

**TOWN OF WESTERLO  
TOWN BOARD MEETING  
OF  
TUESDAY, OCTOBER 17, 2023**

The Town of Westerlo Town Board held a meeting on Tuesday, October 17, 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  
Councilwoman Lorraine Pecylak  
Councilwoman Amie Burnside  
Councilman Joshua Beers

Also attending were: Planning Board Chairperson Beau Loendorf, Planning Board Members Bill Hall & Angela Carkner, Clerk to Assessor/Clerk to the Code Enforcement Officer Claire Marshall, Highway Superintendent Jody Ostrander and Employees Salvatore Spinnato, Dan Rohmiller and Rick Rupeka, Confidential Administrator Lisa DeGross, Deputy Town Clerks Marta Pongo & Kathleen Spinnato, Museum Board Member/Fire Co. Member Betty Filkins, Library President Maureen Sikule & Library Trustee Mary Ann Witt, Town of Westerlo Vol. Fire Company Members: Rick Haley, Art Allen, Allan Clickman, Kelley Keefe and Al Fields, Town Clerk Karla Weaver and approximately six residents.

Councilwoman Burnside made a motion to open the meeting. Councilman Beers seconded; all in favor motion carried.

**TOWN BUSINESS**

**TOWN BOARD MINUTES**

Supervisor Kryzak asked for a motion to approve the meeting minutes of September 19, 2023 and October 3, 2023. Councilman Beers made a motion to approve the minutes. Councilman Mahan seconded, all in favor motion carried.

**TOWN CLERK MONTHLY REPORT (SEPTEMBER 2023)**

Town Clerk Weaver reviewed the Town Clerk report for September 2023. Councilman Mahan made a motion to approve the Town Clerk report for September 2023. Councilman Beers seconded; all in favor motion carried.

**BUDGET AMENDMENT**

Councilwoman Burnside made a motion to adopt the following resolution:

**WHEREAS:** the Town of Westerlo has had unforeseen expense in the following account; and

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

**RESOLVED:** that the Town Board of the Town of Westerlo does hereby authorize Town Supervisor Matthew Kryzak to make the following transfers for the purchase of a new truck for the Highway Department.

**General Fund**

<u>Amount</u>	<u>From Account</u>	<u>To Account</u>
\$294,000.00	(A)200.1- General Checking	(DA) 200.2 – Highway Checking

Councilman Beers seconded; a vote resulted as followed:

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

NAYES: None

**RESOLUTION # 93-2023 was thereby duly adopted.**

Councilwoman Burnside asked how many more equipment bonds need to be paid off; Supervisor Kryzak responded there is one small one for highway equipment but the interest rate is so low it does not make sense to burn the cash to pay that off. The two new highway department trucks and the loader have all been paid off.

**PAYMENT OF MONTHLY BILLS (OCTOBER)**

Supervisor Kryzak asked if all Town Board members had a chance to review and sign the monthly bills. There being no questions, comments or concerns he then asked for a motion to approve the monthly bills for October. 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 October 2023 bills be paid Voucher # 491  
through Voucher # 544 in the amount of \$458,496.78.

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

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

NAYS: None

**RESOLUTION # 94-2023 was thereby duly adopted.**

Supervisor Kryzak advised the Town Board that the Town had previously purchased some items from Temu. New York Municipal Insurance Reciprocal (NYMIR) has recommended that due to cyber security issues, the Town should no longer purchase items from them.

**INVESTMENT REPORT (SEPTEMBER 2023)**

Supervisor Kryzak reported that the ending balance with NYCLASS is \$432.31. The Town earned \$1.94 in September and earned \$15.21 year to date. Mr. Kryzak indicated the Town may move some money to NYCLASS eventually, but the Bank of Greene County has been performing well. Councilwoman Burnside wondered if it made sense to eliminate NYCLASS; Supervisor Kryzak

advised he will watch the interest rates. He indicated the Town Board may want to consider money market accounts. NYCLASS insurance on deposits is as good as gold, it's a very good option. The M&T Bank Collateral Statement is for balances kept with the Bank of Greene County and in case of a bank failure, the Town's balances with the Bank of Greene County are collateralized for \$3,553,856.19. The total interest earned with Bank of Greene County was \$348.62. Councilwoman Pecylak made a motion to approve the Investment Report for September 2023. Councilwoman Burnside seconded; all in favor motion carried.

#### **SUPERVISOR REPORT (SEPTEMBER 2023)**

Supervisor Kryzak reported on the bank reconciliations for the month. The report shows the balance for every account, what was paid as far as disbursements and what the balance is for the end of the month. Right now, the total balance for all bank accounts at the end of the month is \$3,565,637.53. He indicated the Budget vs. Actual was tracking very well and didn't look like any cost codes were over budget. Spendings doing well percentage wise through all departments; the Town will continue to keep spending as tight as possible. Mr. Kryzak hopes to end up under the budget numbers and to be able to put more money into the fund balance at the end of the year. Councilwoman Burnside made a motion to approve the Supervisor Report for September 2023. Councilwoman Pecylak seconded; all in favor motion carried.

#### **COMMITTEE & OTHER DEPARTMENTS REPORTS**

##### **LIBRARY**

Library Trustee Mary Ann Witt advised that the library continues to have Storytime on Wednesdays at 10:30 am, the Fiber Group are held the second and fourth Saturday from 12:00 pm to 2:00 pm, STEAM and Homework Help are held on Thursdays at 3:30 pm. They are still looking for Trustee applicants, haven't had any formal interest yet. She thanked Town Clerk Weaver for getting the ad on the Town's website. Town Clerk Karla Weaver asked if elected officials are allowed to apply; Mrs. Witt responded that Board Members cannot because they approve the Library Budget but other than that you should be able to apply. Mrs. Witt also advised that the library is having an Election Day Bake Sale on November 7<sup>th</sup>.

