

**TOWN OF WESTERLO  
TOWN BOARD MEETING  
&  
PUBLIC HEARING for a PROPOSED LOCAL LAW 1 of 2024 for  
CHANGING GRIEVANCE DAY  
OF  
TUESDAY, APRIL 16, 2024**

The Town of Westerlo Town Board held a regular meeting on Tuesday, April 16, 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  
ABSENT: Councilman Joshua Beers

Also attending were: Highway Superintendent Jody Ostrander, Town Justices Kenneth Mackey & Joshua Ostrander, Highway Dept. Employees Justin Case, Dave Pecylak, John Hunter, Peter Voisey, Dan Rohrmiller, Philip Mackey, Sal Spinnato IV, & 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 Member Bill Hall, Hometown Heroes Committee Member/Confidential Administrator Lisa DeGroff, Westerlo Heritage Museum Director MaryJane Araldi, Westerlo Vol. Fire Co. Member Rick Haley, Library Board President Maureen Sikule, Court Clerk/Deputy Town Clerk Jaimee Motschmann, Town Clerk Karla Weaver and approximately nine residents.

**OPEN MEETING**

Supervisor Kryzak made the motion to open the regular Town Board meeting. Councilman Beers seconded; all in favor motion carried.

**PUBLIC HEARING – PROPOSED LOCAL LAW #1 of 2024 – CHANGING DATE OF GRIEVANCE DAY**

Supervisor Kryzak made a motion at 6 pm to open the Public Hearing regarding a proposed change of date for Grievance Day. Councilman Beers seconded; all in favor motion carried.

Supervisor Kryzak read the following, proposed Local Law #1 of 2024. There were no questions from the Town Board or public.

***TOWN OF WESTERLO  
LOCAL LAW NO. 1 OF THE YEAR 2024  
A LOCAL LAW “CHANGING GRIEVANCE DAY”***

Be it enacted by the Town Board of the Town of Westerlo as follows:

- §1. Legislative Authority; Supersession of State Law.**
- §2. Legislative Intent.**
- §3. Grievance Day Established.**
- §4. Inconsistency.**
- §5. Severability.**
- §6. Effective Date.**
- §7. Numerical/Lettering Designations.**

**§1. Legislative Authority; Supersession of State Law.**

*This article is enacted pursuant to New York Real Property Tax Law §512, which enables a Town to enact a local law to change grievance day from the fourth Tuesday of May. This article supercedes and is in place of the date for the hearing of complaints set forth in subsection 10 §512 of the Real Property Tax Law.*

**§2. Legislative Intent.**

*The Town of Westerlo in the County of Albany employs an assessor who is at the same time employed by another assessing unit. Pursuant to the authority granted by §512, Subdivision 1-a of Real Property Tax Law, the Town of Westerlo desires to establish a date for the meeting of the Board of Assessment Review other than that provided in Subdivision 1 of §512 of the Real Property Tax Law.*

**§3. Grievance Day Established.**

*The Town of Westerlo hereby adopts as and for its Grievance Day the first Wednesday after the fourth Tuesday in May and as many days thereafter as the Board of Assessment Review deems necessary when such Board shall meet to hear complaints in relation to assessments pursuant to §512 of the New York State Real Property Tax Law.*

**§4. Inconsistency.**

*All other laws and ordinances of the Town of Westerlo that are inconsistent with the provisions of this local law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this local law.*

**§5. 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.*

**§6. 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.*

**§7. Numerical/Lettering Designations.**

*The chapter designation and numerical/lettering designations of the sections and article(s) included in this local law shall be delegated to the discretion of General Code Publishers, which may renumber the chapter, sections and article(s) included in this local law as necessary to accommodate incorporation of this local law in the Code of the Town of Westerlo.*

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Supervisor Kryzak made a motion to close the Public Hearing on Local Law #1 of 2024. Councilman Mahan seconded; all in favor motion carried. The Public Hearing closed at 6:04 pm.

