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**TOWN OF WESTERLO
PUBLIC HEARING ON PROPOSED
LOCAL LAW # 3-2024
FOLLOWED BY
REGULAR TOWN BOARD MEETING
OF
TUESDAY, JUNE 18, 2024**

The Town of Westerlo Town Board held a regular meeting on Tuesday, June 18, 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 Superintendent Jody Ostrander, Highway Employees; Sal Spinnato IV, Dan Rohrmiller, Rick Rupeka, Peter Voisey & Dave Pecylak, Town Justices; Joshua Ostrander & Kenneth Mackey, Clerk to the Justices & Deputy Town Clerk Jaimee Motschmann, Clerk to the Code Enforcement Officer, Clerk to the Assessor & Clerk to the Planning & Zoning Board of Appeals; Claire Marshall, Zoning Board of Appeals; Chairman George Spahmer & ZBA Member Guy Weidman, Planning Board Members; Rich Kurylo, Gerry Boone, Bill Hall, Angela Carkner, Confidential Administrator Lisa DeGroff, Library President Maureen Sikule & Library Trustees; Mary Ann Witt, Gaye McCafferty, & Laura Tenney, Westerlo Vol. Fire Co. President Adam Alvarez & Members; Kelley Keefe, Betty Filkins, 2 Albany County Sheriff Deputies; Nathaniel Bray and unnamed Deputy, Museum Director Mary Jane Araldi, Town Clerk Deputies; Michelle Rose & Kathleen Spinnato, Town Clerk Karla Weaver and approximately 45 residents and/or interested individuals.

OPEN MEETING

Supervisor Kryzak made a motion to open the regular Town Board meeting of Tuesday, June 18, 2024. Councilwoman Burnside seconded; all in favor motion carried.

There is a new liaison from Albany County Sheriff's office Nathaniel Bray. He introduced himself to those in attendance as an investigator. He will try to make it to the Town Board meetings and offered for residents to reach out to him with any complaints. The Town Board has his contact information.

Before Supervisor Kryzak opened the Public Hearing for proposed Local Law # 3 of 2024 (see attached), he mentioned he invited guests to speak about the process of combining boards. Mr. Robert Nolan and Joseph Cinque. He indicated they were here to address the Board. Mr. Nolan asked how many people want the Planning Board to remain; many hands were raised, he

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responded that the people have spoken. He mentioned that the Zoning Board of Appeals (ZBA) was created in 1922 as a result of federal efforts to have states empower local government to adopt local zoning. Planning Boards were initiated in 1928. The ZBA was created to help relief and hardships resulting from zoning. Planning Boards make amendments, approve subdivisions, and developments that the ZBA rules on. For small towns like Westerlo, maintaining two boards can be cumbersome. There can be challenges due to resignations. He believed a single combined board could be tried for a year and if it becomes problematic could be restored. Combined boards can provide a faster and more efficient process. He was on the Planning Board for 12 years and then on a combined board for about five. He believed it would be more efficient and expedite the process, applicants are happier, and he mentioned in the Town of Coeymans, they hold meetings every two weeks. Councilman Beers wondered if there was any truth that the Town of Coeymans was looking to go back to two boards; Mr. Nolan responded he didn't know. Supervisor Kryzak introduced Mr. Cinque, a former member and Deputy Chair of the Village of Ravena Planning Board, which was abolished, and a current member of the combined Planning Board/ZBA. He has 20 years of experience. Mr. Cinque mentioned he spent 17 years as co-chair in the Village of Ravena, Andy Brick was their attorney. They merged the two boards to save the taxpayers money and expedite everything. Something to think about.

A resident asked if Andy Brick resigned. Supervisor Kryzak advised it's not public comment yet. He thanked his guests for coming.

PUBLIC HEARING REGARDING PROPOSED LOCAL LAW # 3 OF 2024

Supervisor Kryzak made a motion to open the Public Hearing for proposed Local Law # 3 to dissolve the Planning Board and to have the ZBA take over its duties. Councilwoman Pecylak seconded; all in favor motion carried. The Public Hearing opened at 6:13 pm.

Supervisor Kryzak mentioned some ground rules, if everyone is polite and speaks in turn there won't be any issues. There is a process to follow. He had rules for public hearings on the overhead screen.

Resident Barbara Russell asked if the Town Board would answer if she had a question. Supervisor Kryzak responded yes, depending on the nature of the question. She wondered if the attorney was going to be present tonight; Mr. Kryzak indicated he was going to be, but he had an emergency and had to leave. She mentioned legislative intent, and wondered how the Town Board intends to streamline the process, what steps were they planning to remove, and or are they going to have more meetings of this combined board. She expressed that she cannot logically see how 5 people were going to do what 10 people have done. Mr. Kryzak provided an example, if a special use permit comes before the Planning Board that requires a variance from the ZBA, then it would get bounced to the ZBA which delays the application a month. If you have a combined board, they can do all that business in one night, no process is skipped, and can do two months of work in one. She wondered how many variances the Town had that impeded this process and questioned if better communication with the applicant could take care of it. She asked why the applicant can't just go right straight to the ZBA and then go back to the Planning Board. Supervisor Kryzak indicated they are trying to create a one

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stop shop. Ms. Russell wondered how many variances the Town has had in 2023 and 2024, Mr. Kryzak didn't have that information. As for economic development, she wondered how many applications are on the agenda, what is being slowed down in terms of economic development, Mr. Kryzak responded, nothing, there is no business in front of the Planning Board right now. Nobody's waiting. He indicated it creates a more efficient coordinated land use review within the town. Ms. Russell mentioned part of the problem is the zoning is so old, it's from 1989 so everything comes in as a special use permit. She expressed the need to get the zoning law fixed. Mr. Kryzak responded that the town is zoned as Rural Development Agriculture (RD/A) almost everywhere. She advised that the Comprehensive Plan suggests that the Town Board do something about that, which hasn't been done. If that is done, you can eliminate a ton of special use permits because you could have commercial, RD/A and industrial. Supervisor Kryzak mentioned the problem with that is that there are current residences in those zones that someone wants to turn into the business district, which turns into an issue. People buy a property that is RD/A because they wanted to live in a rural town, not a business district. Then you do the same thing that you do with subdivisions that are unauthorized, it is what it is because you will have sprawl.

Gerry Boone, the longest member of the Planning Board, mentioned he would like to go on record and state that he believes this is a bad idea. Abolishing the Planning Board is not in the best interest of the town. For the past 17 years, he served on the Planning Board. Their main goal was to shape Westerlo's sense of place and preserve the community character that everyone treasures. As his dad, who served on the Planning Board over 30 years ago said, the Planning Board serves to preserve the qualities of this town which is what attracted people to live here in the first place. As the town faces new challenges such as solar farms and short-term rentals, he wants to get it right and in order to do so it is important to include more voices, more checks and balances in the process. The more the better. It seems wiser to put the future of our town in the hands of more citizens, not fewer. He wondered how much the town would actually save. There will be raises for the ZBA members and the additional two members, which equates to small cost savings. He advised that the Supervisor repeatably reports that the town is in good financial health and there was obviously enough money to give raises to several town employees. According to the article in the Altamont Enterprise, the Planning Board is being abolished in part, because of the long waiting times for the applicants who want to put up a garage. The sequence of events that the Supervisor described in the article is not accurate in his point of view. All applicants start with the Code Enforcement Officer (CEO), he then decides if a variance is needed, in which case, the applicant goes to the ZBA. If approved, the applicant then comes to the Planning Board. Perhaps instead of doing away with the Planning Board, he suggested the Board could meet more than once a month. He wondered if the Town has surplus funds and is looking to take on capital improvement projects, isn't this exactly what we would most benefit with the Planning Board's implicate advice. He has lived for 60 years on the family farm, and he loves this town and doesn't understand why the Town of Westerlo must copy a town like Ravenna or Coeymans, Westerlo isn't anything like them. The audience applauded. The Supervisor asked Mr. Boone a question. He mentioned, he started out wanting to streamline things, save some money along the way but he came to the most recent meeting and after the meeting he pulled up the Planning Board overview from NYS Division of Local

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Government NYSDOS introductory course. He advised, it explains what you should and shouldn't do. Making legally defensible decisions. He indicated this was initially just about streamlining, but after what he witnessed it changed a little bit. He read from the course the following: "Decisions from the Planning Board are often subject to legal challenges both when an application is denied and approved. Many of the challenges are based on defects in procedures, not necessarily poor decisions. To eliminate the bases for many challenges be sure to follow all required procedures like the ones addressed in the following slides." He jumped ahead to slide 21 and read that "it is important that the local planning board does not take action prematurely, the board cannot take early votes conditioned on the county planning agencies later recommendation for approval". He asked Mr. Boone if that is what he witnessed the other night, Mr. Boone responded yes. Mr. Kryzak wondered if he should be concerned about a potential article 78 lawsuit; Mr. Boone did not believe so as he had the advice of three different attorneys, none of which were the Town Attorney. Councilman Beers indicated the county provides recommendations. Mr. Kryzak responded that the Planning Board did not follow the process. Planning Board Member Carkner indicated they were lead agency and the Supervisor does not tell them what to do on the Planning Board. Mr. Boone asked to please not punish the applicant.

