY"

Supervisor Kryzak indicated there is a proposed local law before the Town Board regarding how the Town Attorney must be a resident of the state of NY. Planning Board Member Angela Carkner commented that she believed the Town has two options, hire an attorney who is a private contractor who is not a resident of the town or an attorney who lives in town who gets paid through town payroll. She wondered why this proposed local law was being discussed. She also mentioned that the law doesn't change the type of attorney just that they can be paid through the Town payroll and the Town is subject to the additional expense of retirement. Councilman Beers believed Attorney McHugh was not hired correctly and should not be on the payroll and collecting NYS retirement. Discussion ensued regarding if a law has already been passed allowing public officers to live outside of the Town of Westerlo; in a quick review during the meeting, the Town Clerk did not find one. Mr. McHugh advised that the Town can't have public officers on the payroll if you have residents that are qualified and willing to do the job. Most small towns have a similar local law for non-town residents. Mr. Kryzak explained if you go with a private contractor, you are getting billed hourly or if you go this way, you get a decent salaried price for the services. Mrs. Carkner questioned, since there is a proposed law in front of the Town Board that involves Mr. McHugh, is it in the Town's best interest to be seeking advice from another attorney as this could potentially benefit him; Mr. McHugh did not see a conflict. Mrs. Carkner asked Mr. McHugh if he would continue the position as a subcontractor without retirement benefits, Mr. McHugh responded no. Mr. Kryzak would like the Association of Towns to provide Mr. Beers with their advice in writing regarding this matter since he had previously reached out to them. It was also mentioned that the CEO and Assessor may be affected. Judge Mackey mentioned he has spoken to previous Town Attorney Galgay and she had no recollection that the Town ever passed a law stating you

can hire outside of the Town. Mr. Mackey believed the Town should be proactive and if you pass a law, it shouldn't just be for an attorney or CEO, it should be for any job opening in the Town.

No public hearing was set. The Town Board will investigate the matter.

BOOKKEEPER/ACCOUNTANT RESIGNATION

Mr. Kryzak advised that the Town's accountant Sarah Morrison has resigned and the Town is back to using Marvin and Co. who is substantially more expensive. The Town can get quotes for a CPA moving forward. Library President Maureen Sikule recalled that part of previous Confidential Admin Amber Bleau-Green's raise was that the Town would only be using Marvin and Co. for the AUD and she would be doing the monthly accounting. Mr. Kryzak responded, the Town was doing the end of month entries but Marvin and Co. was doing the end of month review.

FARMERS MARKET APPLICATION & RULES

The Town Board was provided the latest draft of the Farmers Market Rules and Application. There were two typos which would be corrected. The Town Clerk asked where the money should be going for the Farmers Market vendor fee. Supervisor Kryzak mentioned that the money should go under parks and advertising costs would come out of the same park fund. Mr. Kryzak advised that if a food truck vendor wanted to be a vendor at the farmers market, they would need to pay the vendor fee otherwise they could only park in the approved food truck vending locations. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Farmers Market Rules and Application needed to be updated; be it hereby
RESOLVED: The Town Board approves the Farmers Market Rules and application as revised 3/21/2023.

Councilman Mahan seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 42 – 2023 was thereby duly adopted.

HR FORM UPDATES

The Confidential Admin provided the Town Board with a few forms that needed to be added or updated by employees. The LS54 or an acknowledgement of your pay rate change, direct deposit form and an emergency contact form.

PUBLIC COMMENT

The Town Clerk mentioned that the Easter event is Saturday, April 1st from 4:30 pm to 7:30 pm. She is trying to book a hot air balloon for the fall festival. She reviewed some verbal quotes she received but is still looking at options. The Town Board expressed interest. The Town Clerk will look into options and fees and will report back to the Town Board before booking anyone.

A resident expressed the need for advertising for positions.

The Fire House is having a pancake breakfast this weekend 8 am - 11 am at Woodmans Hall.

ADJOURN THE MEETING

With there being no further comments or questions, Councilman Mahan made a motion to close the workshop meeting. Supervisor Kryzak seconded; all in favor motion carried. Meeting adjourned at 8:10 pm.

Respectfully submitted,

Karla Weaver
Town Clerk