**ADOPTION OF LOCAL LAW #1-2024 – CHANGING DATE OF GRIEVANCE DAY**

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

- WHEREAS:** the Assessor Melanie Bunzey has a conflict with the Town of Westerlo’s Grievance Day due to her employment with the Town of Berne and
- WHEREAS:** the Assessor has asked the Town Board to change the Grievance Day date for the Town of Westerlo by Local Law, be it hereby
- RESOLVED:** the Town Board hereby adopts Local Law # 1 -2024 – Changing Grievance Day for the Town of Westerlo (as shown above) to the first Wednesday after the fourth Tuesday in May and as many days thereafter as the Board of Assessment Review deems necessary.

Councilman Mahan seconded; a vote resulted as follows:

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

NAY: None

**RESOLUTION # 49 - 2024 was thereby duly adopted.**

Supervisor Kryzak made a motion to adopt the following resolution:

- WHEREAS:** The Town Clerk needs to advertise for the change in date for Grievance Day, be it hereby
- RESOLVED:** The Town Board authorizes the Town Clerk to advertise for the change in date for Grievance Day in the newspaper for a period of two weeks if time permits.

Councilman Beers seconded; a vote resulted as follows:

AYES: Supervisor Kryzak, Councilman Mahan, Councilman Beers,

Councilwoman Burnside and Councilwoman Pecylak

NAY: None

**RESOLUTION # 50 - 2024 was thereby duly adopted.**

Councilwoman Burnside would like the change in date for Grievance Day added to the website as well.

**CORRECTION OF PRIOR MONTH RESOLUTIONS**

Supervisor Kryzak reported the need to fix the adoption of a few resolutions from the previous meeting as he did not word them correctly a few weeks ago, advising no motions were made. The first is regarding the resolution to establish Westerlo Water District No. 1 Reserve Fund and the second, the resolution to establish a Capital Projects Reserve Fund for repairs and capital improvements for our equipment and properties for the Town of Westerlo.

**RESOLUTION TO TRANSFER AND ALLOCATE FUNDS TO THE TOWN OF WESTERLO WATER DISTRICT #1 RESERVE FUND**

Supervisor Kryzak made a motion to adopt the following resolution:

- WHEREAS:** pursuant to Section 6-d of the New York State General Municipal Law, the Town of Westerlo established a Water District #1 Reserve Fund for repairs and/or capital improvements and/or equipment, known as the Town of Westerlo Water District #1 Reserve Fund through Board Resolution; and
- WHEREAS:** the Town Board finds that it is prudent and in the best interest of the Town and Water District # 1 to set aside funds to be used in the event substantial qualifying and non-routine repairs and/or equipment should be necessary; now therefore be it
- RESOLVED:** that the Town Supervisor, as chief fiscal officer, is hereby directed to transfer, deposit and secure \$55,000.00 of 2024 Water District fund balance to the Westerlo Water District # 1 Reserve Fund immediately; and further
- RESOLVED:** that except as otherwise provided by law, expenditures from this Westerlo Water District # 1 Reserve Fund are subject to the restrictions and purpose for which the Westerlo Water District # 1 Reserve Fund was established as set forth in Board Resolution.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAY: None

**RESOLUTION # 51 - 2024 was thereby duly adopted.**

**\*This resolution is a correction from the 3/19/24 meeting.**

**RESOLUTION TO TRANSFER AND ALLOCATE FUNDS TO THE TOWN OF WESTERLO CAPITAL PROJECT RESERVE FUND**

- WHEREAS:** pursuant to Section 6-d of the New York State General Municipal Law, the Town of Westerlo established a Capital Projects Reserve Fund for repairs of capital improvements or equipment, known as the Town of Westerlo Capital Projects Reserve Fund (“Capital Projects Reserve Fund”) through Board Resolution; and
- WHEREAS:** the Town Board finds that it is prudent and in the best interest of the Town to set aside funds to be used in the event substantial qualifying and non-routine repairs should be necessary; now therefore be it
- RESOLVED:** that the Town Supervisor, as chief fiscal officer, is hereby directed to transfer, deposit and secure \$1,200,000.00 of 2024 fund balance to the Capital Project Fund immediately; and further
- RESOLVED:** that except as otherwise provided by law, expenditures from this Capital Project Reserve Fund are subject to restrictions and purpose for which the Capital Project Reserve Fund was established as set forth in Board Resolution.

