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**TOWN OF WESTERLO
TOWN BOARD MEETING
&
PUBLIC HEARING for PROPOSED LOCAL LAW 2 of 2024 for
FENCES
OF
TUESDAY, MAY 21, 2024**

The Town of Westerlo Town Board held a regular meeting on Tuesday, May 21, 2024, 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
Councilwoman Lorraine Pecylak
Councilwoman Amie Burnside
Councilman Joshua Beers

Also attending were: Town Justice Kenneth Mackey, Highway Dept. Employees Dave Pecylak, Peter Voisey, Dan Rohrmiller, Salvatore Spinnato & Rick Rupeka, Town Attorney George McHugh, Clerk to the Code Enforcement Officer, Clerk to the Assessor, Clerk to Planning & Zoning Boards Claire Marshall, Planning Board Members Bill Hall and Angela Carkner, Hometown Heroes Committee Member/Confidential Administrator Lisa DeGross, Historical Society President Ronald Tozer, Westerlo Heritage Museum Director MaryJane Araldi, Library Board Trustee Miranda Drum and Mary Ann Witt, Court Clerk/Deputy Town Clerk Jaimee Motschmann, Deputy Town Clerk's Michelle Rose and Kathleen Spinnato, Town Clerk Karla Weaver and approximately eleven residents.

PUBLIC HEARING – PROPOSED LOCAL LAW # 2 of 2024 – FENCES

Supervisor Kryzak made a motion at 6 pm to open the Public Hearing regarding proposed Local Law # 2 of 2024 to amend Article 12 of the Westerlo Town Code entitled "Supplementary Regulations", and add Section 12.310, which will establish rules, regulations, polices, and code for the enforcement of the construction and maintenance of Fences throughout the Town of Westerlo. Councilwoman Pecylak seconded; all in favor motion carried.

Supervisor Kryzak reminded everyone attending that this is a Public Hearing to add the Fence Law to the Town's current Zoning Law. The proposed law is as follows:

LOCAL LAW NO. __ OF THE YEAR 2024

Purpose

The purpose and subject of this Local Law is to establish rules, regulations, policies and code for the enforcement of the construction and maintenance of Fences throughout the Town of Westerlo.

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Authority

The Town Board of the Town of Westerlo as Legislative Body for the Town of Westerlo hereby enacts this Local Law pursuant to authority conferred by New York State Town Law, New York State Municipal Home Rule Law, and the New York State Constitution.

Legislative Intent

The intent of this Local Law is adopt a local law for the enforcement and regulation of the construction and maintenance of Fences throughout the Town of Westerlo.

THE TOWN BOARD OF THE TOWN OF WESTERLO HEREBY ENACTS LOCAL LAW NO. __ OF THE YEAR 2024 AS FOLLOWS:

FENCES.

All Fences, to include but not limited to any barrier or other upright structure, may not be placed or remain within five (5') feet from the face of any occupied building on an abutting property. Any change to any Fence in existence on or before January 1, 2024, must be made in full conformance with this provision.

SUPERCESSION

The Town of Westerlo hereby exercises its authority pursuant to New York State Municipal Home Rule Law to supersede any conflicting state or local laws contrary to this Local Law.

SEVERABILITY

If any portion of this Local Law or the application thereof shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remaining portions of this Local Law.

EFFECTIVE DATE

This Local Law shall become effective immediately upon filing with the NYS Secretary of State in conformity with NYS Municipal Home Rule Law.

Questions/Comments were as follows:

- Library Trustee Mary Ann Witt commented that the proposed law mentions “any change to any fence in existence on or before January 1, 2024, must be made in full conformance with this provision”. She wanted to know when it must be made in full conformance. Supervisor Kryzak responded there is no set time limit, it will go to the Code Enforcement Officer (CEO) and will be treated just like any other zoning infraction. People will have the same time limit Mr. Pine normally gives people.

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- Previous Planning Board Member Edwin Stevens questioned fences not being grandfathered in. Supervisor Kryzak responded, it only goes back to January 1, 2024, anything before that doesn't matter.
- Previous Transfer Station Employee Chuckie Benninger mentioned if a garage is connected to a house, that garage is called a dwelling, and wondered if a fence needs to be 10' from that dwelling. Supervisor Kryzak advised; a garage is considered an occupied building so this is only for fences that are closer than 5' to neighbors' homes.
- Town Board Member Peter Mahan questioned if the proposed law should say that the good side of the fence must face the neighbor. Mr. Kryzak responded, that's how the Town could run into a homeowner's association. Instead, the CEO's advice was to stick to the safety aspect of it.
- One of the homeowners this law will be affecting was in attendance and mentioned he was initially told when this law would be proposed that it would go back a year because he has an issue with something that was done prior to January 1, 2024. Mr. Kryzak advised any type of work being done to the fence starts the clock, including taking a panel down. The homeowner is concerned about this being grandfathered in. The fence ended up on his property and he mentioned he should've never allowed it to be moved, believing he should've called the sheriffs, but he indicated he's done that so many times and nothing happens.
- Mr. Benninger asked if he put up a fence five (5) years ago and it's now rotten, then made a change to it, he wondered if it would go under this new law. Supervisor Kryzak responded; yes.
- Previous Town Board Member Al Fields questioned who on the Board was willing to give up their property to the government. He believed the Town was taking someone else's property for the benefit of one homeowner. Mr. Kryzak advised this is a safety issue. Mr. Fields responded it's not a safety issue, NYS Law indicates fences need to be 1' off the property line. Mr. Kryzak mentioned this is an occupied dwelling, so people need to be able to egress out of their home in case of a fire. Mr. Fields believed the Town Board was promoting a trespass issue and he did not think it was the Town's business to get involved; he mentioned it's a court issue. Discussion continued regarding safety and property lines.
- The neighbor of the property mentioned if you own a piece of property, how can it be legal that a person can't maintain his property. The resident continued.
- Supervisor Kryzak indicated there needs to be basic rules for when people can't be reasonable. Most neighbors can negotiate where a fence goes, but in this instance the fence is closer than the 5' and it's presenting not just a safety issue, it's also blocking sunlight and is there to be a nuisance. The Town is going to put something in place to protect other people from going down this path.
- Confidential Administrator Lisa DeGroff encouraged the Board to consider that while they've heard from one vocal resident that is affected by this, this isn't a local law about

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one house, this raises the potential to happen numerous times, there are several homes in town where this could possibly happen or on the lake.

- Mr. Kryzak indicated this law is about decency and reminded Mr. Fields about when he had to write a letter to the Town because there were lights shining on his home that shouldn't be there and he wanted the Town to take care of it. Mr. Fields indicated he took care of it on his own because the Town didn't do anything about it. Councilwoman Pecylak loudly interrupted Mr. Fields advising that Mrs. DeGroff was not done speaking. Mrs. DeGroff mentioned regarding safety, it's not just about fireman wanting to go and knock down a fence for a fire, there are other safety issues with a house such as egress in case of emergency, major repairs, etc.
- Mr. Benninger mentioned regardless of all of that, you can't go on your neighbor's property if you only have 1.5' to fix your foundation. Visit Albany, Troy, New Scotland, there are houses that are 1' apart or touching each other. Lake Onderdonk has been like that for years. Regardless of a fence or not, you can't go on your neighbor's property, it's trespassing. The Supervisor indicated there needs to be reasonable cooperation between neighbors. Laws are not made for people who can be decent, they are made for the people who can't be cooperative and who can't participate in a civilized society, people need to be babysat.
- Deputy Clerk Kathleen Spinnato mentioned this fence was up before January 1st. Supervisor Kryzak indicated the Town Board can change the date if they want.
- Previous Planning Board Member Edwin Stevens was under the impression that when zoning was changed, anything already there would be grandfathered in. He doesn't believe they can do a reach back. Town Attorney McHugh advised this was the date Mr. Pine came up with according to his files. He mentioned it's not really zoning, its supplementary regulations, it happened to be passed during a zoning local law that had other laws in it which is why it's not going through the formal SEQRA either. If it was a true zoning law, it would have to. Mr. Stevens doesn't want the Town Board to set a precedent that they are reaching back with zoning laws.
- Mr. Kryzak advised; this is the only fence that will be affected.
- Planning Board Member Angela Carkner expressed understanding for what the neighbor is going through but Mr. Kryzak mentioned having to babysit people, and believed this should be a matter for the police to handle. Instead of creating a new law that affects all residents, especially when it comes to limiting what property owners in town can do, she believed this incident with an unruly neighbor should go through the police and understands it can be a long process, but the Town shouldn't be creating a law that affects everyone just because one resident has a terrible neighbor. Mr. Kryzak is looking at the safety issue. She spoke to the Town's Fire Co. and it's not a safety issue as they have tools in their trucks to knock anything down in their way, so she wondered if the Town was doing extra work that would affect every single person for the benefit of one person. Mr. Kryzak responded, if a situation arose that someone's safety and wellbeing

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will be affected by somebody else's fence being too close to their home and pushing air conditioners into their home or not being able to clean windows or maintain your house, the CEO should be able to say what's safe and what's not safe and what you can and can't do.