Mr. Kryzak mentioned to Mr. Beers that he runs the meeting not Mr. Beers. Mrs. Burnside mentioned that those who didn't sign up to speak will have time to do so at the end of the meeting, which is in the rules.

Resident Travis Burns mentioned it's his first time at a meeting, he's been a resident for a while though. He wanted to know what started this. He indicated things do take time, but believed all the codes should be reassessed. He indicated Ms. Russell had some good points. Supervisor Kryzak responded he brought it to the table in 2021 and the main part is the Planning Board didn't need to meet twice this year so he's thinking maybe if the Planning Board didn't have some meetings, the Town Board can possibly streamline. He explained, if there is no need to meet, they can revise things, instead of having 10 people, they can have 5. If the Planning Board does not meet every month, the Town will not spend salaries on 10 people. Based on the workload and the strength of the current ZBA, he believed it was a good idea to put it back on the table from 2021. The resident wondered if there will be more meetings a month. Mr. Kryzak responded the plan is to still have 1 meeting for the combined boards. Resident Bobby Sherman thought that the boards only got paid for the meetings they attended. Mr. Kryzak advised pay is not based on the meetings.

Karen Cornell, a resident since 1979, indicated she has personally gone through the process with the Planning Board and she believed it was effective, they certainly answered all of our questions. Her belief was that everything started with CEO Jeff Pine, who would look everything over and if everything was acceptable, then it went on to the Planning Board. Mr. Kryzak indicated it depends where the application needed to go, often the first stop would be the Planning Board. She questioned, if they combined boards, if they will take 5 people instead of 10 and questioned if the current ZBA members don't want to be on a combined board, does the Town Board then need to appoint someone else who would then need to go through the

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process of learning which must include a fee. Mr. Kryzak responded if anyone doesn't want to be on that board that he's sure that the people who were just on the Planning Board would take those positions. There is an applicant pool so if somebody steps down, whoever wants to come from the Planning Board can. She indicated that would allow people who have some training in what the Planning Board does. She wondered if the ZBA has any Planning Board training; Supervisor Kryzak indicated their current training is only in zoning, but they will be trained in planning. He advised, there isn't a huge load right now, but there is an application coming their way, they would probably not do anything about it this month. He indicated, if the planning and zoning boards are combined, it would be done at a time where there wouldn't be a huge load of applications on their plate. He mentioned making sure the Town Board times it right, based on the number of applicants before the Planning Board so it's not like you are throwing a ton of work to people that haven't been trained. She asked who applicants appeal to when there is a combined board. Supervisor Kryzak responded applicants would appeal to the Albany County Planning Board (ACPB). ACPB is essentially the lead reviewer, so everything that goes before the Westerlo Planning Board goes to ACPB for an opinion. When it comes back, the Westerlo Planning Board can override it, but it takes a supermajority but often the ACPB is reviewing the same application that the Westerlo Planning Board is and they are going to give their recommendations, there is a system of checks and balances. He indicated he has already submitted proposed Local Law # 3 to the county for their opinion.

Planning Board Member Angela Carkner read a letter to the Town Board. She indicated, by abolishing the Planning Board, you lose an opportunity to have two separate boards with their own perspective. She believed that is the intent here. The members of the Planning Board are free thinkers. They seek knowledge from government agencies, take the information provided to them and as individuals make a decision. What is happening here is retaliation for their free thinking. In May, the Planning Board did not agree with the recommendation of the Town Attorney. During that meeting the attorney got up and left saying the Planning Board didn't need him and seven days later, the Town Supervisor announced that he planned to abolish the Planning Board. That is retaliation. Legally, the Town Board can abolish the Planning Board and give their job duties to the ZBA. However, the Town Board can't retaliate against the Planning Board because the Town Board isn't pleased with the Planning Board's actions. She indicated the Town Board mentioned they're doing this to save money, but she doesn't believe it. If the Town is in such a great financial place, as the Town Supervisor has mentioned in every single Town Board meeting, there is no reason to cut back on a board that is educated in NYS law and town law. She mentioned, if the Town Board wants to save money, they can cut back on the Town Attorney's salary since he gets paid to attend Planning Board and ZBA meetings so that he can provide legal counsel, but he is almost always absent. She reminded the Town Board that the Town Attorney was not here tonight and that they're paying him to not be here and leaving the ZBA and Planning Boards with zero legal counsel. She advised, she had previously brought this to the Supervisors attention that the Town Attorney doesn't show up to meetings and the Supervisor's response to her was asking her if she invited him to the meeting. She indicated the Planning Board should not have to invite an attorney to do his job. She mentioned Mr. Kryzak indicated he's doing this to streamline the process for applicants, but she doesn't believe it. He advised that only three applications in the last 5 years needed to go before the

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Planning Board and the ZBA. She believed the Supervisor didn't know about the applications she was referring to because it's not about streamlining the process, it's about retaliation. At the last Town Board meeting Councilwoman Burnside, Supervisor Kryzak and Councilwoman Pecylak appointed a resident that has zero experience being on a ZBA or Planning Board when they could've appointed Bill Hall a current Planning Board member who had applied for the vacancy. She believed since the Town Board knew they were proposing a law to abolish the Planning Board they could've appointed a Planning Board member to the ZBA so that the ZBA would have a member with Planning Board experience. Instead, those members of the Town Board chose to do what they always do and chose to appoint someone with no experience. On the day they hired a new ZBA member, they also proposed this law to abolish the Planning Board. She indicated; any good leader would've been able to see that job experience should have made Bill Hall the ideal candidate for this position especially since he is also on the Law Review Committee. She indicated their decision making on this matter doesn't sound rational and sounds like retaliation. She advised, she could read opinions from Committee on Open Government as to why it's not recommended to combine boards, but she shouldn't have to, that's what Councilwomen Burnside and Pecylak and Supervisor Kryzak should've done prior to the meeting. Unlike the Planning Board, she does not believe all the individuals that sit on the Town Board research anything. She and others believe they vote how they are told. Attorneys are here to provide recommendations not suggestions, however, residents can make suggestions and she suggests not passing this law to abolish the Planning Board. She also expressed concern regarding Mr. Nolan who has an article 78 lawsuit filed against him due to his position as chairperson on his combined board due to a conflict of interest. She questioned that maybe the Town of Westerlo shouldn't be taking his advice. The audience applauded.

Resident Bobby Sherman questioned if the Town just got a bunch of new members on the Planning Board, he wondered who had training, etc. since the Town Board is now suddenly getting rid of the Planning Board. Supervisor Kryzak indicated the Planning Board currently only has 4 members as the chairperson resigned. He mentioned that Bill Hall was named their interim chairman at the last meeting. If the Town keeps the Planning Board, there is a vacancy needing to be filled. Mr. Sherman mentioned that the Town Board is supposed to represent the townspeople; Supervisor Kryzak responded yes. Mr. Sherman mentioned if most of the people here want the Planning Board, and the Town Board votes against it, he asked if they are representing the town, or if they are just representing what they feel like doing. He commented, if you're supposed to represent us, then represent us. The audience applauded.

ZBA Chairman George Spahmer thanked the Town Board for their consideration of this matter. He believed it was essential to carefully consider the challenges of abolishing the Planning Board and consolidating the responsibilities to the ZBA. He mentioned the need to be very careful in how the Town Board considers going about this. The Planning Board plays a crucial role in the community by meticulously reviewing development proposals and ensuring adherence to zoning ordinances and safeguarding the interests of residents. He provided a few concerns for their consideration:

1. Expertise and specialization: the members of the Planning Board have years of experience and training that would be difficult to replace. Combining those specialized

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roles into the ZBA may diminish, especially at first, the depth and knowledge available to review complex development projects thoroughly. As the Chairman of the ZBA, the ZBA has done a lot of training within that board, specializing in zoning matters and not so much planning matters. There is definitely a little uphill climb for getting up to speed which is a concern of his. He believes sometimes 10 heads are better than 5 when it comes to these complex matters.

