

**TOWN OF WESTERLO
TOWN BOARD MEETING
OF
TUESDAY, FEBRUARY 20, 2024**

The Town of Westerlo Town Board held a regular meeting on Tuesday, February 20, 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 6:02 PM.

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

Also attending were: Highway Employees Rick Rupeka & Dave Pecylak, Town Attorney George McHugh, Town Justice Joshua Ostrander, Highway Superintendent Jody Ostrander, Clerk to the Code Enforcement Officer & Clerk to the Assessor Claire Marshall, Planning Board Member Bill Hall, Confidential Administrator Lisa DeGroff, Library Director Amy Powarzynski, Library Trustees; Mary Ann Witt & Bob Wilcox, Westerlo Rural Cemetery President Betty Filkins, Westerlo Vol. Fire Co. Members Christine & Art Allen, Albany County Deputy Sheriff, Town Clerk Karla Weaver and approximately five residents.

OPEN MEETING

Councilman Beers made the motion to open the regular Town Board meeting of Tuesday, February 20, 2024. Councilman Mahan seconded; all in favor motion carried.

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. Councilwoman Burnside commented she would like to hold off on approving those minutes. She would like to request that the comments regarding the Museum Committee be added. Councilwoman Burnside will meet with the Town Clerk on Thursday to listen to the recording. Supervisor Kryzak advised that the minutes will be tabled until the next meeting.

TOWN CLERK & TAX COLLECTOR'S REPORTS JANUARY 2024

Town Clerk Karla Weaver reviewed the Town Clerk report for January 2024. Supervisor Kryzak made a motion to approve the Town Clerk report for January 2024. Councilman Beers seconded; all in favor motion carried.

The Tax Collectors report was overlooked. The Supervisor accidentally moved the meeting onto the next topic on the agenda without discussing or approving the report.

BUDGET AMENDMENTS

Supervisor Kryzak mentioned there were no budget amendments.

PAYMENT OF MONTHLY BILLS FEBRUARY 2024

Supervisor Kryzak asked if all Town Board members had a chance to review and sign the monthly bills and if there were any questions, comments or concerns, there being none, Supervisor Kryzak then made a motion to adopt the following resolution:

WHEREAS: the Town Board has audited the February 2024 bills, be it hereby

RESOLVED: the following bills be paid Voucher # 23 through Voucher # 79 in the amount of \$134,563.44.

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

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

NAYS: None

RESOLUTION # 39 - 2024 was thereby duly adopted.

INVESTMENT REPORT JANUARY 2024

Supervisor Kryzak reported the NYCLASS balance as of January 31, 2024, is \$440.43 and the income earned for the month was \$2.06. He is still looking to transfer funds into this; however, the Bank of Greene County's interest rates are competitive, and he would prefer not to shuffle monies. The Bank of Greene County investment report across all accounts for January shows interest of \$8,362.47. Supervisor Krzak made a motion to approve the January 2024 investment report. Councilwoman Pecylak seconded; all in favor, motion carried.

SUPERVISOR'S REPORT JANUARY 2024

Supervisor Kryzak mentioned the 2023 quarterly sales tax for all four quarters was received, the total collected was \$1,456,972.46, which is up from the previous year. In 2022, the total collected was \$1,444,113.81 which is still up from the 2021 sales tax figure of \$1,245,216.08. Sales tax continues to be a good performer.

Supervisor Kryzak provided the Town Board with the M&T Bank collateral statement for February 1, 2024. He explained, M&T basically collateralizes the Town's deposits with the Bank of Greene County that are more than the FDIC approved amount. Currently the total collateral value is \$4,639,224.66. He also provided the Town Board with a summary of the bank statements for the Town. The balance forward was \$3,218,516.25 with deposits of \$1,697,379.12 and disbursements of \$945,063.07 and an ending balance of \$3,968,832.30.