- Highway Employee Rick Rupeka asked if there was a height limit on fences. If there is no height requirement, the neighbor will just move it back and he's still blocked from the sun and suggested they add a height limit. Mr. Pine previously expressed concern to Mr. Kryzak that people are worried about the Town violating their rights and suggested to just have the fence at the 5' from neighbor's home.
- Mr. Benninger commented that if the Town Board goes through with the law and now this guy does something wild, is the town now involved in harassing him. Mr. Kryzak indicated the proposed law was written competently as far as he can understand with legal protections for the town.

With no other comments, Supervisor Kryzak made a motion to close the Public Hearing on proposed Local Law # 2 of 2024. Councilwoman Burnside seconded; all in favor motion carried. The Public Hearing closed at 6:30 pm.

ADOPTION OF LOCAL LAW # 2 OF 2024 – FENCES

Supervisor Kryzak made a motion to approve and adopt the following resolution:

- WHEREAS:** the Town Board has introduced Local Law No. 2 of 2024, a Local Law to amend Article 12 of the Westerlo Town Code entitled "Supplementary Regulations", and add Section 12.130, which will establish rules, regulations, policies and code for the enforcement of the construction and maintenance of Fences throughout the Town of Westerlo;
- and
- WHEREAS:** the Town Board duly noticed and held a public hearing on the proposed local law on May 21, 2024, be it hereby
- WHEREAS:** the enactment of this local law is a Type II action pursuant to the New York State Environmental Quality Review Act, 6, N.Y.C.R.R. 617.5 as it involves agency administration, management and legislative decision making that does not affect the environment or commit the Town to a future decision on a project, and therefore is exempt from environmental review; and
- WHEREAS:** the Board has duly considered the proposed local law and public comment thereon
- RESOLVED:** that the Town Board of the Town of Westerlo does hereby pass, approve and adopt Local Law No. 2 of 2024 in its entirety, a copy of which is attached hereto, and the Town Clerk is authorized to sign all documents and perform such actions necessary to effectuate the filing of the local law with the New York State Office of the Secretary of State.

Councilwoman Burnside seconded; a vote resulted as follows:

AYES: Supervisor Kryzak, Councilwoman Burnside and Councilwoman Pecylak

NAYS: Councilman Mahan, Councilman Beers

RESOLUTION # 61 - 2024 was thereby duly adopted.

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EXECUTIVE SESSION RE: ZBA APPOINTMENT

Supervisor Kryzak made a motion to enter into Executive Session at 6:33 pm regarding personal information related to the Zoning Board of Appeals (ZBA) appointment. Councilman Beers seconded; all in favor motion carried.

Supervisor Kryzak made a motion to adjourn Executive Session at 6:39 pm. Councilwoman Pecylak seconded; all in favor motion carried.

RESUME REGULAR TOWN BOARD MEETING

Supervisor Kryzak made a motion to return to the regular Town Board meeting. Councilman Mahan seconded; all in favor motion carried.

ZBA APPOINTMENT

Mr. Kryzak intends to appoint a new ZBA member to fill the vacancy. Supervisor Kryzak made a motion to adopt the following resolution:

- WHEREAS:** The Town of Westerlo is in need of appointing a new Zoning Board of Appeals member to fill a vacancy (previously held by James Gallogly) and,
- WHEREAS:** The Town of Westerlo advertised for the position and received applications and
- WHEREAS:** The Town Board of the Town of Westerlo conducted interviews of all applicants and met in Executive Session to select a candidate to appoint; be it hereby
- RESOLVED:** the Town Board appoints Barbara Maughan to fill the vacancy on the Zoning Board of Appeals for a term to expire on 12/31/2026.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

RESOLUTION # 62 - 2024 was thereby duly adopted.

Clerk to the ZBA Claire Marshall asked if Mr. Kryzak informed Chairman George Spahmer of the appointment. Mr. Kryzak indicated he spoke with Mr. Spahmer last night.

APPROVAL OF MINUTES

Supervisor Kryzak made a motion to approve the Town Board minutes of March 19th and April 16th. Councilman Beers seconded; all in favor motion carried.

TOWN CLERK REPORT - APRIL 2024

Town Clerk Karla Weaver submitted to the Town Board and read aloud the Town Clerk report for April 2024. With there being no questions/concerns, Supervisor Kryzak made a motion to approve the Town Clerk report as submitted and read for April 2024. Councilwoman Pecylak seconded; all in favor motion carried.

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SUPERVISOR'S REPORT - APRIL 2024

Supervisor Kryzak reported on the first quarterly sales tax. The Town collected \$361,341.92 which is up from \$352,000 in 2023, \$317,000 in 2022 and \$294,000 in 2021. The first quarter keeps getting stronger. The Town received a \$500 loyalty award from NY Comp Alliance. As far as Budget vs Actual, Westerlo is tracking good on expenses and income and is in alignment for May. Supervisor Kryzak made a motion to approve the Supervisor's Report for April 2024. Councilwoman Pecylak seconded; all in favor motion carried.

INVESTMENT REPORT - APRIL 2024

Supervisor Kryzak reported NYCLASS only made \$7.99 in April and that \$446.36 is currently invested with NYCLASS. As far as accounts with BOGC, for the month of April the Town received \$9,443.54 in interest and YTD \$37,122.77. The M&T Bank collateralization statement for May 1st for the uninsured deposit balance was \$4,759,365.27 and collateralized for all deposits for \$4,997,334.03, which is in excess of the Towns deposits. At the end of April, the total reconciled balances was \$4,243,979.64 and the Town received an additional \$404,513.04 in receipts on payments. Total for April account balance is \$4,369,427.55. Supervisor Krzak made a motion to approve the investment report for April 2024. Councilwoman Burnside seconded; all in favor motion carried.

BUDGET AMENDMENTS – MOWER

Supervisor Kryzak indicated the Board must make a budget amendment to pay for the new mower for the parks. 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; now therefore be it
- RESOLVED:** that the Town Board of the Town of Westerlo does hereby authorize Town Supervisor Matthew Kryzak to make the following transfers.

General Fund (2024)

<u>Amount</u>	<u>From Account</u>	<u>To Account</u>
\$15,600.00	(A)200.1 General Fund/Fund Balance	(A)7110.21 Parks – Capital Outlay Equipment

Councilman Mahan seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 63 - 2024 was thereby duly adopted.

PAYMENT OF MONTHLY BILLS (MAY 2024)

Supervisor Kryzak made a motion to adopt the following resolution:

- WHEREAS:** the Town Board has audited the May bills, be it hereby
- RESOLVED:** the following 2024 bills be paid Voucher # 208 through Voucher # 264 in the amount of \$90,150.79, and be it further

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RESOLVED: the Town Board approves the payment of the May 2024 bills from Voucher # 208 through Voucher # 264 in the amount of \$90,150.79.

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

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

NAYS: None

RESOLUTION # 64 - 2024 was thereby duly adopted.

Clerk to the Boards Claire Marshall had a question but was told by both Councilwoman Pecylak and Supervisor Kryzak to wait until public comment.

DEPARTMENT & COMMITTEE REPORTS

ASSESSOR

Supervisor Kryzak advised that the Assessor's report was received however, the Town Clerk indicated it was an old report. It was decided to scratch it from the minutes.