Councilman Beers seconded; a vote resulted as follows:

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

NAY: None.

**RESOLUTION # 52 - 2024 was thereby duly adopted.**

*\*This resolution is a correction from the 3/19/24 meeting.*

A resident asked where the funds come from for the Water District Reserve Fund. Supervisor Kryzak responded that they’re from the Water District’s account.

**APPROVAL OF MINUTES**

Supervisor Kryzak reported there were no minutes to approve tonight.

**TOWN CLERK & TAX COLLECTOR REPORTS MARCH 2024**

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

**BUDGET AMENDMENTS (2)**

- 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>
\$38,747.50	(A)200.1 General Fund/Fund Balance	(A)1620.2 Buildings – Capital Outlay Other

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 53 - 2024 was thereby duly adopted.**

Supervisor Kryzak made a motion to adopt the following resolution:

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

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

**Museum Fund (2024)**

<u>Amount</u>	<u>From Account</u>	<u>To Account</u>
\$90.43	(M)200.4 Museum Fund/Fund Balance	(M)7450.48 Celebrations

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

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

NAYS: None

**RESOLUTION # 54 - 2024 was thereby duly adopted.**

Supervisor Kryzak reported this is basically the funds used to tear down the Freese house. The Town is essentially moving funds from the General Fund to Capital Outlay Other which goes to another account as it's easier for the accountant to track since all that money is going to be reimbursed by the County.

**PAYMENT OF MONTHLY BILLS (APRIL 2024)**

Councilwoman Burnside questioned if all of the Town's accounts were moved to the Westerlo branch of the Bank of Greene County. Supervisor Kryzak advised there were some leftovers from the National Bank of Coxsackie he believed they were for the Justice Court.

Councilwoman Burnside then wondered what a helmet protector was. Town Clerk Weaver indicated it was a purchase on the Tractor Supply credit card and asked Highway Superintendent Jody Ostrander to advise. Highway employee Sal Spinnato advised it's for welding to protect vision.

Supervisor Kryzak made a motion to adopt the following resolution:

- WHEREAS:** the Town Board has audited the April bills, be it hereby  
**RESOLVED:** the following 2024 bills be paid Voucher # 156 through Voucher # 206 in the amount of \$106,152.29, and be it further  
**RESOLVED:** the Town Board approves the payment of the April 2024 bills from Voucher # 156 through Voucher # 206 in the amount of \$106,152.29.

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

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

NAYS: None

**RESOLUTION # 55 - 2024 was thereby duly adopted.**

#### **INVESTMENT REPORT - MARCH 2024**

Supervisor Kryzak reported there is only \$443.42 invested with NYCLASS which earned \$2.03 in interest. The total interest earned with Bank of Greene County on all accounts from March 1<sup>st</sup> through March 31<sup>st</sup> was \$10,033.77 and YTD January through March interest earned on all accounts was \$27,679.23. Supervisor Krzak made a motion to approve the investment report for March 2024. Councilman Mahan seconded; all in favor motion carried.

#### **SUPERVISOR'S REPORT - MARCH 2024**

Supervisor Kryzak reported on the total balances for March were \$4,465,245.38. Payments received totaled \$85,154.38; disbursements totaled \$307,330.12 which leaves the Town's total reconciled accounts balance for March at \$4,243,979.64. The M&T Collateral Statement as of April 1<sup>st</sup> was \$4,830,792.35. Supervisor Kryzak advised, the Town is collateralized for more than the deposits and is well protected from any issues with the banks.

He also reported along with the Supervisor's report currently right now January through March the Town is at 87.7 % collected in the General Fund. Right now, the Town is only 9% expended from the General Fund, so obviously things lag but the Town is looking good financially as well as in the other accounts.

Supervisor Kryzak made a motion to approve the Supervisor's Report for March 2024. Councilwoman Pecylak seconded; all in favor motion carried.

#### **DEPARTMENT & COMMITTEE REPORTS**

Supervisor Kryzak reported he received monthly reports from Town Justices Joshua Ostrander and Kenneth Mackey and a written report was received from the Assessor Melanie Bunzey and Code Enforcement Officer Jeff Pine.

