

**TOWN OF WESTERLO
TOWN BOARD MEETING
OF
TUESDAY, March 19, 2024**

The Town of Westerlo Town Board held a regular meeting on Tuesday, March 19, 2024, at 6:01 PM at the Town Hall 933 CR 401, Westerlo, NY. Supervisor Kryzak opened the meeting with the Pledge of Allegiance to the Flag at 6:01 PM.

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

Also attending were: Town Highway Superintendent Jody Ostrander and Employees David Pecylak and Salvatore Spinnato IV, Clerk to the Code Enforcement Officer & Clerk to the Assessor Claire Marshall, Planning Board Member Bill Hall, Hometown Heroes Committee Member/Confidential Administrator Lisa DeGross, Westerlo Rural Cemetery President Betty Filkins, Fire Co. Members Chris & Art Allen, Museum Director Mary Jane Araldi, Library Director Amy Powarzynski and Library Trustee Mary Ann Witt, Town Clerk Karla Weaver and approximately four residents.

OPEN MEETING

Councilwoman Burnside made the motion to open the regular Town Board meeting. Councilman Beers seconded; motion carried by those present.

APPROVAL OF MINUTES

Supervisor Kryzak asked if the Town Board had the chance to review the draft Town Board meeting minutes of January 16, 2024, February 6, 2024, and February 20, 2024. Councilwoman Burnside mention she does not approve the January 16, 2024, minutes because the Museum report does not include Bill Hall's report or Museum Board Member Betty Filkins statement.

Supervisor Kryzak made a motion to approve the Town Board minutes of February 6th and February 20th and to revisit the January 16th minutes later. Councilwoman Burnside seconded; motion carried by those present.

TOWN CLERK REPORT (FEBRUARY) & TAX COLLECTOR REPORT (JANUARY & FEBRUARY)

Town Clerk Weaver read aloud both the February 2024 Town Clerk's monthly report and the Tax Collection Summary Report for both January and February 2024 which were previously provided to the Town Board. Supervisor Kryzak made a motion to approve the Town Clerk's and Tax Collector's reports as submitted. Councilman Beers seconded; motion carried by those present.

BUDGET AMENDMENTS

CAPITAL PROJECT RESERVE FUND

Supervisor Kryzak informed the Town Board that in their packets there was a Capital Improvement Plan Needs Assessment which includes all the proposed improvements that have been discussed to date. He indicated money was set aside for each one of the proposed projects. He would like the Board to go

through these to see which one should be done first. He would like the Board to review, and they can reconvene at a later date. Mr. Kryzak read the following 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 Reserve 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 and Councilwoman Pecylak

NAY: None.

*Supervisor Kryzak read the above motion but did not indicate he was making the motion; therefore, this resolution was redone at the next meeting.

*Please see minutes of 4/16/24 for correction

Supervisor Kryzak then read the following resolution:

**To Transfer and Allocate Funds to the
Town of Westerlo Water District #1 Reserve Fund**

- 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 an/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 Resrve Fund was established as set forth in Board Resolution.

*Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None.

*Supervisor Kryzak read the above motion but did not indicate he was making the motion; therefore, this resolution was redone at the next meeting.

*Please see minutes of 4/16/24 for correction

Supervisor Kryzak reported that the principle behind these reserve funds is to plan and to make future improvements where they are needed. The best way to do that is to have a financial plan moving forward. The Town Board should review what projects need to be done first and invest in those projects as the Board sees fit. As the projects pop up in priority, the Board will go ahead and take care of those and try to stay ahead of maintenance.

PAYMENT OF MONTHLY BILLS (MARCH 2024)