CEO

Report - Building/ Zoning -Jeffry Pine BI/CEO – for April 2024

Applications processed or pending before the boards

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

Building permits issued – 2

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

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

Construction inspections- 18

Site visits – 14 / Fire calls – 2 / Fire safety inspections and follow ups - 3

3 - In-service Training hours. 10 hrs. YTD (24 hours required to maintain certification)

COURT

Supervisor Kryzak indicated the Justice Court had collected \$318.00 for Justice Ostrander and Justice Mackey had collected \$1,563.00 for the month of May which was received by the Supervisor's Office.

ZBA

ZBA Report for April 2024

The Zoning Board of Appeals held its regular monthly meeting on 4/29/24. All current members were present.

Old Business:

Public hearing held for:

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V-24-1: Applicant is granted relief of 38 feet of the required set back of 50 feet as per zoning section 8.40 (4) a from the rear property line and north side property line to construct a residential garage.

V-24-2: Applicant granted relief of 35 feet of the 50-foot side yard setback as per zoning section 8.40 (a) minimum lot standards to construct a detached garage.

V-24-3: Withdrawn

NEW BUSINESS:

The Town Code Enforcement Officer discussed some details for an application that will be applied for in the near future. Topic of the application is regarding sign zoning.

Respectfully submitted,

George B. Spahmer

Chairman of the Zoning Board of Appeals

LIBRARY REPORT

Library Board Trustee Miranda Drumm thanked everyone who came to their bake sale, there was a great turnout.

- They will be doing their annual book sale on June 8th, the same day as the townwide garage sale.
- Blood drive is June 27th at Town Hall. Can sign up with Red Cross online or at the library.
- Summer Book Bingo is a new program from June 27th to August 17th. Pick up bingo cards, read different books, match them to the card and win prizes.

MUSEUM

Museum President Mary Jane Araldi reported the following:

- She thanked everyone who supported the Museum at the Brunch for Mom event, they made \$500 for the building fund.
- Garage sale day is June 8th.
- Special project coming soon stay tuned. It will be in the next newsletter.
- She wondered where the Board is at with the easement for the Museums Carriage House. Supervisor Kryzak advised it was in Mr. Pine's hands. He wanted to get with the Fire Co. and Museum to see what's needed to be in writing for both in order to use the Woodman's Hall driveway as a temporary access for the new building.

HOMETOWN HEROES COMMITTEE

Lisa DeGroff mentioned that the Hometown Heroes Committee didn't really have an agenda to discuss at last month's meeting but they sorted through the banners to get them in the appropriate totes and ready for the highway department to hang. As of this morning, all 90 banners have been hung, which is double what the Town normally hangs. Thanks to Dan McCoy, Albany County DPW Commissioner Lisa Ramundo, Albany County DPW Westerlo Crew, Highway Superintendent Jody Ostrander and employee Dave Pecylak.

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APPROVAL OF REPORTS

Supervisor Kryzak noted for the record that the Town has received written reports from the following: Justice Court, Code Enforcement, ZBA and verbal reports from; Hometown Heroes Committee, Museum, and Library. Town Clerk Weaver advised the Assessor's report is old and was submitted twice previously. Mr. Kryzak indicated he will scratch the Assessor's report.

Supervisor Kryzak made a motion to approve the reports and mentioned they would be added to the minutes. Councilman Mahan seconded; all in favor motion carried.

OLD BUSINESS

PROPOSED INSTALLATION OF THREE ADDITIONAL CAMERAS AT TOWN PARK

Supervisor Kryzak mentioned cameras are an unpopular topic however there was an instance at the park recently. To add an additional three (3) cameras and equipment at the park, it will cost \$1,527.50 and will be installed by the Town's surveillance company Self Secured Network.

Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town of Westerlo Town Board was made aware of damage at the Town Park which led them to discuss the installation of three additional security cameras to cover some blind areas; be it hereby

RESOLVED: The Town Board authorizes the Supervisor to spend \$1,527.50 as per the quote received from Self Secured Network to install three (3) more cameras at the Town Park.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 65 - 2024 was thereby duly adopted.

PROPOSED INSTALLATION OF FOUR CAMERAS AT TRANSFER STATION

Mr. Kryzak received a quote for \$6,349.02 to install cameras at the Transfer Station. The cost is high because of the distance from the Town Hall. This is for four (4) cameras, battery backup, hard drive, and installation. The cameras will cover the left side of the building, the water tank, the back corner and the operator shed. The insurance company will give the Town a break on insurance for installing cameras. Councilman Beers asked if there is a spot that one camera could be mounted that covers most of the areas. Supervisor Kryzak reviewed the costs of installation and equipment. He is okay with slimming this down to two cameras and tabling this for now to try to cut costs.

NEW BUSINESS

BIDS – ROOFING CONTRACTS

Supervisor Kryzak indicated he must make a resolution to advertise for bids the roof at the Town Hall. He did get estimates, but the initial quotes received did exceed the \$20,000 limit. To be okay with the procurement policy and the state, the Town needs to advertise for bids.

Supervisor Kryzak made a motion to adopt the following resolution:

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- WHEREAS:** The Town of Westerlo Town Hall is in need of a roof replacement, and
- WHEREAS:** The initial quotes received exceeded the \$20,000.00 limit on the Town's procurement policy, and
- WHEREAS:** It's necessary for the Town to advertise for new quotes to replace the Town Hall roof in accordance with the Town of Westerlo's adopted procurement policy, be it hereby
- RESOLVED:** The Town Board authorizes the Town Clerk to advertise for bids to replace the Town Hall roof with all bids due to the Town Clerk by 4 pm on Thursday, June 13, 2024.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 66 - 2024 was thereby duly adopted.

Mr. Kryzak indicated he did receive quotes for the roof at the Court which is below the threshold so that will be discussed on the next round of Town business, just waiting on warranty information from those folks to try to compare apples to apples before he brings it to the Town Board. Due to it being under the threshold, the Town will be able to replace the roof down there without it going out to public bid.

PROPOSED HR POLICY REGARDING NEW HIRES

Supervisor Kryzak mentioned there were some new hires recently and his office has been attending seminars which provided information from the State Comptroller regarding HR requirements. What his office is learning is that the Town doesn't have everything in place for new hires for protection of the Town. He's proposing a new HR policy which is a standardization of what the Town needs to do when new employees are hired such as a job description and offer letter, both of which need to be signed so everyone agrees. His office will review the offer letter and job description, personal information, emergency contacts, direct deposit, tax forms, I-9, NYSLRS, health benefits, handbook, IT, comprehensive time off and any other paperwork that is applicable with the new hires. When people come to work at the Town it's specifically outlined what they are coming here for, what their job is, what they get so everyone agrees which will eliminate some of the issues potentially moving forward when looking to promote or change things, so the employee and the Town knows what they are accountable for. This is to protect employees so there is no confusion later.

Mrs. Marshall asked if this would be going in the employee handbook. Councilwoman Pecylak mentioned the Board is not taking public comment yet. Supervisor Kryzak responded it will go in there eventually, but he is looking to adopt the policy so it's a standalone policy. Councilwomen Pecylak and Burnside expressed they were comfortable in voting on this policy. Councilmen Beers and Mahan asked to table it for more review.

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HISTORICAL SOCIETY– REQUEST FOR FUNDS FOR MARKER

Supervisor Kryzak indicated there was a Gibbons Store that used to be the hub of Dormansville which tragically burned in 1965. Historical Society President Roland Tozer would like to have a marker cast and placed where the Gibbons store used to be. He requested that the Town purchase the marker. The cost is \$1,495.00 and will come from Catskill Castings. Mr. Tozer will place the marker and provide future maintenance himself, which he is currently doing now with other historical signs. Mr. Kryzak mentioned he has no issue with having the Town pay for the marker, but it needs to come from cost code M7450.46 Museum signs which he will transfer money from the general fund balance to cover the cost. Supervisor Kryzak made a motion to adopt the following resolution:

- WHEREAS:** The Historical Society has asked the Town to cover the costs for a historical marker to be installed where Gibbons store used to be in Dormansville; and
- WHEREAS:** the Historical Society has provided a quote from Catskill Castings to the Town of Westerlo Town Board in the amount of \$1,495.00; and
- WHEREAS:** The Town Board will need to do a budget transfer at a later date to fund cost code M7450.46 Museum Signs to be able to pay for the marker, be it hereby
- RESOLVED:** the Town Board authorizes the purchase of the marker for the Historical Society.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 67 - 2024 was thereby duly adopted.