2. Workload and timeliness: The workload currently managed by the Planning Board can be substantial at times. There are some months that the ZBA doesn't meet because they don't have any cases. When it rains it pours, sometimes cases come in that can be very complex and time-consuming. Consolidating these responsibilities into the ZBA could potentially overwhelm its members, affecting the thoroughness and timeliness of decision making. He hasn't had deep conversations with the other members on the ZBA to see how they feel about this and not having a lot of Planning Board experience he doesn't know what that load looks like yet.
3. Unattended consequences: If you don't make good decisions on these boards, you can end up with an article 78 lawsuit.

He mentioned careful consideration, good training, and right now the Town has a Planning Board that Gerry Boone has been on for 17 years so there is a depth of experience on that Board that he expressed concerned about losing. He understands the other side of it as well, that the Supervisor is trying to do the right thing for the town, they are the elected officials, it's their decision but he shared some of his concerns.

Mr. Kryzak indicated no decision will be made tonight; it's strictly a Public Hearing. If a vote is done, it's going to be done right like he's talked about.

Gwen Mackey mentioned that at the May 21st Town Board meeting, Planning Board Member Carkner mentioned that the Planning Board attended training last year through the NYS Planning Board Association. At that meeting, the very first speaker stated combining ZBA's and Planning Boards was not recommended. Additionally, on our own state government website, it states from our Division of Local Government Services for joint boards, regarding village/town planning boards and village/town zoning boards, that combining a planning and zoning board is not recommended. They are two separate entities and are distinct. The members have years of experience. The Town Board is talking about turning this over to a ZBA that has no training and no experience, and they cannot get those years of experience until they've been doing it for years. She continued; the Town Board wants them to start making all these decisions with no experience. You're not talking about taking a ZBA and making it half Planning Board people and half Zoning Board people, you're talking about eliminating the Town's Planning Board. She believed the Town Board was doing an incredible disservice to this community, and she does not believe the money savings they're looking at are worth it. She indicated that the residents pretty much made it obvious that it's not something they want to take place.

Resident Kevin Mackey expressed he was displeased that Supervisor Kryzak chose to bring the two gentlemen that he did who are recommending eliminating the Planning Board and didn't get a few other guys that felt the other way.

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Clerk to the Planning and Zoning Boards Claire Marshall indicated there were some facts that Mr. Kryzak mentioned that were not correct. There has only been 3 times in the last 5 years that an applicant had to go before both the Planning and Zoning Boards on something, her and CEO Pine investigated it. Mr. Pine has been working with the ZBA and Planning Board for over 20 years. She mentioned Mr. Pine told her he did not believe this is something the Town should be doing. The problem is, you have to meet two times a month, otherwise you will not streamline anything. The only thing is the ZBA doesn't tend to meet whereas the Planning Board might have missed two meetings, but the ZBA misses a lot more meetings. The Planning Board is the one that does most of the applications. To do away with the Planning Board and give it to the ZBA, who has no experience, she believed the Town Board was not helping this town at all. Right now, there is an application for the Planning Board, she was going to ask the attorney but since he's not here, she asked Supervisor Kryzak what this meant for this poor applicant that she needs to call. She asked if there would be a Planning Board meeting next month; Supervisor Kryzak responded, she can send the application to him, and they will handle an interview. Mrs. Marshall explained it's a special use application, Mrs. Burnside and Mr. Kryzak both responded they should follow normal procedure until it's been voted on. She asked if she could call the applicant and tell him he could come in next month and go before the Planning Board, Supervisor Kryzak responded yeah but mentioned you never know right? Mrs. Burnside indicated Mrs. Marshall can also reach out to the attorney during the day. Jeff Pine had suggested to the Town Board and Town Attorney in an email that the combined boards could hold two meetings a month along with two other requests and the response he received from the Town Attorney was, no we don't need to do any of that. Mrs. Marshall advised, if you don't do two meetings a month, the Town will not streamline anything for anyone. ACPB only meets once a month in the middle of the month which is extremely hard because there are rules to get applicants in, they need so many days before their meeting that is why you think it takes so long. She would really like the Town Board to rethink this before they decide. Mr. Kryzak reported he's following the process and proposed Local Law # 3 of 2024 has already been sent to the ACPB on May 22nd for their advice and decision regarding it. Mrs. Marshall responded, ACPB only does what they must for municipalities, they do not make the decision, they will tell you if you need a driveway, or a septic, they will not tell the Town what the Town can or cannot do, they normally say check your local laws. Supervisor Kryzak responded they do give advice, if it's shot down at the county level what's the point. Mrs. Burnside indicated she recalled that the chairman of the Planning Board tried to change the date of their meeting, so it coincided better with ACPB meetings which was voted down by the Planning Board at the time. Mrs. Marshall believed it was before her time.

Michael Sikule a resident of the town for almost 40 years mentioned that the budget is already set for this year, you've already collected the taxes to pay the Planning Board, etc., so it's really no savings. He was curious as to why it's being proposed now, mid-year when it could be handled as part of the budget process. Mr. Kryzak responded, it's a good question. The discussion starts now because we will be starting our budget discussions in August, he just sent out emails to the department heads to start on their budgets. Supervisor Kryzak mentioned, if you are going to make changes for next year, start the budget process early, and plan early. The

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premise behind it is to not throw it at people at the last-minute right before budget season or right before the years about to start. The point was to start the talk and topic at a time where there is still enough time to plan for the following year. The other part of this is that if you are going to eliminate something from your budget this year it goes directly into the fund balance which would be net savings, money you weren't going to spend that could be put toward something else. He believed there was a lot of rationale for putting something out in the midpoint of the fiscal year. Mr. Sikule asked if the Town was having financial issues, Supervisor Kryzak responded, no not right now. Mr. Sikule indicated, if the Town wanted to save some money, they could do something where they pay people per meeting. The other thing he mentioned was there seems to be an issue with the attorney. If you look at other towns the Planning Board has their own separate attorney, maybe that could eliminate some of the issues. The audience applauded.

Resident Tom Diederich mentioned he has lived in the town since he was three years old. He used to come to all the Town Board meetings but stopped coming because they are at 6 pm which is a little early for him. He used to attend as a business owner within town, as a volunteer fireman, and as past chief of the Fire Co. One of the things that he does remember is when the Town Board decided to abolish the Planning Board many years ago and what brought it about, the person who brought it up didn't get the favorable answer they wanted quickly from the Planning Board, so it was abolished, and the Town Board took it over. As time went on, the Town Board got paid more money because they were doing the work. Fast-forward and the Town Board brought the Planning Board back, so it seems to him that it was more of an issue of taking care of the right people and he is wondering if that isn't the case here as well, hopefully not. He didn't believe that really saved the Town any money and therefore believes it's a moot issue. He believes there are a lot of other areas that could be looked at to save money other than the Planning Board like maybe some overpaid people. He did go to some Planning Board meetings when he was fire chief, to weigh in on certain aspects of fire protection, etc. Going to mostly Town Board meetings, he always remembered having a town attorney there. There have been some very good attorneys over the years that were very helpful. He mentioned that Andy Brick is an attorney that specializes in planning, and he is moving back to Westerlo. He indicated; he's only ever seen Mr. McHugh here once. Mr. Kryzak indicated that Mr. Brick is the attorney who wrote the original law for the village of Ravena and Coeymans. Mr. Dietrich reminded those attending why planning started in Westerlo. It was because Mercury Refining Company wanted to come to town and build a facility and Westerlo had no Planning Board. Now he's hearing that some people are making some areas zoned for commercial as opposed to rural agricultural and residential. During those times, when the meetings were going on, the Town decided to have a Planning Board. Back then, someone had mentioned, the Town needs to be thinking forward on this and making some areas commercial, hence Rt. 32. He expressed concern, hoping the Town doesn't go down some of the same roads he's seen happen here in the past. The audience applauded.

Planning Board Member Bill Hall mentioned he's taken over as acting chairman on the Planning Board. He is also on the Local Law Review Committee and is a Museum Board member and has been to most all the meetings going on in the Town and has a good idea of what's going on.

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Streamlining can be a great idea, but he just doesn't see the need. There have been three applications in the last 5 years where the ZBA was required. That is more of a feature not a bug. He expressed; the Town wants a different set of skills with a different set of eyes looking at those. This is more important with bigger projects going on such as solar. As a Planning Board they are looking at it from one perspective, the ZBA would look at it from a different perspective, which is what the Town needs to happen. He indicated it's been an honor to be on the Planning Board and he would be very grateful to continue as chair. The audience applauded.