#### **ASSESSOR**

##### ASSESSOR'S MONTHLY DEPARTMENTAL REPORT

To: Westerlo Town Board  
From: Melanie Bunzey, Assessor

Date: April 4, 2024  
Re: Monthly Report

My apologies for not submitting a report for a couple of months. They have been very busy months.

The March 1<sup>st</sup> deadline for new and renewal exemption forms passed and we have been processing them in preparation for the May 1<sup>st</sup> tentative roll. A total of 42 new Senior Exemption applications was received and processed with only 5 denied due to excessive income. The process involves determining income eligibility based on the new income limits set by New York State. We also received 6 applications for the new Volunteer Firefighters/Ambulance Workers Exemption.

I've continued to make assessment adjustments for all improvements made throughout the town based on Certificates of Occupancy/Completion/Compliance and for improvements found while driving around town that no building permit was applied for.

A Local Law enacting a change in the usual grievance date of the fourth Tuesday in May (May 28<sup>th</sup>) was necessary since I am also the Deputy Assessor for the Town of Berne and because the Westerlo Town Hall has a meeting on May 28<sup>th</sup> and it would have been difficult to hold the Board of Assessment Review ("BAR") hearings in my office. It is my hope that the conference room will be reserved for BAR hearings each fourth Tuesday in May so that it's not necessary to make the change again.

A "New Sales Transmittal Report" was submitted to the State with 11 sales since last submittal.

The following 2024 STAR reports have been received from New York State and processed:

- Report #1 – Enhanced STAR Eligibility Report
- Report #2 – Income Greater than \$250,000 Report
- Report #3 – Voluntary Exemption Removal Report – Initial

Address changes are made on a regular basis as well as bank escrow information. Routine calls and emails are received and answered on nearly a daily basis.

The system is checked for property owners listed on death notices received, exemptions are then removed if necessary and notifications of exemption change mailed.

Respectfully submitted,

*Melanie Bunzey*

Melanie Bunzey, Assessor

**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)

Supervisor Kryzak indicated for the Justice Court Justice Ostrander had collected \$2,802.00 and Justice Mackey had collected \$1,642.00 for the month of March which was received by the Supervisor's Office.

### **HOMETOWN HEROES COMMITTEE**

Lisa DeGroff mentioned that the Committee met on March 26<sup>th</sup>. They reviewed their finances to date.

#### **Heroes Meeting Report March 26, 2024**

1. Reviewed finances to date
- 2.
3. Closing Ceremony
  - a. Lisa Joslin to reach out to Greenville Boy Scouts to participate and Amie Burnside to reach out to BKW Boy Scouts to participate.
  - b. Decided on guest speaker. Lisa DeGroff will contact.
  - c. Bagpipes – still need to confirm
  - d. Videographer – still need to confirm
  - e. Food – decided on menu and food provider
4. Banners
  - a. Sponsors – confirmed all sponsors and checks received to date. Just a few outstanding. Looks like there will be approximately 22 sponsors.
  - b. Veteran Banners – based on applications from families and friends plus sponsors – anticipate – 21 Veteran Banners.
  - c. First Responder Banners - based on applications from families and friends plus sponsors – anticipate – 12 First Responder Banners
  - d. Banner Re-Hangs – at the moment the count is over 40 re-hang applications with more expected by April 1<sup>st</sup>.
5. Veterans Garden
  - a. Need to set a date for cleanup and mulch. Will set date at April meeting. Weekend dates were hard to get a consensus – will consider evenings after work for May as well as weekends.

- b. Fire Pit – all seemed in favor of installing a fire pit. Will finalize decision at April meeting. Can order from Lowes at a 10% discount. Committee liked what was offered at Home Depot. Will look into a 10% discount from Home Depot.