##### **PLANNING BOARD**

Planning Board Chair Beau Loendorf submitted and read the following report:

*The Planning Board had a meeting this past Tuesday with no new applications or old applications to discuss. The board did have a quick conversation about the new Fire Company proposal, however since no formal application or ask of involvement for the board has been submitted, the board stated a few points and will wait till we receive an application. We had a conversation with Jeff Pine about the past Solar applications and how we can move forward to hold the companies to the conditions that were agreed upon, more to come on this. Finally, this Friday the board members are going to an all-day training up in Troy, it's part of the CDRPC/NYPF Planning & Zoning Workshop/training that is offered in New York State.*

## **HOMETOWN HEROES COMMITTEE**

Hometown Heroes Member Lisa DeGroff submitted and read the following report:

### *Westerlo Hometown Heroes Agenda - September 26, 2023*

*Present:*

- 1) *Heroes Way Review – analyzed and reviewed event. All in agreement it was more successful than originally planned.*
- 2) *Veterans Garden*
  - a) *Set a date for fall clean up and weeding.*
  - b) *Pavers will not be installed this year due to weather conditions. A notice will be posted as such. Pavers will need to be securely stored for the winter.*
- 3) *Closing Ceremony*
  - a) *Invites to be finalized and mailed by 10/6/2023.*
  - b) *Notification to print media community calendars – Beau – will update Beau to have notices sent.*
  - c) *Original speaker declined. Lisa will reach out to alternate.*
  - d) *Welcome by Drew Joslin - confirmed.*
  - e) *Chris Tague confirmed.*
  - f) *Sheriff Apple has NOT confirmed but a member of the Sheriffs Department will be present.*
  - g) *Opening Prayer – Pastor Borger*
  - h) *Closing Prayer – same as last year*
  - i) *Brody – confirmed (Star Spangled Banner) May also sing God Bless America at the end.*
  - j) *Norwich Drill Team and Echo Taps confirmed.*
  - k) *Color Guard? Boy Scouts or Sheriffs Dept.*
  - l) *Boy scouts – same as in previous years. (Pledge of Allegiance & Banner Distribution) Amie to reach out.*
  - m) *Bagpipes – Lisa to contact Patrick Germain or Maria Murzda*
  - n) *Patriot Guard Riders – Lisa - invite 2 weeks prior.*
  - o) *Media Release – Lisa – 1 week prior and 1 day prior*
  - p) *Program – need to get info to Beau.*
  - q) *Food confirmed.*
  - r) *Cupcakes – still deciding and researching bakers and costs.*
  - s) *Grocery list: Plates, napkins, utensils (may have enough from last year. Lisa to check), Butter, salad dressing, salt and pepper, coffee, tea, hot cocoa, creamer, sugars, water.*

- t) *Raffle – Veteran Raffle – dinner for two with chauffeured transportation.*
  - (a) *Restaurant – Maple on the Lake*
  - (b) *Transportation? Falcon Car Service – To be determined when date is set for dinner.*
- u) *Raffle – other guests – Lisa is making a lap quilt. All other committee members will contribute a raffle or two. Beau – wine and/or liquor, Lorraine – Breakfast Basket, Betty – Lottery Tickets.*  
*Raffle tickets can be cumbersome. Betty suggested doing it like Fire Co. Betty to purchase tickets.*
- v) *Air BnB for Norwich – confirmed – agreed to pay \$100.*
- w) *Videographer - \$100 – agreed to pay.*
- 4) *Veterans Day Service – 11/11 – 4:30pm*
  - a) *Pledge of Allegiance? Led by anyone in particular? Boy Scouts Greenville? Ask Lisa and Drew J. to see if their troop will.*
  - b) *Evelyn Lawton confirmed Star Spangled Banner*
  - c) *Opening Prayer – Chris Allen – Betty to ask*
  - d) *Welcome - Matt*
  - e) *Speaker – George Albert*
  - f) *Closing Prayer – Chris Allen*
  - g) *Gun Salute – Greenville American Legion? Ask Lisa and Drew J. to reach out to Greenville AL*
  - h) *Taps – Jim Sill - confirmed.*
  - i) *Musical selection – BKW? Need contact info from Lisa J.*
  - j) *At First Bite available for refreshments*
  - k) *Invite Fire Co.*
  - l) *Invite Patriot Guard Riders*
  - m) *Media Release – Lisa – 1 week prior and 1 day prior*
  - n) *Letter to the editor AE – Matt – end of October*
  - o) *PA system, Podium, Chairs, Set Up time to be determined.*
- 5) *New Business – Betty proposed that we consider a benefit run/walk in the Spring/Summer of 2024.*  
*She shared a flyer for an example run/walk she saw on vacation. All agreed that now that we have Heroes' Way, it would be a great idea to host something and include the trail. Will be discussed at the beginning of 2024 to plan.*

#### **LOCAL LAW REVIEW COMMITTEE**

Local Law Review Committee Member Bill Hall advised that they had their Local Law Review Committee meeting last night. They are still going through the Zoning Law and have completed

Article 13. They discussed going through all the recommendations they've had up to this point, prior to sending it on to the Town Board and Jeff Pine. Once they are done with the Zoning Law, they will review solar and other time-consuming items.

