

**TOWN OF WESTERLO
REGULAR TOWN BOARD MEETING
OF
TUESDAY, SEPTEMBER 19, 2023**

The Town of Westerlo Town Board held a regular meeting on Tuesday, September 19, 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 Joshua Beers
Councilwoman Lorraine Pecylak
Councilwoman Amie Burnside

ABSENT WERE: Councilman Peter Mahan

Also attending were: Town Attorney George McHugh, Highway Superintendent Jody Ostrander and Employee Sal Spinnato, Planning Board Member's Bill Hall, Angela Carkner and Gerry Boone, Library President Maureen Sikule, Deputy Town Clerk Marta Pongo, Town Clerk Karla Weaver and approximately 10 residents.

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

TOWN BUSINESS

TOWN BOARD MINUTES

Supervisor Kryzak made a motion to approve the meeting minutes of August 15th.

Councilwoman Burnside suggested the following changes be made to the August 15th meeting minutes:

- She believed there was no need to put time when the Town Attorney left and that he left during public comment and doesn't advise on public comment.
- change "enter" not "entered into executive session"
- incomplete sentence on pg 1, where it says "challenging their assessment for"
- change "Administration" with "Administrator" on pg 4
- change "by" to "why the Town" on pg 11 under Mutli-Year Financial Plan update
- change "Nymer" to "NYMIR"
- add Lorraine Pecylak as a member of the Citizens Committee on pg 13
- She also questioned why the conversation with Sgt Nash was below Resolution # 83 for the resolution for DOT on pg 15; Town Clerk Weaver responded, she keeps requesting

minutes be accurate, it was stated at that time and therefore it was put in the minutes at that point. It was agreed to leave this as it was written.

Councilwoman Burnside made a motion to approve the meeting minutes with the corrections as written above except for the last bullet; Councilwoman Pecylak seconded; a vote resulted as follows:

AYES: Councilwoman Burnside, Councilwoman Pecylak, Supervisor Kryzak

NAYS: Councilman Beers

Motion carried by those present. Minutes have been corrected with the exception of the last bullet.

; a vote resulted as follows:

AYES: Councilwoman Burnside, Councilwoman Pecylak, Supervisor Kryzak

NAYS: Councilman Beers

Motion carried by those present.

PAYMENT OF MONTHLY BILLS (AUGUST)

Councilwoman Burnside had a question on voucher # 468 for mileage reimbursement. Per pg 20 of the new handbook or pg 26 of the 2020 handbook an employee has 60 days to request reimbursement for mileage. She advised the ineligible expenses are for June 15th, 17th, 27th and 29th. Her recommendation is not to reimburse for those days. Councilman Beers indicated it was extended in the past for someone last year. She mentioned they can consider this a warning then and from here forward, they will no longer be paid. Supervisor Kryzak indicated that was fair. Councilwoman Burnside indicated it's clear in the handbook, 60 days. Town Clerk Weaver commented that the way the meeting conversation was going this evening, it felt very personal. Councilwoman Burnside commented that she didn't believe it was personal it's clear facts. Everyone moving forward should stick to the 60 days. Councilman Beers reminded the Board that last year they approved a voucher that had been submitted for reimbursement of 4 months; Councilwoman Burnside responded that last year was also a warning. Councilman Beers had a question on a voucher for Hometown Heroes banners in the amount of \$3,925.00 and questioned why it wasn't processed like the other bills. Councilwoman Burnside advised they didn't get a bill, had to ask for the bill over and over again. Town Clerk Weaver questioned why the voucher was not processed by the Town Clerk's office like all the other bills. Councilwoman Burnside indicated there is a note from the Town Clerk's office on it. Town Clerk Weaver advised that vouchers should be given to the Town Clerk's office to enter and should be part of the report. Although Supervisor Kryzak advised the bill was initialed by the Town Board members, Town Clerk Weaver indicated there is no voucher number on it, it should've been processed in QuickBooks, there is no paper trail of this. Obviously, someone put it in QuickBooks because a check was written but it wasn't her office. Councilwoman Burnside advised someone from the Clerk's office saw it; Town Clerk Weaver responded, we saw it, but

have no ability to enter it once a check has been written, it was all done prior to it coming to the Clerk's office. Moving forward, Supervisor Kryzak mentioned that bills need to come in and be entered into the system through the Town Clerk's office. With no other questions, 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 August 2023 bills be paid Voucher # 427 through Voucher # 490 in the amount of \$310,959.05, and further

RESOLVED: the Town Board has approved the payment of an additional bill without a voucher number for Hometown Heroes Banner Company in the amount of \$3,925.00 which was not included in the August Voucher report that was provided to the Town Board this evening.