Mrs. Marshall mentioned she knows she isn't supposed to speak but wondered if the Board could at least tell her where the sign would be. Councilwoman Pecylak responded if she is going to comment, comment during privilege of the floor. Mr. Kryzak advised; it's the western side of the triangle at the intersection of SR 143 and CR 312. This parcel is now owned by Ted Lounsbury who gave permission for its placement.

LABOR RELATIONS ATTORNEY

Supervisor Kryzak indicated as of right now, the Town received a letter from UPSEU, the union wanting to represent the Town employees. The issue right now is he hasn't received all the information from UPSEU yet so he can't sign or be signatory or basically get any information. On advice from the Town Attorney, Mr. Kryzak would like to retain special counsel to deal with the labor relations between the Town and UPSEU. The practice that was recommended that specializes in this is Goldberger and Kremer. He read the letter that was received from Goldberger and Kremer (see attached).

Mr. Kryzak advised why the Town should obtain special counsel for labor relations. The taxpayers are on the hook for this negotiation process and whatever happens however, the taxpayer doesn't have a voice in this, so he is bringing in a third party to represent both the

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employees and the Town to make sure all labor regulations are followed and negotiations and making sure everything is done. If the Town doesn't do this right, the union can increase the cost for the Town and what the Town is providing. Wants to make sure the Town doesn't get forced by something from the union that is not productive to the employee or taxpayer. He is looking for the Town Board to approve him signing a contract with Goldberger and Kremer to represent the Town with negotiations with UPSEU for union contracts for the Town's employees moving forward. Councilwoman Pecylak mentioned Goldberger and Kremer are \$245/hr but wondered how many hours they will need. Mr. Kryzak asked for a rough estimate, but it all depends on if both sides come to the table ready to negotiate knowing what they want. The special counsel for labor relations would walk the Town through what needs to be done to make sure everyone is provided for in this agreement and there are no violations of any rules or regulations. Councilman Mahan asked why Mr. Kryzak is accepting only one bid so to speak instead of reaching out to other attorneys that specialize in this. Supervisor Kryzak responded that he asked for whoever has the most experience with UPSEU and they were recommended by the Town Attorney as a group that deals with public service unions. There are a lot of attorneys that do labor relations, but public service unions are a whole different ball game. Mr. Kryzak advised; they are in the Town's best interest as they have handled so many including UPSEU. Councilman Mahan asked why the Town can't just accept/recognize UPSEU. Mr. Kryzak indicated UPSEU basically sent him a piece of paper asking for a signature making them the only ones responsible for the collective bargaining for the Town's employees, no other information. In that instance, he wouldn't sign until it has all the appropriate signatures from the employees and the Town does their due diligence for what they are signing. He has not received anything from UPSEU that gives any information that they would need to even go to the bargaining table. The union representative from UPSEU tried to petition to be the only collective bargaining unit for the Town employees without anyone's permission. It was denied by the Public Employment Relations Board. It was an aggressive first move in his eyes. This is taxpayer money, so they need protection.

A resident asked how many employees want to join the union. Supervisor Kryzak advised that part of the reason the application got turned down is because UPSEU gave an estimated amount of 15. He needs to have the Public Labor Relations folks to do their due diligence with UPSEU to bring everyone to the table. The longer the Town puts this off the more aggressive UPSEU will be. Mr. Benninger asked if he could ask a question, Councilwoman Pecylak responded several times, no. Mr. Kryzak indicated it costs what it costs to do this right to protect the employees, the Town and the taxpayer. He would like to make a motion to enter into a relationship with special counsel to represent the Town and the labor relations.

Councilwoman Burnside made a motion to adopt the following resolution:

WHEREAS: The Town of Westerlo has received official notice from the United Public Service Employees Union that the employees of the Town of Westerlo are interested in unionizing, and

WHEREAS: The Town of Westerlo is in need of legal services of a law firm that specializes in labor relations and union negotiation; and

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WHEREAS: The Town Board has received a letter of interest in prospect from labor relations law firm of Goldberger and Kremer detailing their expertise in matters involving labor relations and union negotiations; and

WHEREAS: The Town Board is desirous in retaining the law firm of Goldberger and Kremer to represent the Town in all future labor relation matters to include but not limited to union management negotiations; now therefore be it

RESOLVED: the Town Board of the Town of Westerlo does hereby authorize Town Supervisor Matthew Kryzak to execute the attached letter of engagement and retain on the behalf of the Town to engage the legal services of the law firm of Goldberger and Kremer effective immediately.

Councilwoman Pecylak seconded; a vote resulted as follows:

AYES: Supervisor Kryzak, Councilwoman Burnside, Councilwoman Pecylak

NAYS: Councilman Mahan, Councilman Beers

RESOLUTION # 68 - 2024 was thereby duly adopted.

POTENTIAL GRANTS

The Stratton VA contacted the Town and are looking to hold their public program on June 29th at 9:30 am – 11:30 am.

Councilwoman Burnside interrupted the meeting to let Town Employee Rick Rupeka know she asked Confidential Administrator Lisa DeGroff to turn the air conditioner on as she was sweating. He and other residents expressed frustration and complained about the air conditioner and want it left off as they can't hear.

Supervisor Kryzak advised anyone may attend the public program which deals with firearm safety for suicide prevention. It's targeted towards veterans and is at no cost. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Stratton VA has reached out to the Town of Westerlo to hold a public program regarding firearm safety for suicide prevention at the Town Hall; be it hereby

RESOLVED: The Town Board authorizes the VA to hold their program at the Town Hall on June 29th from 9:30 am – 11:30 am.

Councilman Mahan seconded; a vote resulted as follows;

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

NAYS: None

RESOLUTION # 69 - 2024 was thereby duly adopted.

CONTINUED UNION DISCUSSION

Supervisor Kryzak mentioned before residents started blaming the Town for spending money on the union negotiations, he wanted to explain that this is what the Town needs to do to do it right. It's different between private corporations and taxpayer money. He explained, he is signatory to laborers, contractors, painters, etc., but that is his money, this is not his money. He

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needs to have legal representation to do it right but that doesn't mean the Town is anti-union. He advised he is not anti-union, but he doesn't want to see UPSEU take advantage of employees or the Town. Anyone who is in a union knows how it goes if you don't stay on the union about your benefits, retirement, and about what you're owed. Councilman Mahan asked who Goldberger and Kremer are representing; Supervisor Kryzak responded that they are going to represent the Town and employees. Mr. Mahan asked how they could do that. Mr. Stevens indicated they are going to represent the Town; the union is going to bring in their own attorneys for the employees. Mr. Kryzak added that the third-party attorneys will protect everyone in this situation. Residents and Mr. Mahan disagreed. Mr. Kryzak explained personal scenarios.

Highway Employee and shop steward Peter Voisey indicated there were several things being stated that do not apply to UPSEU. He understands what Mr. Kryzak mentioned about trade unions however, in this case, this is why he agreed to sign cards for the union, they are not managing employee's money, employees are still on the state retirement system, will still have health benefits through the Town. What the union is doing is giving employees representation because of what's happened in the past and employees expressing the need for this representation. He believes the Town should take a close look as to why in this small town, employees feel they need a union. Mr. Voisey believed what Mr. Kryzak was saying about UPSEU was not true; Mr. Kryzak responded that he hasn't received anything from UPSEU so that if he is the shop steward, he should get on them. Mr. Voisey has been in contact with UPSEU, and they said they spoke to Confidential Administrator Lisa DeGroff and are waiting to hear back from the Town. The Town received a letter that is simply asking for approval, the union representative has not been told he needs to provide more information, he needs to hear from the Town. Supervisor Kryzak responded, if that's the card he's going to play, that's the card he's going to play. Mr. Voisey expressed 30 days have gone by with zero communication, they did not strong arm. Town Attorney McHugh mentioned to Supervisor Kryzak that Goldberger and Kremer can explain it to him. Mr. Kryzak advised, it takes time in the municipal world, if the Town gets a signatory letter wanting the Town to sign off on something, no one will do that without obtaining legal counsel to make sure you're doing the right steps and having the information to make an informed decision. Mr. Kryzak mentioned that in 30 days, the Town has obtained legal counsel and the impatient UPSEU people have strongarmed the Town which is not a friendly appearance.