### **HIGHWAY DEPARTMENT**

Highway Superintendent Jody Ostrander reported his department has completed two miles of road shoulders and patched some bad spots on roads. The recent Basic Creek bank restoration survived a 3-inch rainfall. The boulders installed on the creek bank were buried for a while under water, but they didn't move. They are also preparing for winter.

### **CODE ENFORCEMENT**

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

*Applications processed or pending before the boards*

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

*Building permits issued – 7*

*New houses – 0 / Swimming Pools – 1 / Additions, renovations - 3*

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

*Construction inspections- 17*

*Site visits – 7 / Fire calls – 0 / Fire safety inspections and follow ups - 1*

*5 - In-service Training hours. 21 hrs YTD ( 24 hours required to maintain certification)*

### **ASSESSOR**

Assessor Melanie Bunzey submitted the following report: (see attached)

### **APPROVAL OF MONTHLY REPORTS**

Supervisor Kryzak asked for a motion to approve the committee and department reports for September 2023. Councilwoman Burnside made a motion to approve the reports for September 2023 as submitted or read. Councilman Beers seconded; all in favor motion carried.

### **JUSTICE COURT (SEPTEMBER 2023)**

Supervisor Kryzak advised that Justice Mackey had submitted \$35 and Justice Carl had submitted \$1,013 to the Supervisor's office for September 2023. Councilman Beers made a motion to approve the Justice Court reports for September 2023. Councilman Mahan seconded; all in favor motion carried.

### **OLD BUSINESS**

#### **2024 TOWN OF WESTERLO TENTATIVE BUDGET (V2)**

Supervisor Kryzak reported the 2024 Town of Westerlo Tentative Budget (V2) includes corrections noted from the last meeting. Below are the changes and comments received:

1. State Retirement - Decreased what was needed for fund balance appropriation to fund the budget. The main difference was appropriations, which actually went down. Instead

of \$3,541,751 it has gone down to \$3,517,345. Mr. Kryzak noted that the overall budget increase was \$249,955. which went down from the original anticipated \$274,711.

2. Tax Cap & Tax Levy - The Tax Cap Limit is \$1,512,401. Right now, the Town is looking at \$1,483,204 for the 2024 Tax levy, still below the tax cap by \$21,197. The overall tax increase is .03% and originally was .87%.
3. Re-address fund balance appropriation down to a potential \$190,792. If the sales tax over performs which it has in the past, the Town should be good. In this budget, the Town is looking at collecting \$1.4 million in sales tax. Last year roughly \$1,444,000 was collected but this year the Town is on track to beat that. Mr. Kryzak mentioned that \$1.4 million is a safe budget number for sales tax for 2024. He advised, if the Town exceeds \$1.4 million, the appropriated fund balance on the front page of this budget will most likely not need to be utilized.
4. Mr. Kryzak believed this is the strongest budget since 2021 when the Town had to breach the tax cap with a 5.93% increase. It's been going down, 2022 - 1.65%, 2023 - 1.9% and this year can keep things stable and go with .03%.
5. A110.42 Prosecutor amount was changed to \$9,180. Town Clerk Weaver indicated the calculation was wrong. If the Town Board wishes to give a 3% raise across the board, this number should be \$9,270.
6. A1220.4 was changed to A1220.45 for office supplies.
7. A1355.12 adjusted Clerk to \$8,000.
8. There was a typo for A1440 engineer which was corrected from \$1,200 to \$12,000.
9. A1620.52 Protonmail switched to Outlook.
10. A1990 contingency amount was increased to \$10,000 from \$5,000.
11. The machinery line was removed from general fund budget.
12. A8010.13 Zoning Board Clerk was changed from \$1,000 to \$2,000 and same with Planning Board Clerk A8020.13.
13. A8160.51 is for boot allowance.
14. A8160.50 is for postage for transfer station permits.
15. A8664.12 CEO Clerk increased from \$7,004 to \$8,000.
16. A9010 state retirement has been corrected and now is \$30,000 instead of \$86,000.
17. On the library budget, minor change under estimated revenues \$131,616 now reads \$131,266.

Councilman Beers inquired about the Town Attorney. Since the Town Board made the Attorney an employee, he wondered why he still has a contractual budget; Supervisor Kryzak advised the contractual is for training. Mr. Beers questioned if the Town was taking advantage of free online training to try to save that expense; Mr. Kryzak responded, the Town is doing additional training with the Town Attorney which he believed is important because the Planning and Zoning Boards will be reviewing specific items to help with the lawsuit that was recently in front of the ZBA.

Councilwoman Burnside wondered if the Town Prosecutor was getting \$7,200 annually; Supervisor Kryzak advised, no \$750/mo, \$9,000 year. With the 3% raise, the salary for 2024 will be \$9,270.

Councilman Beers asked Supervisor Kryzak what FP Mail Solution was. Mr. Kryzak was looking for the page in the budget and Town Clerk Weaver indicated it's the postage meter for mail.

Mr. Kryzak believed the 2024 Tentative Budget V2 was a super strong budget as a whole and suggested the Town Board vote to move it from Tentative to Preliminary tonight. The Town Clerk asked if the Town Board wanted to take comments/questions from the public before moving to preliminary in case anything comes up, no response was received. Supervisor Kryzak made a motion to adopt the following resolution:

**WHEREAS:** The Town Board received the 2024 Town of Westerlo Tentative Budget and reviewed it at the Workshop meeting on 10/3/23 and reviewed the proposed 2024 Town of Westerlo Tentative Budget (V2) at the Town Board meeting on 10/17/23; be it hereby

**RESOLVED:** The Town Board moves the 2024 Town of Westerlo Tentative Budget (V2) to the 2023 Town of Westerlo Preliminary Budget with the change to the local prosecutor's salary.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 95 - 2023 was thereby duly adopted.**

A resident asked if the Prosecutor was being paid benefits. Mr. Kryzak advised, no.