Supervisor Kryzak asked if there were any questions, comments, or concerns regarding the bills. Councilwoman Burnside responded she didn't sign two vouchers (#87 & #127). She did not believe the Town should be paying for cold medicine/cough drops for employees. Medicines, in her opinion, should not be in the workplace unless you bring them from home for liability reasons. On the second invoice, she thought the Town Board had previously discussed not purchasing from Temu and wondered why an employee ordered from Temu on a personal credit card. She also noticed the Town purchased a 50" monitor which she believed was overkill for the security system. Supervisor Kryzak responded that he had approved the monitor expenditure, this way it is viewable for office staff from a distance away. The one in his office is not visible. He indicated the Board could speak further regarding vouchers #87 & #127 and what can and can't be purchased but he recommends that they go ahead and pay these bills tonight. Moving forward, the Board can have more conversation about what medications can or should be purchased. Councilwoman Burnside asked about Temu. Supervisor Kryzak recommended the Town should not order through Temu moving forward. Town Clerk Weaver reported it is not being paid for through the Town of Westerlo, only through reimbursement, there was no liability to the Town of Westerlo. Councilwoman Burnside commented you get points on a credit card. When there is a credit card offered within the Town you should be using that, not your personal credit card. Town Clerk Weaver indicated her, and Councilwoman Burnside would not agree, it didn't matter. Mr. Kryzak advised moving forward the Town Board can have more discussion regarding Temu and reimbursement and what can and cannot be provided by the Town as far as medicines and things of that nature. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: the Town Board has audited the bills for the month of March, be it hereby

RESOLVED: the following 2024 bills be paid Voucher #80 through Voucher #155 in the amount of \$120,576.02.

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

AYES: Councilwoman Pecylak, Supervisor Kryzak, Councilman Beers

NAYS: Councilwoman Burnside

RESOLUTION # 44 - 2024 was thereby duly adopted.

INVESTMENT REPORT 2024

Supervisor Krzak reported the Town does not have a lot of money in NYCLASS which has only earned \$3.98 year to date. Bank of Green County is performing well. The Town earned \$9,282.99 in February alone with BOGC and year to date, \$17,645.46. BOGC continues to raise the interest rates on the large sums of money the Town has on deposit with them. He advised, he will stick with BOGC and not move

funds around. Supervisor Kryzak made a motion to approve the Investment Report for February 2024; Councilwoman Burnside seconded; motion carried by those present.

Mrs. Filkins wondered how much money the Town had in the NYCLASS account. Supervisor Kryzak responded \$440.43 is the total.

SUPERVISOR'S REPORT FEBRUARY 2024

Supervisor Kryzak mentioned the first thing in the report is basically the bank reconciliations. For the month of February, the Town spent \$609,154.24 and the ending balance on all accounts at the end of the month was \$4,465,245.38. As far as what the Town is collateralized for with M&T Bank, the February collateral total is up to \$5,508,893.02. That is just M&T Bank holding essentially a private policy that collateralizes our deposits with the Bank of Greene County. Anything above FDIC would be collateralized by M&T so there is no way for the Town to lose its money. He also noted that the Town received \$7,708.50 from Mid-Hudson Cable for a Franchise Agreement.

JUSTICE COURT

Supervisor Kryzak reported the Town of Westerlo Justice Court submitted reports for the month of February and funds were received by his office. Justice Ostrander reported \$418.00, and Justice Mackey reported \$1,523.00 for the month of February.

SUPERVISOR'S REPORT FEBRUARY 2024 (CONTINUED)

Supervisor Kryzak reported on the Budget vs. Actual and that the Town is at 86.2% collected in the General Fund. Overall, the Town has only expended 5.3% of the general fund two months into the year. Supervisor Kryzak made a motion to approve the Supervisor's Report for February 2024, Councilwoman Pecylak seconded; motion carried by those present.

COMMITTEE & DEPARTMENT REPORTS

Supervisor Kryzak indicated he had received reports from the Code Enforcement Officer and Assessor as follows:

CEO

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

Applications processed or pending before the Boards.

Special use – 0 / Variance request- 2 / Sub– divisions – 0

Building permits issued – 2

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

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

Construction inspections- 23

Site visits – 7 / Fire calls – 1 / Fire safety inspections and follow ups - 6

6 - In-service Training hours. 6 hrs. YTD (24 hours required to maintain certification)

ASSESSOR

No report was submitted for March 2024 although the previous month was voted on again by accident.

HOMETOWN HEROES COMMITTEE

Chairwoman Lisa DeGroff reported they met on February 27th and reviewed the year end finances for people who were not there in January.

