

**TOWN OF WESTERLO  
REGULAR TOWN BOARD MEETING  
OF  
TUESDAY, AUGUST 15, 2023**

The Town of Westerlo Town Board held a regular meeting on Tuesday, August 15, 2023 at the Town Hall 933 CR 401, Westerlo, NY. Supervisor Kryzak opened the meeting with the Pledge of Allegiance to the Flag at 6:01 PM.

ATTENDING WERE: Supervisor Matthew Kryzak  
Councilman Peter Mahan  
Councilwoman Lorraine Pecylak  
Councilwoman Amie Burnside  
ABSENT WERE: Councilman Joshua Beers

Also attending were: Town Attorney George McHugh, Highway Superintendent Jody Ostrander and Employee Sal Spinnato, Hometown Heroes Committee Member/Confidential Administrator Lisa DeGross, Town Justice Kenny Mackey and Robert Carl, Planning Board Chairperson Beau Loendorf and Member's Bill Hall, Angela Carkner and Gerry Boone, Water Board Member Kelley Keefe, Fire Co. President Chris Allen, Deputy Town Clerk's Jaimee Motschmann and Marta Pongo, Town Clerk Karla Weaver and approximately thirty-two residents.

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

**EXECUTIVE SESSION**

Supervisor Kryzak made a motion to enter into an executive session to discuss a legal matter at 6:02 pm. Councilwoman Burnside seconded; motion carried by those present.

Supervisor Kryzak made a motion to return from executive session at 6:20 pm. Councilman Mahan seconded; motion carried by those present.

Supervisor Kryzak explained that the executive session was regarding the Town being served an Article 7 by the City of Albany. They are challenging their properties assessments. He expressed an interest in hiring Attorney Goldman who specializes in this area of law.

Supervisor Kryzak made a motion to adopt the following resolution:  
Attorney Goldman, Councilwoman Burnside seconded; a vote resulted as follows:

**WHEREAS:** The Town of Westerlo was served with an article 7 suit by the City of Albany regarding three parcels in the Town of Westerlo (SBL# 128.-1-12.10, 151.-2-55 & 152.-2-34), and

**WHEREAS:** The Town Board held an executive session to discuss hiring Attorney Paul Goldman of Goldman Attorneys PLLC for the purpose of handling litigation on behalf of the Town of Westerlo, be it hereby

**RESOLVED:** the Town Board hires Attorney Paul Goldman of Goldman Attorneys PLLC at a rate of \$325/hr.

Councilwoman Burnside seconded; a vote resulted as follows:

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

**NAYS:** None

**RESOLUTION # 77-2023 was thereby duly adopted.**

Highway Superintendent Ostrander asked if City of Albany was targeting small communities; Supervisor Kryzak responded that he believed so since they did not have a problem with assessments from previous years. He also mentioned that City of Albany has expressed they are tax exempt and are being charged too much. Supervisor Kryzak mentioned the cost of utilizing Attorney Goldman's services will be \$325/hour for around 10 hours a month. Planning Board Member Carkner asked if the Town put hiring a new attorney out for bids. Supervisor Kryzak responded that the Town didn't have to since it's a professional service.

#### **PUBLIC HEARING – PROPOSED LAND TRANSFER TO FIRE CO.**

Supervisor Kryzak made a motion to open the Public Hearing at 6:30pm; Councilwoman Pecylak seconded; motion carried by those present. Supervisor Kryzak mentioned the purpose of the Public Hearing is to discuss transferring land located behind the Town Hall to the Fire Co. at no cost. The Fire Co. intends to sell their current building and use the funds from the sale as well as money in their savings to defray some of the costs associated with building a new structure. Councilman Mahan expressed concerned about parking lot space behind the Town Hall. He believed the space would be too tight and will cause problems during meetings when there is a fire alarm. Supervisor Kryzak advised that the parking lot can be widened and if the Fire Co. wants, they can make their own fire lane. He indicated the Town Hall can expand its parking lot about 15 feet where the asphalt ends. Councilman Mahan asked Supervisor Kryzak about the status of his plan to combine the ambulance building with the Fire Company. Supervisor Kryzak indicated that the ambulance facility is ideal for EMS purposes, and he would like to see Fire Co. use it in conjunction with the new structure they are about to build. He would also like to see residents use the new building as a shelter in emergency situations. Councilman Mahan was concerned that the new building will not be visible from the road and that the Fire Co. has no plans for how the building will look and how much it will cost. Supervisor Kryzak advised the Fire Co. can put up signs and the building is up to them. Councilman Mahan suggested the Fire Co. go across the street where they will have an easy access to the road and water. Supervisor Kryzak advised that this part of the land is uneven and not buildable. A resident suggested building a highway garage behind the Town Hall to have all Town buildings in one location and let the Fire Co. use the current highway garage. Councilwoman Pecylak mentioned that it would

cost a lot of money to demolish the current structure. A Fire Co. member advised that if they stay in town, homeowners' insurance will not increase for many residents.