Someone in the audience asked if some of the existing Planning Board members with experience would continue on this new combined board to ensure their expertise. Supervisor Kryzak responded that right now it will be 5 members with one alternate, with the goal being the alternate would be someone from the Planning Board. That could be changed because ACPB might recommend seven members and two alternates. Therefore, the Town Board may take two members of the Planning Board who would have experience and put them on the combined board and then take two more alternates. If ACPB wants seven, then you take the people that have the experience and combine the whole thing and still have two alternates.

Resident Chuckie Benninger asked if people from the audience could stand up if they wanted the Planning Board abolished. He didn't want any confusion and advised people want the Planning Board.

Mr. Witt commented that every meeting is opened with the pledge of allegiance, it's not just a bunch of words, it's an oath of allegiance. He mentioned that the Town Board is making an oath of allegiance to that flag and to the republic for which it stands. It's a representative republic. He reminded the Town Board that they represent these people. The audience applauded.

Former Town Board Member Joseph Boone mentioned for 5.5 years he sat as a proud Town Board member in this town which his parents moved to in 1968. His mother named their farm Golden Acres because the fields had a golden hue. He commended everyone who spoke tonight, the comments were poignant, directed, non-aggressive which is appreciated per the protocol. He expressed that when you sit on any board it's a matter of earning two things from the people you represent; their trust and their confidence in you to make the right decision for not only the people in this crowded room but for all 3,700+ people who reside here. What he believes could potentially happen with this proposal is that the Board is disregarding the trust and confidence of the people who allowed them the distinct honor to sit in these chairs and serve this community. He begs that they reconsider this proposal to abolish a well-seasoned, experienced, dedicated Planning Board and expressed if they decide to do this, they get a fifth member in there because there was a time when he was on the Town Board and was shy one member and that disrupted the checks and balances of having a five-member board. He indicated; the Town needs to serve the people to the fullest extent. He suggested keeping the Planning Board going, that they will bring this town to a prosperous and successful resolution. The audience applauded.

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Mr. Kryzak asked if there were others that wanted to speak, and mentioned the Board is only doing one round as there is other business to attend to.

Employee Peter Voisey mentioned he came here with really no opinion, but he has two friends that served as Town Council with George McHugh in the Town of Coeymans who believed it worked there because it streamlined things. He indicated, our government is not designed to be streamlined, its designed to be cumbersome because if it was streamlined the Town could do away with the Town Board. You could have one person making decisions. Having checks and balances is the way this country is designed. He believes we should keep the Planning Board.

Resident Barbara Russell asked to speak again, commenting that #3 on the rules for Public Hearings gives her the right to speak. Mr. Kryzak responded if the Town Board wanted to but there are other things to discuss on the agenda. Councilman Beers indicated she should speak. Ms. Russell mentioned, if you have a problem with something not being done on the Planning Board, such as something not being followed, change the law so it is being followed. Mr. Kryzak indicated there already is a law. She mentioned it doesn't specifically say what engineers and from what she's heard, the engineer was the problem. She indicated, if you have a problem with the procedures, don't eliminate the Board. Mr. Kryzak indicated you can't, you follow the Department of State. Mr. Kryzak indicated the Town already has an engineer that is retained, and the applicant pays for the review process. Mr. Kryzak mentioned the Planning Board didn't do that and they prematurely approved the application. She also mentioned they spoke about the history of eliminating the Planning Board, it was brought up again in the last five years, that it was for financial reasons. It wasn't really, it was that the Planning Board was doing things maybe not kosher. It is in the past minutes that Mr. Kryzak and Mrs. Burnside voted against eliminating the Planning Board. The audience applauded. Mr. Kryzak indicated he voted no at the time because the ZBA had some vacancies, and they weren't as strong as they are right now, which is why he took it off the table then, he indicated Ms. Russell was there.

ZBA Member Guy Weidman indicated at that time, they decided both Boards wouldn't get paid, but Mr. Kryzak gave the pay back to them. Mr. Kryzak indicated that was to encourage their attendance and for people to stay on those boards. Mr. Weidman indicated they would've stayed on those boards without being paid and he would do it now. Mr. Kryzak advised he would nix his salary as well.

Gerry Boone asked to speak again. Mr. Kryzak indicated Ms. Russell got a second chance so he can as well. At the meeting that Mr. Kryzak accused him of making the wrong decision, he advised that the Planning Board had no attorney present. Mr. Kryzak responded that Planning Board Member Bill Hall advised the rest of the Planning Board of the correct decision. Mr. Boone again indicated there was no attorney. Mrs. Carkner mentioned, you don't do that on a board, you act as individuals on a board, the Town Board is different, one person does not tell the Planning Board how to vote. Mr. Kryzak responded that the one person who knew what you were supposed to do did and nobody did it. Mr. Boone advised he could be wrong, but he thinks there is an application for the Planning Board. Mr. Kryzak indicated they didn't receive it

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because the applicant didn't show up. Mr. Boone indicated it has been postponed until next month; Mr. Kryzak indicated they we will need to talk more about processes.

Mr. Kryzak advised we will be moving on, there is a lot of other business.

Mr. Sherman asked if it is really about the money, Mr. Kryzak responded it's about streamlining the process and being more streamlined financially. He's going to look for savings this year, just to warn everybody because insurance is going to go up 11.9% and we need to be more creative. Mr. Sherman asked if these board members are getting insurance. Mr. Kryzak responded no but mentioned that expenses are continuing to rise and Westerlo has some of the lowest taxes in Albany County and he'd like to keep it that way. Taxes only went up .003% this year, he mentioned how great it would be if he can do the same thing by streamlining.

Mr. Beers believed this was about silencing the people on the Planning Board. Councilwoman Pecylak made a motion to close the Public Hearing. Supervisor Kryzak seconded; a vote resulted as follows:

AYES: Supervisor Kryzak, Councilwoman Pecylak, Councilwoman Burnside

NAYS: Councilman Beers, Councilman Mahan

Motion carried. The Public Hearing ended at 7:14 pm.

Mr. Kryzak advised they were moving on to other town business.

APPROVAL OF MINUTES

Supervisor Kryzak asked if the Town Board had the chance to review the draft Town Board meeting minutes of May 21st. Supervisor Kryzak made a motion to approve the May 21st meeting minutes. Councilwoman Pecylak seconded; all in favor motion carried.

TOWN CLERK MAY 2024

Town Clerk Karla Weaver reviewed the Town Clerk report for May 2024. Supervisor Kryzak made a motion to approve the Town Clerk report for May 2024. Councilwoman Burnside seconded; all in favor motion carried.

SUPERVISOR'S REPORT MAY 2024

The Supervisor mentioned that the budget versus actual was tracking very well as far as expenses. He reported the income collected for the general fund, the Town is at roughly 114% of the budget, and did collect some extra in sales tax. The Town is looking good financially across all the budgets and is tracked monthly. If any department heads want their budgets versus actual, they can email him. As far as the bank recreation as part of the report, right now the beginning balance for May is \$4,369,426.55. Received \$24,674.31 in payments and disbursed \$1,368,790.45 and the monthly bank reconciliation is \$4,226,383.87. He mentioned that the bank account is healthy, looking okay. Supervisor Kryzak made a motion to approve the supervisor's report for May. Councilwoman Pecylak seconded; all in favor motion carried.

INVESTMENT REPORT MAY 2024

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NYCLASS is not performing well. Mr. Kryzak indicated he doesn't like moving money around it doesn't look good and it's easier to track this way. Doing very well on interest with BOGC. For May the Town has received \$8,319.36 in interest for all accounts. For the year, \$45,442.13 in interest. YTD \$447.46 and earned \$2.06 in interest. Collateralization statement through M&T is \$4,260,000.91 for all deposits. Supervisor Kryzak made a motion to approve the investment report. Seconded by Councilwoman Burnside; all in favor motion carried. Councilman Beers questioned why more money wasn't being moved to NYCLASS with the higher interest rate. Mr. Kryzak indicated BOGC is in the high 4% and he doesn't like to move money around. If you move more money out of BOGC, the Town is looking at smaller numbers and then there wouldn't be crazy paper trails.

BUDGET AMENDMENTS

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; and 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.

Water District #1 (2024)

<u>Amount</u>	<u>From Account</u>	<u>To Account</u>
\$6,369.85	230.6 Water Repair Reserve Fund	(SW)8330.44 Maintenance and Repairs

General Fund (2024)

<u>Amount</u>	<u>From Account</u>	<u>To Account</u>
\$2,017.00	230.4 Park Improvement Reserve Fund	(A)7110.43 Parks – Parts/Repairs/Supplies

Museum Fund (2024)

<u>Amount</u>	<u>From Account</u>	<u>To Account</u>
\$1,495.00	200.1 General Fund/Fund Balance	(M)7450.46 Museum - Signs

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 73 of 2024 was thereby duly adopted.