Councilwoman Pecylak seconded; a vote resulted as follows:

AYES: Councilwoman Pecylak, Supervisor Kryzak, Councilwoman Burnside

NAYS: Councilman Beers (was in favor of all monthly bills except for the additional bill paid to Hometown Heroes Banner Company as submitted by the Hometown Heroes Committee).

RESOLUTION # 84 – 2023 was thereby duly adopted.

TOWN CLERK MONTHLY REPORT (AUGUST 2023)

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

INVESTMENT REPORT

Supervisor Kryzak reported NYCLASS interest for the month of August was \$430.37 and was not performing well because there is not much money in there. Income earned so far for this month was \$2.05 and \$13.27 from January-August. Interest for all accounts for the month of August brought in a total of \$376.21 for the Bank of Greene County. Year to date interest collected from the Bank of Green County was \$3,312.99. The Supervisor provided the Town Board with an M&T Bank statement. He explained it's a collateral statement showing that all deposits have been collateralized to protect public funds in the event of a bank failure and advised that the Town is covered. The actual bank balances at the end of August 2023 (the total reconciled amount for all accounts) was \$3,894,864.54. Supervisor Kryzak made a motion to approve the investment report for August 2023. Councilwoman Burnside seconded; motion carried by those present.

SUPERVISOR REPORT

Supervisor Kryzak reported that no funds are over budget and that no funds appear that they are going to exceed budget expenditures. He advised the Town was at 90.4% collected for the

year. Supervisor Kryzak made a motion to approve the Supervisor's report for August 2023. Councilwoman Burnside seconded; motion carried by those present.

BUDGET AMENDMENTS

Councilman Beers mentioned that in July there was a budget transfer from the account code for Clerk Assistant to the Confidential Administrator account code line that he questioned. At the time, everyone believed he was wrong, turns out he wasn't wrong a month later. He wondered if that had been corrected. He indicated, it appears that the \$7,878.45 was moved twice from the IT account code, the first time in July, second time in August. Supervisor Kryzak indicated the problem was the last two numbers got switched in the cost code, but the intention was there, it's been taken care of. The Town Clerk advised it's still wrong. The IT transfer was done twice, and it needs to be reversed to correct it. Supervisor Kryzak indicated that it can be fixed at the next meeting but he thought it had been resolved.

COMMITTEE REPORTS

LIBRARY

Library President Maureen Sikule advised that the library has started up the Lego and STEAM programs, which will take place on Mondays & Thursdays from 3:30 pm – 5 pm. On Monday, September 25th they have a "Putting your garden to bed" program at 7 pm, on October 14th there is a partial eclipse program from noon – 2 pm. On the 2nd and 4th Saturdays there is a Fiber Arts group meeting from 12 pm – 2 pm. She also mentioned that they are looking for a new library trustee and asked to have the ad posted on the Town's website.

HIGHWAY

Highway Superintendent Ostrander advised that the highway department did some stream bank improvement along the Basic Creek in the Westerlo Veterans Memorial Park as they received a \$35,000.00 grant from Albany Soil and Water. They took delivery of the new truck on Monday, they trued & leveled Maple Ave. today and hope to finish paving tomorrow. Thursday they should be oil and stoning the two roads that had cold mixed paving done to them already. He advised; they need to start getting ready for bad weather. The new truck is outfitted and ready to go. They discussed applying again next year if Albany Soil and Water offers another grant. Mr. Ostrander will just need to apply for another DEC permit.

PLANNING BOARD

Planning Board Chair Loendorf submitted the following report, and was read by Planning Board Member Angela Carkner:

The Planning Board had no new business at our last meeting; however, we took the time to review a few of our past Solar Applications. Ensuring that our past Special Use Permits are

abiding by their conditions, this board is continuing to look into these applications and will have more information to come in the future. A motion was also brought up to talk about the new Fire Co application, where our board sent a request to the town board to allow us to be part of the process. The letter should be read tonight for the community to hear as well.

Our next meeting is October 10th at 7pm for those who want to attend.

-Beau Loendorf, Chairman of the Planning Board

HOMETOWN HEROES COMMITTEE

Westerlo Hometown Heroes Meeting Report - August 2023 was read by Hometown Heroes Chair Amie Burnside.