Supervisor Kryzak indicated for professional services; you are looking for who is going to provide the best service. Councilwoman Burnside believed you did not need a bid for professional services. Town Attorney McHugh advised, he just provided a recommendation for the attorney. Supervisor Kryzak has a responsibility to the taxpayers as well as the employees to provide things and he believes the Town Board has done a good job. Planning Board Member Carkner asked if the Board thinks it's an issue in the town's eyes, not the three members of the Town Board, but it's a problem that the Town keeps using every single person Town Attorney McHugh recommends. She expressed frustration that they are utilizing the Town's money and that both Councilwomen Burnside and Pecylak are going to vote every way that Supervisor Kryzak votes every single time. She commented that a few Board members were laughing but

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Supervisor Kryzak is the only one that talks. She would like to use other people besides Mr. McHugh's friends. Mr. Kryzak indicated he appreciated her comments but would like to move on and hold public comment. Councilwoman Pecylak indicated there are so many things, Town Clerk Weaver responded, the Town Board shouldn't have cancelled the last meeting then. Supervisor Kryzak asked the Town Clerk if she was on the Town Board, Ms. Weaver responded she is speaking up just like everyone else and that the Town didn't seem to follow rules either for public hearings.

GRANT UPDATE

Mr. Kryzak provided an update on the Albany County Soil and Water Grant. He mentioned the Town received a \$40,000 grant to continue the project along the basic creek in the park. There is another Albany County Parks and Recreation grant the Town can write for. He would like to vote to allow the grant writer to write for the grant. The park committee has been putting together recommendations for items that need to be improved at the park such as a fenced basketball court, fencing the playground, bleachers for both parks, asphalt striping for the tennis court and pickleball courts. Albany County has \$150,000 available and individual grants will range up to \$19,000 based on scope and quality of proposals submitted. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: There is a grant available from Albany County Parks and Recreation that the Town is eligible for; be it hereby

RESOLVED: The Town Board authorizes the Grant Writer Lisa DeGroff to write for this grant through Albany County Parks and Recreation.

Councilman Mahan seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 70 - 2024 was thereby duly adopted.

THE "AFTER PARTY"

Supervisor Kryzak advised that the Supervisor's office and the grant writer went out and sought grants to raise money for fireworks and a band for an "after party" for the fall festival. The Town did raise \$7,000 that will cover the band and the fireworks from Santore's World Famous Fireworks. Donors were Callanan Industries, GNH Lumber and Carver. They are looking to have the band play when all the festivities end at the park and fireworks to begin at 8:30 pm. This is all for free and is being underwritten and the grant writer went ahead and raised that money to fund the after party. Councilwoman Burnside wondered if that was $\frac{3}{4}$ of her salary, Mr. Kryzak believed they are up to 72% of her salary received in grants this year. He thanked Mrs. DeGroff and appreciates her hard work getting the fireworks.

PROPOSED DOG CONTROL ITEMS

The Supervisor mentioned there were some issues with dogs and some ideas have been kicked around by a few people for a potential temporary dog holding facility in the future especially if the Town will not be able to engage in a contract with our current dog holding facility in Rensselaerville in the future. Ms. Weaver explained she spoke with the DCO Justin Case as well

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as Highway Superintendent Jody Ostrander. The Town currently has an issue with dogs in Town. The DCO is concerned about what happens if these dogs end up in the Town's possession. The DCO didn't know who he should take the dogs to as far as a veterinarian, how much money he was allowed to spend in case the dogs need to be euthanized, nor does he know where to hold them. The DCO believed there was a \$350 allowance for injured dogs or to euthanize a dog. Nowadays it's easy to spend \$350, especially at an emergency clinic which is the case for most of the dogs that end up in the Town's care. The DCO would like the Town Board to discuss the allowance. An employee previously mentioned to Ms. Weaver that you can't put a limit on vet care, but you must as it's taxpayers' money. For example, a dog broke its leg, and it will cost \$3,000 to fix, the Town may not get reimbursed from the dog's owner, may not be able to even find the owner. The Town doesn't currently have a vet, she reached out to several for the DCO and has only heard back from Albany County Vet so far and they agreed to give the Town a 25% discount for any employee that brings a dog from the Town of Westerlo. Albany County Vet suggested, since they can't always guarantee squeezing the Town in for an emergency, that the Town has several vets on call to work with, a contract wouldn't be necessary. As far as a temporary holding facility, the Town currently has one with the Town of Rensselaerville but the DCO likes the option of potentially keeping a dog in Westerlo for the day to give him time to find the owner. It may relieve some stress on the dog and Mr. Case and allows him to hold a dog longer such as for a weekend. Looking forward, just trying to open up a discussion with the Town Board. Maybe a run can be erected. There may be rules regarding Ag and Markets that need to be followed. Right now, the issue is the DCO cannot shoot these dogs where they are, he needs a plan in place to be able to euthanize a dog appropriately. Supervisor Kryzak mentioned Ag & Markets will require a temporary holding facility to be temperature controlled. Maybe Mr. Case can recommend a place at the garage. It doesn't have to be much, but it does need to be inspected & approved by Ag & Markets. Food and water need to be available as well as bedding. Theoretically, if there is anything wrong with the dog it needs to be under 24-hour care, but if just holding the dog for the day, it will be ok, but there are conditions. Mr. Kryzak indicated, if those involved could come up with the best place to put it, and what it would take cost-wise then having a temporary facility would be a good thing, but the Town should look for better contracts with vets and kennels. Mr. Kryzak explained that Mr. Case can't leave a dog in a small kennel in the back of the truck for the day, having a means to house them for the day to give him time to locate owners with Facebook, etc., that's the first step. Mr. Kryzak believed it was bad form to shoot dogs, humane euthanasia is the better option even if it costs the Town money regardless of if they must take dogs to the emergency clinic. It will be up to the discretion of the DCO if the permission form is signed, all legal liability is removed. Ms. Weaver will continue to get information from local vets to see if she can get some kind of discount.

PROPOSAL TO ABOLISH THE PLANNING BOARD

Supervisor Kryzak advised he has been working on this proposal for the past couple of months and he is springing this on to the Board tonight, but he is not looking for any decisions this evening. He prepared and provided the Town Board with copies of a proposed local law to abolish the Planning Board. In 2021 there were conversations about abolishing the Planning Board and transferring its functions to the ZBA essentially making that the Planning and Zoning Board of Appeals. He indicated he was looking to put that back on the table. His purpose behind

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this is a cost savings of \$13,800 if done right. If the Town gives a raise to the Zoning Board members who take over the extra responsibility there can still be a \$10,800 savings. The other approach is to streamline the process for the applicants by looking at policies, coordination, and land use for zoning regulations because it will be one Board. There are a few things with efficiency. He is trying to eliminate people who go to the Planning Board with an application then they have to wait for a month to go to the ZBA for a variance then wait for another month for the variance before they go back to the Planning Board with whatever determination or variance from the ZBA. There is an efficiency portion of it and then there is consistency, so he did a lot of research from 2021 and combined it. He believed unified boards can ensure there is consistency in interpreting zoning laws and regulations and when the same group handles both planning and zoning they are more likely to apply consistent standards across the different cases. There is also a bit of a holistic approach, which is the fact that planning and zoning are interconnected and combining both boards allows for a holistic view of development. It can reduce confusion and speed up time. The last time this was on the table in 2021, folks were asking where else this is employed in NYS. Some of the other places that do this are the Village of Ravena, Town of Coeymans, Town of Claverack, Village of Holley, Town of Westmoreland, Town of LaFayette, Town of Richland, and Town of Moreau. He would like to put it back on the table for financial efficiency and applicant efficiency and see where this goes. He asked if the Town Board had any comments/questions regarding putting this back on the table for 2024. Councilwoman Pecylak was in favor. Mr. Kryzak read part of the proposed local law to abolish the Planning Board (see attached). He would like to hold a public hearing on this for June 18, 2024. Supervisor Kryzak made a motion to adopt the following resolution:

- WHEREAS:** The Supervisor sprung a proposal for a local law to abolish the Planning Board and transfer its functions to the Zoning Board, be it hereby
- RESOLVED:** the accompanying proposed Local Law No. 3 of the Year 2024 to abolish the Planning Board and transfer its functions to the Zoning Board of Appeals, which is to be known as the “Planning Board/Zoning Board of Appeals” is hereby introduced, and further
- RESOLVED:** The Town Board of the Town of Westerlo hereby declares itself Lead Agency pursuant the NYS Environmental Quality Review Act (SEQRA) to review for potential adverse environmental impacts that may result from adoption of such proposed local law, and further
- RESOLVED:** A public hearing upon such proposed Local Law shall be held on June 18th, 2024, at 6 pm at Westerlo Town Hall, 933 County Route 401, Westerlo, NY 12193, and
- RESOLVED:** The Town Clerk shall publish notice of the Public Hearing upon the proposed Local Law with a summary thereof in the official newspaper at least five (5) days in advance of the Public Hearing.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

RESOLUTION # 71 - 2024 was thereby duly adopted.

