

**TOWN OF WESTERLO
TOWN BOARD WORKSHOP MEETING
OF
TUESDAY, DECEMBER 5, 2023**

The Town of Westerlo Town Board held a workshop meeting on Tuesday, December 5, 2023 at 6 PM at the Town Hall 933 CR 401, Westerlo, NY. Supervisor Kryzak opened the meeting with the Pledge of Allegiance to the Flag at 6:00 PM.

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

Also attending were: Highway Superintendent Jody Ostrander and employees Daniel Rohrmiller, Sal Spinnato and Rick Rupeka, Town Attorney George McHugh, Planning Board Members Angela Carkner and Bill Hall, Deputy Town Clerk III Kathleen Spinnato, Hometown Heroes Committee Member/Confidential Administrator Lisa DeGroff, Westerlo Rural Cemetery President Betty Filkins, and approximately three residents.

Supervisor Kryzak made a motion to open the Town Board Workshop, Councilman Beers seconded; all in favor motion carried.

OLD BUSINESS

FREESE HOUSE – PROPOSED DEMOLITION

Supervisor Kryzak reported the only update is that the bids are out, they have been advertised and they are due back on December 28, 2023. Once the bids have been received, it will go before the Town Board and the Town will proceed from there and award the bid.

ESTABLISH A CAPITAL IMPROVEMENT RESERVE FUND

A draft resolution titled “Town of Westerlo Capital Projects Reserve Fund” was provided to the Town Board for their review. Supervisor Kryzak mentioned the drive to come up with a Capital Improvement Reserve Fund comes from the Town’s Comprehensive Plan. It was one of the things that was lacking. Page 26 mentions a long-term range plan to prioritize projects is missing from the Town’s financial plan which is important for the Town’s future. The Highway Department should have a multi-year plan for the replacement of aging equipment with funding set aside prior to the purchase date. These are things that the Town has addressed but has not had in the past. He asked the Board to review the proposed resolution and to bring any questions to the next meeting. Supervisor Kryzak indicated he is basically looking to transfer \$1.2 million of the \$2.4 million of the Town’s fund balance to a Capital Reserve Fund. He advised he has a spread sheet which he will bring to the next meeting.

PROPOSED ELECTRIC SIGN

Supervisor Kryzak reported the Town Board had talked briefly about an electric sign board for the Town of Westerlo. This is still being researched, they are very expensive, so a limiting factor is the price. He is looking for ideas from the Town Board and folks as to what they would like to see. The Town Board was

provided with two examples. Councilwoman Burnside pointed out the only difference in the two examples provided was the size. One sign board is 4' x 6' the other is 4' x 8' and you can fit up to seven lines on each, they are extremely expensive up to \$26,000.

Town Clerk Karla Weaver asked how the Board planned to pay for an electric sign board and questioned if any grants were available. Councilwoman Burnside indicated first we need to find one the Town can afford. Supervisor Kryzak responded, currently there are no grants. Confidential Administrator Lisa DeGross advised she is trying to find something. Supervisor Kryzak indicated this is food for thought at this time, need to further research it, it's not definite.

IPAD

Supervisor Kryzak reported his office is researching what the best options might be for a iPad for the meeting room to potentially live stream meetings for folks who cannot come out to meetings.

YOUTH ROUNDTABLE

Supervisor Kryzak informed those present that the youth roundtable is tentatively scheduled for Thursday, December 28, 2023 at the Town Hall. There is a flyer and the Town will reach out to the library because they want to be included. The flyer will go out to schools as well. The Town is essentially looking for feedback and to get people to come to talk about what types of activities and programs the kids would like to see. Anyone is welcome to get involved.

Supervisor Kryzak asked for the Town Board's approval there was no expressed opposition from any member of the Town Board however no vote was taken.

PROPOSED FENCE LAW

Supervisor Kryzak reported on the proposed fence law. There have been conversations between himself, Town Attorney George McHugh, and Code Enforcement Officer Jeff Pine. They have looked at many other towns' fence laws; the Town of Bethlehem's and others are very restrictive. The Town of Westerlo is not looking to make this like a homeowner's association, however this law is a necessity for a particular set of individuals in Town who can't behave and can't respect their neighbors.

Supervisor Kryzak read an example of a proposed ordinance provided by Mr. Pine for the Town Board to review and consider which addresses the current situation going on in town with neighbors but was broad enough that it doesn't single out anyone specific. Supervisor Kryzak indicated that other items will need to be added to this example, ie; definitions for fence, barrier, and an upright structure. The goal for the Town Board is to do their homework on a proposed fence law. Mr. Kryzak indicated he is also providing this to the Planning and Zoning Boards for their input in time for the next Town Board meeting. Discussion followed between the Town Board members regarding profanity/language/graffiti, distance from a structure 5' - 10' vs. to property boundary, and maintenance. Planning Board Member Bill Hall also suggested looking into the definition of signs. Supervisor Kryzak advised the need to do this slow and right, have all boards review and give suggestions on the potential draft(s), as well as the Local Law Review Committee, and talk with Jeff Pine as he will be the one responsible for enforcing.