Westerlo Hometown Heroes Meeting Report

August 22, 2023

Present:), Lisa DeGroff, Becky Kryzak, Matt Kryzak, June Sherman, Cricket Elderder, Lisa Joslin, Drew Joslin

1. Eagle Scout Project
 - a. All speakers confirmed
 - b. Review of items needed: PA system, tables and chairs. Set up time 10:30am
2. Veterans Garden
 - a. Review of donor pavers
 - b. Will submit new order for pavers
 - c. Still waiting to set pavers for dry day.
3. Closing Ceremony
 - a. Approved Save the Dates and Invites
 - b. Approved Drew's letter to accompany invitations.
 - c. Amie to send a letter to the editor highlighting upcoming events for September 8th issue and a second one end of October as a reminder for November events
 - d. Send notices for area community calendars AE, Pioneer, Ravena News Herald, TU etc. – assigned to Beau
 - e. Approved food and vendor at a price increase of \$50. Lisa to order.
 - f. Raffle discussion – Vets in attendance – free entry for dinner for two and chauffeured transportation. Also raffle tickets for purchase for all attendees. Will secure a few donations.
4. Veterans Day Service

- a. Still confirming speaker and participants
- b. At First Bite available for refreshments
- c. Sunset time and ceremony start confirmed for 4:30pm

5. Fall Festival

- a. Finalized and confirmed attendance
- b. Items to include informational materials, donation jar. Possibly new forms if pricing can be confirmed.

ZBA

ZBA Chairman Spahmer submitted the following report:

The Zoning Board of Appeals held regular its regular monthly meeting on 8/28/23. All members were present.

During the reporting period, the board reviewed and evaluated 4 zoning variance applications.

Public Hearing for:

- V-23-2 James Malphrus- CR 411 Applicant recently replaced a 72x14 1988 mobile home with a new modular ranch. The applicant would like to keep the mobile home for use as a storage building. Applicant is asking relief from zoning code section 14.50C (no mobile home shall be used as a storage shed)
Variance request was **denied**. Vote was 5 to 0 in favor of motion to deny.

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). Discussion of this application started last meeting and will continue. Board has scheduled a public hearing on this matter for Sept. 20th.

New Business:

- V-23-4 Arthur Allen 128.-2-27 45 Slade Hill Rd. Applicant is seeking relieve of 32' from the required 50' front set back in the RD/a as per zoning section 8.30 (4)A. This request is for a newly constructed pole barn that was placed too close to the road. It appears that contractor and the owner did not fully understand the setback

requirements. Board voted to accept the application for consideration and set public hearing for Sept. 25th.

- V-23-5 Daniel Narvaez and Wendy Sue Dawdy-Narvaez 265 lake Road. Applicant is seeking relief of 31 feet from the required 50-foot front yard setback as per Zoning section 8.404A. Applicant would like to replace the main entrance stone front steps with a 10-foot-wide wooden deck. Board voted to accept the application for consideration and set public hearing for Sept. 25th.

The board will conduct 2 public hearings on Sept. 20th and 25th to gather community input and carefully considered these applications based on the town's zoning regulations and relevant factors.

George B. Spahmer

Chairman of the Zoning Board of Appeals

BUILDING DEPARTMENT

CEO Pine submitted the following report:

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

Applications processed or pending before the boards

Special use – 0 / Variance request- 5 / Sub– divisions – 0

Building permits issued – 12

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

Accessory structures – 3 Solar Pv – 2 / Other – 1 Cell tower / commercial - 0

Construction inspections- 31

Site visits – 10 / Fire calls – 0 / Fire safety inspections and follow ups - 2

2 - In-service Training hours. 16 hrs YTD (24 hours required to maintain certification)

ASSESSOR

Assessor Melanie Bunzey submitted the following report:

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

JUSTICE COURT

Supervisor Kryzak advised that the Town received the reports from the Justices. For August, \$346.00 was received for Justice Carl. \$195.00 was received for Justice Mackey.

MOTION TO APPROVE COMMITTEE & DEPT. REPORTS

Councilwoman Burnside made a motion to accept all committee and department reports as submitted or read. Councilwoman Pecylak seconded; motion carried by those present.

OLD BUSINESS **GRANT UPDATE**

Supervisor Kryzak indicated that Senator Breslin's office is still working on the potential water systems grant that could help the Town. He also mentioned that the Town did get the grant for \$35,000 from Albany Water and Soil as Mr. Ostrander previously mentioned.

