

**TOWN OF WESTERLO
REGULAR TOWN BOARD MEETING
OF
TUESDAY, MARCH 18, 2025**

The Town of Westerlo Town Board held a regular meeting on Tuesday, March 18, 2025, at 6:01 PM at the Town Hall 933 CR 401, Westerlo, NY. Supervisor Kryzak opened the meeting with the Pledge of Allegiance to the Flag.

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

Also attending were: Highway Superintendent, David Pecylak; Town Justices, Kenneth Mackey and Joshua Ostrander; Library Trustee, MaryAnn Witt; Confidential Administrator, Lisa DeGroff; Westerlo Volunteer Fire Co. President, Adam Alvarez; Museum Director, Mary Jane Araldi & Member, Betty Filkins, PB/ZBA Chairman, Bill Hall; Clerk to the CEO/Assessor, Claire Marshall; Highway Employees, Peter Voisey & Sal Spinnato; Two Albany County Sheriffs; Deputy Town Clerk's, Jaimee Motschmann & Michelle Rose; Former Town Board Member, Tony Sherman; Former Zoning Board Member, Rich Kurylo; Former Highway Superintendent, Jody Ostrander; Former Highway Employee, Chuckie Benninger; Former Deputy Town Clerk, Marta Pongo; and approximately 9 interested residents.

OPEN MEETING

Supervisor Kryzak made a motion to open the regular Town Board meeting of Tuesday, March 18, 2025. Councilwoman Pecylak seconded; all in favor motion carried.

APPROVAL OF MINUTES

Supervisor Kryzak made a motion to approve the February 18, 2025, meeting minutes. Councilwoman Burnside seconded; all in favor motion carried.

TOWN CLERK REPORT – FEBRUARY 2025

Town Clerk Weaver reviewed the Town Clerk's report for February 2025. Supervisor Kryzak made a motion to approve the Town Clerk's report for February. Councilman Beers seconded; all in favor motion carried.

TAX COLLECTOR REPORT – FEBRUARY 2025

Town Clerk Weaver reviewed the Tax Collector's report for February 2025. Supervisor Kryzak made a motion to approve the Tax Collector's report for February. Councilwoman Pecylak seconded; all in favor motion carried.

SUPERVISOR'S REPORT – FEBRUARY 2025

Mr. Kryzak reviewed the Supervisor's report for February 2025. Mr. Kryzak mentioned the first order of business was he had some good news to announce, from the New York State Comp Alliance the Town will be receiving a \$500 member loyalty award check for the 2024- and 2025-year policy. This is not always received but the Town is basically getting a check for \$500 back. The bank reconciliation for February 2025 or going into February the balance was \$3,474,195.00 and the Town collected \$1,302,111.94. The amount spent on disbursements was \$362,686.78. Balance at the end of February was \$4,413,622.16. Mr. Kryzak advised he received an M&T Bank collateralization statement in the amount of \$4,891,159.68. He reported that everything looked good with the budget vs. actual for being two months in and expenses are looking good. Income is at 78.9% collected in the general fund and 33.3% income collected for the highway fund. Supervisor Kryzak made a motion to approve the Supervisor's report for February. Councilwoman Pecylak seconded; all in favor motion carried.

INVESTMENT REPORT – FEBRUARY 2025

Supervisor Kryzak reported on the investment report. Mr. Kryzak indicated as of February 2025 that the Town earned \$4,649.58 in interest for the month of February from BOGC and year-to-date interest earned is \$8,329.50. Mr. Kryzak indicated that he still has NYCLASS as a placeholder as he does not have too much confidence in their performance, so the Town only has a small amount of money invested in them. The starting amount in February was \$463.78. Interest earned with NYCLASS was \$1.45 with a balance of \$465.23 at the end of February 2025. Supervisor Kryzak made a motion to approve the investment report for February. Councilman Beers seconded; all in favor motion carried.

BUDGET AMENDMENTS

Supervisor Kryzak mentioned budget amendments. The Confidential Administrator advised there weren't any. Mr. Kryzak responded, there weren't any tonight, they've been moved.

