

## **Town of Westerlo Town Board**

- 1. Public Hearing-Proposed demolition of the Freese House**
  - 2. 2024 Town of Westerlo Preliminary Budget**
  - 3. 2024 Town of Westerlo Vol. Fire Co. Budget**
  - 4. Town Board Workshop meeting**
- Of**  
**Wednesday, November 8, 2023**

The Town of Westerlo Town Board held three (3) Public Hearings and a Workshop meeting on Wednesday, November 8, 2023 at the Town Hall, 933 County Route 401, Westerlo, NY.

Supervisor Kryzak opened the meetings with the Pledge of Allegiance to the Flag at 6:00 PM.

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

Also attending were: Highway Superintendent Jody Ostrander and employee Rick Rupeka, Planning Board Chair Beau Loendorf and Members Bill Hall & Angela Carkner, Library Trustee Mary Ann Witt, Deputy Town Clerks Marta Pongo & Kathleen Spinnato, Confidential Administrator Lisa DeGroff, Fire Co. Members Kelley Keefe, Alan Clickman, & Betty Filkins and five residents.

### **OPEN WORKSHOP**

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

Supervisor Kryzak mentioned there would be three (3) Public Hearings tonight, old business, new business, and privilege of the floor.

### **PUBLIC HEARING ON PROPOSED DEMOLITION OF FREESE HOUSE**

The first Public Hearing was on the proposed demolition of the Freese house located at 578 State Route 143, Westerlo. Councilman Beers made a motion to open the Public Hearing on the Freese House at 6:01 pm. Councilman Mahan seconded the motion; all in favor motion carried.

Supervisor Kryzak reviewed the following updates regarding the Freese House:

- On Oct. 24, 2023, the official Notice of Unsafe Building was sent to Mr. James Freese. The Supervisor then read the Notice further advising that it was posted/photographed by Jeff Pine Code Enforcement Officer on the front window of the house.
- All protocols regarding the official Notice of Unsafe Building and Local Law No. 1 of 2012 were followed.

The Supervisor opened the floor for any public questions, comments, or concerns regarding the proposed removal of the Freese building.

A resident asked if anyone responded to the notice that was mailed to Mr. Freese. Supervisor Kryzak responded no; it was returned by the USPS as undeliverable. Councilwoman Burnside added it was also posted on the window of the house.

A resident wondered if the notice had to be advertised. The Supervisor responded, yes, the Town Clerk did advertise the Notice of Public Hearing in the newspaper for the November 8<sup>th</sup> meeting. Mr. Kryzak advised that he failed to mention that the solicitations for bids went out and he would like to have them back by Thursday, December 28<sup>th</sup>. He needs to make an amendment to the bid for third-party air monitoring for the demolition. This needs to be contracted with the Town therefore the Town will have to put out a second bid for the air monitoring. Demolition won't take place until at least 60 days after tonight's Public Hearing.

A resident asked if the owner was alive; Supervisor Kryzak responded, no. A title search had previously been done and it was discovered there were no remaining heirs to the property.

Someone questioned how delinquent the owner was on taxes. Supervisor Kryzak believed it's past the three-year mark but there was a Moratorium on it due to COVID, so Albany County is behind on taking over delinquent properties.

A resident wondered why the Town doesn't let Albany County take the property over for back taxes; Mr. Kryzak responded, it will take a long time for the County and the building is unsafe. The costs associated with demolition will be charged to the unpaid taxes and then the County will reimburse the Town and the Town will take over the property.

Supervisor Kryzak was asked what happens if the Town takes over the property. He indicated there is no plan in place at this time, just to remove the structure. The Town Board will need to discuss what the best use of the land will be in the future.

Since the property is within the Water District, a resident questioned what will happen; they wondered if the property will be removed from the Water District billing. Mr. Kryzak indicated it was already removed from the billing; no one lives there, there is no electricity or water on at the property.

There being no further discussion, Supervisor Kryzak asked for a motion to close the Public Hearing on the Freese house located at 578 State Route 143, Westerlo. Councilman Beers made a motion to close the Public Hearing at 6:06 pm. Councilman Mahan seconded; all in favor motion carried.