Hometown Heroes Meeting Report
February 27, 2024

1. Reviewed year end finances
2. Closing Ceremony – confirmed – will take place on 11/2/2024 at 2pm at Westerlo First Baptist Church. Lisa DeGroff will submit the application to the church.
3. Banners
 - a. Lisa DeGroff reported that the utility pole application has been submitted to Central Hudson, waiting for confirmation of pole numbers and approval.
 - b. Reviewed Confirmed Sponsors
 - i. Kelly's Pharmacy
 - ii. Banner Company
 - iii. Matt
 - iv. Kelly's Pharmacy
 - v. Sperry Automotive
 - vi. McDermott's Automotive
 - c. Reviewed Sponsor Applications and Messages to potential sponsors
 - i. M&Bs (Lisa D.)
 - ii. Chris Smith/Maple on the Lake(Lisa D.)
 - iii. Craig Apple (Lisa D.)
 - d. Reviewed Sponsors still needing to be contacted
 - i. Weston Kennels (Becky ?)
 - ii. GNH (Lisa J.)
 - iii. Cunningham Funeral Home (Lorraine)
 - iv. Tasting Lab (Lorraine)
 - v. JH Maloy (Lisa J.)
 - vi. Shell Inn (Lisa D.)
 - vii. Eastern Mutual Insurance
 - viii. Town Line Motorsports
 - ix. Town Line Auto
 - x. Tracy Mance 518 Realty.com (Amie)
 - xi. Greenville Liquor
 - xii. Bank of Greene County
 - xiii. @First Bite
 - e. Veteran Banners
 - i. Have received 2 banner applications with at least 3 more known to come. Others to follow as well as those that will be displayed with sponsorships.
 - ii. Reviewed historian supplied list of veterans buried in Westerlo cemeteries and sorted by conflict. Committee to see if any of those listed have any descendants still in the area. Would like to honor veterans from every conflict. Those with any descendants in the area will be chosen first. Betty will also check names via her Ancestry.com subscription.
 - f. First Responders
 - i. Have one anonymous banner sponsor for a Fire Co. member and another anonymous banner sponsor for an individual who has to choose either Veteran or First Responder banner

- ii. Discussed TWVFC – Firefighter of the Year banner. Lisa Joslin to discuss with Fire Chief. If permission is granted by individual, the item will be brought before the Fire Co. for approval.
 - iii. Discussed other TWVFC members deserving of a banner. Betty and Lisa Joslin to consider individuals and will be discussed at the next meeting when sponsors are assigned.
- 4. 5K Fundraiser to benefit Westerlo Hometown Heroes and Suicide Prevention
 - a. Discussed 5K Fundraiser as a fundraiser.
 - b. Discussed costs, charges, factors and items necessary to host an event. Lisa Joslin will provide the committee with company/organization that provides timing equipment and also investigate the cost of entry for local 5Ks.
 - c. Discussed hosting this event in September 2025 vs 2024. This allows the committee enough time to evaluate costs vs. benefit. In addition, most races for the year are already set and a better attendance may be expected if the date is announced one year in advance (September 2024) as well as consideration of 5Ks that normally take place during the date the committee is planning to host.

They confirmed:

- Closing Ceremony for Nov 2, 2024, at 2 PM to be held at the Westerlo First Baptist Church. An application will be sent in.
- Banners – the Utility Pole Application has been submitted and are waiting for Central Hudson’s approval.
- Confirmed the sponsors who have already committed and reviewed who has committed but they haven’t actually received it.
- Reviewed sponsors they still need to reach out to.
- In terms of Veteran Banners – have received 2 applications with three more yet to come others to follow.
- Reviewed a Historian supplied list of Veterans who are buried in Westerlo Cemeteries which were sorted by conflict. The Committee is looking to see if the people lived in Westerlo and/or have any descendants in the general area as we move forward to honor Veterans from every conflict. Those Veterans who have family in the area still will be chosen first.
- First Responders-We have an anonymous Banner Sponsor for a Fire Company Member.
- Fire Company Fire Fighter of the Year Banner-Lisa Joslin is getting permission from that firefighter to be displayed on the banner and also discussed other firefighter banners.
- Discussed possibility of holding a 5K run /walk to start planning for next September. With partial proceeds going to Veterans Suicide Prevention Fund.

Councilwoman Burnside added she had received two banner sponsorships from Grace Roofing, two from Townline and one from Maple Inn.

LIBRARY

Library Director Amy Powarzynski reported on the following upcoming Library Programs/Events:

- Red Cross Blood Drive is confirmed and scheduled for June 27th from 12:30 pm - 5:30 pm at the Westerlo Town Hall.
- All the Youth Programs are ongoing with some new ones coming for the summer.