PAYMENT OF MONTHLY BILLS – MARCH 2025

Supervisor Kryzak asked the Town Board if they had any questions about the monthly bills. Councilwoman Burnside inquired about the Central Hudson bills regarding that some of the bills where from October. Mr. Kryzak indicated, that's a loaded question and asked Town Clerk Weaver if she wanted to explain. Town Clerk Weaver indicated that the issue with Central Hudson has to do with an issue between Central Hudson and Nexamp credits. Ms. Weaver indicated that she had been working with both companies to figure out the problem and making corrections; however, Ms. Weaver had not heard from her contacts in a while and the bills to be paid were ones she was able to figure out for the last few months.

Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: the Town Board has audited the March 2025 bills, be it hereby

RESOLVED: the following bills be paid Voucher #82 through Voucher #142 in the amount of \$155,217.24.

Councilwoman Pecylak seconded; a vote resulted as follows:

AYES: Supervisor Kryzak, Councilwoman Burnside, Councilwoman Pecylak,

NAYS: Councilman Beers, Councilman Mahan
RESOLUTION # 43 – 2025 was thereby duly adopted.

Councilman Beers indicated he was not in favor Voucher #107 and asked the Supervisor why the training for the Town Attorney wasn't put before the board. Mr. Kryzak indicated it was the timing and that he does not deny training for Town employees. He indicated training for others was going to be discussed this evening. Mr. Beers inquired as to what the training was regarding. Mr. Kryzak responded that it was a New York State Association of Towns training course and informed Councilman Beers if he required a full list of the courses Town Attorney George McHugh attended, he would provide him with that information. Mr. Beers requested confirmation that all receipts were submitted with the voucher. Supervisor Kryzak assured Mr. Beers everything required was submitted.

COMMITTEE AND DEPARTMENT REPORTS

Mr. Kryzak mentioned he had received written reports from the Justice Court, Assessor, and CEO. Mr. Kryzak indicated that for the Justice report the total collected was \$1,802.00.

ASSESSOR

ASSESSOR'S MONTHLY DEPARTMENTAL REPORT

To: Westerlo Town Board
From: Melanie Bunzey, Assessor
Date: March 13, 2025
Re: Monthly Report

I am continuing to work on assessment adjustments based on building permits issued during 2024 of which a Certificate of Occupancy/Completion has been issued. Notices will be sent to all residents with an assessment change prior to running the tentative roll which is due by May 1st.

Exemptions renewals and new applications will be processed over the next couple of weeks in preparation of the tentative roll.

A "New Sales Transmittal Report" was submitted to the State with 8 sales since last submittal.

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

CODE ENFORCEMENT

Report - Building/ Zoning -Jeffry Pine BI/CEO – for February 2025

Applications processed or pending before the boards

Special use – 1 / Variance request- 2 / Sub- divisions – 3

Building permits issued – 3

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

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

Construction inspections- 19

Site visits – 9 / Fire calls – 1 / Fire safety inspections and follow ups - 2

4 - In-service Training hours. 5 hrs. YTD (24 hours required to maintain certification for 2026)

HIGHWAY

Highway Superintendent David Pecylak reported on the highway department indicating that the final new garage door was installed, the new backhoe was purchased and should be on the road in the coming days, and they finished filling potholes around town with cold patch. Next, they will begin chipping along the sides of the roads. Mr. Pecylak is looking at pricing for culvert pipes for Hill Top Road and Gifford Road, as of now the price he's found is \$29,240.00 but he will continue to research for a cheaper price since it's still early in the season. Mr. Pecylak requested a transfer of money from the Capital Project Reserve Fund to purchase new containers at the Transfer Station as the current ones are becoming unsafe. Supervisor Kryzak indicated that there was \$225,000 in the Capital Project Reserve Fund which could be allocated to be used for new containers at the Transfer Station. Mr. Pecylak advised that he priced new containers last year, which came in at \$10,500 each but that he would investigate updated pricing. Mr. Kryzak mentioned that once Mr. Pecylak had the prices, he should bring that to the Board. He didn't believe it would be an issue for the Board to approve the purchase and the transfer of money as it would be cheaper than one of those containers falling on someone's car. Councilwoman Burnside inquired if the container with stairs leading up to the opening for recyclables would be one of the containers that would be replaced as she indicated it was hazardous for residents to be climbing. Mr. Pecylak indicated that if the Town Board would like it to be replaced, he would investigate replacing the current bins with either two recycling containers and one trash, or one recycling and two trash. Mr. Kryzak responded that whatever Mr. Pecylak believed was best, the Town Board would agree to make all the necessary improvements.