#### **RESOLUTION TO PROCEED WITH LL 1 OF 2012 – UNSAFE BUILDING**

Supervisor Kryzak made a motion to adopt the following resolution:

- WHEREAS:** The Town Board of the Town of Westerlo held a Public Hearing regarding the proposed demolition of the Freese house located at 578 SR 143, and
- WHEREAS:** no one appeared tonight to attest or fight the Unsafe Building Notice, be it hereby

**RESOLVED:** The Town Board will proceed with Local Law No. 1 of 2012, which gives the Town permission for removal of the unsafe building commencing 60 days after tonight's Public Hearing. Solicitations for bids have already gone out.

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

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

NAYS: None

**RESOLUTION # 102 – 2023 was thereby duly adopted.**

#### **PUBLIC HEARING - 2024 TOWN OF WESTERLO VOL. FIRE CO. PRELIMINARY BUDGET**

Supervisor Kryzak mentioned the next Public Hearing was on the 2024 Town of Westerlo Vol. Fire Co. Preliminary Budget. Councilman Mahan made a motion to open the Public Hearing on the 2024 Town of Westerlo Vol. Fire Co. Preliminary Budget at 6:07 pm. Councilman Beers seconded the motion, all in favor motion carried. The total proposed budget was \$239,702.00 which was itemized. Planning Board Member Carkner asked what the increase was for under loan and interest. Fire Co. Member Kelley Keefe advised it's a loan for the new truck. Mrs. Burnside asked if a 3915 was a pumper, Mr. Clickman advised that's correct. Mrs. Burnside indicated it gets the water from point A to point B. With there being no further questions, Councilwoman Pecylak made a motion to close the Public Hearing on the 2024 Town of Westerlo Vol. Fire Co. Preliminary Budget at 6:09 pm. Councilman Beers seconded; all in favor motion carried.

#### **MOVE THE 2024 TOWN OF WESTERLO VOL. FIRE CO. PRELIMINARY BUDGET TO 2024 TOWN OF WESTERLO VOL. FIRE CO. ADOPTED BUDGET**

Supervisor Kryzak made a motion to adopt the following resolution:

**WHEREAS:** The Town of Westerlo has held a Public Hearing on the 2024 Town of Westerlo Vol. Fire Co. Preliminary Budget, be it hereby

**RESOLVED:** The 2024 Town of Westerlo Vol. Fire Co. Preliminary Budget becomes the 2024 Town of Westerlo Vol. Fire Co. Adopted Budget.

Councilman Mahan seconded; a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 103 – 2023 was thereby duly adopted.**

#### **PUBLIC HEARING - 2024 TOWN OF WESTERLO PRELIMINARY BUDGET**

Councilman Beers made a motion to open the Public Hearing on the 2024 Town of Westerlo Preliminary Budget at 6:10 pm. Councilman Mahan seconded; all in favor motion carried.

Supervisor Kryzak indicated he corrected the salary for the Town Prosecutor (A1110.42) to \$9,270 annually. The Town Clerk had to make an adjustment to the budgeted amount for BAS software in her office from \$2,400.00 to \$3,000.00 (A1410.46). He also mentioned that \$215

needs to be added to the Fire Protection Dist. total on the cover sheet to bring the amount from \$239,487 to \$239,702.

Library Trustee Mary Ann Witt asked how the Albany County EMS charges were developed for each town, wondering if there was a formula. Supervisor Kryzak responded, the Town receives a bill, he does not have a formula. Based on an article in the Altamont Enterprise, Berne went up 13%, Rensselaerville went up 22%, Westerlo went up 29% for EMS services, Mrs. Witt wondered why the difference. She believed the Town should do their due diligence to figure out how those charges were developed and why there was such a disparity between the three Hilltown's. Councilwoman Burnside advised it's due to population and number of calls. Mrs. Witt indicated the Town should understand the formula and she believed it was the Supervisor's fiduciary responsibility to know how and why we are spending taxpayer dollars. Confidential Administrator DeGross indicated, when she was researching AED's and the number of calls in the Hilltown's, the number of calls that the Albany County Sheriff's responded to in Westerlo was high compared to Berne. Rensselaerville population is less. Supervisor Kryzak will request this information and mentioned there have been discussions between supervisors about the Town's not collecting the money for emergency services. It blew the tax cap of a lot of town budgets so the thought is that there should be an ambulance district, but the County would need to facilitate that. There will be another meeting about that, and they will be presenting it to the legislature to see what they can do to help. Most likely the County will have to create their own ambulance districts and facilitate it instead of the Town being the pass through.