PROPOSED TRANSFER OF TOWN LAND TO WESTERLO VOL. FIRE CO.

Supervisor Kryzak reported that the legal research and Memorandum of Understanding (MOU) is still in process, nothing new is moving forward at this time regarding the proposed transfer of Town land to the Westerlo Vol. Fire Co.

MEETING ROOM LAPTOP

Supervisor Kryzak mentioned this was not on the agenda but he wanted to report that the meeting room laptop was delivered, it is in the copy room. Anyone who needs it, please contact Lisa DeGroff, Karla Weaver or anyone else who has access should they need it for presentations in the meeting room.

ASSESSOR LAPTOP

Supervisor Kryzak indicated the Assessor's laptop has been delivered.

NEW BUSINESS

SWEARING IN CEREMONY

Supervisor Kryzak made a motion to schedule a Swearing in Ceremony on Wed., December 27th, 2023 at 5:30 PM followed by a Special Town Board Meeting at 6:00 PM. Councilman Mahan seconded, all in favor motion carried.

PROPOSED WESTERLO RESCUE SQUAD BUILDING TRANSFER

Supervisor Kryzak reported he is looking for a decision tonight so paperwork can be started regarding the Westerlo Rescue Building Transfer to the Town of Westerlo. A proposed contract agreement with the Town was provided to the Town Board in their meeting packets. The Rescue Squad intends to sell the building to the Town of Westerlo for \$1. Supervisor Kryzak mentioned his intention is to see the building used for emergency services. He would like to ask Albany County Sheriff Dept. to park their ambulance there and to make use of the building. This is not something that will happen fast. This is just a preliminary agreement if the Town Board signs it then it would go back to the Attorney General to show that there is a plan for its purpose which is to beef up emergency services which the Town currently lacks. The Town would need to work with Albany County to see if Westerlo can get anything from them. The thought is that any other emergency service besides Albany County within the Town could use the building as well for whatever purpose is needed. It was mentioned, this follows the Town's Comprehensive Plan. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town Board received a Preliminary Agreement for approval through the New York State Attorney General's office to see if it is allowable for the Westerlo Rescue Squad to Transfer the Rescue Squad Building and property to the Town of Westerlo for \$1.00, be it hereby

RESOLVED: The Town Board authorizes the Supervisor to sign and move forward with the Preliminary Agreement.

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

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

NAYS: None

RESOLUTION # 113 – 2023 was thereby duly adopted.

Supervisor Kryzak advised that land/property transfers back to the Town are not subject to Permissive Referendum.

TRANSFER STATION FEES

Highway Superintendent Jody Ostrander reported he had attended a Capital Region Recycling Partnership meeting on November 30th. He learned of a company called E Waste Plus that will take Town of Westerlo electronics for free as long as the Town does not charge residents. The Town could abolish the fee for televisions/monitors if the Town doesn't charge a fee to the residents. E Waste Plus will also take light bulbs and batteries that E Lot currently takes for about the same price as we are

currently being charged. Supervisor Kryzak added we would need to get literature from E Waste Plus first regarding what they can and cannot take for free and what the Town cannot charge residents for. Mr. Ostrander responded he has that schedule already. Supervisor Kryzak asked him to provide that paperwork to Confidential Administrator Lisa DeGroff so his office can work on getting this before the Town Board for a vote on the matter. Councilwoman Pecylak asked if E Waste would pick up these items from the Transfer Station and how often. Mr. Ostrander responded that the Towns of Rensselaerville and New Scotland currently use E waste Plus and yes, they pick up at the Town's requests.

Jody Ostrander also suggested that the Town Board consider revising the Fee Schedule for the Transfer Station to eliminate fees at the Transfer Station on appliances that do not contain freon, ie; washers, dryers, hot water heaters, and stoves as the Town receives funds when they are scrapped. Refrigerators and appliances which contain freon would still be \$20 each. He also mentioned that Rapp Road will remain open through the year 2028.

Supervisor Kryzak indicated he would like to get that paperwork together on these recommended suggestions for the next Town Board meeting.

FUEL PROVIDERS

Highway Superintendent Jody Ostrander reported that TCB Energy will be the new provider for heating oil and diesel; Ray Energy will be responsible for delivering gasoline. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: Highway Superintendent Jody Ostrander investigated pricing for heating oil and diesel to try to save the Town money, be it hereby,

RESOLVED: The Town Board approves engaging in a contract with TCB Energy to provide heating oil and diesel effective immediately.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 114 – 2023 was thereby duly adopted.

Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: Highway Superintendent Jody Ostrander investigated pricing for gasoline to try to save the Town money, be it hereby,

RESOLVED: The Town Board approves engaging in a contract with Ray Energy to provide gasoline effective immediately.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 115 – 2023 was thereby duly adopted.

COVID PAY

Supervisor Kryzak reported that since a few employees have been out sick with COVID he would like to address the COVID pay policy. He proposed paying employees for up to 14 days as per NYS Law with a doctor's note or a positive PCR test. This pay will also apply to the employee needing to care for their child if sick with COVID. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town Board discussed the COVID pay policy, be it hereby

RESOLVED: The Town Board will require employees to provide a doctor's note or a positive PCR test in order to receive COVID pay effective immediately.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 116 – 2023 was thereby duly adopted.

COMPREHENSIVE PLAN

Mr. Kryzak indicated there have been some questions regarding whether the Town is following the Comprehensive Plan. On page 71 of the plan, there are several objectives listed. Objective 4.1 is to improve the water quality in Water Dist. No. 1 by the remediation of bromomethane. He has engaged with Senator Breslin's office regarding potential grant opportunities for this purpose. Objective 4.3 is to support the development of the library and museum. The Town has been working with them to beef up their fund balances. The library also now has an MOU. Objective 4.5 addresses abandoned and collapsed buildings in the hamlets which the Town is currently working on. Goal 9 on page 80 has to do with town government and finances and 9.4 is to consider a plan to prefund major capital expenditures dedicated to reserve funds and objective 9.41 is to plan for the periodic replacement of highway equipment and create and dedicate a prefunding mechanism for the expenditure which the Town has been doing.

Councilman Beers asked if there was any update regarding the transfer of Old County Route 401 to the Town of Westerlo. Supervisor Kryzak responded that there is no update since he has not heard from the County.

Confidential Administrator DeGroff asked if the Town Board needed to do anything regarding holding the Organizational meeting on the same night as the regularly scheduled workshop meeting. Supervisor Kryzak mentioned, if the Town Board is good with that date, they can go ahead and schedule this.

Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town Board discussed the need to schedule the Organizational meeting for January 2, 2024 at 6 pm, be it hereby

RESOLVED: the Town Board authorizes the Town Clerk to advertise the Organizational meeting for January 2, 2024 at 6 pm.

Councilman Mahan seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 117 – 2023 was thereby duly adopted.

Councilman Beers asked about concealed carry at the Town Hall. He would like to know if the Town employees can carry a gun while on duty. Supervisor Kryzak responded that according to the handbook firearms are not allowed at the Town Hall but he would have to ask the Town Attorney to do some research. Town Attorney McHugh suggested reaching out to the insurance company.

Supervisor Kryzak mentioned that the Town already received AED devices. The AED/CPR/Narcan training will be held on Thursday, December 7th at 11 am. Supervisor Kryzak advised that the training cost is \$20 per employee but it is money well spent to save a life.

PUBLIC COMMENT

Town Clerk Weaver mentioned that someone in her office received a phone call from the County regarding Old County Route 401 wanting to know what the status was with the Town taking over the road. The Clerk's office provided them with meeting minutes which indicated the Town Attorney would investigate what needed to be done legally so she believed the County was waiting on the Town.

Westerlo Rural Cemetery President Betty Filkins asked about the electronic sign and if there was any particular size the Town is looking for. Supervisor Kryzak responded that the size will be determined by the price. He mentioned he would like to see a price list before he makes any decision. Mrs. Filkins asked who will be responsible for installation. Supervisor Kryzak responded he would like the company to do it.

Planning Board Member Carkner mentioned she attended a Planning Board training where there was a discussion about safety during board meetings. She would like to see the Town Board consider all sides while discussing concealed carry, not only employees.

Highway Superintendent Jody Ostrander commented regarding 3% raises across the board for the 2024 budget. He indicated some of the employees will get a \$2,000 raise while the average workers will get around \$1,500. Supervisor Kryzak asked if Mr. Ostrander had a solution as the Department Heads are the ones that bring that forward. Councilwoman Pecylak questioned if Mr. Ostrander wanted to wait a year for a larger raise for his employees. Mr. Ostrander indicated he will look at his numbers and get back to the Board. Town Clerk Weaver mentioned she did not base her office on a 3% raise.

Confidential Administrator DeGroff mentioned there is an income-based program by the New York State Office of Disability and Temporary Assistance where if homeowners need help with their water bill. The Town gets paid directly from New York State.

ADJORNMENT OF MEETING

With there being no further discussion, Councilman Mahan made a motion to close the Town Board meeting. Councilman Beers seconded; all in favor motion carried. Meeting adjourned at 6:56 pm.

Respectfully submitted,

Karla Weaver