FREESE HOUSE UPDATE

Supervisor Kryzak mentioned the Town Board received a report from the Town's engineers, Ingalls and Associates, regarding the demolition of the Freese House. The report was forwarded on to Albany County and they agreed with the findings of Ingalls and Associates and their recommendation to demolish and legally dispose of the structure. With that said, there is a process, and the Board needs to initiate the Unsafe Building Law. Mr. Kryzak would like to move forward with having Ingalls and Associates draft the Request for Proposal (RFP) since the Town can assume there is asbestos containing materials. They also will deal with all the legalities of the state. He advised the next step is to send notice to the last known owner, who is known to be deceased. A title search has already been done which showed no living heirs, therefore the notice is a formality. Since this information has come in, the Town must wait 10 days or can do a site visit, whatever comes first, and can start the process by scheduling a public hearing. Supervisor Kryzak proposed setting the hearing for October 3rd. He hopes to pass a resolution to remove the building after the public hearing on the 3rd. In the interim, notice will be sent to the last owner of the property. Supervisor Kryzak made a motion to adopt the following resolution:

- WHEREAS:** The Town Board has discussed that there is an unsafe building in town known as the Freese House, located at 578 SR 143, SBL # 139.9-2-16, be it hereby
- RESOLVED:** The Town Board of the Town of Westerlo agrees to initiate the Unsafe Building Law (Local Law No. 1 of 2012), be it further,
- RESOLVED:** The Town Board schedules a Public Hearing for October 3rd at 6 pm for the purpose of hearing public comment regarding the demolition of the Freese house, and further
- RESOLVED:** The Town Board authorizes Ingalls and Associates to draft the RFP which will come to the Town Board for approval before it is sent out to contractors, and further
- RESOVLED:** The Town Board authorizes CEO Jeff Pine to give the specified 14-day notice to the last living owner of the property before demolition commences.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 85 – 2023 was thereby duly adopted.

Supervisor Kryzak mentioned if anyone would like to look a little deeper into the Unsafe Building Law, to review section 11. If this were to be deemed an emergency situation such as it falling into the road or something is going too slow, the Town Board may by resolution, authorize the Building Inspector to immediately cause the repair or demo of unsafe building or structure and the expense should be charged against the land. This is not the situation yet, but it can be invoked if needed.

Planning Board Member Carkner wondered when the bids will be put out for the demolition; Supervisor Kryzak responded, the RFP needs to be drafted by the Town engineers first. After that, it will come before the Town Board for approval before going to the engineers to send it out to qualified contractors.

It was mentioned that the power had been turned off from the structure.

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

Supervisor Kryzak advised that the Multi-Year Financial Plan, Capital Improvement Reserve Fund, and Multi-Year Capital Project are all in process. He hopes to have them out by the next meeting. He is looking to earmark a certain amount of funds for building capital improvements as part of the Multi-Year Capital Improvement Plan.

CITIZEN/PARK COMMITTEE UPDATE

Park Committee Member Amie Burnside advised that she met with Claire Marshall and Beau Loendorf at the park to discuss how to prioritize the \$25,000 that they were authorized to spend. Priorities 1, 2 and 10 of their spreadsheet were pushed off to the spring to be part of a possible community day. Priorities 3, 4, 5, & 8 have been completed thanks to the Highway Department. They spoke about having an event or spring cleanup day at the park to allow families to come paint the tables, maybe on the same day as one of the other events. She questioned how the sand pile multiplied at the South Westerlo Park. They need to get a quote for the dog park fence, try to get donations for the bleachers from Bank of Greene County and are looking for sponsors for the dog park and walking trail. They have \$11,931 set aside for the child swing, toddler swing, slide, basketball net and new recycle bins for the South Westerlo Park. For the Veterans Park, they are approved to purchase \$12,920 of items on that list. All projects will be completed in the spring. She suggested piggy backing off one of the Town's events. They also would like to get a permanent cornhole set and start a bench program for residents to purchase a bench or part of a bench. They are also looking for grants for the handicap swing.

Councilman Beers asked if the Citizens Committee is the same as the Park Committee. It was mentioned they don't really have a name. He also asked if there is a start and end date for any of these committees. Supervisor Kryzak indicated no; it was only just established. This committee was meant to bring recommendations to the Town Board and then the Town can authorize money to be spent. The \$25,000 was already approved by the Town Board.

ARTICLE 7 UPDATE

Supervisor Kryzak mentioned there were no updates at this time regarding the Article 7 lawsuit. There is a long process of discovery with this but the Town has retained counsel for that.