Mrs. Carkner asked if the Town had investigated contracting with other ambulance services or requested quotes; Supervisor Kryzak responded, no. He advised the County has the certificate of need so there is nothing the Town can do to get it back. Mrs. DeGross indicated she would not want to contract with any other service, people who contract with paid ambulance services wait hours for an ambulance. Mr. Kryzak advised he previously met with Mr. and Mrs. Mackey who helped him draft a letter to REMO trying to get the certificate of need back. He indicated the Town can always investigate other options. However, other towns have tried contracted services, and it wasn't a great enough cost savings for the quality of service they received.

Deputy Town Clerk Spinnato mentioned that the Town Clerk is the Clerk to the Town, so she should be given documents that have to be provided to the public. The Preliminary Budget has not been given to the Town Clerk and should've been provided to her so she could post it to the website. She did advertise it in the newspaper that she received the Preliminary Budget hoping she would have it the next day. Mrs. DeGross questioned if the Town Clerk ever asked for it; residents responded she shouldn't have to. Mr. Kryzak indicated he will make sure it is taken care of; it was an oversight. Mrs. Spinnato advised it didn't get posted to the website, it wasn't given to the public, she was unsure when all the Board members received it but there is lack of communication that must stop and she hopes they take that into consideration.

Planning Board Chairman Beau Loendorf discussed the contractual attorney fees for training. He mentioned he brought this up after initiating that he wanted Mr. McHugh's help because he believed he would provide valuable resources, which he did, for 4 hours of service which he was

paid \$4,000 for. Mr. McHugh has not been present multiple times this year, won't set up meetings and won't do training with his Board. He recommended the Town does not pay the Attorney these training fees. He needs to be held to some sort of standard to make sure he does this training if he wants to get paid. The Attorney has consistently missed multiple meetings, and at some point, the Town Board needs to talk accountability. He was requested not only by the Chairman of the Zoning Board, but twice by an applicant's attorney but he did not show. Mr. Kryzak expressed his concern was noted, and as far as the past few meetings of the Town Board, there is nothing legally on the docket that required his presence. Mr. Kryzak mentioned he tries not to abuse the relationship as far as if he is not needed, he doesn't need to be there however, he weighs in on items throughout the day. Mr. Loendorf advised he does the same for the Planning Board but the times he has asked for him, he's not there. Mr. Kryzak advised; Mr. Loendorf's concern was noted.

Mrs. Carkner questioned account code A2706 which is under the estimated revenues on page 1 for grants for local governments. She wondered if there was a line for ARPA money or any other grants that the Town has received. Mr. Kryzak advised, there will not be any ARPA funding so there was no line item for that, there are however, NYS AIM related payments which started back up. He explained AIM is state aid for taxes; the state holds and makes interest on the money and then turns it back over to the Town.

Mrs. Carkner questioned the Town Attorney's salary. She had mentioned in the last meeting that the Attorney shouldn't be paid contractual fees as well as a salary because he is on the Town's payroll; he should only be receiving the salary. Mr. Kryzak asked the Town Board if they wanted to combine those two cost codes to make his salary \$28,000 instead of the \$24,000 for personal services and \$4,000 for contractual attorney fees. Mrs. Carkner advised, per his engagement letter, he will be at any meeting he is requested at and he has been requested at the Planning Board meeting when they were discussing the 72-H General Home Rule Law but he was not there. He also missed Zoning Board meetings. She mentioned, as Board Members, they need to be protected and should be working in the best interest of the Town. The people who work here are not experts on municipal law and do require guidance from the Town Attorney. They can't do the best job that they need to do for the community if there is no legal counsel when it's requested. \$28,000 is a lot of money to pay someone when they are absent from the government. Mr. Kryzak mentioned her concern was noted. Since all Board Members agreed, A1420 law salary line, will now be \$28,000, it does not change budget numbers, just rearranging where the money was.