Confidential Administrator Lisa DeGroff indicated that she has been reviewing disaster emergency preparedness and shelter preparedness for the town. She believed the town lacked an emergency building for residents and that Councilman Mahan brought up many valid points, such as visibility of the building, and that his points should be addressed once the transfer has been done and the Fire Co. holds their Public Hearing.

Planning Board Member Angela Carkner asked why the Planning and Zoning Board were not involved in the transfer and building process. She also asked if the Town would have to inform Albany County about the transfer since the proposed building would be on a county road. Supervisor Kryzak mentioned that the Town is exempt from its own building code; therefore, they can do an intermunicipal transfer that would fall under §72-H of General Municipal Law. Mrs. Carkner wanted to make sure everything is in order before the transfer goes through since there might be a potential issue involving water, electricity, etc. Supervisor Kryzak advised that the Fire Co. would have to hire its own engineer and have a site plan approved by the Code Enforcement Officer.

A resident asked if the Fire Co. should look into if a septic system could be installed and to make sure the land is buildable. Supervisor Kryzak advised that he already met with Code Enforcement Officer Jeff Pine as well as some of the Fire Co. members to discuss the fundamental details such as square footage and he is confident there will be no issue with the construction of a new facility. The resident was concerned that the Fire Co. will be stuck with an unusable parcel; Supervisor Kryzak responded, if a situation like that occurs, the Fire Co. will return the land to the Town. Donald Filkins, the Fire Co. Deputy Chief, mentioned there is no money being exchanged, therefore the land can be signed back over to the Town.

A resident mentioned that the Fire Co. tried to obtain the land behind the Town Hall a while ago but they were not allowed. He questioned why now was any different. Supervisor Kryzak responded that it depends on people's visions and what the town needs now.

Donald Filkins commented that the Fire Co. intends to build a 4-bay fire station. He advised that the South Westerlo station is full and there is no room to maneuver; therefore, if there is a fire on the other side of the town, they need to wait a long time for the other equipment to arrive. A resident asked if the State or the County would require the installation of a yellow flashing light on the street; Supervisor Kryzak didn't believe so.

Another resident wondered if the Town should wait with the transfer since the Town does not own the Fire Co. and they are a private entity. He believes the Fire Co. should come up with engineer estimates and designs before taking over the property. Supervisor Kryzak explained

this would be a \$0 liability transfer and there is no risk associated. He believes it would be unreasonable for the Fire Co. to make any plans or projects without having the land first. Councilman Mahan asked Chief Andrew Joslin if the property across the street would be accessible for the Fire Company. Confidential Administrator Lisa DeGroff responded it is not possible since the land is in the water district. Councilman Mahan wanted to know if the Town Hall land was purchased with grant money; Supervisor Kryzak was unsure. Town Clerk Weaver explained that, although she is in favor of Fire Co. having its own space and a new building, she did not believe the area behind the Town Hall was a good location. Councilwoman Burnside asked everyone raise their hands to show their support or opposition to the land transfer. Planning Board Member Angela Carkner believed that everyone would like to see the Fire Co. with a new building but more research and preparation is required. Confidential Administrator Lisa DeGroff was in favor of transferring the land to the Fire Co. as she would not like to see her property taxes and homeowners' insurance go up. Supervisor Kryzak reminded the public that the transfer has zero risk and in the worst-case situation, the Fire Co. would transfer the land back to the Town.

Mrs. Carkner questioned whether the Town would be responsible for any additional costs related to the proposed transfer. Supervisor Kryzak explained that the survey has been done and once the parcel is transferred, it's up to the Fire Co. to do their due diligence, the Town is just giving them the opportunity to utilize the land.

A resident asked what type of structure the Fire Co. intends to build; Supervisor Kryzak explained that the Fire Co. will address this at their Public Hearing.