- Free Fishing Program - April 2nd from 2-4 pm at Westerlo Town Park with a rain date of April 4th.
- Solar Eclipse- April 8th happens between 2-4 pm. Eclipse glasses are available at the library.
- Greenville School Art Students exhibit is in the Community Room. Next month they will have Berne-Knox-Westerlo Art Student exhibit. On April 12th we will be having a reception from 5-7 pm for the BKW students.
- Seed Starting Program - April 22nd @ 6 pm.
- Bake Sale - May 11th from 9 am- 2 pm. Looking for volunteer bakers.
- Emergency Preparedness Program offered by the National Guard - May 18th @ 10:30 am.

PLANNING BOARD

Planning Board Member Bill Hall reported Chairman Beau Loendorf didn't give him anything but there was no new business.

LOCAL LAW REVIEW COMMITTEE (LLRC)

Committee Chairman Bill Hall reported the LLRC met with CEO Jeff Pine last night and reviewed his Zoning Law recommendations for Articles 1-14. The second half shouldn't take too much longer because the Solar was amended by a local law so they will be skipping that part. Will be submitting everything else to the Town Board for their review in the next month or so.

MUSEUM BOARD

Museum President Bill Hall reported:

- The museum will be open the first Saturday of every month from April through November.
- Museum fundraiser for Building Fund - March 30th will be selling food at the Easter event at the Town Hall.
- Mother's Day Brunch – May 5th
- Garage Sale Day – June 8th
- The Museum Director Mary Jane Araldi has been working at the Museum on Wednesdays archiving.

HIGHWAY DEPARTMENT

Highway Superintendent Jody Ostrander reported they are working on the Basic Creek stream bank extension restoration at the Westerlo Town Park and will need to work on an area of Tan Hollow Rd. as well. The Town will be applying for a grant offered through Albany County Soil & Water for stream erosion, there is a permit process for this as well. The Highway Department will be terminating Unifirst for uniforms on April 10th. Supervisor Kryzak indicated the Town Board had gotten the uniform paperwork and will address that after his report. Superintendent Ostrander advised they have been out checking routes and chipping downed branches.

Supervisor Kryzak reported for the record they had received written reports from the Assessor and CEO and verbal reports from the Planning Board, Hometown Heroes Committee, Highway, Museum, LLRC, and Library. Supervisor Kryzak made a motion to approve the department and committee reports and to add the reports which were submitted in writing to the minutes. Councilwoman Burnside seconded; motion carried by those present.

OLD BUSINESS

FRESE HOUSE DEMOLITION

Supervisor Kryzak presented on the meeting room screen before and after photographs of the Freese House demolition on State Route 143. Air samples came back nondetectable or well below the exposure limit .002 fiber concentration. He reported that the site looks much better, the hazard is gone, and the

area has been mulched so there should be new growth there soon. The Town will be reimbursed for the demolition from Albany County. Clerk to the Assessor Claire Marshall asked when the property would be placed back on the property tax roll. Supervisor Kryzak indicated he didn't know, just that the hazard has been removed which was the main concern. Neighbors had complained that the chimney was starting to lean towards a neighboring home. In the future the Town will have to see what needs to be done with that. As it stands right now the neighbors will be happy not to be looking at it. He advised that all materials were hauled away.

CAPITAL IMPROVEMENT PROJECTS PLAN

Supervisor Kryzak reported the Town Board has received the grading system and he would like them to review it and report back on what needs to be done first. He knows the Town Hall needs a new roof and other roofs down the road which will need work. He wants to get the Transfer Station ready for when the Rapp Road facility is eventually closed so the Town can divert some of the rubbish into the recycling streams to wherever trash will be going to in the future as tipping fees are always rising. A resident commented that the City of Albany has been saying for 30 years they were going to close Rapp Rd. and wondered if they would do it this time. Supervisor Kryzak hopes not.