Mrs. Carkner asked if any money would be budgeted for the attorney that the Town hired to handle the Article 7 lawsuit. Mr. Kryzak responded, it will be under law and can still be changed, he is looking at numbers.

The public was reminded that the three Public Hearings on the 2024 Preliminary Budget, 2024 Preliminary Fire Co. Budget and Freese house will be held on Wednesday, November 8<sup>th</sup> at 6 pm.

#### **LAPTOP FOR ASSESSOR**

The Assessor would like to access RPS from the road and has requested a laptop. Clerk to the Assessor Claire Marshall indicated the Town used to have one. Preville Technology, the Town's IT company, provided a quote for a laptop which includes all the accessories and programming. The total is \$2,134.59 for a Dell Latitude 5540. Supervisor Kryzak made a motion to adopt the following resolution:

**WHEREAS:** The Assessor has requested a laptop so she can access RPS from the road, be it hereby

**RESOLVED:** The Town Board authorizes the Supervisor to purchase a laptop from the Town's IT company, Preville Technology at the cost of \$2,134.59 which will include all the programming and accessories.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None



**RESOLUTION # 96 - 2023 was thereby duly adopted.**

**TOWN HEALTH INSURANCE DISCUSSION**

Mr. Kryzak indicated the Town received three quotes for Medical, Dental and Medicare (CDPHP). The Town's broker, Marshall and Sterling, priced the Town's current plan and provided 33 other options. Mr. Kryzak suggested staying with the current plan which did go up 11% as anticipated, however, dental and Medicare did not increase. Vision doesn't renew until April. Supervisor Kryzak advised there have been some complaints when using the vision and dental, employees can't currently use the HRA; the deductible is not covered. He would like to change it so that the HRA will work with vision and dental. If all full-time employees used this, it would only cost the Town \$1,800. Discussion ensued about other plans and options but it was ultimately decided to keep the plan the same. Supervisor Kryzak made a motion adopt the following resolution:

**WHEREAS:** The Town Board received quotes for health insurance for the Town; be it hereby

**RESOLVED:** The Town Board wishes to keep the current plan the same from 2023 to 2024.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 97 - 2023 was thereby duly adopted.**

Supervisor Kryzak made a motion to adopt the following resolution:

**WHEREAS:** The Town Board discussed the HRA covering vision and dental in 2024; be it hereby

**RESOLVED:** The Town Board approve that the HRA in the future covers vision and dental starting in 2024.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 98 - 2023 was thereby duly adopted.**

Mrs. DeGroff advised, the insurers are United Health for vision and Delta Dental for dental. Allied administers the finances.

**WATER DISTRICT NO. 1 2024 UNPAID WATER RELEVY**

The Supervisor indicated the 2024 unpaid water relevy list needs to be approved. A total of \$19,037.12 needs to be relevied to the property taxes for the 23 people who didn't pay their bills. This is done every year. Supervisor Kryzak indicated, it's normally approved by the Water Board but because they haven't met, it's the Town Board's duty to approve them so they can be levied on the 2024 Town of Westerlo Property Tax bills. He advised, this is just for the unpaid bills, the bond is a separate charge. A resident asked what the bill was that was paid off;

Supervisor Kryzak responded that it was the debt that the Water District owed the Town.

Supervisor Kryzak made a motion to adopt the following resolution:

**WHEREAS:** The Town Board has reviewed the Westerlo Water District No. 1 unpaid invoices/relevy report, be it hereby

**RESOLVED:** the Town Board authorize the Albany County Legislature to relevy onto the 2024 Town of Westerlo Property Tax bills the unpaid water bills for period 10/15/2022 through 7/15/2023 totaling \$19,037.12. (see attached)

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 99 - 2023 was thereby duly adopted.**

**ADVERTISE & SCHEDULE PUBLIC HEARINGS FOR 2024 TOWN OF WESTERLO PRELIMINARY BUDGET & 2024 TOWN OF WESTERLO VOL. FIRE CO. PRELIMINARY BUDGET**

Supervisor Kryzak made a motion to adopt the following resolution:

**WHEREAS:** the Town Board needs to schedule and advertise a Public Hearing on the 2024 Town of Westerlo Preliminary Budget, be it hereby

**RESOLVED:** The Town Board will hold a Public Hearing on the 2024 Town of Westerlo Preliminary Budget on Wednesday, November 8, 2023 at 6 pm, and further

**RESOLVED:** The Town Board authorizes the Town Clerk to advertise the Public Hearing in the newspaper.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 100 - 2023 was thereby duly adopted.**

Supervisor Kryzak made a motion to adopt the following resolution:

**WHEREAS:** the Town Board needs to schedule and advertise a Public Hearing on the 2024 Town of Westerlo Vol. Fire Co. Preliminary Budget, be it hereby

**RESOLVED:** The Town Board will hold a Public Hearing on the 2024 Town of Westerlo Vol. Fire Co. Preliminary Budget on Wednesday, November 8, 2023 at 6 pm, and further

**RESOLVED:** The Town Board authorizes the Town Clerk to advertise the Public Hearing in the newspaper.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 101 - 2023 was thereby duly adopted**

## **PUBLIC COMMENT**

Town Clerk Weaver asked the Board for permission to advertise the Library's Election Day Bake Sale on the Town's website and Facebook pages. The Town Board was in agreement.