PAYMENT OF MONTHLY BILLS MAY 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 May 2024 bills, be it hereby

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RESOLVED: the following bills be paid Voucher # 268 through Voucher # 321 in the amount of \$195,587.95.

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

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

NAYS: None

RESOLUTION # 74 - 2024 was thereby duly adopted.

COMMITTEE AND DEPARTMENT REPORTS

Mr. Kryzak announced that he received a report from the CEO, Assessor and from the Justice Court.

JUSTICE COURT

Supervisor Kryzak reported that the Town received reports from the Justice Court for fines collected in May. The Justice Court collected fines for Judge Mackey in the amount of \$736.00 and for Judge Ostrander in the amount of \$1,043.00. Justice Mackey asked that Supervisor Kryzak read the amounts as a total amount and not make it look like there is a competition because it's not.

ASSESSOR

ASSESSOR'S MONTHLY DEPARTMENTAL REPORT

To: Westerlo Town Board
From: Melanie Bunzey, Assessor
Date: May 30, 2024
Re: Monthly Report

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

Board of Assessment Review ("BAR") hearings were held today, May 29, 2024. There were two grievance forms submitted by mail for consideration including three (for 3 separate parcels) from the Albany Water Board for the second year in a row. They requested full exemption last year and were denied and filed a Small Claims Assessment Review ("SCAR") hearing. The matter was referred to the Town Attorney and I never heard what the outcome was, but this year's complaint is for the same three parcels and they are again requesting full exemption on each parcel. The BAR denied the exemption request for a second time. The BAR voted to reduce the assessment of the second mail in because I had assessed what looks very much like a mobile home with a deck attached when it should be considered an RV which cannot be assessed. We will look into the matter further and if it's determined that the "RV" is not on its axles or have its hitch attached, the assessment will go back up next year.

There were 3 personal appearances. One being the Snyders (see below); one being an attorney representing Emeny's who told me he was not aware that I had already lowered their assessment*

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prior to running the tentative roll to avoid BAR involvement. The BAR voted to keep things as they are since a reduction was already done. The third did not have her forms completed, so we provided her with the forms and she sat for a while working on the forms, but left without submitting any formal complaint.

**I met with one resident (Snyders) who I had done a partial assessment increase for a barn (manure storage building) that was built but not yet complete. The resident argued that if he knew his assessment would be raised even partially, he would have applied for an exemption this year, but was waiting to apply for the exemption until the building was completed. I have stipulated and agreed to lower his assessment back down to where it was until the building is complete and he has had a chance to apply for the agricultural building exemption.*

I have met and/or talked with several other residents concerned with their taxes with the hopes that I could help, but could only suggest grieving where I felt their assessment was fair and equitable. I've had to explain to many people that just because their taxes might be up, it doesn't mean their assessment is increased, but it depends on the budget, etc.

A Verification of Changes to the Tentative Roll form that is required to be submitted to the County was completed. It included a spreadsheet of several parcels where the Aged-All Senior exemption had been calculated incorrectly. I had used a new income limit chart that changed the percentage of the exemption on these several parcels when it should have only been used to calculate whether higher income seniors would be eligible for County tax only not "All" ("All" being for school, town and County.) Next year, I will ask the Board to consider the same income schedule for town taxes and see what the school districts will decide.

A "New Sales Transmittal Report" was submitted to the State with 23 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

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

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Applications processed or pending before the boards

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

Building permits issued – 6

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

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

Construction inspections- 27

Site visits – 13 / Fire calls – 0 / Fire safety inspections and follow ups - 1

3 - In-service Training hours. 13 hrs. YTD (24 hours required to maintain certification)

PLANNING BOARD

Bill Hall reported that the Planning Board approved an application at the last meeting, have another one pending. They do have an opening; he suggested that the Town Board consider moving him from acting to make things more stable until a decision has been made.

LLRC

Local Law Review Committee Chair Bill Hall reported they are wrapping up their final review before they send the zoning law revisions to the Town Board.

LIBRARY

Gayle McCafferty, Library Trustee updated the Town on their activities.

- June 27th 12:30 pm - 5:30 pm Blood drive at Town Hall
- The Red Cross has partnered with Stewarts, give a pint get a pint.
- The Upper Hudson Library System had their annual meeting on June 12th. The majority of the Trustees were able to attend. Libraries in the Upper Hudson Library System are able to exchange things that they normally don't have.
- Book Club's next meeting is July 10th at 4:30 pm.
- Coffee with Neighbors noon time on Wednesdays.
- Storytime is every year on Wednesday's at 10:30 am.
- Book Bingo starts the same day as the blood drive, can win prizes.
- July 9th through August 13th at 10:30 am there is Messy Play on Tuesdays.
- At 11:30 on Tuesdays Coffee Connect for Caregivers.
- There are also programs for 4H, slime, insect, arts and crafts, and Reptile Adventures. Lots of things are going on.

Mr. Kryzak advised the Town received reports from Justice Court, Planning Board, ZBA, Assessor, Library, and CEO. Supervisor Kryzak made a motion to approve the committee and department reports as submitted or read. Councilwoman Pecylak seconded; all in favor motion carried.

PROPOSED LOCAL LAW #3 OF 2024

Supervisor Kryzak mentioned proposed Local Law #3 of 2024 is on table.

BROADBAND UPDATE

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The Supervisor mentioned he's had conversations with Mid-Hudson Cable and the county. He has all the mapping for broadband (see attached). Red and blue is existing coax and fiber, orange is what was agreed to build out, green are the areas people have asked the Town to revisit and are being bid on through Albany County. Any gaps from the grant are being filled by Albany County. Mr. Kryzak indicated it looks promising. The hope is things will get moving this fall once the mapping is approved through the USDA. Confidential Administrator Lisa DeGross indicated she received an update from Mid-Hudson that they are in the process of applying for their pole licenses for the part that they are building out for the grant.

HR PROCEDURE

Supervisor Kryzak explained that the proposed HR Procedure is simply just a procedure to follow for hiring. It includes a job description, offer letter, and how folks need to be brought on board for human resources to make sure they are aware of what is offered to them and aware of what they are signing as well. Resident Chuckie Benninger asked if all departments still hire their own employees, Supervisor Kryzak responded yes. The department head is also still responsible for the job descriptions and can hire their own people. New hires have to have a job description and are given an offer letter that they sign which states everything they are entitled to and what they're taking advantage of, such as insurance. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Supervisor presented the Town Board with an HR Procedure (see attached) for new hires, be it hereby

RESOLVED: The Town Board approves the HR Procedure document for new hires. Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 75 of 2024 was thereby duly adopted.

TEMPORARY DOG HOLDING FACILITY

Town Clerk Weaver reported that the last she heard, there was no area at the highway garage that had running water for a temporary holding facility. The Dog Warden had indicated to her that the Town Board will need to look into other options for a facility. All the hospitals and shelters her office has called have responded no, that they can't take the Town on for vet care. The only hospital willing to work with the Town so far is Albany County Veterinary Hospital and is offering a 25% discount.

NEW BUSINESS

NYSDOT SPEED LIMIT REDUCTION

NYSDOT had sent out a letter regarding a speed study on CR 1, CR 401, CR 405 and CR 412. All of those areas have had issues with vehicular accidents and speeding. The Town had requested speed limit reductions in certain areas that have been known as high incident areas and NYSDOT responded they will not entertain a reduction. Based on their review, there is no need for a speed reduction on those roads.

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ROOFING CONTRACT

Mr. Kryzak advised he has received some pricing for the Justice Court building roof from Grace Roofing, Wolfe Exteriors and James Edgar Co. Based on the best value procurement, he would like to award the contract to Grace. Wolfe was \$13,700. Grace came in at \$15,400 but offered a 25-year manufacturer’s warranty and a 5-year warranty on labor. Based on that, he’s pretty sure it’s worth the extra \$2,000. Resident Chuckie Benninger wondered if the Town was trying to save money, why the highway department wasn’t asked to do the roof. He mentioned that Mr. Rupeka could show the guys how to do a rubber roof. Mr. Kryzak advised there was a rebid for the Town Hall roof because the bids were over the ability to award. He’s looking to award the project to Grace Roofing in the amount of \$15,400 with 25-year manufacturer's warranty and 5 year warranty on labor. Supervisor Kryzak made a motion to adopt the following resolution:

- WHEREAS:** The Justice Court roof is in need of repair, and
- WHEREAS:** The Town Board received quotes for the repair, be it hereby
- RESOLVED:** The Town Board awards the project for the Justice Court roof to Grace Roofing in the amount of \$15,400 which includes a 25-year manufacturer’s warranty and a 5 year warranty on labor.