PROPOSED ZONING LAW AMENDMENTS

Supervisor Kryzak reported the Town had a proposed Local Law for Fences that previously went before the Town Board, but it has since been changed and instead will become part of the Zoning Law. He explained, the Town already has enforcement language in the Zoning Law so it will fall under the same enforcement. Both the Town Attorney and CEO made recommendations that it go through the Zoning Law, so all the enforcement factors don't need to be rewritten. That is currently being reworked along with many other new changes to the Zoning Law. The plan is to implement those changes together sooner rather than later. He just spoke with LLRC Chairman Hall before this meeting and if the Board gets the new Zoning Law for fences pushed through first it will be at the top of the list of items we do. We do want to send some of the Zoning together because it does have to be worked between the Town and the County. A resident inquired wondering who would enforce them; Supervisor Kryzak responded the CEO. The resident mentioned the fence is illegal right now and yet it is still up. Supervisor Kryzak reported that the Town doesn't have anything that allows the CEO to do anything about that at this time which is why this is being added to the Zoning Law. The resident questioned why the Town was writing more laws if it's not going to enforce the ones already in place; Mr. Kryzak responded the Town doesn't have anything on the books currently for fences. The reason this one is going through is it is going to hold strictly to the distance and the height because of the fire issue as far as next to people's property. The fire company would rip it down anyway, but a fence shouldn't block anyone's windows, and a fence needs to be five (5) feet from another person's house. That is something the Town needs in place so Mr. Pine can enforce it.

A resident had questions about the fence. Mr. Kryzak indicated the Town will create this law so there can't be any graffiti written on a fence. Mr. Kryzak mentioned, part of the issue is this could fall under a sign. That is a conversation he had with Mr. Pine as well. If you are going to create or have a fence, put up, technically that could fall under signage. It is complicated how to address that considering other people rights and all that goes with that. For clarification, Supervisor Kryzak advised that the Town plans to enact their own zoning laws based on home rule that is already in existence, so this will be added to the Town's current zoning law. Basically, the Town hopes to have a law for the CEO to enforce. The resident asked if there was a "Spite Fence Law" in New York State. Supervisor Kryzak believed that would have to be a civil matter. The Town doesn't have anything that says you can or can't based on conversations with Mr. Pine. He advised that he has not done legal research, he's not saying what is or

isn't legal, this is just off the cuff, the best information he has from the CEO. The Town is trying to address this and doing the best they can for the neighbor of the person who installed the fence. A brief discussion ensued between the resident and Supervisor Kryzak regarding fences and what is considered signage. The Supervisor recommended that if the resident had more questions, to bring them to the CEO for his input on the matter.

PROPOSED TOWN LAND TRANSFER TO FIRE COMPANY

Supervisor Kryzak reported the contract is still with the attorneys, but it is still moving forward. It is being reviewed and everything is on the right track so that should hopefully be forth coming soon.

BROADBAND UPDATE

Supervisor Kryzak reported mapping is still in progress for expansion of broadband services in the town. The approval process is still ongoing with the USDA. The Town is attempting to hash out the details and is close to getting the project approved. The goal is to have everything ready to go for summertime construction. The good news is, the Town is working to get more and more addresses added. Mid-Hudson Cable is cooperating well with the Town and being very nice about pricing and trying to get the whole town covered. It's been a long bumpy road. Once the USDA does approve the project, and the funding is distributed, they still give you five (5) years to complete the project. He hopes to not need that much time. Construction will hopefully begin this summer and they should be getting those roads online once they are completed and into their buildout plan. There are also other brands we are looking into trying to figure out how to cover any other unserved areas of the town. Periodically someone will say there is a house on this road that I have never heard of, so the Town is trying to get stuff like that covered. Supervisor Kryzak advised that the five (5) years begins when the funds are issued.

EMPLOYEE HANDBOOK-PROPOSED UPDATE/REVISIONS

Supervisor Kryzak reported that he received the proposed new version of the employee handbook from the Town Clerk who met with several employees which will be reviewed at the workshop in May.

NEW BUSINESS

ASSESSOR-GRIEVANCE DAY DATE CHANGE

Supervisor Kryzak reported Assessor Melanie Bunzey has a conflict with Grievance Day as she also serves in another neighboring town. Mr. Kryzak proposed passing a Local Law to change Grievance Day by one day, which is well within the Town's rights. He read the proposed Local Law (see below). The plan is to set a Public Hearing to move the date from the fourth (4th) Tuesday in May to the fourth (4th) Wednesday in May. This allows the Assessor to have Grievance in both towns she serves. He intends to set a Public Hearing for April 16th at 6 pm for the purpose of passing this proposed Local Law changing the date.

***PROPOSED 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.

Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Assessor needs to change the date of Grievance Day as she is the Assessor in a neighboring town as well, be it hereby

RESOLVED: the Town Board sets a Public Hearing for April 16, 2024, at 6 PM regarding proposed Local Law No. 1 of 2024 to change Grievance Day; and further

RESOLVED: The Town Board authorizes the Town Clerk to advertise the Public Hearing.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 45 -2024 was thereby duly adopted.