6. 5K Fundraiser to benefit Westerlo Hometown Heroes and Suicide Prevention  
Discussion tabled

### **LIBRARY REPORT**

Library Board President Maureen Sikule reported this month in the Hannay Room they are aligning the artwork for Berne Knox Westerlo Central School District students. Last month they had done the Greenville Central School Districts artwork. She then reported on the following Library activities/programs:

- April 19<sup>th</sup> – Reception for BKW art students from 5-7 pm
- April 22<sup>nd</sup> – Seed Starting Program at 6 pm
- May 3<sup>rd</sup> – Reception for the Art Exhibit of Ot Milson who recently passed away from 5-7 pm
- May 11<sup>th</sup> – Mother’s Day Bake Sale from 9 am-2 pm with a satellite sale at the Transfer Station
- May 18<sup>th</sup> – Disaster Preparedness with the Air National Guard

### **PLANNING BOARD REPORT**

Since Chairman Beau Loendorf was absent Planning Board Member Bill Hall reported there was no new business for the Planning Board.

### **LOCAL LAW REVIEW COMMITTEE**

Committee member Bill Hall reported unfortunately there were a bunch of personal issues this month so there were only two committee members at the meeting. The committee is in the process of going over suggestions from Jeff Pine and is working on incorporating his suggestions. They only have a couple articles left to review in the Zoning Law and are getting close to wrapping that up to send over to the Town Board.

### **MUSEUM**

Bill Hall reported the Museum did a fund raiser at the Town’s Easter event where they sold food which raised \$200. The Museum Board have decided to call the proposed new building the Museum Carriage House. They are still waiting for advisement from the Town Board on the easement and variance. They are looking at the potential for a grant that the Confidential Administrator had found which may help with the cost of the building.

- Mother’s Day Brunch - May 5<sup>th</sup> from 11am-1pm @ Town Hall
- Town of Westerlo Heritage Museum 17<sup>th</sup> Garage Sale Day - June 8<sup>th</sup>
- There were a couple of people who were interested in joining as new members, Joshua Beers, Peter Mahan and Claire Marshall. The Town Board will need to discuss appointments.

Councilwoman Burnside mentioned she visited the Museum she hadn't been there since before COVID. It was nice to be able to go through the whole Dr. Anna Perkins photo albums, it's a really nice display.

### **HIGHWAY DEPARTMENT REPORT**

Highway Superintendent Jody Ostrander reported the highway department has been around chipping again for the third time. They have taken quite a few of the big trucks apart, washed them and fluid filled them. There is a sweeper coming on Monday. He indicated he ordered 100 tons of salt for storage because last year it was \$73 per ton, this year we bought it for \$60 per ton. He's hoping he did the right thing, they were a little light on what they had used for this year anyway. He also reported he had sent in both Stream Permits for NYS DEC approval along with Soil & Water.

### **APPROVAL OF REPORTS**

Supervisor Kryzak noted for the record that the Town has received written reports from the following: Justice Court, Assessor, Code Enforcement, and verbal reports from; Planning Board, Hometown Heroes Committee, Highway Dept., Local Law Review Committee, and Library.

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

### **OLD BUSINESS**

#### **CAPITAL IMPROVEMENT PROJECT PLAN**

Supervisor Kryzak mentioned there was a spread sheet given to the Town Board for them to rate the priority of projects for Capital Improvements. Right now, list stands in this order:

1. Town Hall - roof and any other structural issue.
2. Town Justice Court – roof.
3. Town Justice Court – foundation and any other structural issue.
4. Town Justice Court – windows and doors.
5. Town Justice Court – siding.
6. Town Highway Garage – salt shed.
7. Town Highway Transfer Station – fence and facilities.
8. Town Highway – plow truck and equipment.
9. Town Highway – pickup trucks.
10. Town Highway – garage buildings.
11. Town Hall – paving.
12. Town Highway – garage paving,
13. Town Justice Court – paving.
14. Town Hall – HVAC improvements.
15. Town Justice Court – architectural finishes.
16. Town Hall – IT or office equipment.
17. Landscaping – various.

Mr. Kryzak mentioned, as far as order of precedence of these, obviously there are some that are more important than others. The Town will try to move on any roof and structure issues to

try to preserve the buildings. If there is a building which becomes a priority based upon need, the Town can move that around, the money is transferred, and the Town can go ahead and start planning for these projects and get bids to get these scheduled. Councilwoman Pecylak asked if the Town can get a grant for Justice Court. Supervisor Kryzak mentioned the Town will look into grants. Most grants are matching. Any place the Town can pull grants it will.