Councilwoman Pecylak seconded; a vote resulted as follows:

- AYES: Supervisor Kryzak, Councilwoman Burnside, Councilman Beers, Councilman Mahan, Councilwoman Pecylak
- NAYS: None

RESOLUTION # 76 of 2024 was thereby duly adopted.

TOWN HALL ROOF

Mr. Kryzak indicated the Town needs to rebid the roof for the Town Hall because they only received one bid for that opening which was higher than all the other bids that were previously received. The Town needs three bidders. He explained he will not release the amount for the bid that was received to not influence any bids as it would mess up the integrity of the bid. They will have to advertise.

TRANSFER STATION FEE SCHEDULE UPDATE

Highway Superintendent Jody Ostrander supplied a proposal for an increase on some of the fees at the Transfer Station which the Supervisor has reviewed. The fees would be effective as of June 18th. Supervisor Kryzak made a motion to adopt the following resolution:

- WHEREAS:** The Transfer Station fees were in need of review per the Highway Superintendent, be it hereby
- RESOLVED:** The Town Board adopts the June 2024 Transfer Station Fees effective immediately (see attached).

Councilwoman Pecylak seconded; a vote resulted as follows:

- AYES: Supervisor Kryzak, Councilwoman Pecylak, Councilman Beers, Councilman Mahan
- NAYS: None

Councilwoman Burnside left the room briefly and was absent for the vote.

RESOLUTION # 77 of 2024 was thereby duly adopted.

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STANDARD WORKDAY

Supervisor Kryzak indicated there was a Standard Workday resolution for Highway Superintendent Jody Ostrander, Town Clerk Karla Weaver and Town Justice Joshua Ostrander before the Town Board. He explained it is standard practice to approve the standard workday for NYSLRS. 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: Highway Superintendent Jody Ostrander, Councilwoman Amie Burnside and Town Clerk Kathleen Spinnato have submitted a record of Activities (ROA) and,

WHEREAS: NYSLRS requires a Standard Workday Reporting resolution for Jody Ostrander, Amie Burnside and Kathleen Spinnato, be it hereby

RESOLVED: The Town Board establish the Standard Workday for Jody Ostrander to be 8 hours, Amie Burnside to be 6 hours and Kathleen Spinnato to be 8 hours and this resolution to be posted on the Town website and Town bulletin board for a period of 30 days. (see attached)

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

Councilwoman Burnside left the room briefly and was absent for the vote.

RESOLUTION # 78 of 2024 was thereby duly adopted.

ALBANY COUNTY PARKS AND RECREATION GRANT

Mr. Kryzak indicated there is no information on this at this time, the deadline has been extended and he's waiting to hear. The Town applied for \$18,000.00.

HOME DEPOT DONATION FOR HOMETOWN HEROES

Supervisor Kryzak mentioned the Hometown Heroes Committee received a donation from Home Depot for Veterans Garden. They will be donating a fireplace worth \$1,569.00 which will be located near Veterans Garden and will be installed by Home Depot. He reported, that is another \$1,569.00 received in grants.

ALBANY COUNTY VETERANS SERVICE BUREAU

Albany County Veterans Service Bureau donated a flag retirement drop box for the Town which will be red, white and blue and located at the Transfer Station. The grant writer secured this for \$915.00. The Town now will have a receptacle. A resident asked who would empty those. Lisa DeGroff responded the Hometown Heroes will take possession of them and then they can do a proper ceremonial flag burning in the new fire pit at the park. She indicated there are rules and ways that you must go about this. Mrs. Burnside indicated that the Boy Scouts can do it as well. Resident, Mr. Witt mentioned you can turn them over to a veteran's organization and they can do it properly. Mrs. DeGroff indicated the Hometown Heroes Committee can do it properly as

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well and the whole point behind it was that they will not have to make a second trip.

EXECUTIVE SESSION

Mr. Kryzak announced he did have an executive session on the agenda to talk about a legal matter, but he will postpone it due to not having legal counsel.

AGREEMENT FOR EXPENDITURE OF HIGHWAY MONIES

Highway Superintendent Ostrander and Highway Employee Dave Pecylak provided the Town Board with the Agreement for Expenditure of Highway Monies which is a provision under section 284 of the highway law, essentially CHIPS money. Right now, on Albany Hill Rd. commencing at Righter Rd. and leading to CR 408, 1.09 miles, there shall be expended a sum no more than \$165,635.00. On Albany Hill Ext, commencing on Albany Hill and leading to the end, .38 miles, there shall be expended a sum no more than \$45,922.50. On Hannay Rd. commencing at CR 412 and leading to the end, .15 miles, there shall be expended a sum not more than \$15,525.00. On May Rd. commencing on CR 1, .12 miles, there shall be expended a sum not over \$15,559.75. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: Highway Superintendent Jody Ostrander has submitted the 2024 Agreement for the Expenditure of Highway Monies in the amount of \$242,642.25, be it hereby

RESOLVED: the Town Board agrees to the 2024 Agreement for the Expenditure of Highway Monies under section 284 of the highway law for improvements to Albany Hill Rd., Albany Hill Ext., Hannay Rd., and May Rd. in the amount of \$242,642.25 as submitted by Highway Superintendent Jody Ostrander.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 79 of 2024 was thereby duly adopted.

The Town Board members signed the agreement in duplicate.

PUBLIC COMMENT

Historical Society Member Dennis Fancher mentioned that the marker in front of the garage at Hannay Reels has been installed. They were auto dealers for Chrysler/Plymouth.

Resident Kelley Keefe is grateful that the Town and County took down the Freese House because it was an eyesore and a safety issue. She wondered who maintains the property as it's overgrown. Supervisor Kryzak mentioned the Town does not own it yet, but it's more than likely on the Town to make sure it is maintained. Mr. Kryzak mentioned there are no goals for the property. The only reason the Town would want it would be to make it a municipal lot for additional parking on main street. The Town is being reimbursed the costs for demolition and at this point no one has any interest in it. If it goes to the landbank and nobody bids on it, and it just sits, it might go to the Town and can be used for a community garden. It is still in Albany County's possession. He hopes a resident buys it. Ms. Keefe also mentioned that the speed limit

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is 35 in town. With the opening of the deli, it's dangerous. Mrs. Burnside asked Investigator Bray if the Town could get a speed limit sign between Hannay Reels and the library on 143. Mr. Kryzak mentioned they could send an email request, basically for increased patrol for speeding in the hamlet. Resident Benninger asked if the water bill could be removed from the Freese parcel. Ms. Keefe mentioned that anyone who goes to buy it must pay all the back taxes on the property.

Planning Board Member Angela Carkner wondered if the Annual Financial Document has been completed; Mr. Kryzak responded it's with the accountants right now, and they filed for an extension and when it comes back, he will notify every one of the results. She wondered why it takes the Town so long since it should be filed within the first 60 days of the year. The problem Mr. Kryzak explained is that the Town didn't get the 4th quarter sales tax payment until last month. The accountant needs time to review the Towns books. It's a process and it's then sent to the State Comptroller for their review. Last year the Town spent over \$27,000 on accounting services, she wondered how much has been spent this year. Mr. Kryzak did not know offhand. She asked him to provide that at the next meeting; he will investigate it.

Mrs. Witt applauded the Hometown Heroes group for getting a flag drop off, so people don't have to drive to the legion hall, but she personally finds it disrespectful that it will be located at the Transfer Station and suggested the Town Hall instead. Mrs. Burnside commented she felt the same about the library holding the bake sale at the Transfer Station. Mrs. Witt responded that the library met the requirements for having it there and did landmark business. She expressed the drop off is not appropriate at the Transfer Station.

Mr. Benninger asked when the Town Board was planning to make a decision on the Planning Board. Mr. Kryzak responded; waiting to hear back from ACPB on what their thoughts are and if they come back with advice, the Town Board will keep workshopping it.

Resident Barbara Russell heard a lot of discussion regarding cancelled meetings and noticed that a lot of the Town Boards workshops have been cancelled. She reminded the Board that there is a ton of work to do to implement the matrix from the Comprehensive Plan and she has not seen any activity, even a simple new right to farm law. Mr. Kryzak indicated he had a meeting with two people who are very gung ho about the right to farm law on Friday. He is looking for some examples from NYS on how other towns do it so that is actually something in process. There are so many towns to review. They will give you all of the recommendations, but it is up to each town to adopt what they want to put in the right to farm law. Hopefully it will be rolled out soon.