Planning Board Member Angela Carkner mentioned the Town Board discussed moving Claire Marshall to a salaried position at the last meeting. Supervisor Kryzak advised the salary will be set at the Organizational meeting in January and the Town Board only approved the budget numbers. Mrs. Carkner asked for confirmation that employees do not get paid any extra money on top of their salary; Mr. Kryzak responded that was correct. Reviewing what Councilman Beers mentioned earlier, our Town Attorney has a salary line and a contractual line. Mrs. Carkner questioned how the Town Attorney could then get paid contractual fees if he is a salaried employee. Mr. Kryzak responded, it's because it's worked into his salary. He explained, all the different budget money from all the different cost codes for the same position, if that position such as Claire's goes to salary, all those separate budget numbers would go to Claire's salary. For example, the \$8,000 ea for Assessor and Building Clerk as well as \$2,000 ea for Planning and Zoning. He continued, all of those get combined to determine Mrs. Marshall salary which totals \$20,000 which will get divided and paid weekly. Mrs. Carkner indicated she understood but believed there was an error being made because salary and contractual is different. She mentioned that the Town Attorney gets paid \$28,000 therefore his salary line should be \$28,000. Supervisor Kryzak indicated the Town Board could move it all under salary. Based on research she has done, she indicated this seemed to be the correct method, you get salary, you don't get contractual fees in addition to your salary. No decision was made. Councilman Beers asked for clarification on if Mr. McHugh received the full \$28,000 last year, Supervisor Kryzak indicated he did.

A resident asked what kind of grant money the Town received this year. Mr. Kryzak indicated the Town received \$35,000 for the stream bank restoration, \$10,000 for codification of local laws and \$10,000 for Greenway. Supervisor Kryzak believed there was something that the Town received for \$13,000 as well. The resident asked if the Town received any money for the Water District. Mr. Kryzak responded; no but he is working on that with Mr. Breslin's office. He also advised; the Town still has ARPA money that hasn't been used yet. The ARPA money is not money that was generated by the tax base, it's earmarked for infrastructure and could be used for broadband or the water system. He mentioned the Town did receive the \$526,000 and the matching fee was waived for broadband so the ARPA money didn't need to be used. Mr. Kryzak advised the Town may need to spend some money on an engineer review to figure out what exactly the problems are and what the solution might be. That is a place where the ARPA money could be used. Historically, the Town has not used any taxpayer money for the Water District. Any money used would be strictly from the Water District, grant money or some other form such as ARPA. Mr. Kryzak indicated that Mr. Breslin's office has visited twice now.

Deputy Town Clerk Kathy Spinnato asked about the HRA change and wondered if it was for this year or next year. Supervisor Kryzak indicated it's for 2024.

A resident wondered how the Town is making out with the City of Albany lawsuit. Mr. Kryzak indicated they are still in the discovery phase, but because the Town is a municipality, filing fees were waived. One bill for legal fees has been received so far for about \$1,600 for filings and prework. It will be a very slow case. The people who own those reservoirs don't want to pay their fair share of taxes and therefore when they reevaluate what they own, they will see that they are the largest landowner in our town. They end up paying municipalities more which could be a win for the Town. It should get to a certain point where they may withdraw the Article 7 because it's going to look really bad on paper that they are already underpaying. The Town stands to lose a lot of revenue which means the taxpayers would have to pay for it. The properties in this suit are natural resources that can't be used, they were however just opened up for hunting to residents who reside around it. Highway Superintendent Jody Ostrander wondered if the City of Albany were also fighting the school taxes. Mr. Kryzak didn't think they would.

Betty Filkins President of Westerlo Rural Cemetery thanked Mr. Kryzak for budgeting money in 2024 for the cemetery. She asked if she had to get permission to have the Town Highway Department put in an apron at the corner of the cemetery and Slade Hill Rd. Supervisor Kryzak advised she should speak to Mr. Ostrander.

Councilman Mahan thanked Mr. Ostrander for paving Gregory Hill Rd. Councilwoman Pecylak advised that Maple Ave. is awesome as well. Mr. Ostrander advised, it cost roughly \$6,000 to do both roads.

Mary Ann Witt from the Library mentioned that the Town of Westerlo collaborated several years ago with the Town of New Scotland for a hazardous waste day and wondered if that would be something the Town would consider doing again in the spring. Mr. Kryzak indicated Berne has wanted to do one but it wasn't going to be based off where you live and that needs to be a condition which would mean the Town would only pay a percentage of the residents that use it and not split the cost as a percentage. He indicated the Town will enter into a shared service agreement if it's beneficial but the agreements have not been fair nor beneficial lately. The Town Board also mentioned taking tires to Greenville when it's offered. Lisa DeGroff mentioned investigating if Cornell Cooperative Extension would be offering a hazardous waste day.