Supervisor Kryzak advised there is only one month of spending the Town is tracking for the Budget vs. Actual. He reported that the Town is at 56.1% collected on income year to date. In January the Town brought in \$840,832.91 in the General Fund. The budget for the General Fund is just under \$1.5 million. A lot of the other funds are being distributed as those allocations come in, so they would not have the same percentages yet. As money trickles in, the Town Board will see those income numbers match as spending is tracked. Supervisor Kryzak made a

motion to approve the Supervisor's Report for January 2024. Councilwoman Burnside seconded the motion, all in favor motion carried.

OTHER DEPARTMENT & COMMITTEE REPORTS

JUSTICE COURT

Supervisor Kryzak reported that the Town received reports from the Justice Court for fines collected in January. The Justice Court collected fines for Judge Mackey in the amount of \$674.00 and for Judge Ostrander in the amount of \$338.00.

HOMETOWN HEROES COMMITTEE

Hometown Heroes Committee Member Lisa DeGroff reported the Committee met and are getting the word out that applications for new Veteran Banners, First Responder Banners, Re-Hang Banners, and Sponsorships are all due by April 1, 2024. Closing Ceremony was set for November 2, 2024, but they are still determining time and place. Veterans Day Service will be on Veterans Day again this year with a sunset service; time has yet to be determined.

PARK COMMITTEE

Park Committee Member Lisa DeGroff reported the Committee met in January. There will be a Parks Community Clean Up Day in June. You will see the posters around for a list of things that are needed for both Westerlo Parks. She asked for people to come out and help.

LIBRARY

The Library Director, Amy Powarzynski reported on the following upcoming programs:

- Thursday, February 22nd there is an Ancestry Program with Town Historian Gayle Hannay. They use Ancestry for Libraries, which has all the information you could want if you were to buy a subscription to Ancestry.com. You cannot build a family tree with it but you can access all the information from the catalog.
- In March the Greenville High School art department will be exhibiting student artwork in the Library Gallery. The art reception will be on Friday, March 8th from 5 pm until 7 pm.
- Thursday, March 14th at 2 pm there is a Financial Fitness Program geared toward older adults.
- Tuesday, April 2nd there is a fishing program sponsored by NYS Department of Environmental Conservation (DEC) with a rain date of April 4th.
- Saturday, May 11th there will be a Library bake sale held for Mother's Day weekend.
- Saturday, May 18th the Air National Guard is sponsoring an Emergency Preparedness Program at 10:30 am.

PLANNING BOARD

Bill Hall Planning Board Member reported that the Planning Board meeting was cancelled because there was nothing on their Agenda.

MUSEUM BOARD

Museum Board Member Bill Hall reported the Museum is looking towards spring & summer fundraisers.

- Easter Event – March 30th
- Mother’s Day Brunch – May 5th
- Garage Sale Days – June 8th

Museum Member Betty Filkins added they would like to thank Jody Ostrander for delivering the wreaths for Wreaths Across America for the Veterans and helping to put them out at the cemetery.

Councilwoman Burnside asked when the Museum was open. Bill Hall was unsure off the top of his head. Supervisor Kryzak believed it was the first Saturday in April.

LOCAL LAW REVIEW COMMITTEE (LLRC)

Bill Hall reported the LLRC is getting ready to reach out to the Code Enforcement Officer this week to request his review of the first half of the Zoning Law they reviewed. He believed the LLRC had reviewed through Article 12. They would like Mr. Pine’s comments on what they have done so far before it is brought before the Town Board.

FARMERS MARKET

Mr. Hall reported they are looking for more vendors for this year’s Farmers Market. If anyone is interested in becoming a vendor at the Farmers Market, please have them reach out.

HIGHWAY DEPARTMENT

WORKSPACE – Rick Rupeka

Jody Ostrander Highway Superintendent reported his department is slowly converting the old courtroom which is currently an unused space into a workspace for Mr. Rupeka who currently does not have a specific area to work out of or store the materials he may need.

