

**TOWN OF WESTERLO
TOWN BOARD MEETING
OF
TUESDAY, NOVEMBER 21, 2023**

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

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

Also attending were: Planning Board Member Angela Carkner, Highway Superintendent Jody Ostrander and Employee Rick Rupeka, Clerk to the Assessor/Building Dept./Boards Claire Marshall, Confidential Administrator Lisa DeGross, Museum Board Member/Fire Co. Member Betty Filkins, Library Trustees Mary Ann Witt and Laura Tenney, Albany County Sheriff, Town Clerk Karla Weaver and approximately five residents.

Before the meeting started, Councilwoman Burnside commented that the Veterans Miracle Center has donated all the items seen at the side of the room. They will be sending items up monthly. All items are free. Veterans Bureau will be here the third Wednesday of the month if any veterans need any services.

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 October 17, 2023 and November 8, 2023. Councilman Mahan made a motion to approve the meeting minutes. Councilwoman Pecylak seconded, all in favor motion carried.

TOWN CLERK MONTHLY REPORT (OCTOBER 2023)

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

BUDGET AMENDMENT

Supervisor Kryzak 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:

General Fund

<u>Amount</u>	<u>From Account</u>	<u>To Account</u>
\$5,000.00	(L) 9060.8- Hospital/Medical	(L) 9010.8 – NYS Retirement

Councilwoman Pecylak seconded; a vote resulted as followed:

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

NAYES: None

RESOLUTION # 109 - 2023 was thereby duly adopted.

Supervisor Kryzak 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:

General Fund

<u>Amount</u>	<u>From Account</u>	<u>To Account</u>
\$1,000.00	(A) 1410.44 – Training	(A) 1410.42 – Postage/Envelopes

Councilwoman Burnside seconded; a vote resulted as followed:

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

NAYES: None

RESOLUTION # 110 - 2023 was thereby duly adopted.

PAYMENT OF MONTHLY BILLS (NOVEMBER)

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 November. Supervisor Kryzak made a motion to adopt the following resolution:

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

RESOLVED: the following November 2023 bills be paid Voucher # 545 through Voucher # 625 in the amount of \$201,983.97.

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

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

NAYS: None

RESOLUTION # 111 - 2023 was thereby duly adopted.

INVESTMENT REPORT (OCTOBER 2023)

Mr. Kryzak mentioned there is a total of \$3,302,197.61 reported for M&T bank. M&T bank is the total collateral value for securing the Town's deposits. That covers the Town above the FDIC in the event of a bank failure. NYCLASS only made \$2.06 for the month and \$434.37 for the year. BOGC brought in \$323.12 in interest for October and \$3,985.24 year to date.

SUPERVISOR REPORT (OCTOBER 2023)

Supervisor Kryzak mentioned that the Town received the third quarter sales tax check in the amount of \$378,827.30. That is an increase of \$22,641.44 over last year's third quarter check. Year to date sales tax collected is \$1,088,211.26 which is 118% of the budgeted income. He is still waiting on the fourth quarter check. Within the general fund, the Town is only 72.3% expensed so the Town is very healthy. All reconciled bank account balances equals \$3,313,992.28. Supervisor Kryzak made a motion to approve the Supervisor Report for October 2023. Councilwoman Pecylak seconded; all in favor motion carried.

COMMITTEE & OTHER DEPARTMENTS REPORTS

HOMETOWN HEROES COMMITTEE

Hometown Heroes Member Lisa DeGroff mentioned the committee reviewed what they needed to do for the Closing Ceremony and Veterans Day Sunset Service. Both events were successful.

LIBRARY

Library Trustee Laura Tenney mentioned, some upcoming programs at the library include wreath making with Flowers & Stuff on December 11th at 6:30 pm. Space is limited, so registration is required. Wednesdays at noon – Coffee with Neighbors, on January 11th at 7 pm there will be a winter gardening program.

LOCAL LAW REVIEW COMMITTEE

Local Law Review Committee Member Beau Loendorf reported that the committee reviewed sections 1-10 and is tracking all the changes. Hope to have the suggestions to the Town Board in January. The committee meets the third Monday of each month.

PLANNING BOARD

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

The board held their meeting this past Tuesday where two new applicants were brought before the board- Bishop Special Use Permit (SUP-23-2) and Lorraine Pecylak (SD-23-5). Both were set for Public Hearings at our next meeting. There was no old business.

Mr. Loendorf mentioned that the Town Attorney is not present at their meetings. Mrs. Burnside advised they will speak to him.