Planning Board Chair Beau Loendorf asked how much it will cost to hire an engineer. Supervisor Kryzak responded it depends on square footage of the building, what engineer they hire and their financial plan. His recommendation for the Fire Co. is to sell their existing building and use the funds, along with their savings, to build a new structure. The Fire Co. Chief Andrew Joslin mentioned that their goal is to have a firehouse everyone is going to be proud of. Right now, the existing building is so small that they must move sideways to get to their gear.

A resident suggested making the driveway a town road rather than a right of way so the town could issue tickets to people who block the driveway. He asked who would be responsible for maintaining their driveway. Supervisor Kryzak offered some suggestions for what might be done in this circumstance. Confidential Administrator Lisa DeGroff asked if the Fire Co. would have to designate its parking lot for fire fighters etc. Supervisor Kryzak responded that the Fire Co. will have a complete plan for parking.

Fire Co. Member Debbie Filkins indicated that the Fire Co. wants to work with the Town to do more events together.

A resident questioned if sending abutter letters before the Public Hearing was required. Supervisor Kryzak advised that sending abutter letters was not necessary because of §72-H of General Municipal Law. He also mentioned the land transfer could also be done by resolution, but he wanted to hear public comments first. Supervisor Kryzak indicated if the Fire Co. moves forward with the building, they will be responsible for sending abutter letters.

Another resident was under the impression that the Fire Co. was supposed to exchange a piece of property for the land behind Town Hall and he was curious what happened to that. Supervisor Kryzak explained it would not benefit the taxpayers for the Town to own another parcel; therefore, he believed the Fire Co. would profit the most if they sold it. The resident questioned if it's fair to the taxpayers to give the property to the Fire Co., Supervisor Kryzak responded yes as it benefits the public.

Town Clerk Weaver mentioned the Town received a grant to purchase the Town Hall building. She wondered if anyone had a chance to investigate whether the Town is allowed to give away a piece of the property. Supervisor Kryzak answered he will have to investigate it. Ms. Weaver mentioned she had the opportunity to research the grant paperwork and it appears the Town could be liable to reimburse the grant. Supervisor Kryzak answered he will do his due diligence as he was not going to vote on the transfer tonight.

Mrs. Carkner asked if the transfer would violate Article VIII, §1 of the New York State Constitution regarding gifts/loans of property. Supervisor Kryzak mentioned he will have to investigate it. Mrs. Carkner advised she reached out to the Association of Towns (AOT) and was told that the Fire Co. is not a part of the municipality and therefore the Town cannot give gifts to the Fire Co. Supervisor Kryzak disagreed and advised there are new rulings that would exclude the Fire Co. from that. A resident requested that the Town do all the legal work first before making any decision.

With there being no further comments or questions, Supervisor Kryzak made a motion to close the Public Hearing at 7:26 pm. Councilwoman Burnside seconded; motion carried by those present.

## **TOWN BUSINESS**

### **TOWN BOARD MINUTES**

Supervisor Kryzak made a motion to approve the meeting minutes of June 20<sup>th</sup> & July 18<sup>th</sup>. Councilman Mahan seconded; Councilwoman Burnside voted nay for June 20<sup>th</sup> minutes; motion carried by those present.

### **TOWN CLERK (JULY 2023)**

Deputy Town Clerk Pongo reviewed the Town Clerk report for July 2023. Supervisor Kryzak made a motion to approve the Town Clerk report for July 2023. Councilman Mahan seconded; motion carried by those present.

## **BUDGET AMENDMENTS**

Supervisor Kryzak presented and read the following budget amendment resolutions:

I, Council member Matthew Kryzak offer the following resolution and move its adoption:

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

**NOW, THEREFORE BE IT 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**

<b><u>Amount</u></b>	<b><u>From Account</u></b>	<b><u>To Account</u></b>
\$16,719.88	A1220.12 Personal Services (Confidential Administrator)	A1220.13 Personal Services (Clerk Assistant)
\$7878.45	A1220.13 Personal Services (Clerk Assistant)	A1620.45 IT Provider

Councilwoman Amie Burnside seconded; a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 78 -2023 was thereby duly adopted.**

## **PAYMENT OF MONTHLY BILLS (JULY)**

Councilwoman Burnside made a motion to adopt the following resolution:

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

**RESOLVED:** the following July 2023 bills be paid Voucher # 357 through Voucher #  
426 in the amount of \$163,713.18

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

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

NAYS: None

**RESOLUTION # 79 – 2023 was thereby duly adopted.**

## **INVESTMENT REPORT**

Supervisor Kryzak reported interest for all accounts for the month of July brought in a total of \$365.05 for the Bank of Greene County. Year to date interest collected from the Bank of Greene

County is \$2,934.31. NYCLASS interest for the month of July was \$428.78. Councilman Mahan made a motion to approve the investment report for July 2023. Councilwoman Pecylak seconded; motion carried by those present.