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He provided the Town Clerk with the notice of the Public Hearing for the newspaper. Proposed Local Law 3 of 2024 is attached.

Councilman Beers asked how long Supervisor Kryzak was debating this. Mr. Kryzak responded; it has been on the table since 2021 when he took it off. He has been hemming and hawing over it for several months trying to determine what the best option was. Mr. Beers understands saving money but how this looks to him is that Supervisor Kryzak is eliminating people that may speak against people here. The majority of the Planning Board is against a lot of the things that go on here. It seems like the Town Board is finding a way to eliminate their voice. Mr. Kryzak indicated that's something Councilman Beers can bring up at the Public Hearing. There is one month for everyone to do their research and come to their conclusions. He took it off the table when the Town didn't have a strong ZBA but now he's putting it back on the table.

PAINT FOR PARK CLEAN UP

Supervisor Kryzak indicated there is a park cleanup coming up and the Town needs to do a balance transfer for paint for repairs. Councilwoman Pecylak commented she would like \$1,000 transferred from the Park Reserve to the Park Repair Maintenance Fund for the paint and supplies that was already purchased. Supervisor Kryzak read and made 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; now therefore be it

RESOLVED: that the Town Board of the Town of Westerlo does hereby authorize Town Supervisor Matthew Kryzak to make the following transfers.

General Fund (2024)

<u>Amount</u>	<u>From Account</u>	<u>To Account</u>
\$1,000.00	(A)230.4 Park Improvement Reserve Fund	(A)7110.43 Parks – Parts/Repairs/Supplies

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 72 - 2024 was thereby duly adopted.

ADDITIONAL CAMERA DISCUSSION

Councilman Mahan mentioned with all the camera discussion, he believes the Town should have cameras at the highway garage facing all the vehicles. Supervisor Kryzak mentioned having official cameras at the Court as well so the court clerk can have a monitor, although there is already one camera at the court. The insurance company gives the Town discounts for having cameras.

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HISTORIAN WEBSITE

Councilwoman Burnside wondered where the Town was at with the Historian page on the website, indicating that the Historian has asked. Will have to reach out to the webmaster.

PUBLIC COMMENT

Mr. Benninger asked if the Town Board sat down with the employees to find out why they want the union. He also mentioned maybe the Town could save \$200/hr there is a good group there and the Town needs to keep them. Supervisor Kryzak mentioned, the Board has already given employees everything they have asked for such as the clothing allowance, increasing the boot allowance, keeping great insurance, given raises every year. It's up to the department heads to make sure the needs of the employees are brought to the Town Boards attention during the budget process. Mr. Kryzak indicated he will never discourage anyone from going union. Councilwoman Pecylak advised she will speak to the employees.

Mr. Benninger also commented on the proposal to abolish the Planning Board. He wondered who is going to choose who stays and who goes and why did the Town hire someone when they're getting rid of Planning Board employees. Supervisor Kryzak indicated the only thing that would go to the wayside is the actual Planning Board itself, and those five (5) Planning Board members, you only need five (5) members on the ZBA and the Town Board will probably end up doing an alternate as a backup for someone who can't make the meeting. There are still things to be worked on over the next month to make it a good plan, right now it's just efficiency and cost savings. Mr. Benninger believed what Councilman Beers mentioned earlier had some merit to it. Mr. Kryzak responded right; you have to have a ZBA not a Planning Board. Mr. Benninger believed you should take the best of the best. Councilman Beers mentioned, some people aren't looking for the best, they are looking for who listens and follows directions. Supervisor Kryzak mentioned anyplace the Town can find efficiency; they're going to. He's cut \$20,000 out of his budget for the last couple of years, and he's looking for places to cut because other people's budgets aren't decreasing, they are increasing, plus health insurance costs and NYSLRS. If you can run lean and mean and eliminate bureaucracy and come up with an efficiency that can help residents, that's the purpose behind it. People will get their feelings hurt and he's aware of that but at the end of the day, maybe the Town can save some money and make things more efficient.

Roland Tozer thanked the Town Board for the marker and will keep them posted. The Town Board thanked him for preserving Westerlo's history.

Claire Marshall had a couple comments. The Town has had some Public Hearings again and mentioned that the Town Board made rules for Public Hearings and tonight they could've used them. She suggested they look up the rules and start following them again. Supervisor Kryzak wondered what rules weren't followed; Mrs. Marshall responded, there was no sign-up sheet, they let everyone talk. He mentioned Town Board meetings are very different from Public Hearings, people have the opportunity to attend but not the ability to participate unless they are invited to participate. Public Hearings are a different thing, the Town Law manual has those rules. For this meeting, he mentioned there was a lot of business to get through and if the Town

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Board decides to open up the meeting for comment that's the Board's discretion. The public does not have the invitation to participate, the Board just allows it but if there is a lot of business, they are working through they will give the opportunity at the end like they did tonight. Mrs. Marshall indicated the departments used to have access to the Budget vs Actual but they are not getting it. There are questions as to how much money has been spent. It would be nice to know how much money is left in a department. When talking about the unions, the employee handbook was supposed to be discussed at two workshops which were cancelled, and she was surprised that the Supervisor's office gave the handbook to new employees because it is not completely updated and really has never been revised. Supervisor Kryzak advised that the handbook given to the new employees is the handbook that has been approved by the Town Board. The other handbook that has all the revisions, he is trying to give everyone time to review. The most recent revision had a ton of information added to it that departments put in it. He needs to workshop it more, but the Board has not finished reading it yet.

Councilman Mahan wondered about the effects of secondhand marijuana smoke. A brief discussion ensued.

Mr. Benninger went to the transfer station and mentioned that the rules the Town made are that residents can take something from the facility as long as it's reused. The Board agreed.

Mary Jane Araldi, President of the Museum wanted to let the Board know that the Historical Society did put up another sign a few weeks ago for the public garage which was owed by one of the Hannay's and its across from Hannay Reels near where their museum is. Hannay's paid for it.

A resident commented regarding the VA safety training. He would like to caution any fellow veterans here to be very leery about sharing any information about your privately owned firearms with the VA.

Planning Board Member Carkner asked if the Town filed the AUD yet; Supervisor Kryzak indicated it was in process. She wondered if an extension letter was filed; Supervisor Kryzak responded yes. She also wondered if there was a reason why the Town was not investing in NYCLASS because the earnings from that are over 5%. Mr. Kryzak commented that the Town is doing very good with BOGC, and he doesn't like to move money around and as long as BOGC performs well, he believes the Town should stick with BOGC as they have been performing very well and the interest rates are similar. She also commented regarding the combining of the two boards. She is a Planning Board member, she believed they are being silenced. She was not at the last meeting but understands that the entire Planning Board did not adhere to the advice of the Town Attorney, and she assumed this was what prompted this. Planning Board members are required to get training every year. Supervisor Kryzak advised that the Planning Board and ZBA are required to get training annually. She mentioned, the Planning Board attended a training last year through NYS Planning Board Association. The first speaker, who was an attorney mentioned it is a bad idea to combine the ZBA and Planning Board and there was lots of literature on this.