HIGHWAY DEPARTMENT

Highway Superintendent Jody Ostrander mentioned he is looking at what the Town pays for fuel and heating oil. Main Care indicated the Town will pay rack price plus \$0.30/gallon. He received a quote from TCB, a company in the Town of Westerlo who will commit to rack price plus \$0.25/gallon, a savings of \$0.05. The only thing he couldn't get locally was gasoline, so he called Ray Energy and just got the paperwork to submit but they do require electronic payments. A resident suggested looking into Dennis K. Burke.

JUSTICE COURT (OCTOBER 2023)

Supervisor Kryzak advised that Justice Mackey had submitted \$723 to the Supervisor's office for October 2023.

CODE ENFORCEMENT

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

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Applications processed or pending before the boards

Special use – 0 / Variance request- 3 / Sub- divisions – 0

Building permits issued – 4

New houses – 1 / Swimming Pools – 0 / Additions, renovations - 2

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

Construction inspections- 22

Site visits – 7 / Fire calls – 0 / Fire safety inspections and follow ups - 3

4 - In-service Training hours. 25 hrs YTD (24 hours required to maintain certification)

ASSESSOR

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

ASSESSOR'S MONTHLY DEPARTMENTAL REPORT

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

I participated in a New York State Assessor's Association course regarding income clarification for the senior exemptions which will satisfy three of twelve mandatory annual continuing ed credits. I have also completed the mandatory courses for the Town (i.e., sexual harassment training.)

I received an email from Applied Business Systems (see attached) with information regarding the State mandated "second notice to senior citizen regarding property tax exemption." The notice has to be mailed to all active residential sites (excluding vacant land) within the Town (currently a total of approximately 1,410) thirty days prior to taxable status date of March 1st. This looks like a great option. Rather than mailing letters using paper, toner, envelopes and postage, we can get a quote for ABS to mail postcards on our behalf meeting the mandate. I did a preliminary estimate of \$300 for set up fee and .515 per postcard including postage totaling approximately \$1,027. Postage alone for mailing letters would be estimated at approximately \$960 with the anticipated postage increase of .68 per letter. Please advise me of your decision so that I can start the process of set-up for the postcards.

The school tax bills were mailed. In the process, three Corrections of Error needed to be processed due to clerical errors. The latest was brought to my attention late and therefore the tax bill sent to the property owner has been turned over to the County with penalties added. There is no way these penalties can be removed. Therefore, I have advised the property owner to pay the entire bill and I will be requesting approval from the Board to reimburse this resident. I will forward more information under separate cover.

Exemption renewal forms are starting to get prepared for mailing at the end of November.

I have reached out to Nicole Egan, one of the three Board of Assessment Review members, whose term expired on September 30, 2023 to see if she would want to be reinstated. She responded and said she would like to continue as a member.

A "New Sales Transmittal Report" was submitted to the State with 8 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.

No new STAR reports have been received from New York State. However, STAR credits have been purged from the system so they are not inappropriately displayed on the town and county tax roll and individual tax bills.

I have been driving around Town over the last few weeks getting photos of structures, etc. that have been built and/or other changes to properties (according to Certificates of Completion/Occupancy.)

*Respectfully submitted,
Melanie Bunzey
Melanie Bunzey, Assessor*

ZONING BOARD

Zoning Board Chair George Spahmer submitted the following report:

REPORT

To: Town Supervisor of Westerlo

From: Chairman of the Zoning Board of Appeals

Date: 11/20/23

Subject: Zoning Board of Appeals Report

Dear Matt Kryzak,

Meetings and Attendance:

The Zoning Board of Appeals held regular its regular monthly meeting on 10/23/23. All members were present.

Old Business:

V-23-3 Thomas Smith (Attorney is Michael Sterthous, Esq) Stewart Road: Applicant is requesting an appeal to the Code Enforcement office Stop work order issued 6/05/23 as per Zoning Code section 16.40(a).

The board voted to grant a variance to allow use of concrete pier foundation system, and allow for a living space less than 2000 sq. ft.

NEW BUSINESS:

V-23-6 Joseph and Dawn Kralovich 82 Elm Lane Ext. Applicant is seeking to Sub-Divide his 40-acre lot to create a lot for his father to build on. He is seeking relief of 25 feet from zoning article 6 definition (Flag Lot). Flag lots require the flag corridor to be no less than 50 feet. The existing lot has 50 feet of road frontage on Elm Lane ext. Applicant proposes to use 25 feet for each lot for the flag corridor.

The board accepted this application for review. Public hearing set for 11/27/23.

George B. Spahmer

Chairman of the Zoning Board of Appeals

APPROVAL OF MONTHLY REPORTS

Supervisor Kryzak made a motion to approve the reports for October 2023 as submitted or read. Councilman Beers seconded; all in favor motion carried.