### **SUPERVISOR REPORT**

Supervisor Kryzak reported that the Town received \$357,333.04 of sales tax for the second quarter. Year to date we received \$709,383.96 for the sale tax. There was a balance of \$4,061,531.75 in all accounts at the end of July 2023. Mr. Kryzak indicated that the Town is at 49% of spendings according to the Budget vs. Actual report. Councilwoman Pecylak made a motion to approve the Supervisor Report for July 2023. Councilman Mahan seconded; motion carried by those present.

### **COMMITTEE REPORTS**

#### **PLANNING BOARD**

Planning Board Chair Loendorf reported the Planning Board had no new or old business and that the August meeting was cancelled. The next Planning Board meeting is September 12<sup>th</sup>.

#### **HOMETOWN HEROES COMMITTEE**

Westerlo Hometown Heroes Meeting Report - July 2023

#### *Westerlo Hometown Heroes Meeting Report*

*July 25, 2023*

*Present:), Lisa DeGroff, Becky Kryzak, Matt Kryzak, Betty Filkins, June Sherman, Beau Loendorf*

#### *1. Eagle Scout Project*

- a. It is on Chris Tague's calendar.*
- b. If Sheriff Apple can't make it a representative from the Sheriff's Dept. will attend.*

#### *2. Veterans Garden*

- a. New orders for pavers are due August 15<sup>th</sup>. Round up the order forms.*
- b. Need to set out the first batch of pavers.*  
*Have Carver deliver the sand. See if we can store at Highway Garage and have small batches delivered as we need it. Once we get a forecast of good weather on the weekend, we will call for a batch and set the pavers. Will need a crew of volunteers. Matt explained the process of installing pavers. Area needs to be leveled, sand spread, leveled, tamped, stones set, more sand and watered. Once all stones are set, we can add edging, so they don't move.*
- c. Need to install a silt sock to hold back mulch before pavers are set. Also need to distribute the rest of mulch – when it hasn't been or not raining.*

#### *3. Closing Ceremony*

- a. *Invites – Beau will design invite drafts for both events and have them ready by the August meeting to be approved so they can be mailed after Labor Day. Invites to be double sided. Would also like to include a special letter of appreciation to encourage veterans to attend. Will reach out to Drew Joslin to see if he would be interested.*
- b. *Discussed “Save the Date” on Social media and town website.*
- c. *Will notify local papers to add events to their “Community Calendars.”*
- d. *Food – will reach out to the same vendor as last year for the same menu. The food was delicious, and the price couldn’t be beat.*
- e. *Speakers – Discussed two possible options for guest speakers Lisa will reach out to see if they can be confirmed.*
- f. *A raffle for veterans only was discussed to encourage veteran attendance. The raffle would be free and could possibly include a chauffeured car and dinner for two at a restaurant. Beau to add something creative to the invite.*

#### 4. Veterans Day Service

- a. *Email sent to George Albert to see if the General from the Watervliet Arsenal will be the speaker.*
- b. *Re-usable luminaries – order now as it gets closer to Halloween and Christmas, they will be hard to find and may cost more. Agreed to order 36. If we don’t use any we can send them back. Committee voted in favor of ordering now. Lisa will order.*

#### 5. Fall Festival

- a. *Agreed between all of the committee we should have enough to staff the table. Discussed reaching out to Drew to see if he can split time between Fire Co. and Hometown Heroes.*
- b. *Table to include donation jar and sale of challenge coins along with paver order forms, information forms and binder of pictures of banner recipients.*
- c. *Post card signing to draw guests to table. Beau will design. Guests will be encouraged to write a brief note thanking our Veterans for their service.*

### **LOCAL LAW REVIEW COMMITTEE (LLRC)**

Local Law Review Committee Chair Bill Hall advised that the LLRC is discussing the Zoning Law and everyone is welcome to attend and provide comments.