Councilwoman Burnside inquired if there were any other Public Hearings that need to be scheduled. Supervisor Kryzak indicated no. There will be one for the Zoning Law which is still being worked on.

KIWANIS CLUB OF THE HELDERBERGS– 2024 MEMEORIAL DAY PARADE

Supervisor Kryzak reported in past years the Town of Westerlo has donated \$150 to help fund the Memorial Day Parade to be held in Berne. He asked if there was any opposition to doing this again this year, there was none. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: There will be a Memorial Day Parade in the Town of Berne and the Kiwanis Club of the Helderberg’s requested a donation from the Town of Westerlo to be used for this purpose; be it hereby

RESOLVED: The Town Board authorizes a donation to be made in the amount of \$150 to the Kiwanis Club for the 2024 Memorial Day Parade to be held on Monday, May 27th @ 10 am in the Town of Berne.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 46 – 2024 was thereby duly adopted.

CONFIDENTIAL ADMINISTRATOR-FINANCE TRAINING

Supervisor Kryzak reported his Confidential Administrator Lisa DeGroff will be attending Finance Training. Preregistration will save the Town money and will cost \$200. The training is offered through the Office of the State Comptroller and will cover information on Town finance, audits, reporting on elected and appointed officials, and budget. Supervisor Kryzak read the following resolution:

WHEREAS: Confidential Administrator would like to attend an upcoming training offered through OSC, be it hereby

RESOLVED: The Town Board authorizes the Confidential Administrator to attend training offered through OSC at a cost of \$200.00.

*Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

*Supervisor Kryzak read the above motion but did not indicate he was making the motion; therefore, this resolution was redone at a future Town Board meeting.

MUSEUM - STORAGE BUILDING

Museum President Bill Hall reported that all fundraising efforts will help fund a new building behind the Museum which will store larger items like the Band Wagon, Horsedrawn Sleigh, etc. Mr. Pine would like to see an agreement for an easement with the Westerlo Volunteer Fire Co. for the Woodman's Hall property for construction purposes. Supervisor Kryzak asked if this is a temporary or permanent easement for a right of way to access for construction; Mr. Hall responded it's temporary. The Museum will need to apply for a variance to build a structure at this location. Supervisor Kryzak mentioned the Town does not have to adhere to its own Zoning. This building abuts the Town of Westerlo Vol. Fire Co.'s Woodman's Hall property, there just needs to be a written agreement between them and the Museum. Supervisor Kryzak mentioned he would ask the Town Attorney to investigate. Comments from the audience included:

- The Museum could blacktop the Fire Company (Woodmen's Hall) parking lot, Supervisor Kryzak responding that is called extortion.
- Someone suggested a boundary line adjustment with the Town Park which could give some land to the Museum; Supervisor Kryzak responded no. He found out the Town can't take away park lands.
- Someone asked the dimensions of the proposed storage building. Supervisor Kryzak believed it was 20' x 40'.
- A resident asked how far back the proposed building would be on the lot. Supervisor Kryzak mentioned it will be at the back of the lot. Mary Jane Araldi mentioned they need to be careful to avoid a septic which is there.

Supervisor Kryzak mentioned that hopefully the Town Attorney can come up with some language and the two property abutters can come to an agreement. If you have an agreement, the Zoning Board could approve it because it would benefit the Town. He will bring this discussion up to the Attorney and CEO. Brief discussion followed regarding the type of structure currently being proposed, a Pole Barn with doors, concrete floor, without heat or water.

HIGHWAY DEPARTMENT - 2024 BOOT & CLOTHING ALLOWANCE

Supervisor Kryzak mentioned since the Town is no longer going to have a contract for Highway Department uniforms and the Highway Superintendent Jody Ostrander had previously proposed a clothing allowance instead to the Town Board, he wondered if the Board had time to review this. The proposal for 2024;

Boot Allowance:	Full Time Employees \$350 Part Time Employees \$175
Clothing Allowance:	Full Time Employees \$300 Part Time Employees \$150

This will be a major savings for the Town of Westerlo. Councilwoman Burnside questioned about whether to set a separate rate for full time vs part time employees or just give the same clothing allowance and boot allowance for all highway employees. A brief discussion followed with an option for a new proposal for 2024;

Boot Allowance:	\$350 for both Full Time and Part Time highway employees
Clothing Allowance:	\$300 for both Full Time and Part Time highway employees