A few residents mentioned to Mrs. Carkner that they would like to see senior housing come into the area in the next several years. Supervisor Kryzak indicated it's been discussed with housing and investment firms and in order to have senior housing, you need Town water, three phase electric and public sewer. If you don't have all three, you will never get an investor. In some rural communities, there are grants and other opportunities available where it's lucrative enough for investors to frontload the project because they know they are going to get a reimbursement through a grant. He indicated anything that comes up for senior housing has always been discussed as a Board. He also mentioned that the previous Supervisor had tried to get senior housing. Councilwoman Burnside mentioned that public sewer and three phase is difficult. Mrs. DeGroff does a regular search for grants but nothing has come up for senior

housing. Mr. Kryzak mentioned back in 2019 the Town Board discussed making a commercial zone which is where a senior building could go but unfortunately there was no sewer and it's too big of an investment for the Town. A system for the waste would need to be figured out. He indicated that at some point, the Hilltown's should collaborate on that with Albany County. Senior housing is very expensive and there are lots of conditions. A resident mentioned that the senior home in Greenville started out this way but the sewer system for it didn't work well and then they turned it over to the Town of Greenville. He's concerned about inheriting something that is a huge cost.

Kelley Keefe from the Westerlo Vol. Fire Co. mentioned that the Town of Rensselaerville used to have a senior bus but now they only have a vehicle that they use with volunteer drivers. The nice thing about the bus was they took seniors shopping which is what they need. She suggested watching out for a grant for a bus that could be shared with other towns. Mr. Kryzak put feelers out before for organizations who have handicap accessible vehicles. It was mentioned that the CDTA bus will still come out to Westerlo but it needs to be scheduled and that the Hilltown Community Resource Center will deliver food to those who cannot get to them. Any senior needing programs should contact the Resource Center. Mrs. Witt advised she is one of the drivers for the senior car with Rensselaerville and just yesterday they started taking people grocery shopping again so between her and the other driver, every other week they can take them. The Town of Rensselaerville Clerk has been calling people to let them know they will take people shopping again.

On Thursday, Dec. 7<sup>th</sup> employees can take part in training the Town is offering for CPR and AED through Albany County EMS but they must sign up by Nov. 30<sup>th</sup>. Councilwoman Burnside asked about Narcan training; Supervisor Kryzak responded that the Town will have to have Narcan available at some point so he is working on that. Workplace violence and sexual harassment training for staff is tomorrow at 8 am for anyone who needs it.

#### **PUBLIC COMMENT RE: PROPOSED LAND TRANSFER TO FIRE CO.**

A resident inquired about the proposed land transfer to the Fire Co. and wondered if there were any updates. Supervisor Kryzak advised that the Town can transfer the land per Municipal law 72-H and can either do a Memorandum of Agreement (MOA) or a Monroe Analysis. The Town has chosen to do the MOA. The Town Attorney is communicating with the attorney for the Westerlo Vol. Fire Co. and drafting an agreement to transfer the land once all conditions have been met. The Town needs to see what they want to build. Mr. Kryzak indicated the Planning Board is on board with working with those guys and once all conditions are met, the land can be transferred. He advised, if you look at Municipal law 72-H, it gives the Town authority to transfer the property at no cost. He has not seen a plan for the building because the Westerlo Vol. Fire Co. does not want to bring in an engineer or spend money on the design until the Town can promise them that once the conditions are met that the property will be turned over to them. He mentioned the Town can't transfer park land as he knows property across the street has been mentioned. They prohibit park land being transferred but you can do other property owned by the Town.

Mrs. Carkner reached out to Association of Towns and asked about Municipal law 72-H and explained to them that the Westerlo Vol. Fire Co. is a not for profit and a 501 3c organization. The attorney from AOT indicated the Town cannot transfer land because the Fire Co. is not part of the municipality. She expressed concern regarding what repercussions there might be if the Town does not follow the law. Mr. Kryzak mentioned it's all about how you ask the question to AOT, if you read Municipal law 72-H, it says Fire District, which is what appears on the tax bills. In that law, it states municipal corporation or a Fire District. We have a Fire District, that is the avenue. Mrs. Carkner offered to send Mr. Kryzak her email correspondence from AOT, but Mr. Kryzak advised he has information from AOT that says the Town is good to go as well as other documentation other towns have used to transfer land, as well as case law. Mrs. Carkner advised AOT sent her three case laws that say the opposite of Mr. Kryzak. She mentioned that the Planning Board had asked him for documentation showing the transfer could be made and the only document that was provided was the 72-H. She questioned why the Planning Board did not receive the letter from AOT saying the Town can do the transfer. Mr. Kryzak advised; the letter was just recently received. He had been studying case law and then put the case law to the test and asked for an opinion from AOT and the State Comptroller. The information just hasn't been transferred over to anyone yet. Mrs. Carkner asked how to get a copy of the case law, Mr. Kryzak indicated she just needed to ask him for it. He advised you could disregard all the other items questioned, it's a Fire District. She received the opposite response from AOT so would like to see the documents Supervisor Kryzak has. He indicated, in the legal challenges that have happened in the past, 99.9% of the time, there is no issue, and it can't be challenged.

Planning Board Member William Hall asked for clarification on whether the Westerlo Vol. Fire Co. is a Fire District or a Fire Protection District. Mr. Kryzak mentioned he does not have semantics; Mr. Hall responded, it's not semantics, it's a legal differentiation. Mr. Hall advised that based on Municipal law 72-H it says Fire District, but a Fire Protection District is a completely different thing. Mr. Kryzak indicated he is not the attorney and there are very smart attorneys out there, he will have to get the information together for them and then they can go over that.

Mrs. Spinnato asked if they are a Fire District if the Town needs to have a contract with them, Mr. Kryzak advised the Town does have a contract. She indicated she was aware of the contract but was asking about a Fire District. Mr. Hall indicated a Fire Protection District requires a contract. Mr. Kryzak indicated the attorneys that have reviewed this have given the green light. Mr. McHugh reviewed it, the attorney for the Fire Co., an attorney from AOT and the State Comptroller can give an opinion on it as well.