### **HIGHWAY DEPARTMENT**

Highway Superintendent Jody Ostrander reported that he is still waiting for the new truck and hopeful it will come this month. He thanked everyone for retaining staff at the highway department as he is concerned about what’s happening in nearby towns.



## **BUILDING DEPARTMENT**

CEO Pine submitted the following report:

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

*Applications processed or pending before the boards*

*Special use – 1 / Variance request- 4 / Sub– divisions – 0*

*Building permits issued – 10*

*New houses – 0 / Swimming Pools – 1 Additions, renovations - 6*

*Accessory structures – 2 Solar Pv – 1 / Other – 1 Cell tower / commercial - 0*

*Construction inspections- 14*

*Site visits – 8 / Fire calls – 0 / Fire safety inspections and follow ups - 12*

*0 - In-service Training hours. 14 hrs YTD ( 24 hours required to maintain certification)*

## **ASSESSOR**

Assessor Melanie Bunzey submitted the following report:

### **ASSESSOR’S MONTHLY REPORT**

*To: Westerlo Town Board*

*From: Melanie Bunzey, Assessor*

*Date: August 2, 2023*

*Re: Monthly Report – August 2023*

*Albany Water Board’s request for Nonprofit exemption was denied for three parcels. They have filed and served on the Town Clerk an Article 7 Petition with a return date of August 29, 2023.*

*The County is continuing to mail address correction notices. A county wide mailing list was cross referenced against the National Change of Address List maintained by the USPS. Letters are being sent to properties where the NCoA List and Assessment Roll addresses are different. These letters were mailed 8/1/2023.*

*A “New Sales Transmittal Report” was submitted to the State with 7 sales since last submittal.*

*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 #1 – Enhanced STAR Ineligibility Report*  
*Report #2 – Greater than \$250,000 Report – Switch exemptions from Enhanced to Basic*  
*STAR*  
*Report #3 – Voluntary Removal Report*  
*Report #4 – Enhanced STAR Eligibility Report*  
*Report #5 – STAR Delinquency Report*  
*Report #6 – Voluntary Removal Report (Final)*  
*Report #7 – Final Roll Corrections – Corrections Made on RPS*  
*Report #8 – STAR Credit Markers Report – STAR markers added on RPS*

*Respectfully submitted,*

*Melanie Bunzey*

*Melanie Bunzey, Assessor*

#### **JUSTICE COURT**

Supervisor Kryzak advised that the Town received the reports from the Justices. For July, \$1,320.00 was received for Justice Carl.

#### **MOTION TO APPROVE COMMITTEE & DEPT. REPORTS**

Supervisor Kryzak made a motion to accept the report for the Town Court. Councilman Mahan seconded; motion carried by those present.

Supervisor Kryzak made a motion to accept all committee and department reports. Councilman Mahan seconded; motion carried by those present.

#### **OLD BUSINESS**

#### **GRANT UPDATE**

Supervisor Kryzak indicated that Confidential Administrator Lisa DeGroff found discounts on AED equipment, and she will be meeting with Albany Medical ER representatives as they have funding available for municipalities. Mr. Kryzak indicated that his office is looking into Water District grants as well. Mrs. DeGroff advised she already had a meeting with Assemblyman Chris Tague but expects more meetings in the future. Supervisor Kryzak mentioned the Town

received a \$35,000.00 grant from Albany County Soil & Water. The grant must be used by the end of September 2023.

#### **FREESE HOUSE UPDATE**

Supervisor Kryzak mentioned, since the Freese house is causing environmental concerns, he decided to move forward with Town Engineer Dave Ingalls. He will handle all the environmental planning and permitting. Mrs. Carkner asked if the Town reached out to Albany County Land Bank regarding the property. Supervisor Kryzak indicated he had been in contact with them but has decided to move forward with the Freese house as it's a hazard. Dave Ingalls will design a project to address all the environmental concerns and permitting. After that, the demolition will be put out for bids.

#### **MULTI-YEAR FINANCIAL PLAN UPDATE, CAPITAL IMPROVEMENT RESERVE FUND, MULTI-YEAR CAPITAL PROJECT PLAN**

Supervisor Kryzak indicated that the Town is working on a multi-year financial plan but there is still a lot of work to be done. He presented a document for the 2024-2028 Capital Improvement Plan to the public. Mr. Kryzak mentioned that the total estimated project cost would be around \$1,000,000.00. Mrs. Carkner wondered ~~by~~ why the Town wasn't using any grant money. Mr. Kryzak responded that the Town has not received any grant money for that purpose. He indicated that the only grant the Town received was the ARPA money that is supposed to be spent on infrastructure improvements such as broadband expansion or the water district.