Mr. Loendorf questioned what the senior car was and the budget for Hilltown seniors. Supervisor Kryzak indicated the Town shares a vehicle with the Town of Rensselaerville. The car will take the Town of Westerlo and Town of Rensselaerville seniors (55+) to doctors' appointments and they are now doing grocery shopping runs twice a month as far north as Saratoga and as far south as Kingston. The cost is split with Rensselaerville for maintenance, insurance, and the Town of Westerlo only pays for the transportation used by our residents via a mileage voucher.

Supervisor Kryzak made a motion to close the Public Hearing on the 2024 Town of Westerlo Preliminary Budget at 6:30 pm. Councilwoman Burnside seconded; all in favor motion carried.

**MOVE THE 2024 TOWN OF WESTERLO PRELIMINARY BUDGET TO 2024 TOWN OF WESTERLO ADOPTED BUDGET**

Supervisor Kryzak reviewed the changes that will be made to the Preliminary Budget. The Town Prosecutor's salary will increase, \$600 will be added for the software in the Clerk's office and \$215 will be increased to the Fire Protection District on the cover page. Supervisor Kryzak made a motion to adopt the following resolution:

**WHEREAS:** The Town of Westerlo has held a Public Hearing on the 2024 Town of Westerlo Preliminary Budget; be it hereby

**RESOLVED:** The 2024 Town of Westerlo Preliminary Budget becomes the 2024 Town of Westerlo Adopted Budget.

Councilwoman Burnside seconded; a vote resulted as follows:

AYES: Supervisor Kryzak, Councilwoman Burnside, Councilwoman Pecylak

NAYS: Councilman Beers, Councilman Mahan

**RESOLUTION # 104 – 2023 was thereby duly adopted.**

**APPROVAL OF PLANNING BOARD TRAINING**

Mr. Loendorf advised that each Planning Board member attended 3.5 hrs of training at Hudson Valley Community College on October 20<sup>th</sup>. The Town Board needs to approve their total training hours for each member to count toward their required training hours. Supervisor Kryzak made a motion to adopt the following resolution:

**WHEREAS:** Planning Board Chairman Beau Loendorf and Members Gerry Boone, Richard Kurylo, Angela Carkner and Bill Hall attended training on October 20<sup>th</sup> at Hudson Valley Community College; be it hereby

**RESOLVED:** The Town Board approves 3.5 hours each of training for the Planning Board Chairman and members.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 105 – 2023 was thereby duly adopted.**

**BUDGET TRANSFER**

Supervisor Kryzak made a motion to adopt the following resolution:

**WHEREAS:** the Chief Fiscal Officer has determined that in order to maintain proper balances within various accounts an inter-fund transfer is necessary; be it hereby

**RESOLVED:** that the Town Board of the Town of Westerlo does hereby authorize Town Supervisor Matthew Kryzak to transfer the funds as depicted below for the Budget Year 2023:

**General Fund**

<u>Amount</u>	<u>From Account</u>	<u>To Account</u>
\$497.49	A1410.46 BAS License/Support (Town Clerk)	A8664.45 BAS License/Support-IPS (Code Enforcement) (V#85)
\$644.95	A1620.46 Central Hudson	SL5182.42 So. Westerlo Lighting (V#397)

Councilman Beers seconded; a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 106 – 2023 was thereby duly adopted.**

### **SCHEDULE END OF YEAR MEETING**

The Town Board discussed scheduling the End of Year meeting to pay bills. It was decided to schedule the meeting on Wednesday, December 27<sup>th</sup> at 6 pm. Supervisor Kryzak made a motion to adopt the following resolution:

**WHEREAS:** The Town Board discussed the need to schedule the End of Year meeting for the purpose of paying bills, be it hereby

**RESOLVED:** The Town Board authorizes the Town Clerk to advertise an End of year meeting for Wednesday, December 27<sup>th</sup> at 6 pm.