Councilwoman Burnside asked if a motion was necessary to authorize the supervisor to get quotes. Supervisor Kryzak responded yes and made a motion to adopt the following resolution:

**WHEREAS:** The Town Board discussed Capital Improvement projects and the need to get quotes for the items on the list, be it hereby

**RESOLVED:** The Town Board authorizes the Supervisor to go ahead and start getting quotes for some of these projects.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 56 - 2024 was thereby duly adopted.**

Supervisor Kryzak advised once the Town receives bids, he will put them before the Town Board and go ahead and discuss what should be done.

### **PROPOSED UPDATE TO THE ZONING LAW – FOR FENCES**

Supervisor Kryzak read the following proposed resolution regarding an amendment to the Town’s zoning law regarding fences.

#### **PROPOSED LOCAL LAW NO. \_\_ OF THE YEAR 2024**

#### **Purpose**

*The purpose and subject of this Local Law is 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.*

#### **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:**

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**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.*

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**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.*

Mr. Kryzak advised; this will be added to the Town's zoning by way of local law. Supervisor Kryzak made a motion to adopt the following resolution:

**WHEREAS:** The Town Board is in the process of reviewing a proposed local law to amend the zoning law regarding fencing; be it hereby

**RESOLVED:** The Supervisor declares the Town as lead agency, this is a type 1 action under SEQRA which will require a full environmental assessment form, and further

**RESOLVED:** The Town Board sets a Public Hearing for May 21<sup>st</sup> at 6 pm and authorizes the Town Clerk to advertise for the Public Hearing.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 57 - 2024 was thereby duly adopted.**

Supervisor Kryzak mentioned that the proposed law will be sent to the county and to abutting towns.

**2024 DRUG & ALCOHOL SUPERVISOR TRAINING**

Supervisor Kryzak mentioned he would like to send the Highway Superintendent and Confidential Administrator to the 2024 Drug and Alcohol Supervisor training on May 2<sup>nd</sup> at 10 am at the Schoharie County Office building at a cost of \$50/person. The training is necessary for any and all personnel who are or may be responsible for the supervision of CDL drivers. Training only needs to be completed once unless you would like a refresher. Supervisor Kryzak made a motion to adopt the following resolution:

**WHEREAS:** 2024 Drug and Alcohol Supervisor training is being offered on May 2<sup>nd</sup> for any person who may be responsible for the supervision of CDL drivers; be it hereby

**RESOLVED:** The Town Board authorizes the Superintendent of Highways and Confidential Administrator to attend this training on May 2<sup>nd</sup> at 10 at the Schoharie County Office building at a cost of \$50/person.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 58 - 2024 was thereby duly adopted.**

**COUNCILWOMAN BURNSIDE-QUESTION REGARDING MUSUEM**

Mrs. Burnside asked Museum President William Hall if he was actively looking at the proposed grant. He advised they were all just given a copy on Thursday, so each member took a copy to review.

**UNITED PUBLIC SERVICE EMPLOYEE UNION (UPSEU)**

Supervisor Kryzak indicated the Town received a letter from UPSEU dated March 26<sup>th</sup> which was received on April 2<sup>nd</sup>. He read the letter aloud:

*Please be advised that UPSEU has recently obtained a sufficient number of signed cards from the full and part time members of highway, building maintenance, recreation maintenance and solid waste and recycling as well as the full and part time clerks in the town. In accordance with NYS Taylor law, the union requests voluntary recognition from the Town of Westerlo to become the sole bargaining agent to the employees of the Town. This request would include all job titles in the four referenced departments as well as the full and part time clerks in the Town including but not necessarily limited to Deputy Town Clerk, Court Clerk, Assessor Clerk, Code Enforcement Clerk, Planning Board Clerk, Zoning Board Clerk and Deputy Town Clerk. I've attached a letter which can be returned to us electronically at our address above to effectuate recognition from the Town.*

*Thank you in advance for your anticipated cooperation. If you have any questions, please feel free to contact me. I look forward to speaking with you.*