Deputy Town Clerk Jaimee Motschamann asked if the parking lot is supposed to be expanded and whether it would conflict with the site of the potential fire station. Supervisor Kryzak mentioned there is money set aside for that purpose and it would be extended around 15 feet from the asphalt line.

#### **CITIZEN COMMITTEE UPDATE**

Citizen Committee Member Beau Loendorf reported that the Committee met recently to discuss the safety, repairs, needs and aesthetics of the Town parks. He reviewed a Park Improvement spreadsheet. Supervisor Kryzak wondered if the Board would be willing to entertain ordering a set of bleachers for the Blaisdell White Memorial Park as it causes safety issues and is an insurance liability. Mr. Loendorf explained that the Committee is looking for sponsors for the bleachers. He would like to see the Board passing a resolution to allow the Committee to find sponsors within 90 days to save the Town some money; if that is not possible, the Committee will use Town funds to buy the bleachers. Supervisor Kryzak suggested purchasing the bleachers now and attempt to get reimbursed with sponsorship money. Councilwoman Pecylak mentioned that although the wood seems to be deteriorating, the bleachers itself are solid. Confidential Administrator Lisa DeGroff mentioned she was encouraged by the Bank of Green County to apply for a grant which will open on December 15<sup>th</sup>. She also indicated that the bank added the Town to the foundation list. Mrs. DeGroff

believes that a new swing set is more important than buying new bleachers. Mrs. Carkner asked if it is crucial to hire an insurance assessor to look at certain things and make sure the Town is protected. Highway Superintendent Jody Ostrander indicated the Town's insurance company ~~NYMER~~ NYMIR comes out yearly and makes sure everything is in order. Supervisor Kryzak advised there is about \$80,000 that is earmarked for park improvements and recommended setting aside a specific dollar amount to assist the Park Committee with making improvements to the parks. Supervisor Kryzak made a motion to adopt the following resolution:

**WHEREAS:** the Westerlo Town Board discussed transferring \$25,000.00 of expenditures for park improvements, be it hereby

**RESOLVED:** the Town Board authorizes a transfer of \$25,000.00 for park improvements to be used at the discretion of the Park Improvement Committee.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

**NAYS:** None

**RESOLUTION # 80 - 2023 was thereby duly adopted.**

Councilman Mahan asked who is on the committee, Councilwoman Burnside responded in addition to herself, the committee is made up of Beau Loendorf, Lisa DeGroff, Lorraine Pecylak and Claire Marshall with input from residents and Highway Superintendent Jody Ostrander. Supervisor Kryzak mentioned he would like to take advantage of free labor from the Department of Corrections. Councilwoman Burnside mentioned the crew would be supervised. Mrs. DeGroff explained they will be doing minor work like painting or clearing trails. Deputy Town Clerk Motschmann asked which facility they will be coming from; Councilwoman Burnside believes they will be from the Greene County facility. Town Clerk Weaver asked what residents think about it; Councilwoman Burnside responded they will be under supervision and she and Councilwoman Pecylak were in favor. Mrs. Carkner inquired as to whether the Town Hall staff would be notified about the arrival of incarcerated individual work crew; Supervisor Kryzak responded yes. Supervisor Kryzak made a motion to adopt the following resolution:

**WHEREAS:** The Town Board discussed bringing in NYS Dept. of Corrections work crew to help with some of the park work needing to be done, be it hereby

**RESOLVED:** The Town Board authorizes the Supervisor to request a work crew with the NYS Dept. of Corrections for help with the park committee.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

**NAYS:** None

**RESOLUTION # 81 - 2023 was thereby duly adopted.**

**RULES FOR PUBLIC HEARING**

Supervisor Kryzak read the proposed rules for Public Hearings.