Mrs. Carkner advised the only paperwork the Planning Board received as of last week was the 72-H. Mr. Kryzak asked her if the Planning Board had any jurisdiction over a land transfer, which she responded, not in this case. Mr. Kryzak advised the answer is no and that is why they have not received any additional paperwork. She indicated she is asking as a resident to make sure the Town is following the rules. He mentioned, that is why the Planning Board hasn't gotten that stuff yet because they have no jurisdiction over a land transfer, that is the Town Board. When that stuff comes out and the Town has it, they can go ahead and transfer it.

Councilman Mahan asked what happens with the land if the land doesn't get transferred, Mr. Kryzak indicated the only way it wouldn't happen is if there were some issues with Planning/Zoning which there shouldn't be since it's a 3-acre parcel. Engineers are currently building fire houses on  $\frac{3}{4}$  of an acre. If for some reason there was an issue, the property would revert back to the Town. Mrs. Carkner indicated there are costs associated if it reverts back to the Town such as maps needing to be redone.

Mr. Loendorf wondered if the case laws and information be public prior to the Nov. 8<sup>th</sup> Public Hearing or is it just for Town Board members. Mr. Kryzak advised, there's nothing that's been finalized to the point that it's ready for the public, there is nothing on paper besides the opinion from AOT and what the attorney's and State Comptroller say. Once the MOA actually includes what the Westerlo Vol. Fire Co. wants and what they can deliver, then you can take the case law and figure out if it holds up. Mr. Kryzak advised there are a lot more steps to the process. When the Town has a draft MOA, that will go to the Town Board for review as they are the ones that have the jurisdiction over a land transfer. Mrs. Carkner indicated that's confusing because he just mentioned that the only way there could be an issue is if it's with Planning and Zoning. He indicated that the land transfer is one thing, the actual construction of the building is the other. The transfer happens first and then if something goes wrong, the land would come back to the Town. Mr. Loendorf mentioned, by not including the Planning and Zoning Boards ahead of time, the Town saves the Fire Co. money, but if they included them, it could save the Town money. If for some reason the Boards say it won't work, the residents are losing money. He mentioned that Mr. Kryzak indicated the only way the Town loses money is if the Planning or Zoning Boards deny the application because it will cost money to rewrite maps, Mr. Kryzak responded that is correct. Supervisor Kryzak mentioned the only way the Town would lose money that wouldn't actually go into the improvement is if money was spent and the Planning and Zoning Boards were just not working with the Fire Co. Then the Town stands to lose money, whereas, if you spend the money, the building gets built, service is provided, that is an investment, you are getting your money's worth. If something happens in the process then yes, money and time will be wasted.

Mrs. Spinnato asked what happens with the building if the Westerlo Vol. Fire Co. can't get volunteers at some point down the road and go defunct. Mr. Kryzak mentioned their longevity goes back to 1938 when they were chartered. He does not believe they will have any issues because they are properly managed and there are always new members. If something happened and they went defunct, you would have the same state department mess that the EMS is in with their building. Fire Co. Member Betty Filkins asked if there could be a stipulation in the deed that if anything happens to the Westerlo Vol. Fire Co. or they ever want to get rid of it, that the land reverts back to the Town. Mr. Kryzak indicated it's a complex question because once the money leaves the Town's budget for a contracted service you can't hand it back to the Town. That's the issue with the Fire Co. and EMS. It's your assets, if you fold, you have to go through the state department to basically get rid of your assets which is a huge process. Mr. Kryzak wrote a letter to the state department about trying to get the certificate of need back for EMS and the response was basically, no.

Mr. Ostrander advised the Town must provide fire protection but doesn't actually have to provide EMS protection.

Discussion ensued regarding EMS services including getting a car dedicated to Westerlo. Mr. Kryzak indicated it wasn't available for this year but what he is trying for next year. May have to petition the county to absorb the cost into their budget. Each resident pays the county tax for this ambulance district, it shouldn't be a burden on the towns to carry this because they are blowing everyone's tax caps. This could beef up their services, they would absorb more of the cost and provide better service, we will just have to pay individually for it instead of the town coming up with that money and being the middleman, which makes no sense. The Town is paying for that service, and so are the residents. A resident mentioned he needed an ambulance ride and it cost him over \$1,500. The taxpayers are paying for that service, yet EMS is also sending that customer a bill for that service when it's used. Councilman Mahan indicated they will send you a bill but you don't have to pay it.

#### **PUBLIC COMMENT CONTINUED**

Town Clerk Weaver advised that the first column in the budget marked 2022 is still incorrect. Mr. Kryzak advised he went back and looked at that and that's what's in there for now as the Budget vs. Actual. She advised; it shouldn't be Budget vs. Actual it should be what was budgeted for 2022. He put in the Budget vs. Actual but there is no rule that says you must go back that far. Ms. Weaver believed it should be accurate.

#### **ADJOURNMENT OF MEETING**

With there being no further comments or questions, Supervisor Kryzak made a motion to close the meeting. Councilwoman Pecylak seconded; all in favor motion carried. Meeting adjourned at 7:41 pm.