Supervisor Kryzak advised there was a letter of recognition that came with this letter just looking for the Town to recognize UPSUE as the exclusive collective bargaining representative

for all members of the highway department as well as the clerks employed within the Town. He mentioned he is looking into it and forwarded it to the Town Attorney. Mr. Kryzak is looking into engaging a consultant for municipal union negotiations and indicated he will go ahead and try to reach out to UPSEU once they've done their due diligence. He would like to get some information from UPSEU, specifically, what they are going to provide to the employees and what they are going to provide to the Town, what's the benefit to the employees, what's the benefit to the Town. He advised he is pro union; however, he just doesn't know what the Town will get from this union. A lot of unions he is signatory with provide free training which could be a perk. He has no problem becoming voluntarily signatory to this union if the Town Board approves. He will try to do his due diligence on this to get the ball rolling, just must put it before the Town Board. He hopes it's not that employees are paying for something and not getting much in return and that everyone benefits from this including the taxpayer. The Town Attorney advised he has a call with a law firm that specializes in this tomorrow and will report back to him on that. Mr. Kryzak asked for the shop steward to provide him with anything he received as far as literature of what can be offered to the employees so he can do his due diligence for becoming signatory and moving into negotiations.

Town Employee Peter Voisey introduced himself as the union representative as 3/5 of the Town Board didn't know him. He's been an employee of the Town for two years. He explained that the employee handbook can be changed at any time so with the union they get a contract. The employees get bargaining power and protection.

#### **TRANSFER STATION CAMERAS**

Mr. Kryzak mentioned there is a quote for four cameras at the transfer station. The Town doesn't need to have four cameras, but cameras were recommended by the insurance company. Someone rammed the metal pile in the past and it would be good to have cameras at town locations. Councilwoman Burnside wondered if the Town was considering cameras at the highway department. The Supervisor mentioned he would like to cover all public areas for liability, including court. He would like to speak to Highway Superintendent Jody Ostrander and employee Dave Pecylak but would like the Board to consider the cameras.

#### **NEW HIRES**

Supervisor Kryzak indicated there is a new Solid Waste and Recycling Coordinator, his name is Tony Pederson who started on April 15<sup>th</sup>. He reviewed his application and Tony was interviewed by both Mr. Ostrander and Mr. Pecylak.

Town Clerk Weaver advised Michelle Rose is the new Deputy Town Clerk. She starts Thursday.

#### **MOWER FOR TOWN PARKS**

Mr. Kryzak reported there is a need for a new mower for the Town Park. Quotes were received for a new Ferris mower from Max Wood 2024 model \$15,600, Jack Miller 2024 model \$16,000, and Abele Tractor 2023 model \$16,000 all are for a 72" deck. Mr. Ostrander would like to purchase from Max Wood the 2024 model to avoid any depreciation. Mr. Kryzak would like to

move money from the general fund balance to the parks equipment fund to purchase this item. Mr. Kryzak made a motion to adopt the following resolution:

**WHEREAS:** The Town of Westerlo needs to purchase a new mower for the Town Park, and

**WHEREAS:** The Town of Westerlo received three quotes for a Ferris mower with a 72" deck, be it hereby

**RESOLVED:** The Town Board authorizes the purchase of a 2024 Ferris mower from Max S. Wood for a total of \$15,600.

Councilman Mahan seconded; a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 59 - 2024 was thereby duly adopted.**

Supervisor Kryzak mentioned he will prepare a balance transfer for the next meeting so it can be paid for when it comes in.

#### **DOG CONTROL INSPECTION REPORT**

Mr. Kryzak indicated NYS Ag & Markets provided the Town with a dog control inspection report.

#### **EASTER EVENT UPDATE**

Town Clerk Weaver gave an update on the Easter event the Town held on March 30<sup>th</sup>. Everyone was very busy. The kitchen had five volunteers and all food sales went toward the Museum's building fund. People really liked the balloon guy, photos and egg hunt. It was another great year. Mr. Kryzak indicated people were raving about it.