DRAFT  
TOWN OF WESTERLO PUBLIC HEARING RULES  
(PROPOSED 07.18.2023)

- 1. The Supervisor shall preside over all meetings of the Town Board. In the absence of the Supervisor, the Deputy Supervisor shall be the acting Supervisor. In the event both the Supervisor and the Deputy Supervisor are absent, the other members shall designate one of their members to act as temporary chairman. A majority of the Board shall constitute a quorum for the transaction of business.*
- 2. Residents who wish to participate by speaking during the public comment period must sign up to do so on the public comment sign in sheet prior to the start of the meeting. Speakers will be called on in the order that they appear on the sign in sheet. The purpose of this is to maintain an orderly meeting and to guarantee that all who wish to speak get an equal opportunity. Those who didn't sign up to speak prior to the meeting will be given an opportunity following those who did sign up.*
- 3. Speakers must be called on by the presiding officer and must limit their remarks to five minutes. Speakers may not yield any remaining time to another speaker. If time allows, a second public comment session will be conducted utilizing the original sign in sheet. The purpose of this is to maintain order and to guarantee that all who wish to speak get an equal opportunity.*
- 4. Any person speaking to the Board with the consent of the Supervisor shall address their remarks to the presiding officer, not to the other members of the Town Board or other members of the audience, in the form of a debate. Members of the audience will be respectful of other residents' opinions while those residents are addressing the presiding officer.*
- 5. Comments during the Public Hearing shall be relative only to the purpose of the hearing and the matter at hand during the Public Comment period.*
- 6. Speakers should present their remarks in a courteous manner and may not make disparaging remarks or personal comments about public officials, town residents or others attending the meeting. Speakers and those in attendance will observe the common rules of courtesy, decorum, dignity, and good taste with no cursing, booing, bullying, or talking out of turn that disrupts the proceedings of the business of the Town Board.*
- 7. Any speaker who disregards the directives of the presiding officer in enforcing the rules, disturbs the peace at a meeting, makes impertinent or slanderous remarks, or generally conducts themselves in an inappropriate manner, shall be barred from further participation in the public hearing and will forfeit any balance of time remaining for their comments.*
- 8. After a final warning, if a speaker willfully refuses to step down, the Town Supervisor, or Presiding Officer shall contact the appropriate authorities to remove the speaker from the meeting room and to restore order.*
- 9. The Town Supervisor or Presiding Officer of the meeting shall take all necessary steps to ensure compliance with these rules.*

Supervisor Kryzak made a motion to adopt the following resolution:

**WHEREAS:** The Town Board held a public hearing on regarding proposed rules for public hearings on 7/18/23, be it hereby

**RESOLVED:** the Town Board adopts the proposed rules as provided above.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

**NAYS:** Councilman Mahan

**RESOLUTION # 82 - 2023 was thereby duly adopted.**

### **DOT RESOLUTION**

Supervisor Kryzak mentioned he would like to send a letter to DOT requesting traffic studies for CR 401 between SR 143 and CR 405, CR 405 between SR 32 and CR 402, CR 412 between Annabelle Rd and Otto Rd, and CR 1 between SR 85 & SR 143. Mr. Kryzak mentioned he would like the Town Board to approve the letter along with residents' signatures requesting such studies. He will then submit the letter to the Town Clerk who will forward it to Albany County before they send it on to the State. Councilman Mahan made a motion to adopt the following resolution:

**WHEREAS:** The Town of Westerlo Town Board has received complaints regarding the speed limits on CR 401 between SR 143 and CR 405, CR 405 between SR 32 and CR 402, CR 412 between Annabelle Rd and Otto Rd, and CR 1 between SR 85 & SR 143, be it hereby

**RESOLVED:** The Town Board authorizes the Supervisor to prepare a letter for the Town Clerk to submit to the county requesting a traffic study on CR 401, CR 405, CR 412, and CR 1.

Supervisor Kryzak seconded; a vote resulted as follows:

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

**NAYS:** None

**RESOLUTION # 83 - 2023 was thereby duly adopted.**

Councilwoman Burnside mentioned she had a conversation with Sgt. Nash who runs the DARE program and they will work with the schools on getting that started again.

### **EMPLOYEE HANDBOOK**

Supervisor Kryzak asked the Board regarding their opinions on providing benefits, such as time off, to part time employees. Councilwoman Burnside asked if the employee handbook discussion can be tabled until the next meeting. Confidential Administrator DeGroff mentioned she applied all the changes the Town Board previously voted on but there are still a few sections that need to go to the insurance company for review.