EMPLOYEE HANDBOOK

Nothing new was brought to the table for updates to the Employee Handbook other than what had previously been discussed, therefore, Supervisor Kryzak recommended that the updates be sent to Marshall and Sterling for their review. Once it comes back from Marshall and Sterling, the Town Board will have another opportunity to review it. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town Board had previously reviewed changes to the Employee Handbook and had no further suggested changes tonight, be it hereby

RESOLVED: The Town Board authorizes the Supervisor to submit the Town Board's suggestions to Marshall and Sterling for their review.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 86- 2023 was thereby duly adopted.

FIRE CO LAND TRANSFER

Mr. Kryzak mentioned there has been a lot of discussion regarding the proposed land transfer to the Fire Co. He indicated a title search has been done on the property and there are no restrictions on the deed. He reviewed the grant disbursement agreement, there was nothing limiting the property from being subdivided, no restrictions, no covenants. He received mapping back from the surveyor and a legal description of the land. The Town has an option to do the Monroe Analysis for a subdivision to balance pros vs cons however, he proposes a Memorandum of Agreement (MOA) instead which is a binding contract with the Fire Co. that would state that the land will be transferred pending the appropriate review from the Planning and Zoning Boards. If the Town decided not to follow through with that process after the Fire Co. spent money on engineering, then the Town would be liable to reimburse the Fire Co. for all expenses. It gives the Fire Co. the green light to engage with an engineer and work on and provide a design to send to the Planning and Zoning Boards for their review of the project. That

will give the Planning and Zoning Boards time to look at the site map and the right of way expansion. He needs to give some sort of assurance to the Fire Co. that they are okay to start spending money and they are not going to lose money in this process. He indicated this will satisfy everyone involved.

Councilman Beers wondered how the Town can just give something to the Fire Co. since they are not a Fire Department. Supervisor Kryzak explained that it's an intermunicipal transfer, so you must look at how the Fire Co. is incorporated and take the language from that which is a legal process as well and one they are in the middle of. He indicated they haven't found anything that says that the land can't be transferred. He mentioned that several laws indicate that a Town can transfer land to fire companies, so the Fire Co. is making sure that their Articles of Incorporation meet the need for that which it's looking like. He is not opposed to making the Planning and Zoning Boards a part of the process. Councilwoman Burnside mentioned it doesn't hurt to have another set of eyes. Mr. Kryzak would like to see it done sooner than later but if they do the MOA, that gives the Fire Co. assurance. Councilwoman Pecylak wondered how long this will take; Mr. Kryzak responded it depends what comments come back from the Planning and Zoning Boards. They will give their input on the subdivision and on the building. The Fire Co. will not spend the money yet on engineered plans until they have an agreement. He mentioned he spoke to an engineer from Barton & Loguidice who looked at the map. They have done fire houses on $\frac{3}{4}$ to an acre before so a 3 acre lot can fit a good size fire house. Councilwoman Burnside questioned the MOA vs Monroe Analysis, wondering if the difference was that the land just wouldn't be transferred until it's deemed usable. Supervisor Kryzak advised that the Monroe Analysis is different than the MOA. The Monroe Analysis is a balance of public interest, the MOA is a contract that once these conditions are met, the land has to be transferred. He advised, the Town can go slow so everyone can review this, the transfer wouldn't take place until the subdivision was approved. Nothing has to be decided tonight. Councilwoman Pecylak believes the MOA will take more time and the Monroe Analysis seems like enough. Mr. Kryzak would like Councilman Mahan's input on the matter as well.

AEDS

Supervisor Kryzak provided pricing for AEDs to the Town Board. Mr. Kryzak advised that a law was passed in 2010 that all public buildings are supposed to have AEDs, therefore the Town is not in compliance. Avive is a company who offers lease programs at \$349/year per unit, or the Town can purchase the units for \$1,395 but then you own it. He doesn't want to own outdated AEDs so prefers rental which includes service that way the Town has brand new AEDs every year. Mrs. Carkner asked if the Town should inquire with other municipalities who already have this to see if they are leasing or buying. Mr. Kryzak indicated they've already done that as well as spoken to several different companies and met with Albany Med. who recommended leasing so the Town does not own outdated equipment. Town Clerk Weaver wondered who would be trained to operate these. Mr. Kryzak responded training could be provided by someone in town

or through Albany County, there will be designated employees that will be trained to operate it. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town Board discussed either renting or purchasing AEDs for the Town Hall, Highway Department and Justice Court, be it hereby

RESOLVED: The Town Board approves the rental of three units with Avive at a cost of \$349 a unit per year.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 87 – 2023 was thereby duly adopted.