#### **GRANT FROM BOGC**

Mr. Kryzak indicated the Town received another grant from the Bank of Greene County in the amount of \$1,000.00 which will be used for a set of bleachers for the So. Westerlo Park. Each set costs \$2,500. He thanked Mrs. DeGroff for writing the grant. Supervisor Kryzak made a motion to adopt the following resolution:

**WHEREAS:** The So. Westerlo Park needs a set of bleachers; be it hereby

**RESOLVED:** the Town Board authorizes the purchase of a set of bleachers for the So. Westerlo park for \$2,700.00 minus the \$1,000.00 grant for a total cost of \$1,700.00.

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

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

NAYS: None

**RESOLUTION # 60 - 2024 was thereby duly adopted.**

Councilwoman Burnside mentioned if her calculations were correct there were upwards of \$68,000 in grants received. Supervisor Kryzak thanked Mrs. DeGroff.



Supervisor Kryzak mentioned at 7 pm the Town Board must conduct interviews for the vacancy on the Zoning Board.

### **PUBLIC COMMENT**

Town Justice Kenneth Mackey reminded the Town Board that the JCAP Grants come through the Court System and can only be done through the Town Court, not through the Town Board. So, when it does become available and he finds out what the parameters are, if the court can help in any way, shape, or form they will try to make that happen. He just didn't want the Town Board to think they can go ahead and contact JCAP to try to apply for a grant. Justice Mackey advised the Supervisor and Town Board JCAP has not provided him with any notification yet of any available grants. Councilwoman Pecylak asked if he would advise the Town Board when he knows of an available grant.

Resident Rick Haley asked if there were any results on the traffic study. Supervisor Kryzak reported yes it came in today however, he has not had the chance to read it. He asked the Confidential Administrator if she would bring them up to speed. Mrs. DeGroff reported, she reached out regularly to Albany County DPW and heard back from their Traffic Coordinator who said he is waiting to hear back from NYSDOT what the exact changes will be. Once he hears what those changes are he will let the Town know and any signage they will take care of. Supervisor Kryzak mentioned there is some language at the end of the email about signage being changed. Mrs. DeGroff reported she did reach back out to DPW to ask if there would be some changes, but she has not heard back. Supervisor Kryzak advised his office doesn't know exactly what Albany County will do. Mrs. DeGroff reported it still must go to the Department of State for final approval. The resident asked if the Town had put a yield sign now at the end of Slade Hill Rd. One of the Town highway employees responded it has always been a yield sign. The resident advised the Town Board that he has observed several occasions of excessive speed. Supervisor Kryzak mentioned if you see traffic rules are not being observed please call his office so he can contact the Albany County Sheriff's Dept. The Town will keep doing the best it can with those situations and let those agencies handle them.

Resident Charles Benninger asked a question regarding the proposed Local Law for Fences. He wondered if there were any exemptions for a farm. A lot of farmers have these in the middle of a stone wall. Supervisor Kryzak responded no it is only within 5 feet of an abutting property owner's structure.

Bill Hall, President of the Museum wondered if there was any update on the variance for the proposed new building. Mr. Kryzak responded; it's still in process. Councilwoman Burnside indicated some residents believed the Town owns Woodman's Hall, however she clarified, the Town does not own it. Mr. Kryzak advised the Town just needs a right-of-way for access. He would suggest getting the building staked out. The Museum will work with Mr. Pine on staking out the proposed building again.

A resident commented that many people's garbage blows out of their vehicles on the way to the transfer station. Mr. Kryzak suggested calling the police.

**EXECUTIVE SESSION**

Supervisor Kryzak made a motion to enter into executive session for the purpose of interviewing candidates for the vacancy on the Zoning Board of Appeals. He explained, the medical, financial, credit or employment history of a particular person or corporation or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation, is something they discuss in executive session at 6:59 pm. Councilman Mahan seconded the motion, all in favor motion carried. Supervisor Kryzak advised; no appointment would be made until the next meeting for those who do not wish to stay.

Supervisor Kryzak made a motion to return from executive session at 7:37 pm. Councilman Beers seconded, all in favor motion carried.

**ADJOURN MEETING**

Supervisor Kryzak made a motion to adjourn the meeting. Councilwoman Pecylak seconded; all in favor motion carried. Meeting adjourned at 7:38 pm.

Respectfully submitted,

Karla Weaver, Town Clerk