### **NEW BUSINESS**

According to Supervisor Kryzak the potential takeover of Old County Route 401 opened a can of worms for some people. Residents of Sherman Ln. questioned whether the Town could also take on their road. Supervisor Kryzak inquired as to the Board's stance on the matter.

Councilwoman Burnside voiced her opposition due to Sherman Ln. being a private driveway. Mrs. DeGroff questioned if that would add to CHIPS money; Mr. Ostrander responded that the Town would probably get \$1,000.00. A resident expressed her opinion that the Town should not take the road over because other private roads will start requesting the same.

#### **BIDS FOR BROADBAND**

Supervisor Kryzak mentioned that Midtel and Mid-Hudson Cable, submitted their bid proposals for expanding broadband in the Town of Westerlo. The overall total amount of the grant was \$1,687,500.00 and Mr. Kryzak's plan was to cover as many houses as possible to maximize the grant amount. Midtel proposed they could cover 116 homes for a total amount of \$1.6 million and Mid-Hudson proposed they could cover 234 homes for a total amount of \$1.3 million. Supervisor Kryzak mentioned that he asked Mid-Hudson for bid clarification since they did not maximize the grant money. He received a request from residents on Boomhower Rd. to include their road in the plan for broadband expansion; therefore, he added that request to the Mid-Hudson bid explanation. Mr. Kryzak advised that the proposed bids do not include connections to houses.

#### **CDRPC TRAINING APPROVAL FOR PLANNING BOARD & ZBA MEMBERS**

Planning Board Chair Beau Loendorf mentioned that CDRPC & NYPF is offering Fall Planning & Zoning Workshop on October 20<sup>th</sup> and he requested the Town Board's approval for some of his members to attend. Supervisor Kryzak asked if the training was in Lake Placid; Mr. Loendorf responded it will be held at HVCC Bulmer Telecommunications Center in Troy. Mr. Kryzak asked about the approximate price for the training. Town Clerk Weaver responded it is \$105 for members and \$130 for non-members. Supervisor Kryzak wondered about the cost since there will be in-house training this year. Mr. Loendorf mentioned he would like to send 1-2 members to the training in Troy. Supervisor Kryzak suggested sending 2 members from each Planning & Zoning Boards to the training. Planning Board Member Gerry Boone suggested all the members be allowed to attend. Councilwoman Burnside asked if the training was overnight; Mr. Loendorf responded it is only one day. Councilwoman Pecylak responded she would like to think about it. Supervisor Kryzak asked Mr. Loendorf to provide an estimate of how many members would like to attend the training and how much it would cost. No decision was made.

#### **PRIVILEGE OF THE FLOOR**

Water Board Member Kelley Keefe commented that the proposed traffic studies won't do anything for the town if the speed limit is not enforced. She never sees police pulling people over for speeding. The only time the police show up is when there is an accident. Supervisor Kryzak agreed; he sees a temporary increase in police presence for a couple of days when there is a fatal accident before things return to normal.

Councilwoman Burnside thanked Eagle Scout Andrew Joslin for his work at the park.

Planning Board Member Angela Carkner asked if the town could shop around for health insurance since the prices went up so much. Supervisor Kryzak advised they will reach out to Marshall & Sterling, the town's broker, who will take care of that for them. Mrs. Carkner suggested reaching out to local businesses to invest money back in the local community. Councilman Mahan asked about the cost of insurance for retired employees. Supervisor Kryzak believes that CDPHP for retirees cost more than regular MVP. Retirees must pay more for doctor's visits when they are, for example in Florida, as it is an out-of-network visit. Mr. Kryzak indicated he would be open to discussing the subject again. He mentioned that although the Town may be paying more, he is okay with it as the money is budgeted.

A resident inquired as to the lifespan of the roll off truck at the Transfer Station and whether it has its own storage facility. Mr. Ostrander responded that the truck as of right now has no shelter. The resident asked if a structure could be built to house the truck to expand its lifecycle. Additionally, he also asked if it's possible to remove the \$25 Transfer Station fee for residents. Supervisor Kryzak responded that the Town Board can review the permit fee. Discussion continued about whether the Town should charge for the permits or not. No decision was made.

#### **ADJOURN THE MEETING**

With there being no further comments or questions, Supervisor Kryzak made a motion to close the meeting. Councilman Mahan seconded; all in favor motion carried. Meeting adjourned at 9:01 PM.

Respectfully submitted,

Marta Pongo  
Deputy Town Clerk