TRANSFER STATION COORDINATOR

Mr. Ostrander reported he is still taking applications for the Transfer Station Coordinator position.

TERMINATION OF UNIFIRST UNIFORMS

Jody Ostrander reported the contract with UniFirst for uniforms will terminate as of April 10, 2024 and they do not wish to renew it. Supervisor Kryzak asked Mr. Ostrander to let him know what the employees believe they will need for a stipend to cover the gap of no longer having a uniform company.

TOWN HIGHWAY DEPARTMENT- COST SAVINGS

Jody Ostrander also reported on some cost savings for the Town. He received a quote of \$3,950.00 to install two garage door openers at the highway garage. Instead, they installed them at a cost of \$430.00 each. He also mentioned that the injector pump went on one of the Internationals during the last snowstorm. Today they finally got the chance to take it apart to see what the issue was. H. L. Gage quoted a price of \$5,500.00 to buy a whole new injector pump; however, it only needed a high-pressure fuel pump cylinder head. Mr. Ostrander explained, unfortunately, no one wants to take the unit apart, they only want to sell the unit as

a whole. The highway department was lucky enough to find the part on eBay for \$700.00 and plan to do it themselves.

DOG CONTROL OFFICERS (DCO) 2024 TRAINING

Jody Ostrander also reported the Dog Control Officer Justin Case and Deputy Dog Control Officer Konrad May would like to attend DCO training. He is seeking permission from the Town Board for them to attend this year’s DCO conference training scheduled for November 6th and 7th. If registration is submitted by April 30th the cost is \$100 per person or if registration is submitted by October, the cost is \$125 per person. Supervisor Kryzak made a motion to adopt the following Resolution:

WHEREAS: DCO Officer Justin Case and Deputy DCO Officer Konrad May want to attend training on November 6th & 7th, 2024, be it hereby

RESOLVED: the Town Board authorized Mr. Case & Mr. May to attend DCO training in November 2024 at a cost of \$100 per person.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 40 - 2024 was thereby duly adopted.

WATER DISTRICT NO. 1 - GENERATOR

Jody Ostrander further mentioned that he had been approached by Water Committee Chairman William Bichteman to see if he could find someone who could do Project Manager (PM) work on the generator at the Water District building. He is looking into it.

CODE ENFORCEMENT

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

Applications processed or pending before the boards

Special use – 0 / Variance request- 2 / Sub– divisions – 1

Building permits issued – 1

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

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

Construction inspections- 25

Site visits – 6 / Fire calls – 0 / Fire safety inspections and follow ups - 3

0 - In-service Training hours. 0 hrs. YTD (24 hours required to maintain certification)

ASSESSOR

ASSESSOR’S MONTHLY DEPARTMENTAL REPORT

To: Westerlo Town Board

From: Melanie Bunzey, Assessor

Date: February 15, 2024

Re: Monthly Report

The 2024 property tax roll was prepared and bills were timely mailed.

New and renewal exemption forms are coming in fast and furious. With the new mandate to send a notice to all residences and the income limit increase to \$58,400 has prompted many, many calls and new applications for low-income seniors. Postcards were mailed to all residences (no vacant land lots) by Applied Business Solutions saving money on paper, envelopes, toner and postage.

In preparation for the 2024 Tentative Roll due on March 1st, I am beginning 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.

Map maintenance from the County is being performed which include merges and splits.

A "New Sales Transmittal Report" was submitted to the State with 22 sales since last submittal (includes November and December sales.)

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.

No new STAR reports have been received from New York State.

Respectfully submitted,
Melanie Bunzey
Melanie Bunzey, Assessor

APPROVAL OF COMMITTEE REPORTS

Supervisor Kryzak mentioned for the record the Town Board received reports from Planning Board, Hometown Heroes Committee, Museum, Justice Court, Farmers Market, Highway Dept., Dog Control Officers, Assessor, Library, Local Law Review Committee, Code Enforcement, and the Park Committee. Supervisor Kryzak made a motion to approve the Department and Committee reports. Councilman Mahan seconded; all in favor, motion carried.