Mr. Kryzak advised, these AEDs will have pediatric pads and once the AED is activated it automatically dials 911. Mr. Kryzak also advised the Town needs to start keeping Narcan on site. New information is coming out about that, and he will update the Town Board soon.

BROADBAND RFP

Mid-Tel offered to cover 116 new homes for \$1,687,500.00. Mid-Hudson offered to cover 301 new homes which equates to approximately 37.63 miles of cable. After a conversation with Mid-Hudson, they have committed to covering any costs over \$1,687,500.00. He advised this will give 100% infrastructure coverage to the Town of Westerlo. If awarded to Mid-Hudson, there is a long application process and USDA will need to apply as a co-applicant. Mid-Hudson is expected to break ground sometime in the summer. Supervisor Kryzak mentioned the project needs to be completed and the grant money spent by 2027. The Town also receives roughly \$8,500/year in franchise agreement money from Mid-Hudson Cable based on cable services, so if people sign up for cable service, that will help the Town as well. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town of Westerlo advertised for BIDS for broadband expansion in the Town of Westerlo, be it hereby

RESOLVED: The Town Board awards the project to Mid-Hudson Cable to serve 301 homes, approx. 37.63 miles of new cable for \$1,687,500.00 with the understanding that there is no cost that the Town of Westerlo is responsible for.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 88 – 2023 was thereby duly adopted.

A resident expressed concern about the cable wire that gets buried under the ground by Mid-Hudson and mentioned that it's coming up above ground. Councilman Beers indicated; they use a machine to pound it into the ground 6" but it does come out of the ground. Mr. Kryzak also advised; moving forward, there is still ARPA money that could be used to help subsidize the costs for running the cable to people's homes. The grant money is just being used for bringing cable to the poles. Mapping will need to be approved by USDA and the rural reconnect program.

NEW BUSINESS

TRAINING FOR PLANNING BOARD MEMBERS

The Planning Board would like to attend training for a total cost of \$360.00. Supervisor Kryzak made a motion to adopt the following resolution:

- WHEREAS:** The Planning Board requested permission to attend training at Hudson Valley Community College which is being presented by Association of Towns and is training that is recommended by the state; and
- WHEREAS:** the cost of the training for all members is \$360.00, be it hereby
- RESOLVED:** The Town Board authorizes the Planning Board to attend training at Hudson Valley Community College at a cost of \$360.00 for all members.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 89 – 2023 was thereby duly adopted.

Councilwoman Pecylak asked what the training covered; Planning Board Member Carkner advised its training through Hudson Valley and an attorney with Association of Towns and is all recommended by the state.

Additionally, Supervisor Kryzak mentioned that the Town Attorney is offering training to the Planning and Zoning Boards as well. The Planning Board Chair is working with the Town Attorney to schedule this training. Supervisor Kryzak indicated he wanted to tailor some of the training towards some of the items the Zoning Board is currently going through as well as past lawsuits. Training can also cover municipal firehouses. He mentioned taking advantage of in-house training.

BUDGET DISCUSSION

Supervisor Kryzak advised there is a whole schedule for budget. Department budgets are due to him by tomorrow, but he's already been working on it. He must submit the budget to the Town Clerk by September 30th. The Town Clerk will submit it to the Town Board at the October 3rd

workshop meeting. He intends to do a budget presentation and workshop on the budget that night. He hopes to be able to move the Tentative Budget to Preliminary the night of October 17th and then schedule a Public Hearing that evening for November 8th. At the November 8th meeting, the Town will hold the Public Hearing on the Preliminary Budget and hopefully adopt the budget that evening. If additional time is needed, the Town Board can set additional budget workshops, but it ultimately needs to be approved by November 20th.

SEXUAL HARASSMENT AND WORKPLACE VIOLENCE TRAINING

Everyone should be getting emails to set up accounts with NYMIR for mandatory training; all training will be virtual. Training can be done as a group and certificates will be provided; just need to sign in. Anyone who has another job that has already taken training, that will be accepted. There will also be a defensive driving course offered that the Town will pay for if anyone is interested.