OLD BUSINESS

FREESE HOUSE DEMOLITION UPDATE

Supervisor Kryzak indicated his office sent out a Rev 1 of the bids however, the air monitoring had to be separated out into a separate bid per Code Rule 56. There are two bids total for this project, one for the demolition of the Freese house and one for the air monitoring which will go out to environmental companies.

PROPOSED CAPITAL IMPROVEMENT RESERVE FUND & PROPOSED CAPITAL IMPROVEMENT MULTI-YEAR PLAN

Supervisor Kryzak reported that he will probably roll out the proposed Capital Improvement Reserve Fund and the proposed Capital Improvement Multi-Year Plan to the Town Board in January or February. He is waiting to see what money is leftover and can be added to the fund balance.

NEW BUSINESS
COMP ALLIANCE

Mr. Kryzak mentioned that Comp Alliance gave the Town a safety award for the highway department and a check in the amount of \$1,856.00. Money was deposited into the Highway Fund.

LAPTOP FOR MEETING ROOM

Supervisor Kryzak previously discussed purchasing a laptop, so employees don't need to use their personal laptops. He received a quote from Preville for a Dell Latitude 3540 at a cost of \$1,524.00. Preville will install Microsoft Office and will set up the laptop on the network. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town Board discussed purchasing a laptop for employee's general use in the Town's meeting room, be it hereby

RESOLVED: The Town Board approves the purchase of a Dell Latitude 3540 laptop purchased from Preville Technology who will also install Microsoft Office and set up the laptop on the Town's network for a total cost of \$1,524.00.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 112 - 2023 was thereby duly adopted.

Councilman Beers asked about the tablet during the vote. Councilwoman Burnside indicated that is separate from the laptop. Mr. Kryzak indicated the tablet is for live streaming meetings. Claire Marshall, Clerk to the Boards questioned where the laptop would be kept when not in use; it was suggested it be kept locked in the copy room.

ELECTRONIC SIGN

The electronic sign has been brought up several times in the past. Many can range between \$10,000-\$15,000. Supervisor Kryzak plans to price those out and will report back to the Town Board. Library Trustee Mary Ann Witt suggested the Town Board refer back to the Comprehensive Plan. Goal 7, objective 7.5 talks about limiting size and use of electronic signs. Mrs. Witt would like to make sure the Town is following the Comprehensive Plan. The Town

Clerk suggested the Town Board consider a sign also for South Westerlo, as she receives complaints that South Westerlo do not know what is going on in town; Mr. Kryzak responded they can look into that.

PROPOSED PURCHASE OF IPAD FOR LIVESTREAMING MEETINGS

Supervisor Kryzak mentioned potentially looking into purchasing an iPad to livestream meetings on social media. Viewers can't interact but if they can't make it to the meeting, they can watch the meetings online. He is pricing out the options and will get back to the Town Board.

PROPOSED YOUTH ROUNDTABLE

Mr. Kryzak indicated he would like to engage some of the students from BKW and Greenville school within our district about what activities they want to see in town. It would be during Christmas break. He will update the Board later. Mrs. Witt asked that he let the Library know when that happens as they can be good partners.

PROPOSED FENCE LAW

Supervisor Kryzak provided an email to the Town Board from CEO Jeff Pine. He reported that he has been working with Mr. Pine and Attorney McHugh on a potential new fence law for the Town of Westerlo. There are issues with a fence within the town. The Town is looking to air on the side of safety. This is about a setback from your neighbor's house that allows for emergency access for firefighters, etc. He also received a few fence laws from Association of Towns (AOT) so they can all go before Mr. Pine and the Planning and Zoning Board's for their input. Essentially, all fences need to maintain a 5' minimum setback from the face occupied buildings on abutting properties for fire and emergency access. The maximum height of the fence is not to exceed 7' above grade. The Board will invoke a retroactive clause for any preexisting fences within 5' of occupied buildings. They must comply with this local law within one year of adoption or seek a variance. All fences should be maintained in a safe and sound condition. It will include definitions for a fence, occupied building, and abutting properties. This came about because there is a spite fence in town which is a current safety issue. It will need to be reviewed by the Planning, Zoning and Town Board, Jeff Pine and the Town Attorney. Mr. Kryzak hopes to put this into effect before the end of the year. They have a pretty good rough draft and will be adding some items from AOT and will put it before the boards as quickly as possible. Anyone needing to see the problem fence can take a look at 631 & 636 SR 143.

The resident of 631 SR 143 was present and indicated he begged the Town Board in June to do something about this. He does not know when the fence was initially put up and part of the fence has been moved since. Mr. Kryzak indicated the fence in question will be enforced by this proposed law.

Mr. Kryzak indicated after he receives feedback from the Boards, he hopes to schedule a public hearing at the next workshop meeting on Dec. 5th.