Angela Carkner commented regarding Mr. Kryzak's exchange with Planning Board Member Gerry Boone tonight regarding how the Town Board is doing the right thing waiting for Albany County to weigh in on the proposed law. She would like him to know, as he attended the last Planning Board meeting but he hasn't been at all of them, at these meetings when Mr. McHugh decided to show up sometimes, he would let the Planning Board know that if an application was whole that they had the right to conditionally accept an application. Have they ever done

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it, no, was this time different because the Planning Board was going to be abolished, yes. She doesn't believe it was professional to put Mr. Boone on the spot like that and hopefully he doesn't do that with any other residents in the future. Mr. Kryzak responded; professional or not, if Mrs. Carkner is going to debate the facts, and the Planning Board is going to tell him that they have all the experience in the world and they follow the process, and it's not true, he's going to call them out on it. She wondered who said they have all the experience, Mr. Kryzak responded Mr. Boone. She responded that Mr. Boone would never say a sentence like that. Mr. Kryzak responded; facts are facts. She replied, fairy tales are fairy tales, and she did not believe he should be saying sentences like that about Mr. Boone. Mr. Kryzak responded; if he is not here to defend himself, probably not. Mrs. Carkner expressed that she was happy to defend Mr. Boone. Mrs. Burnside commented that the new ZBA member that Mrs. Carkner indicated had no experience is false. She wondered where Mrs. Carkner got that information from. Councilwoman Burnside advised, it's a personnel matter, so if Mrs. Carkner wanted to talk about it, they could go into executive session. Mrs. Burnside indicated it was a lie. Mrs. Carkner mentioned Councilwoman Burnside could also maintain her professionalism as well. Mr. Kryzak expressed he can see what Mrs. Carkner is saying and understands where she is coming from but there is also a point to some of the things that he is saying, and he tries to keep them professional but when he feels something needs to be said he will say it.

A resident mentioned he didn't know the Supervisor, but believed that clearly that wasn't in good taste, and that was #6 on the rules, he should try harder.

Resident Bobby Sherman mentioned since the Fire Co. is not going out behind the Town Hall, he wondered how much money the Town spent on all that and how much time and effort was wasted. Mr. Kryzak indicated, as far as he knows, the ship hasn't sailed on that yet because they are still reviewing. He believes they spent about \$4,000 on the surveys. Mr. Kryzak advised; the issue is the original property that the Fire Co. had was given by the Town. Fire Co. Member Mr. Clickman responded that the property was a private donation from a family. Mr. Kryzak responded, regardless it was donated. Mr. Kryzak indicated he is working on what needs to be done. The Fire Co. can still have it if they want it. If they don't want it, that's something they can talk about moving forward. The attorneys are still looking at some of the by-laws and what the best path is as far as the transfer. Nothing is definite to make the transfer. Resident Jim Brush commented that the last paperwork he saw was that the Town wanted the Fire Co. to go to a fire district and he doesn't think that's going to happen. It's complicated.

Mr. Kryzak indicated he would take one more comment. Mr. Mackey wondered where the Town stood on hiring a lawyer regarding the Albany County Reservoir lawsuit. Supervisor Kryzak advised; they are still in discovery. No other details on that, it's a slow process.

A resident asked if the broadband map was online and if they were still slated to finish that by 2025. Mr. Kryzak responded that once the USDA approves it, the clock starts for 5 years. Right now, they are just behind on getting those processes pushed through, it's been delayed over the last couple of years. Can't promise on what time it gets done but they are trying to get it started this fall. There are some issues with utilities, what's on what pole, who owns what pole,

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there are a lot of licensing in mapping, which is a long-involved process, and if it doesn't go well, it could take another year. The resident wondered if this is the platform to make suggestions on changing a local law. Supervisor Kryzak responded; you can bring them to the Town Board but can also reach out to the LLRC. He wanted to speak about accessory dwellings, LLRC Member Bill Hall indicated he had already prepared suggestions for the Town Board. He can talk to the resident after the meeting.

Councilwoman Burnside mentioned this is the third time she's asked about scheduling a meeting with Eric Markson. Ms. Weaver indicated she had spoken to him, and he is busy. Mrs. Burnside indicated the Town paid him in April \$514 to put up the historian page, it's still not up. Mr. Kryzak responded that a lot of IT people are super busy. Ms. Weaver mentioned Councilwoman Burnside could've asked her before the meeting and she might have had a better response. Mrs. Burnside indicated she has asked before at previous meetings.

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

LOCAL LAW NO. 3 OF THE YEAR 2024

Purpose

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

Authority

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

Legislative Intent

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

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

SECTION 1

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

SECTION 2

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

SECTION 3

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

SECTION 4

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

SECTION 5

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

SECTION 6

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

SUPERCESSION

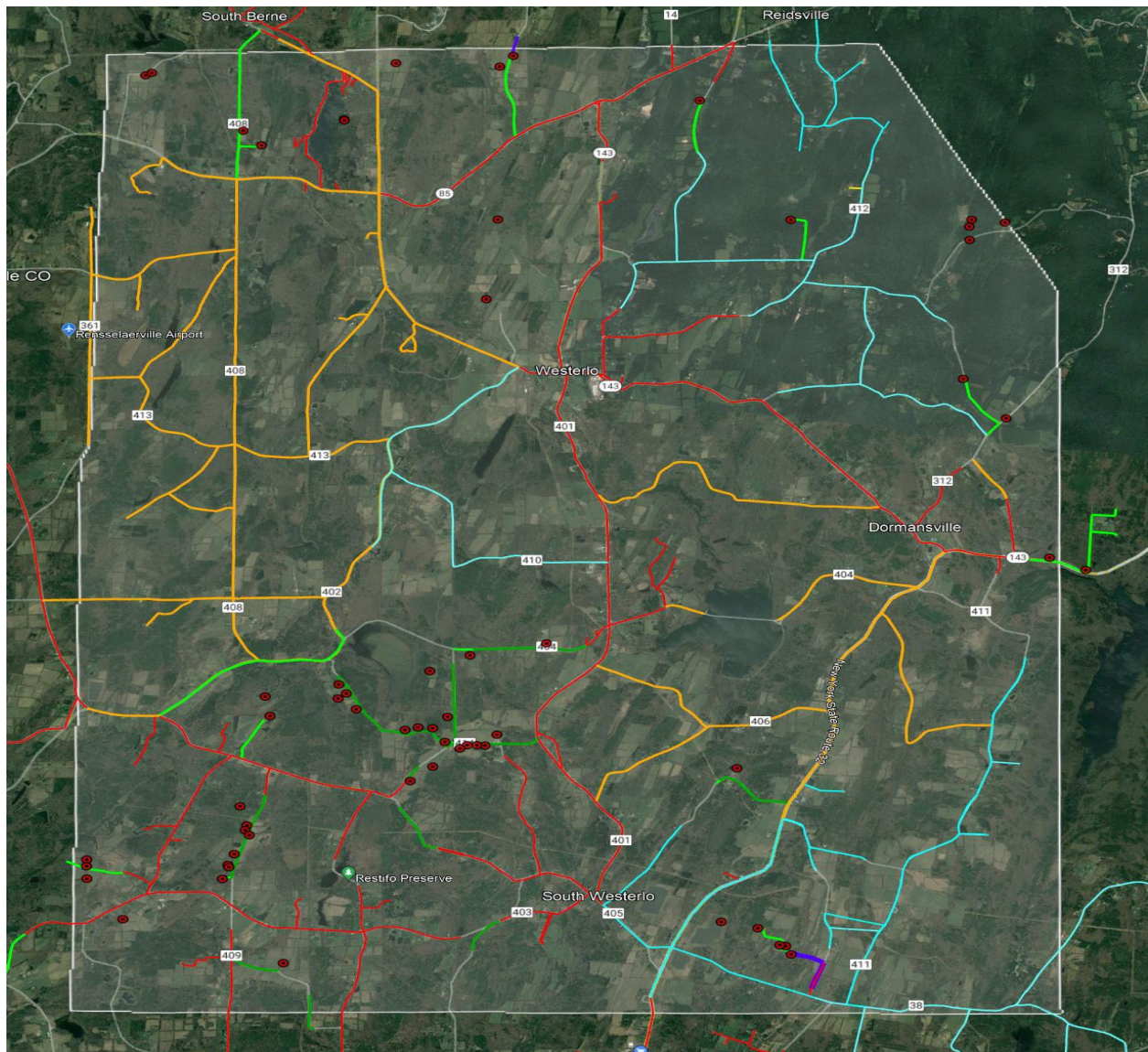
The Town of Westerlo hereby exercises its authority pursuant to New York State Municipal Home Rule Law to supersede any conflicting state or local laws contrary to this Local Law.