Supervisor Kryzak mentioned this is a cost savings. He appreciates the guys going out and buying their own work clothing. He then made a motion to adopt the following resolution:

WHEREAS: the Town Board discussed boot and clothing allowances for highway employees since the contract with UniFirst uniform service will be ending shortly, and

WHEREAS: the Highway Superintendent Jody Ostrander made a recommendation to give a clothing allowance instead of having a uniform contract for the highway department employees to save the Town money, be it hereby

RESOLVED: the Town Board has reviewed the recommendation and authorizes the 2024 Boot and Clothing Allowances for the highway department for both Full Time and Part Time employees to be \$350.00 for Steel Toe Workboots (PPE) and the Clothing Allowance for both Full Time and Part Time employees to be \$300.00 for the year 2024.

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

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

NAYS: None

RESOLUTION # 47 -2024 was thereby duly adopted.

Supervisor Kryzak advised the Town Board should set the 2025 Boot and Clothing Allowance rate during the next budget process. Confidential Administrator Lisa DeGroff recommended the Town Board consider that for next year they also define what type of work clothing is approved or not approved and at the beginning of the year the employee gets both in one lump sum check for the year rather than dealing with numerous vouchers throughout the year. Councilwoman Pecylak indicated that would be much easier. Discussion between the Supervisor and Highway Superintendent followed regarding if there were requirements for fire retardant clothing.

SENIOR SERVICES – TOWN SPONSORED

Supervisor Kryzak advised that Confidential Administrator Lisa DeGroff has been coordinating educational senior lunches which has been such a hit that Albany County has reached out and would like to do a County Senior Meal in Westerlo. He explained that the county would pay for meals just for the purpose of socialization. The county is going to fund senior meals and events in Westerlo as a senior service. All the Town needs to do is provide the space. The Town will continue to do the usual lunch and learn for the seniors, but this is something that will be added and will be paid for by Albany County, so be on the lookout for that. He thanked Mrs. DeGroff for working on that.

CHANGE MAKERS AWARD

Supervisor Kryzak announced he would also like to commend Mrs. DeGroff for doing excellent work in his office and advised there is an award throughout the Capital District which is called the Top Five Change Makers which he read:

Congratulations Change Maker Lisa DeGroff. Your remarkable contributions have earned you a nomination and a successive win to the top five awarded by the Capital Region Independent Media. We are excited to learn about your efforts to share your story through an interview with a member of our editorial staff.

Supervisor Kryzak indicated they do not give out many of these, to be selected for this goes off your community service to the Town. He then elaborated on three other Top Five awards in the Capital Region.

COUNCILWOMAN PECYLAK COMMENT

Councilwoman Pecylak mentioned she had received comments from people in Town regarding the Town Clerk's office hours. These people could not make it during the posted hours. She wondered what the Town Board thought about increasing the hours for a Saturday or another evening. Supervisor Kryzak

believed this would be up to the Town Clerk to figure out. He mentioned he doesn't like the idea of telling other elected officials what they should do. There is language about that and what you can and can't do. He advised, he wouldn't tell the Highway Superintendent what he can or can't do; Councilwoman Pecylak responded no, no. He mentioned to the Town Clerk you can take that as food for thought and either offer another day or night but advised, she sets her own hours. Councilwoman Pecylak mentioned these people work shifts and they cannot make it on Thursday evening. Councilwoman Pecylak advised she is aware the Town Clerk also allows people to schedule an appointment, to which the Supervisor recommended that those individuals should call the Town Clerk to schedule an appointment.

DEPUTY TOWN CLERK I – RESIGNATION

Town Clerk Karla Weaver reported that her Full Time Deputy Town Clerk Marta Pongo has resigned. With that said, she explained that she needed to hire a new Deputy. She will be advertising and interviewing for the position and would like the pay rate for Deputy Town Clerk I to be set at \$22.50 which is less than what the current rate is and that the pay rate be reviewed in the future for a pay increase at her request. I would like the Town Board to set the pay rate at \$22.50 tonight. Supervisor Kryzak advised that is your discretion within your office to set the rate. He asked if the Town Board had any qualms about that, there were none. Supervisor Kryzak made a motion to adopt the following resolution:

- WHEREAS:** Deputy Town Clerk 1, Marta Pongo has resigned from the Town Clerks office, and
- WHEREAS:** the Town Clerk has recommended the Town Board set the rate of pay for the new Deputy Town Clerk 1 at \$22.50, be it hereby
- RESOLVED:** the Town Board sets the Deputy Town Clerk 1 pay rate at \$22.50 per hour based on the request of the Town Clerk.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 48 -2024 was thereby duly adopted.