LIBRARY

Per the Library Memorandum of Agreement (MOA), the Town owns the Library building. There is a tree that needs to be removed which falls under the interdependent maintenance option. Three quotes have been received and the lowest was for \$1,351.25 from Advantage Tree Service. Supervisor Kryzak made a motion to adopt the following resolution:

- WHEREAS:** The Town of Westerlo has been informed that a tree needs to be removed at the library, and
- WHEREAS:** it's the Town's responsibility per the MOA to maintain the building and property, and
- WHEREAS:** the Town did seek three bids; be it hereby
- RESOLVED:** The Town Board awards the project to Advantage Tree Service to remove the tree at a cost of \$1,351.25.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 90 – 2023 was thereby duly adopted.

The Town Clerk asked the Supervisor what he would like the bill coded to when it comes in; Supervisor Kryzak responded, code it to building maintenance.

LETTER FROM THE PLANNING BOARD TO THE TOWN BOARD

Planning Board Member Carkner read a letter on behalf of Chair Beau Loendorf (see attached).

Supervisor Kryzak advised the thought behind this request is that the Town does a MOA to honor the request of the Planning Board. He indicated, the Town Board doesn't have to do that and instead can do a Monroe Analysis. He's under the impression no one on the Planning Board is opposed to the transfer of land to the Fire Co., they just want to be a part of the process.

NYSLRS RECORD OF ACTIVITY (ROA) RESOLUTION

Supervisor Kryzak advised that the ROA the Town Attorney submitted had a small typo, should be 71 hours not 72 hours. Councilman Beers asked why Mr. McHugh had to resubmit his ROA; Mr. McHugh responded he didn't have to resubmit, it's the first time he ever did it. Town Clerk Weaver advised he submitted an ROA the first year he was hired; Mr. McHugh indicated it was not on their calendar form and they did not accept it. Councilman Beers asked if Mr. Kryzak remembered when he asked him about the sheriff's department being here to which he was told they just picked up from prior to Covid. On the ROA for July 26th, the description is for a telephone conference with the Supervisor regarding patrols at the Supervisor's request. Attorney McHugh responded it had nothing to do with the sheriff's being at meetings and it had to do with a traffic accident. Planning Board Member Gerry Boone asked how the sheriff attending tonight was being paid; Supervisor Kryzak responded, not by the Town. Councilwoman Burnside advised he is on duty tonight and if there is a priority call, he's free to leave. Mrs. Carkner indicated that every other officer who has been here has been an investigator or K-9. As a police officer's wife, she understands that if they are patrolling, they may be able to leave, but the others that were here mentioned they were assigned here for the evening and could not leave; they were CIU detectives or investigators, and the other had a similar ranking. The lieutenant that was at the next meeting couldn't leave; he was also assigned here. Supervisor Kryzak made a motion to adopt the following resolution:

- WHEREAS:** NYSLRS requires a Standard Workday Record of Activities be submitted for retirement purposes and,
- WHEREAS:** Attorney George McHugh has submitted a Record of Activities (ROA) and,
- WHEREAS:** NYSLRS requires a Standard Workday Reporting resolution for Attorney George McHugh, be it hereby
- RESOLVED:** The Town Board establish the Standard Workday for Attorney George McHugh to be 6 hours and this resolution to be posted on the Town website and Town bulletin board for a period of 30 days.

Councilwoman Burnside seconded; a vote resulted as follows:

AYES: Supervisor Kryzak, Councilwoman Pecylak, Councilwoman Burnside

NAYS: Councilman Beers

RESOLUTION # 91 – 2023 was thereby duly adopted.

PRIVILEGE OF THE FLOOR

Fire Co. President Chris Allen thanked the Town for the investment in the ATV. She indicated on top of what the Town spent, the Fire Co. spent another \$10,000 to outfit the ATV and it came in handy with a gentleman that was lost outside in the Town of Berne. They were able to use the ATV to bring essential equipment in. This is one of the first lives that have been saved with the ATV.

Mrs. Carkner asked about the multiple laws that were found that supported the proposed land transfer and wondered if Mr. Kryzak could send that to the Planning Board. She mentioned he also expressed that the transfer was ok because it's an intermunicipal transfer. She explained, inter means it's within our municipal but the Town has a contract with the Fire Co. They are a non-for-profit, so they are not part of our municipality. Mr. Kryzak advised they are a taxable district; he will get the Planning Board the information. He expressed that he's glad she's asking as no one has asked him for anything so far. She also inquired if the Town Board had a chance to look at NYS Constitution, Article 8, section 1 because the municipal attorney she spoke with that specializes in this law, advised that the Town cannot give a gift outside of the government and the Fire Co. is not within our government. If they were a department, they would be within the government. Mr. Kryzak will provide the Planning Board with all the information and mentioned he's done his due diligence.