OLD BUSINESS

FREESE HOUSE DEMOLITION

Supervisor Kryzak advised that the demolition of the Freese house looks like it will be done the first week of March, preliminarily Wednesday – Friday. Cristo Demolition is coordinating with CEO Jeff Pine to get the appropriate notifications out. Traffic control will be handled by Cristo and the Supervisor's office reached out to the sheriff's too to see if they could assist with the heavy traffic flow from Hannay Reels at lunchtime and at the end of day.

A resident asked if the Town will be working on other properties with falling down structures. The Supervisor indicated the Town Board will have to work on that in the future.

CAPITAL IMPROVEMENT RESERVE FUND

Supervisor Kryzak indicated the Town needs to pass a resolution to transfer \$1.2 million from the General Fund, Fund Balance into the Capital Improvement Fund. There will be a budget transfer at the next meeting. The Fund has been established and the time restriction has expired for the permissive referendum.

FENCE LAW PUBLIC HEARING

Supervisor Kryzak advised that the public hearing that was scheduled for tonight regarding the proposed fence law was cancelled. He indicated he received guidance from the Town Attorney and CEO that it may be beneficial to add this to the Zoning Law instead of doing a local law. There is new language regarding the 5' setback and the safety issue. This will be discussed at the next meeting.

FIRE CO. LAND TRANSFER UPDATE

Nothing new to report tonight but a public hearing will be set in the future to move forward with the transfer.

UTILITY REPAIR CREW CONTRACT

The Town Board was given the two bids that were received for the Utility Repair Crew contract. Mr. Kryzak advised that Flach Industries was the low bidder, and he would like to award the bid to them. Supervisor Kryzak made a motion to adopt the following resolution:

- WHEREAS:** The Emergency Utility Repair contract needs to be awarded, be it hereby
RESOLVED: The Town Board award the 2024 Emergency Utility Repair contract to Flach Industries and present them for a contract for signature for services.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 41 -2024 was thereby duly adopted.

BROADBAND GRANT UPDATE

Supervisor Kryzak indicated there is some new grant money available which the grant writer will be working on called NY Connect All. It's a combination of County, State and Federal money and should cover any places in town that couldn't be covered with the current broadband grant. He advised; Beaver Shores is a road that will not be covered by the current grant.

EMPLOYEE HANDBOOK UPDATE

The Supervisor asked the Town Clerk if she had all the proposed suggested changes for the Town Board's review. She advised she did but didn't have time to submit it. Once it is received, it will go before the Town Board for another round of edits.

NEW BUSINESS

RECORD OF ACTIVITY (ROA)

Supervisor Kryzak mentioned that the ROA for Planning Board Member Angela Carkner needed to be approved this evening for retirement purposes. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: NYSLRS requires a Standard Workday Record of Activities be submitted for retirement purposes and,

WHEREAS: Planning Board Member Angela Carkner has submitted a Record of Activities (ROA) and,

WHEREAS: NYSLRS requires a Standard Workday Reporting resolution for Planning Board Member Angela Carkner, be it hereby

RESOLVED: The Town Board establish the Standard Workday for Planning Board Member Angela Carkner to be 6 hours and this resolution to be posted on the Town website and Town bulletin board for a period of 30 days.

Councilman Beers seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 42 - 2024 was thereby duly adopted.

ZBA MEMBER

Mr. Kryzak advised that the Town lost ZBA Member James Gallogly who served the community for a long time. He is looking for permission from the Town Board to advertise for the vacant position. He would like it advertised in the March 15th paper for a total of two weeks.

Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Zoning Board has a vacancy due to the recent passing of Member James Gallogly, be it hereby

RESOLVED: The Town Board authorizes the Town Clerk to advertise for a Zoning Board Member position to fill previous Member Jim Gallogly's unexpired term.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 43 - 2024 was thereby duly adopted.