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She is specifically asking Councilwomen Lorraine and Burnside to look at this, not to listen to just what Supervisor Kryzak has to say. She believed people feel Mrs. Pecylak and Mrs. Burnside just go along with what Mr. Kryzak says. Councilwoman Burnside advised she was here in 2021 and went through all the conversations before and it was a different Supervisor then. Mrs. Carkner expressed, there are lots of reasons to keep it separate and again this is something that Mr. McHugh did when he was the Supervisor in his town. Now all the Board members and town residents aren't happy with it. She requested that Mrs. Pecylak and Mrs. Burnside do just a little research on this before they decide. She believes it's a waste of everyone else's time to have a Public Hearing because everyone knows how Supervisor Kryzak, Councilwoman Pecylak and Councilwoman Burnside are going to vote. She believed they would vote to combine the Boards and the two other gentlemen on the Board will vote against it. She wants Board members who are going to be free thinkers up there. This time this affects her because she is on the Planning Board, but she doesn't believe trying to save the Town money this way is the correct thing to do. You could've decided to cut your secretary's salary, but you chose not to. There are other places you could've taken money from and silencing a group of people who are challenging the thought process in the Town is a terrible idea because that's how you get to the best solution. When people disagree on things, that's how the conversations happen, and you find the best solution to a problem.

Mr. Benninger wondered if the Town will have to pay for training to basically retrain the ZBA. Mr. Kryzak responded, no, they are trained every year but will receive additional training from the applications. Mr. Benninger responded so you will be taking some of the savings out for training; Supervisor Kryzak responded, the Town will only be training five (5) people, not ten.

Library Trustee Mary Ann Witt agreed with Mrs. Marshall. The Town Board made a big thing about setting rules for Public Hearings which included sign in sheets and limiting people to the amount of time they could speak. Since the Town Board thought it was that important then, they should be going back and reviewing those and doing that for every Public Hearing. It was important then; it should still be important now. She also had a question regarding the third-party attorney. She has no comment about the attorney they are looking at, but what she is concerned about is, using \$20,000 as a ballpark, that would be 80 hours of legal work to hit \$20,000 related to labor relations. She does believe the Town needs a lawyer to deal with the union. That can spiral though, and wondered how they are you going to manage and control the amount of money spent. Supervisor Kryzak indicated it's a weekly check in with that, to determine where the Town is at and projections. She wondered if there was a ceiling. Mr. Kryzak hopes that the labor relations attorney reaches out to UPSEU and they send him what their intent is and what the employees are requesting, then the attorney can review and bring what the employees want to the Town Board. The Town of Berne uses UPSEU and he believes the only thing different is they get one more holiday and something with their health insurance deductible. The goal is to get the negotiations hashed out before going to the table, it's a one-day affair. This is what the employees want, where does the Town sign, good to go. If there is disagreement with what people want, then you must negotiate, go back to the table and meet again. He doesn't want to spend a lot of money on this but wants to make sure the Town has the legal representation to do it right. Mrs. Witt also wanted an update on the status/progress

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towards the long-range plan. It was published a while ago and there has been no updates. Mr. Kryzak advised they will probably review that in about a year or so. She's wondering what the progress is toward the 84 goals that were set by that group, what's been accomplished or not accomplished. Mr. Kryzak did not think the Town Board had a chance to go back and study which goals and objectives have been hit or not hit but that can be done in the future. She wondered if the actions that the Town Board is taking were consistent with the goals of the comprehensive plan or are they in conflict with it.

A resident wondered why the Town employees want a union. Maybe the department heads can shine some light on it. Mrs. Witt commented that you have to be very careful, although it's important for department heads to speak to their staff about their quality of life, there is a fine line that it could be perceived that management is doing something to prohibit someone from exercising their rights to become unionized. Supervisor Kryzak mentioned that the union is good if done right because it gives people an extra layer of protection against their employer. It has worked for several other towns; the Town will be as amenable as possible to keep the employees. He mentioned looking at what this Town accomplishes compared to other towns around Westerlo, how progressive the Town is with finances, how progressive with the highway department and clerk's department and all the additional boards. Westerlo blows the doors off the towns around us. To keep the people happy and keep them here, if it takes a union, even spending some money, it must be done right but it's money well spent to keep career employees. He mentioned, nothing is worse than having a turnover with someone who's been here 10 years and knows the system and they go somewhere for \$2 more an hour, that shouldn't happen.

Mr. Field understands the highway department wants to be union. If you're unionized, you have a contract with your employer. You don't know what the next Supervisor or Town Board members will be like for Town employees but if you have a contract, employees are protected. Everyone wants to rewrite the handbook all the time, with a contract, it solves that problem. Supervisor Kryzak indicated the handbook should be basic. He hopes the Town employees stick with their union plans, he's pro union, will not discourage people but wants it done right.

Mr. Benninger said if the Planning Board was union, the Town Board wouldn't be talking about getting rid of them right now.

Previous Planning Board Member Edwin Stevens commented about the Town Board hiring a new employee after the Executive Session when he proposed getting rid of five (5) employees who are experienced. How do you hire someone off the street, knowing at the end of the meeting you were going to pull the rug out from under them. Supervisor Kryzak advised there will be some alternate positions, so there will still be some opportunities. Mr. Stevens said think about it, he works for a business for a long time, you hire a new guy tonight, next week you fire me. Supervisor Kryzak responded, the Town hasn't had the Public Hearing, and no one voted on it yet. Mr. Stevens believed they should've held off on hiring someone new knowing they were firing five (5) people who work hard for the Town. Mr. Stevens also mentioned he has no problem with the Board hiring an attorney with some experience that's worked with that union

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before at the negotiating table. They probably have 15 contracts going back and forth between these two firms and should be able to figure it out in a hurry. The handbook is getting swapped around all the time, job stability, the employees don't want to be at the whim of a supervisor who decides to lay off two guys.

Court Clerk Jaimee Motschmann wondered if at the Public Hearing, will there be a question and answers forum or will the Town Board make comments that they're only here to listen like in the past. Supervisor Kryzak indicated he will answer questions as long as the questions are detailed, in fact not if it's going to be people's opinion. She also wondered if new employees meet with him and the Confidential Administrator; he responded yes. She wondered if the new employee has a question about their job description, why they aren't meeting with their department head. Mr. Kryzak mentioned the department head is the one that comes up with the job description. Mrs. Motschmann asked if they are meeting with them and they have a question regarding what is written in the job description, will they be able to answer the question. The department head can be a part of the meeting with the Supervisor's office and new employee for orientation, but that job description and job offer letter needs to come from that department head. He's not trying to take away people's autonomy of who they hire but is asking for them to follow a policy that is relevant in 2024 and that the people being hired sign their name and understand what they are getting and understand what their job description is. She advised we are about 2.5 hours into this meeting now and normal protocol is residents were able to address things as they come up in the meeting and now have to wait until public comment. Mr. Kryzak indicated the public doesn't have the right to participate unless they are asked. She mentioned that Mrs. Marshall was shut down twice from speaking. Mr. Kryzak mentioned they try to have things as open as they can. She responded, people could leave once their questions were answered. She also commented that the Town Attorney left and at the last meeting Mr. McHugh advised he was going to speak to some other attorney, that he had a phone call the next day regarding the union. She wondered what happened with that, he's not here to ask. Mr. Kryzak reported Mr. McHugh is there to give guidance to the Town Board during the Town Board meeting. He does not need to sit here for public comment. She wondered why we cancelled the last Town Board workshop meeting when we could've lessened the agenda for this one. He mentioned none of these things were ready to go, the union, roofing, HR policy, what's the point of bringing some half-done things to a discussion. When everything is ready, they will bring things to the table.

Mrs. Carkner mentioned there has been chatter about Mr. Kryzak stepping down as Supervisor and Councilwoman Burnside stepping in. Mr. Kryzak and Mrs. Burnside both responded no. His plan is he will finish out his term and they can duke it out after that. He mentioned he will leave the Town in a very good stance financially.

Mr. Benninger asked if the Town can take some money and buy some decent chairs. Once the highway department and roofs are all fixed and if there is money left over, Mr. Kryzak promises new chairs.