WEBSITE

Councilwoman Burnside wondered where the Town was with the Town's website. Town Clerk Weaver advised that right now he is working on the Town Historian's page and he's also working his regular job. It's going slow but is in progress.

Supervisor Kryzak asked if the Town Board had any other questions/comments.

The Confidential Administrator asked if the resignation was immediate or with notice. The Town Clerk advised her resignation is effective tomorrow.

The Town Clerk also advised that she wants the Town Board to be aware that although there was a savings all this time with Marta Pongo because she did not take part in the Town's health insurance, the next person to fill the position may need health insurance. Just keep that in mind for budgeting moving forward. She mentioned she will not base her decision upon whether they take health insurance or not. Supervisor Kryzak asked if that position would still be Full Time; the Town Clerk responded yes. A resident asked if that position was 30 or 40 hrs. per week. Ms. Weaver advised that it's between 30 to 40 hours and is at her discretion. Supervisor Kryzak indicated that basically everyone working in an office for Full Time positions is generally 35 to 40 hrs. a week.

PUBLIC COMMENT

A previous employee and resident questioned the medicine that was brought up before, wondering if it's for First Aid like the vendor Zee used to stock. Councilwoman Burnside mentioned it for Luden cough drops and cough medicine. The previous employee indicated that was always in the Zee box when he worked at the Transfer Station. He also heard that Highway Employee Dave Pecylak was leaving the Transfer Station and that no one wanted the job. He wondered why the Town didn't have a poster at the Transfer Station. Hardly anyone reads or uses the Altamont Enterprise, and many don't visit the website. He suggested putting a sign out in front of the building and at the Transfer Station for these positions. So many people sent him the text off the website, and he believed the ad on the website makes it sound like you need a college degree when really, it's managing people and working the button and making sure everyone is throwing out the right stuff. Councilwoman Burnside asked Highway Superintendent Ostrander if he has received any applications; he responded that a man yesterday was interested but couldn't make the money work. Lisa DeGroff offered to laminate a sign. Mr. Ostrander commented that the problem is anyone with a CDL license can get more money somewhere else. Supervisor Kryzak mentioned if anyone knows someone who may be interested, or, if they can't get a Full Time person to take the position, he wondered if there was any thought about breaking it into two Part Time positions. That might be more desirable for someone to take a second job.

The previous employee/resident indicated that the Town has one of the best Town crews on the hill. The Town of Berne only has two or three people. He expressed the need to take care of what we've got. We have outstanding mechanics and guys who run machinery that are incredible. He recognized what these guys do down there and mentioned they are all good guys.

Cemetery President Betty Filkins commented that this Saturday is the Fire Co. breakfast from 8 am - 11 am at Woodmens Hall. The cemetery cleanup for the Westerlo Rural Cemetery will be on April 13th but she is working with Green County Correctional to bring up some inmates to help rake and pick up. She is waiting for a call back.

An audience member asked if they could please break the Zoning Law down for her regarding the fence in town that everyone knows about which is covering windows on her house. The resident mentioned the fence has been up for a year and a half now. Mr. Kryzak explained that the fence will be added to the Town's zoning law. He tried to make it a stand-alone law, but the Town came into an issue with the enforcement of it. Instead of rewriting the fees and fine structure for that, it's already in the zoning. The CEO suggested we don't do a stand-alone law, that it goes into the zoning with all the other zoning items because the Town already has those enforcement items. Gears were then switched, and everything is drafted, they just need to communicate with the county and do everything they have to, to get this passed. He hopes to set the public hearing at the next Town Board meeting. There is nothing the CEO can currently enforce regarding the fence at this time. The resident commented and gave a timeline of events. Discussion ensued between the resident and Supervisor Kryzak regarding what the resident can do now. Mr. Kryzak explained he has done what he can to help them, this is the next step.

There being no further public comments, Supervisor Kryzak made a motion to adjourn the meeting. Councilman Beers seconded; motion carried by those present. The meeting adjourned at 7:23 pm.

Respectfully submitted,

Karla Weaver, Town Clerk