## ASSESSOR'S MONTHLY DEPARTMENTAL REPORT

To: Westerlo Town Board  
From: Melanie Bunzey, Assessor  
Date: September 1, 2023  
Re: Monthly Report

The Albany County Legislature has passed local laws related to the AGED exemption and the Volunteer FF exemption. The AGED exemption increased the maximum allowable income to \$58,400. Note: This will not impact the 2% tax cap. The limit is on the tax levy, not the tax rates. Individual tax rates can change by more than 2%. This will redistribute the levy. Please read the law to find the updated income schedule. The Volunteer FF exemption was adopted as a 10% exemption. These are effective for the 2024 roll. Copies have been attached. The Legislature is currently working on an increase to the Persons with Disabilities and Limited Incomes (RP-459-c) exemption. Once adopted the law will set the income levels to be the same as they are for the AGED exemption. **These are County level changes are not applicable to our Town or School taxes unless the changes are adopted via local law or school board resolution.**

The July/August issue of Talk of the Towns & Topics has a great article about the town budget process. We encourage you to read the article. If you are not involved with the budget you might want to share the article with the budget officer. The article clearly outlines the process, statutory requirements, and deadline dates outline in the law. See attached.

A "New Sales Transmittal Report" was submitted to the State with 10 sales since last submittal.

The County has once again mailed letters to all Albany County residents where addresses have changed and have notified us of all changes they have discovered through the process. 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 to date 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 – Tentative Roll Corrections Report
- Report #5 – STAR Delinquency Report
- Report #6 – Volunteer Exemption Removal Report
- Report #7 – Final Roll Corrections Report
- Report #8 – STAR Credit Eligibility Report
- Report #9 – Senior Income Level Report
- Report #10 – NYS Tax Return Deceased Report
- Report #11 – STAR Credit Issued Report

Respectfully submitted,

*Melanie Bunzey*

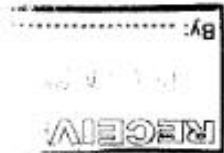
Melanie Bunzey, Assessor

Westerlo Water District No. 1

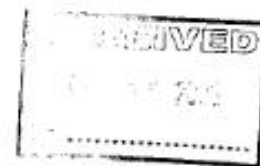
**Relevy Report**

Session: Relevy - All Accounts - 10/1/2023 2:08:03 PM

Group By: Account Type



Account #	Billed Contact	Service Location	Print Key	Relevy Amount
<i>Account Type: WAT</i>				
050	Bendel, Kerry	987 Cty Rte 401	139.9-1-30	\$703.25
100	Cashin-Smith, Siobhan	630 St Rte 143	139.9-2-3	\$830.48
110	Castaldo, Joanna	572 St Rte 143	139.9-2-19	\$462.68
120	Clark, Benjamin W.	584 St Rte 143	139.9-2-14	\$133.02
150	Zeissler, Matthew	612 St Rte 143	139.9-2-7	\$1,120.83
200	Colon, Juan	985 Cty Rte 401	139.9-1-31	\$130.70
230	Duncan, David	576 St Rte 143	139.9-2-17	\$127.23
250	Yeomans, Randall	991 Cty Rte 401	139.9-1-29	\$462.68
300	Slingerland, Scott	994 Cty Rte 401	139.9-3-11	\$529.76
400	Wilty, Mystique	28 Cty Rte 1	139.9-1-9	\$1,544.16
410	Thompson, Ronald	585 St Rte 143	139.9-3-16	\$559.47
420	Kurylo, Richard	47 Cty Rte 1	138.-2-19	\$4,910.11
440	Keefe, Kelly	574 St Rte 143	139.9-2-18	\$231.34
470	Lounsbury, James	995 Cty Rte 401	139.9-1-28	\$556.31
480	Flower, Raymond	581 St Rte 143	139.9-3-18	\$965.82
530	Carl, Jarrett	996 Cty Rte 401	139.9-3-12	\$517.05
550	Damin, Peter M.	41 Cty Rte 412	139.-1-8	\$1,660.99
560	Scott, Justin	966 Cty Rte 401	139.9-3-2	\$321.56
580	Manny, Thomas	636 St Rte 143	139.9-2-1.1	\$954.26
610	Bendel, Kerry	984 Cty Rte 401	139.9-3-7	\$1,066.45
690	Taber, Nina	10 Cty Rte 1	139.9-1-7	\$462.68
780	Holdings LLC, Westerlo	591 St Rte 143	139.9-3-15	\$115.67
790	Young, Leona	9 Cty Rte 1	139.9-1-22	\$670.62
<b>Account Type WAT Totals:</b>				<b>\$19,037.12</b>
<b>Grand Total:</b>				<b>\$19,037.12</b>



Westerio Water District No.1

**Relevy Report - Fund Breakdown**

Session: Relevy - All Accounts - 10/1/2023 2:06:03 PM  
Group By: Account Type

Category	Fund	Item Description	Amount	Total
<i>Account Type: WAT</i>				
No Category Found	Residential Water Penalty	Penalty(Water Service)	\$366.59	\$366.59
	Residential Water Service	Water Service	\$18,659.56	
		Penalty on Invoice	\$10.97	\$18,670.53
<b>No Category Found</b>				<b>\$19,037.12</b>
<b>Account Type: WAT</b>				<b>\$19,037.12</b>
<b>Grand Total</b>				<b>\$19,037.12</b>

Westerlo Water District No. 1

**Relevy Report - Grand Totals**

Session: Relevy - All Accounts - 10/1/2023 2:06:03 PM

Group By: Account Type

Fund	Item Description	Amount	Total
<i>Category: No Category Found</i>			
Residential Water Penalty	Penalty(Water Service)	\$366.59	\$366.59
Residential Water Service	Penalty on Invoice	\$10.97	
	Water Service	\$18,659.56	\$18,670.53
		<b>No Category Found</b>	<b>\$19,037.12</b>
		<b>Grand Total</b>	<b>\$19,037.12</b>