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ADJOURN MEETING

Supervisor Kryzak made a motion to adjourn the meeting. Councilwoman Pecylak seconded; all in favor motion carried. Meeting adjourned at 8:34 pm.

Respectfully submitted,
Karla Weaver, Town Clerk

BRYAN J. GOLDBERGER*
BRIAN S. KREMER
*ALSO ADMITTED IN PENNSYLVANIA

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April 22, 2024

Via email at George.McHugh@albanycountyny.gov

George McHugh, Esq.
Town Attorney
Town of Westerlo
933 County Route 401
Westerlo, NY 12193

Re: Labor Relations Services

Dear Attorney McHugh:

It was a pleasure speaking with you regarding the recent communication sent to Town Supervisor Matthew Kryzak by the United Public Service Employees Union (UPSEU). For more than thirty (30) years, our law firm has concentrated its practice in the representation of public and private sector employers in labor relations and employment related legal matters, including matters involving the recognition or certification of employee organizations.

The law firm of Goldberger and Kremer is presently retained as labor relations counsel for public employers such as the City of Gloversville, City of Saratoga Springs, Town of Berlin, Town of Mayfield, Town of Rosendale, Town of Webb, Gloversville Housing Authority, Troy Housing Authority, Village of Green Island, Village of Herkimer, Village of Highland Falls, Village of Ilion, Village of Lake Placid, the NYS Teachers Retirement System, and the Village of Woodridge. In our capacity as labor relations counsel for these and other public employers, we have negotiated collective bargaining agreements with labor unions and associations covering bargaining units ranging from two (2) to one thousand three hundred fifty (1,350) members, including several agreements with UPSEU. We have served as counsel to employers in countless arbitrations, mediations, disciplinary hearings, and matters before the NYS Public Employment Relations Board. Our law firm also has significant experience in New York State Supreme Court in matters arising under Articles 75 and 78 of the New York State Civil Practice Law and Rules, Section 75 of the New York State Civil Service Law, and General Municipal Law Sections 207-a and 207-c.

In addition, we serve as Corporation Counsel to the City of Watervliet and General Counsel to Albany Housing Authority, Cohoes Housing Authority and Watervliet Housing Authority. In these roles, we are responsible for all labor relations issues as they arise.

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The law firm of Goldberger and Kremer is comprised of two (2) partners, an associate attorney, and several support staff. If retained by the Town, Attorney Brian S. Kremer would serve as the primary attorney. He graduated cum laude from Albany Law School of Union University in 1991 and, since that date, has been engaged in the practice of public and private sector labor relations law. Mr. Kremer also has vast experience in union organizing matters, collective bargaining, arbitrations, disciplinary matters, and employment litigation. Mr. Kremer is the Corporation Counsel for the City of Cohoes and, in that capacity, is solely responsible for all labor relations issues for the City.

The services of Attorney Bryan J. Goldberger would also be available to the Town. Since his admission to the bar in 1985, he has represented public and private sector employers in union organizing matters, day to day employee relations issues, wage and hour matters, collective bargaining, mediation and arbitration proceedings.

We believe that our firm's experience representing public employers has provided us with the necessary insight and ability to cost effectively assist the Town of Westerlo regarding the efforts of UPSEU to "unionize" the Town's workforce. We would be pleased to assist the Town in this, and any other labor relations matter(s) as requested by the Town, at the rate of \$245.00 per hour. This hourly rate would be subject to adjustment on June 1, 2025 and annually thereafter.

Please feel free to contact me with any questions. My email address is:
I would be happy to meet with you, Supervisor Kryzak, and/or the Town Board to discuss our qualifications as well as our recommendations on the manner in which the Town should respond to UPSEU.

Thank you for your consideration. I look forward to speaking with you regarding our proposal.

Respectfully Yours,

GOLDBERGER AND KREMER



Brian S. Kremer

BSK:jab

PROPOSED LOCAL LAW NO. 3 OF THE YEAR 2024

Purpose

The purpose and subject of this Local Law is to rescind and replace Local Law No. 1 of 2007 as follows: 1) Abolish the Town Planning Board, 2) Transfer all Planning Board functions and duties to the existing Zoning Board of Appeals, 3) Rename the Zoning Board of Appeals to the 'Planning Board/Zoning Board of Appeals', and 4) Amend the Town of Westerlo Code where necessary to effectuate these changes.

Authority

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The Town Board of the Town of Westerlo as Legislative Body for the Town of Westerlo hereby enacts this Local Law pursuant to authority conferred by New York State Town Law Article 16, New York State Municipal Home Rule Law, and the New York State Constitution.

Legislative Intent

The intent of this Local Law is to abolish the Planning Board and transfer its functions to the Zoning Board of Appeals which will result in a streamlined review process for applicants and promote economic development by providing a more efficient and coordinated land use review process within the Town of Westerlo. Coordination of land use review functions pursuant to this Local Law will maintain the highest standards of review and approval as required by applicable state and local laws and regulations which will continue to protect and enhance the Town of Westerlo, its citizens, its environment, and its economy.

THE TOWN BOARD OF THE TOWN OF WESTERLO HEREBY ENACTS LOCAL LAW NO. 3 OF THE YEAR 2024 AS FOLLOWS:

SECTION 1

The Town of Westerlo Planning Board created pursuant to Local Law No. 1 of 2007 is hereby abolished.

SECTION 2

The Town of Westerlo Zoning Board of Appeals shall hereafter be known as the Town of Westerlo “Planning Board/Zoning Board of Appeals”. All references to either the Zoning Board of Appeals or Planning Board located within the Town of Westerlo Code shall be replaced with the term “Planning Board/Zoning Board of Appeals”.

SECTION 3

All functions, duties and authority of the former Planning Board, including but not limited to authority conferred by Regulation for Site Plan Review and Subdivision of Land, and all applicable state and local regulations are hereby vested with the Planning Board/Zoning Board of Appeals.

SECTION 4

Pursuant to Article 16, §271 of the Town Law of the State of New York the Town of Westerlo Town Board shall appoint the members of such Planning Board/Zoning Board of Appeals and designate the chairperson thereof. The membership of the existing Zoning Board of Appeals, now to be known as the Planning Board/Zoning Board of Appeals shall remain five (5) members. One alternate member may be appointed on an annual basis by the Town Board and shall serve in the absence of a regular member. All future appointments shall be for a term of five (5) years. Each member shall be compensated as provided for in the annual budget of the Town of Westerlo. Said compensation shall be approved by the Town Board at its annual organizational meeting held the first Tuesday following January 1.

SECTION 5

The Planning Board/Zoning Board of Appeals shall have all the powers and duties provided to it under the Town Law of the State of New York, the Westerlo Zoning Law, the Subdivision Regulations of the

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Town of Westerlo, prior Resolutions, ordinances and local laws of the Town of Westerlo and any other laws, rules or regulations, either state or local, and ordinarily exercised by a Planning Board and/or Zoning Board of Appeals, including but not limited to: the power to prepare a master/comprehensive plan, the powers delegated to a Planning Board and/or Zoning Board of Appeals under the Town Law of New York State, the power to enter into escrow agreements with applicants for professional services to be rendered on behalf of the Town and to be paid by the applicant, the power to approve existing unauthorized subdivisions as authorized by the Town of Westerlo Local Law No. 4 of 1992, the power to adopt rules and regulations, the power to act as agency or lead agency and perform the duties and make decisions in those actions that are required by the State Environmental Quality Review Act, any rules and regulations thereunder, and any and all other powers or authority authorized for Planning Boards and/or Zoning Boards of Appeal.

SECTION 6

The members of the Planning Board/Zoning Board of Appeals shall be required to complete training and continuing education courses in accordance with New York State Law.

SUPERCESSION

The Town of Westerlo hereby exercises its authority pursuant to New York State Municipal Home Rule Law to supersede any conflicting state or local laws contrary to this Local Law.

SEVERABILITY

If any portion of this Local Law or the application thereof shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remaining portions of this Local Law.

EFFECTIVE DATE

This Local Law shall become effective immediately upon filing with the NYS Secretary of State in conformity with NYS Municipal Home Rule Law. This Local Law supersedes all provisions of Local Law No. 1 of 2007.