Councilman Mahan asked if anyone had reached out to his wife to see if she wanted the position. Mr. Kryzak indicated she can apply.

LIBRARY BLOOD DRIVE

Library Director Amy Powarzynski mentioned the Library Programming Committee is looking to do a blood drive with the Red Cross. Parking and space are an issue at the Library so they are interested in using the meeting room space at the Town Hall for it. The Board was okay with the Library using the space. The Hometown Heroes Committee is interested in helping. Mr. Kryzak

wondered if the Red Cross would take monetary donations in lieu of giving blood; Ms. Powarzynski was not sure. The employee handbook indicates that employees who donate blood get a certain number of hours paid time off.

GAMES OF CHANCE

Supervisor Kryzak advised the Town Board that there was information about Games of Chance in their packets, specifically Bingo. He explained that the Westerlo Volunteer Fire Co. may be interested in applying for a license to hold Bingo in the future. Currently, the only thing the Town has is an old law in place (Local Law No. 1 of 1985) which governs how those permits are given. It is administered through a New York State body as well. He advised his office spoke with the insurance company today and they will get back to us regarding liability. The insurance company wants the Fire Co. to reach out to their insurance agency as well, to see if there are any potential restrictions. So, for discussion tonight, if the Town Board wants to allow Games of Chance within the Town, we would want the Town Attorney to review the Local Law for its validity to the updated New York State Laws that are in place for Games of Chance, so the Town doesn't open itself up to liability by hosting Bingo or other Games of Chance in the town. He asked how the Board felt about investigating the opportunity for the Fire Co. to host Bingo and wondered if they were opposed to the Town Attorney researching what needs to be done and what the liabilities would be. Then the Town could review a cost-benefit analysis of what it would cost to be up to date and to host something like that money wise. There were no objections.

Councilman Beers asked if the Town Clerk has any training on this. Town Clerk Karla Weaver advised there is very rarely training on Games of Chance, but there is an upcoming training in March if they are discussing this, she will need to register by this Thursday. She believed there was a lot of liability involved with this and that there may be other ways in which the Fire Co. could raise funds and prefers the Town to do away with this law. Supervisor Kryzak expressed he felt the same as the Town Clerk due to the amount of time and money it would take to do the appropriate research and update the local law. He did not believe the Town Clerk should sign up for training at this time. He indicated, even if there was a way to do this appropriately, it would not be done overnight. There is a lot of work that will need to be done before things are up to snuff. The chances right now are 50/50 without having the Town Attorney and the insurance company weigh in on what we have right now. Councilwoman Burnside agreed with Supervisor Kryzak and Town Clerk Weaver, she felt this would open the Town up to liability at this time.

Town Clerk Weaver reported that the Local Law was signed by former Town Clerk Gertrude Smith many years ago (1986) that's how long it has been since the local law was established. There is a lot involved regarding reporting and she has reached out to other Town Clerks who all strongly advised not to do it. There is a lot to think about. It opens the Town up to audits and a lot of responsibility on the part of the Fire Co., she's not sure it's worth the risk.

Supervisor Kryzak reported the Town Board is not making any decision on this tonight. He just wants to do his research with the Town Attorney to see what the liabilities are. He is not in

favor of or against at this moment, but he knows it will be a long haul to get to where the Fire Co. can do Bingo. If the benefit isn't outweighed by the cost it takes us to get there then obviously the Town Board will have to make that decision but not if the insurance company and the Town Attorney say it is not a great idea.