Councilman Beers seconded; a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 107 – 2023 was thereby duly adopted.**

### **LAPTOP QUOTE FOR MEETING ROOM**

Supervisor Kryzak mentioned that if you want to use the projector in the meeting room, you currently have to bring your own personal laptop. He would like the Town to purchase a laptop to keep in the meeting room for employees to use as needed. He initially planned on a refurbished laptop but instead proposed the Town purchase a new laptop through the Town's IT provider, Preville Technology, Inc. and suggested they request a quote. Supervisor Kryzak made a motion to adopt the following resolution:

**WHEREAS:** The Town of Westerlo Town Board is looking to purchase a new laptop for use in the meeting room; be it hereby

**RESOLVED:** The Town Board authorizes the Supervisor to request a quote for a new laptop from Preville Technology and to report back to the Town Board.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 108 – 2023 was thereby duly adopted.**

## **PUBLIC COMMENT**

Mrs. Carkner asked if all training needed to be approved by the Town Board; Supervisor Kryzak responded yes. She advised the Town received a bill for \$2,000 from BST for Sept. 12<sup>th</sup> & 14<sup>th</sup> which included training for payroll reconciliation at a total of 16 hours. She questioned it because the Planning Board was required to get Town Board approval for \$40 training. If the Confidential Administrator to the Supervisor received training for 16 hours for \$2,000, it was not in the budget and it wasn't approved by anyone. She indicated the Town has spent over \$23,000 on invoices with BST and wondered if the Town was double paying for the same job tasks to be done. Supervisor Kryzak indicated if any training needs to be done with his clerk, he could approve that just like the Town Clerk could approve training for her office. Mrs. DeGroff clarified, just because BST was at the Town to do training does not mean she was in a training session or learning something new. She had discovered several problems with ADP and after several months trying to get ADP to fix it, they couldn't because they couldn't fix anything from the past, they can only make changes going forward so it doesn't happen again. Changes and amendments had to be made so the payroll was accurate. BST went through and figured out how to solve the problem going back because ADP couldn't. The Town could've had BST do it all, but Mrs. DeGroff asked them to show her so she could do it herself. Mr. Kryzak advised the Town will be using BST more often than not, we do several audits a year including the AUD. Mrs. Carkner indicated she understood the AUD. She indicated BST is the most expensive accountant; the Town should be shopping for discounted rates. She questioned why the Town's paying someone over \$64,000 to do a job and then also paying an accounting firm to do the same job. She believed it was fair to ask questions on how the Town is properly spending money or how the town is not properly spending money. The Town has not received quotes. He advised the Town has reviewed this multiple times; they have asked for quotes but received no response. She wondered when they asked for quotes, Mr. Kryzak responded the last time was June when the Town filed the AUD, but BST has done an excellent job. Mrs. Carkner indicated the Town can find other accounting firms that aren't as expensive. He doesn't know who, but the Town can investigate it moving forward. The Town was dropped by Marvin & Co. prior to hiring BST. He asked her why they would change accountants if they are doing an excellent job for the Town, she responded; because we pay money to get services.

Fire Co. Member Kelley Keefe wondered if some of the responsibility should fall on ADP if they made the mistake even though BST was fixing the payroll problem that ADP created. Mr. Kryzak indicated he is working with ADP on that to see if the Town can recoup anything as it has a compounding effect. When ADP screws up it also screws up the retirement. This has been an ongoing problem for every payroll company the Town has had. They are trying to fix it moving forward. One of the fixes would be to switch to a two-week payroll. Councilwoman Burnside advised, the Town files five payrolls a month. A resident mentioned you can't switch to a two-week payroll with the highway department staff per NYS labor law. If they do more than 25% of their time, they are entitled to one-week pay not two.

Highway Employee Rick Rupeka thanked the candidates who ran this year, he appreciated giving residents a choice.



**ADJORNMENT OF MEETING**

With there being no further discussion, Councilman Beers made a motion to close the Town Board meeting. Councilwoman Pecylak seconded; all in favor motion carried. Meeting adjourned at 6:45 pm.

Respectfully submitted,

Karla Weaver  
Town Clerk