Councilman Beers mentioned that the Town's accountants, BST, have been here a lot and the Town has paid a little over \$20,000 so far from June – August. He indicated that in 2021 the Town paid Marvin & Co. \$14,000 for the year. Supervisor Kryzak responded, the Town has done really in-depth audits of all departments this year and because the Town has such a large fund balance, he wants to make sure due diligence is done and a third party's eyes have reviewed that money. He continued, this is where this whole process of having a Multi-Year Financial Plan comes in and earmarking money. He advised that the Office of the State Comptroller (OSC) doesn't tell you what you can have but you do have to justify to them what you are doing with the money. He can't remember when the Town ever had \$2.4 million in the general fund balance. He is going to spend money on the accountants to make sure the i's are dotted and t's are crossed, especially with audits of departments and reconciliation of accounts. Right now, the Town is having a lot of trouble with ADP (payroll) cost codes. Mr. Kryzak indicated Marvin and Co. wouldn't do the AUD which Councilwoman Burnside mentioned was a significant expense. Supervisor Kryzak didn't believe there was much more that will be needed from BST this year however, when the Town goes to do the AUD, there will be a little more detail because of the amount of money that is there. OSC don't like to see a big lump sum of money without justification for it. It's a system of checks and balances.

Resident Don Morin thanked the Town Clerk for organizing the Fall Festival.

Mrs. Carkner reviewed what the Town spent for insurance. The AUD for 2021 indicates the Town spent about \$60,000 and then in 2022, \$209,000 was spent which is almost a four time increase in insurance. She wondered if the Town could obtain another quote for insurance. Mr. Kryzak advised that Marvin & Co. may code something different than another accountant, that might just be a difference in how that accountant prepared that AUD. He mentioned health insurance is going up 11% this year but that's every company. That's why the Town has a broker who shops every insurance company. Mrs. Carkner also wondered about offering insurance to part time employees per his comments from a previous meeting. Supervisor Kryzak responded, that was regarding bereavement benefits and other benefits in the handbook, not health insurance.

A resident wondered what the process was for determining which roads get repaired and paved. Mr. Ostrander responded; it depends on how bad pot holes are. She indicated the Highway Department has done some work on Gregory Hill Rd. but there have been so many asphalt trucks that the road is really breaking down as well as Newry Rd. Mr. Ostrander responded, the crew will patch some spots so it's at least not dangerous and have already been over there and looked at it.

The Town Clerk mentioned the Fall Festival was incredible and thanked the Highway Department, especially Rick Rupeka, Sal Spinnato and Josh Austin who she couldn't have done it without. She thanked her staff, the volunteers, donors and everyone who attended. It's one of the best events the Town throws and she is really proud of it.

Mr. Kryzak appreciates everyone staying civil especially when things are heated but reminded everyone present to be courteous.

ADJOURN THE 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 7:40 PM.

Respectfully submitted,

Karla Weaver
Town Clerk



TOWN OF WESTERLO
PLANNING BOARD
SEPTEMBER 12, 2023

To the Westerlo Town Supervisor and Town Board,

As chairman, it is my responsibility to serve as the lead communicator for the Town of Westerlo Planning Board. At our meeting held tonight, Tuesday September 12, 2023; the board asked that a request be sent to our Town Supervisor and each member of the Town Board.

We are requesting that the Fire Co. application allow our board to be part of the process. We encourage the Town Board to serve as lead agency and ask that our board has a chance to review any documents pertaining to the application. In our role to protect the town, documents including the sub dividing of land, the environmental impact study, and anything else the board may want to know throughout this process are crucial to do our responsibility as the Planning Board. From the beginning it was our understanding that our board was going to be part of this process, however we have yet to receive any information. On April 18, 2023, the town board held a conversation on this topic and as stated in the minutes, "Mr. Kryzak believes they (*the town board*) should request input from the Planning and Zoning Boards to make sure all questions are answered and to be as close to compliance as possible."

Earlier in this year we have heard this same board talk about transparency and working together. I hope that this mutual feeling continues, and our board will be allowed to be part of this process. Even though it has been stated that our Town Board does not have to follow the same rules of our town because they serve as the governing body, I would argue that what better example are we setting for a new era of transparency then including all boards in our towns journey to find a new home for a Fire station.

I look forward to your response and as always, if you would like to discuss more, please feel free to reach out.

Sincerely,

A handwritten signature in black ink, appearing to read "Beau Loendorf", with a stylized flourish at the end.

Beau Loendorf

Westerlo Planning Board Chairman