Lisa DeGroff Confidential Administrator to the Supervisor commented. She has been on the other side of alternate various licenses but not necessarily for Bingo. She mentioned a scenario where the Town Clerk may be doing her job 100% with issuing this potential Bingo License but, if someone from the Gaming Commission decides to stop in at the Fire Co. Bingo to do a surprise audit/inspection to make sure they are following the rules and there is something they are not doing, they will be audited which will then trickle down to the Town Clerk's office. This could open the Town up to a huge liability. She expressed, just want to be clear, when she mentions liability for the Town, she didn't mean the Town Clerk wouldn't be doing her job or that the Fire Co. wouldn't do their job. No inspector comes on site anywhere and walks away without giving you some kind of citation.

Supervisor Kryzak mentioned there is nothing set in stone to govern the Town. The Town must investigate to see what it will take and to see if it's worth it.

Betty Filkins from the Fire Co. offered her opinion. She ran Bingo for the Fire Co. in the 80's & 90's. They made approximately \$1,000.00 a week back then. They stopped because it was herself and her three others, no one else would help. It's a lot of work and they had to report every card sold and keep track of every penny. She can't imagine many people would help now. Supervisor Kryzak tabled the discussion for now.

Resident Chuck Benninger commented that 12-15 years ago Bingo was everywhere now it's dead because it's over regulated.

PUBLIC COMMENT

Lisa DeGroff reported that Veterans Service Bureau will be here tomorrow and there will be a representative from the Veterans Administration. Winter coats were donated in all sizes for both men and women they are not just for Veterans they are for anyone in need.

There is a Westerlo Fire Co. pancake breakfast at Woodman's Hall this Saturday from 8 am – 11 am.

Jody Ostrander complimented the Westerlo Fire Co. for their save today at the fire due to their quick response.

Bill Hall complemented the Westerlo Library and Town Historian Gayle Hannay's presentation on Ancestry.com. It was good, they did a nice job.

A resident suggested that the Red Cross Blood Drive sponsored by the library which will be held at Town Hall be scheduled for a Tuesday or Thursday. Councilwoman Burnside advised the

Town Offices are open on a Tuesday, but Thursdays or Fridays mid-day might be better. Lisa DeGroff commented that starting in April, the Seniors Lunch and Learn will be using the meeting room. Supervisor Kryzak advised that the library contact and coordinate with both the Town Clerk and Confidential Administrator about availability for the meeting room before the library sets the date.

Lisa DeGroff reported Drew Joslin's Eagle Scout project had been nominated for the National Eagle Scout Service award. The audience applauded.

A resident asked who would oversee enforcing the proposed fence law. Supervisor Kryzak responded it would be the Town of Westerlo Code Enforcement Officer. The resident commented that the fence this is regarding is not currently legal. Supervisor Kryzak mentioned there are a few things that were discussed but he did not want to go into depth about it now. Mr. Kryzak indicated the language basically just states staying at a five-foot setback from a home for emergency egress and that's it. This is only being done for safety reasons. The Town is trying to streamline it so it's not too complex and makes it easy for the Code Enforcement Officer to enforce it. By putting this into the Zoning Law, Mr. Pine can then enforce it.

A resident commented that when driving around Lake Onderdonk he saw there are houses built next to the boundary lines. He commented, now the person next door gets punished because they got away with-it years ago. The house in Westerlo was rebuilt in 1995 when it burned down. Now we want to punish the neighbor because he can't put his fence close to their house when they had rebuilt their house too close to the boundary line. He questioned if they get a tax break because there is five foot of property they cannot use. Supervisor Kryzak mentioned life and safety would come before that. The resident mentioned the Fire Co. would just take a chain saw to a fence if needed.

Betty Filkins mentioned if you travel down State Route 143, and you turn onto County Route 312 and Derbyshire there is a fence you cannot see around on that corner. She wondered if the proposed law would cover that. Supervisor Kryzak said they would have to check with the Code Enforcement Officer.

There being no further public comment, Supervisor Kryzak made a motion to adjourn the meeting. Councilwoman Pecylak seconded the motion, carried all in favor. The meeting adjourned at 6:50 PM.

Respectfully Submitted,

Karla Weaver, Town Clerk