ALBANY COUNTY SHERIFF'S OFFICE EMERGENCY SERVICES BUDGET BREAKDOWN

Supervisor Kryzak indicated he requested a breakdown from Albany County Sheriff's regarding their budget for ALS & BLS emergency services. The ALS budget is roughly \$2.5 million. The BLS is roughly \$1.3 million. The ALS & BLS cost is based on the most recent census information. The County bases their pricing on a percentage of the population which is from the census. 56% is Bethlehem, 22% New Scotland and 22% is the Hilltowns of which 42% is Westerlo, 35% is Berne and 23% is Rensselaerville.

PUBLIC COMMENT

Highway employee Rick Rupeka asked if the Town would do the typical high/low three bids for the Freese house. Supervisor Kryzak indicated that's correct and they will award the project to whoever has the lowest conforming offer. Mr. Rupeka expressed concern regarding the County agreeing to reimburse the Town for the demolition costs and suggested the Town Board request this be confirmed before the project is awarded. Mr. Kryzak indicated the County did ask for an estimated cost which he does not have yet, but the County is aware that is coming. He will make sure before the Town awards the project and does any work. Mr. Rupeka also wondered what the Town intends to do with this property. Mr. Kryzak responded, there are no plans at this time, they are just eliminating an unsafe structure. Mr. Rupeka would like to see it back on the tax roll and first offered to the abutting landowners.

Confidential Administrator Lisa DeGross mentioned Albany County Veterans Service Bureau will be in town the third Wednesday of every month. Any veterans in the hilltowns are welcome. If veterans are in need of other items besides food, please reach out to her.

The resident who resides at 631 SR 143 commented regarding the fence that his neighbor put up. He wondered if the proposed law would prohibit graffiti. Supervisor Kryzak advised there is nothing in the proposed law now but it is something that was discussed with Mr. Pine and Mr. McHugh. The resident advised he had to install cameras and has had to call the police. He mentioned Section 10 of the Municipal Home Rule Law, it's not that the town can't enforce state laws, it's up to the discretion of the towns, or if the town makes laws, it can't be outside of the constitution. He also mentioned the dog situation. The town told him to contact the sheriffs, the sheriffs came, and they told him to call the dog warden. He mentioned he has a 2-year order of protection against his neighbor. He expressed concern that if the dog issue arises again, what are he and the neighbors supposed to do. They can't walk their dogs. Dogs are loose. He would like to be able to maintain his property. He has foundation work and siding that needs to be done. Mr. Kryzak indicated they can write tickets for the dogs but if they don't show up to court there isn't much that can be done. The resident wondered if a dog lunges at him if he could shoot it. Mr. Kryzak responded he can't advise on legal issues but can ask the Town Attorney and Town Prosecutor. Mr. Rupeka indicated the Town has been put on notice that there is a dangerous dog, and the Town Attorney should be here to advise; it was mentioned it's a different attorney for that. The residents neighbor expressed they are suffering and need to know what their rights are.

Betty Filkins wondered if the Town ever thought about using some of the money received from the safety award to fix up the highway break room. It would be up to Mr. Ostrander.

Councilman Mahan wondered what the status was regarding the speeding complaint at Snyders farm. Mr. Kryzak has not heard anything back yet from the county.

A resident thanked the Town and Mrs. DeGross for the lunches for seniors. He wondered if it would continue; Mr. Kryzak responded yes. Mrs. DeGross noted about 20 people attended the first one and now she believes there are about 30. She did a survey at the last lunch.

Councilwoman Burnside thanked Town Clerk Weaver for providing the Fall Festival information. It was mentioned that as it grows maybe the Town can look into a committee.

Mrs. Witt asked for an update in the beginning of the year regarding the actions taken toward the items in the Comprehensive Plan's 15 goals, 47 objections and 127 recommended actions. She wondered what progress has been made on any of those items and what the plans are. Maybe there could be quarterly updates. She indicated the Town Board should be able to provide an update.

The Town Clerk reminded the public that the Tree Lighting is Friday, Dec. 1st from 4 pm – 6 pm. The Town is also accepting monetary and toy donations for kids in need.

Councilman Mahan asked what was going on with the Rescue Squad building. Mr. Kryzak indicated Mr. McHugh has been working with the Fire Company's Attorney regarding the legal aspects of the proposed land transfer.

Town Clerk Weaver mentioned that Resolution # 12 of 2017 indicates any meetings cancelled due to bad weather are automatically rescheduled to the second Tuesday of the month however, that can be problematic as that interferes with the Planning Board meetings. Mr. Kryzak indicated if a meeting needs to be cancelled due to weather, they will do that and can always call an emergency meeting. Meeting changes would be posted on the website.

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 6:56 pm.

Respectfully submitted,

Karla J. Weaver