SEVERABILITY

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

EFFECTIVE DATE

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



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While policies do not provide step-by-step processes for completing a task, procedures offer detailed instructions on completing specific tasks. Procedures focus on the steps you must take to ensure compliance while policies just outline the overall organizational rules.

HUMAN RESOURCES PROCEDURES HIRING AND ON-BOARDING A NEW EMPLOYEE

The Town of Westerlo's Human Resources and candidate hiring, and recruitment procedure describes the process for accurately assessing, selecting, and onboarding candidates. It is the Town's procedure to find candidates who meet the qualifications of the open position. The Town has dedicated itself to equal opportunity procedure hiring processes. All involved hiring parties must provide a well-executed and discrimination-free hiring initiative, procedure and abide by all state and federal regulations.

Scope

This hiring and recruitment procedure applies to all employees involved in the Town's hiring process, including all departments of the Town. It refers to anyone who is a prospective job candidate.

Position Vacancy and Advertising

The position vacancy must describe the position title, hours and shifts, salary, benefits, exemptions, qualifications, and essential job functions. The applicable department's supervisor is responsible for outlining the vacancy information and sharing it with the Confidential Administrator. The information is used to create the appropriate advertising for the vacancy, interviewing, new employee orientation and training. It is the responsibility of the department head and/or Town Board (when applicable) to determine a department's hiring needs and identify the necessary qualifications for open positions.

Town Board Meetings

It is the responsibility of the department head to request a position vacancy be placed on the Town Board meeting agenda prior to posting and advertising an official position opening. to discuss the details of the position, necessary requirements, and the ideal candidate profile. It is during this meeting that the Town Board will approve the advertising for the vacancy.

Open position postings

It is the responsibility of the Confidential Administrator to prepare job postings as provided by the department head. CONFIDENTIAL ADMINISTRATOR will forward the posting to the Town Clerk's office for advertising in the official newspaper of the Town, posting on the Town's webpage and to external web sources as applicable. Position postings are to remain open until they are filled. Department heads are responsible for keeping track of all applicants and preserving applications and resumes, as necessary.

Internal Town candidates

Current employees can qualify for an open internal position if they meet satisfactory employment status. Employees with less than a year of service with the organization may need to gain consent from their department head. All applicants seeking an open vacancy are to be taken into consideration solely on

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their qualifying capabilities and ability to fulfill the role successfully. The department head is responsible for notifying internal candidates not chosen for a position.

Interview procedures and processes

It is the responsibility of the department head to screen applicants and resumes before scheduling an interview with a candidate. The department head must conduct an initial interview, schedule a second interview, if necessary, with the department head and/or Supervisor and/or Town Board as applicable. The department head is responsible for notifying external applicants not chosen for the position.

Guidelines for reference verifications

It is the responsibility of the department head to conduct a professional reference check and verify a candidate's employment status. When applicable a NYS DMV abstract should be obtained by the Confidential Administrator. Each candidate needs to provide a minimum of two professional references to qualify. The department head can also determine the necessity of professional references for the open position.

Guidelines for job offerings

After selecting the candidate to hire, provide an offer after the successful completion of background checks. A background may involve credit history, criminal history, driving record and drug tests. The background check may also include additional information that is relevant to the position. Internal candidates are to complete any additional background checks, as necessary. After the department head receives the background checks and verifies them for satisfactory results, they can provide the candidates with a job offer.

New Employee Orientation

The purpose of the new employee orientation is to create a standardized, company-wide process for new hire orientation. It ensures all new hires receive a consistent experience and helps the department head and training personnel by allowing them to remain productive in their day to day work while still getting the new employee started. No new employee may begin work until they complete the new employee orientation. It is the department head's responsibility to communicate with the Confidential Administrator the selected candidate for hire, provide a copy of resume and/or application and coordinate to schedule new employee orientation and first day of work. It is the department heads responsibility to contact the new hire to inform them of their new employee orientation day and time as well as their official start day and time.

- *Manages essential paperwork*
 - *Offer Letter with signature*
 - *Job Description with signature (Reviewed in detail by department head as applicable during training)*
 - *Personal Information*
 - *Emergency Contacts*
 - *Direct Deposit*
 - *Tax Forms*
 - *I-9*
 - *NYSLRS application or declination*

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- *Health Benefits Paperwork*
- *Handbook, IT and Compensatory Time Off Acknowledgement Signatures*
- *Any other applicable paperwork*
- *Communicates company policies and expectations (additional detail provided by department head as applicable during training)*
- *Answers any questions or concerns that come up*
- *Prepare new hires to transition into their new roles*
- *Introduces to employees as applicable*

Employee Human Resource File

All documentation relating to a Town employee is kept securely in the Supervisor's office and managed by the Confidential Administrator. Records are maintained to document employee-related decisions and comply with government recordkeeping and reporting requirements. The employee file and its contents are considered confidential and is not shared with third parties except when applicable by law and/or without written consent from the employee. Any resume, job application, new employee orientation documents, training documentation, certifications, accident paperwork, discipline documentation and any other paperwork relative to an employee's employment with the Town is to be kept on file in the individual employee file. In most instances copies of documents are permissible. When it is possible original documents are preferred. Town department heads are responsible for supplying the Confidential Administrative with documents for their employee files. An employee may request to view and copy the contents of the employee's own personnel file, except letters of reference. The employee must make an appointment with the Confidential Administrator. Authorized personnel must be present when the employee reviews the file. Employees and/or department heads may not remove from or place in any material in the employee file without the approval of the Confidential Administrator.

TRANSFER STATION PRICES EFFECTIVE: JUNE 18, 2024

- REFRIGERATORS, FREEZERS, AIR CONDITIONERS, DEHUMIDIFIERS, ETC.....\$20.00/EA
- SMALL PROPANE TANK 25 LBS AND UNDER\$5.00/EA
- LARGE PROPANE TANK OVER 25 LBS\$10.00/EA
- SMALL TIRES INCLUDE: CAR & LT TRUCK\$6.00/EA
- LARGE TIRES: DUMP TRUCK, BUS\$30.00/EA
- FARM EQUIP/CONSTRUCTION TIRES: FRONT & REAR TRACTOR TIRES, BACKHOE, GRADER, LOADER.....\$25.00 PER PLY

As of 12/19/23 there is no fee for televisions, monitors, washers, dryers, stoves, hot water heaters.

Adopted: 06/18/2024

Office of the New York State Comptroller

 New York State and Local Retirement System
 110 State Street, Albany, New York 12244-0001
 Please type or print clearly
 in blue or black ink

Received Date

Standard Work Day and Reporting Resolution for Elected and Appointed Officials

Employer Location Code

30271

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

RS 2417-A

(Rev. 12/23)

BE IT RESOLVED, that the Town of Westerlo / 30271 hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement based on their record of activities:

Name	Social Security Number	NYSLRS ID	Title	Current Term Begin & End Dates	Standard Work Day	Record of Activities Result	Not Submitted	Pay Frequency	Tier 1
Elected Officials:									
Jody Ostrander	[REDACTED]	[REDACTED]	Highway Superintendent	1/1/2024 - 12/31/2027	8	26.23	<input type="checkbox"/>	weekly	<input type="checkbox"/>
Joshua Ostrander	[REDACTED]	[REDACTED]	Town Justice	1/1/2024 - 12/31/2027	6	1.87	<input type="checkbox"/>	monthly	<input type="checkbox"/>
Karla Weaver	[REDACTED]	[REDACTED]	Town Clerk	1/1/2024 - 12/31/2027	8	25.04	<input type="checkbox"/>	weekly	<input type="checkbox"/>
Appointed Officials:									
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>

I, Karla J. Weaver, secretary/clerk of the governing board of the Town of Westerlo, of the State of New York, (Name of Secretary or Clerk) (Circle one) (Name of Employer)

do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 18th day of June, 2024 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Westerlo on this 18th day of June, 2024. (Name of Employer)

Karla Weaver
(Signature of Secretary or Clerk)

Affidavit of Posting: I, Karla Weaver being duly sworn, deposes and says that the posting of the Resolution began on 6/27/24 and continued for at least 30 days. That the Resolution was available to the public on the: (Date)

- Employer's website at: townofwesterlo.ny.com
- Official sign board at: 933 CR 401, Westerlo, NY
- Main entrance Secretary or Clerk's office at: _____

(seal)

Page 1 of 1 (for additional rows, attach a RS 2417-B form.)