MUSEUM

Museum Director Mary Jane Araldi reported that the museum would be open the first Saturday of every month beginning in April 2025. Mrs. Araldi indicated that the 1st Green Eggs and Ham event at the Town Hall was a success for it being the first year even though only five children attended. Mrs. Araldi is confident each year the numbers and interest will expand, equating it to the Mother's Day brunch where in the first year there were only 10 people and the following year there were 50 participants. Mrs. Araldi indicated that the museum will be selling food at the Easter event in April, hosting Brunch for Mom again on the first Sunday in May and the Town Wide Yard Sale the second Saturday in June as the next fundraising events for the museum.

LIBRARY

Library Trustee Mary Ann Witt reported the library is continuing the after school STEAM and Lego activities during the week. Mrs. Witt indicated that there is a full calendar of events on the library's website. She explained that the summer program was being finalized, and they were collaborating with 4H to include in the summer program. The following is scheduled:

- Seed Swap – April 5th at noon
- Fridays are game night – next is April 11th at 6 pm.
- Ancestry program w/ Gayle Hannay once a month
- Blood drive – June 26th

Mrs. Witt explained that the library is in search of a Trustee to replace one of the current Trustees who is retiring at the end of their term. She indicated that if anyone was interested, they could reach out to the Library Director, Amy Powarzynski, and/or attend one of their meetings on the 2nd Wednesday of the month at 7 pm. Mr. Kryzak inquired as to what the qualifications were to be a Trustee. Mrs. Witt indicated that candidates must be a resident of Westerlo and interested in general library affairs and how it serves the community.

HOMETOWN HEROES

Hometown Heroes Member Lisa DeGroff gave an update on Hometown Heroes indicating that the Committee had met in February. At that meeting they updated the sponsor and banner information. They officially announced and began advertising for the Patriot Picnic, which is open to all Albany County veterans past and present and their families, at Westerlo Town Park on Saturday, June 7th. Mrs. DeGroff indicated the Patriot Picnic is an entirely free event with a traditional bar-b-que menu, live music, dessert and drinks. There will also be veteran-focused vendors and anyone who knows of vendors that would like to participate should contact Mrs. DeGroff, forms were also available. The committee advertised at the Berne-Knox-Westerlo Central School District, Greenville School District, home schooling groups, and at the library. There will be a coloring and essay contest split into the following categories: Pre-K 3 and Pre-K 4, coloring; Kindergarten and Grade 1, coloring; Grades 2-4, one paragraph essay; Grades 5-8; 250-word essay; and Grades 9-12, 500-word essay. There will be prizes awarded in all categories and the pavilion will be decorated with all the entries received. The winning essay writers will be asked to read their essay to the veterans if they want to, but it is not mandatory. The essay topic is "What Veterans Mean to Me". Councilwoman Burnside mentioned that the food will be provided by At First Bite. Mrs. DeGroff reiterated that the event is completely free, and they are hoping people will RSVP to get a count for food, but it is not required.

PLANNING/ZONING BOARD (PB/ZBA)

PB/ZBA Chairman Bill Hall reported that the PB/ZBA had several variances, special use and subdivisions being presented at the meeting on March 24th.

LOCAL LAW REVIEW COMMITTEE (LLRC)

Chairman Bill Hall reported that he is still looking for new members to fill the openings on the LLRC and has interviewed a couple people but would like to have a few more applicants to be able to present to the Town Board.

JUSTICE COURT

Town Justice Joshua Ostrander reported that the Court did get approved for the JCAP Grant in the amount of \$12,147.00, which he indicated will be utilized for mini-splits and replacing outdated office furniture. Judge Ostrander thanked the Highway Department for fixing an issue with the restroom during a jury trial on February 24th.

APPROVAL OF COMMITTEE AND DEPARTMENT MONTHLY REPORTS

Supervisor Kryzak made a motion to approve the committee, and department reports as read or submitted. Councilwoman Burnside seconded; all in favor motion carried.

APPROVAL OF JUSTICE COURT ROOF BID II

Supervisor Kryzak indicated that the Town had received four bids during the second round of bid proposal requests to repair the Justice Court roof. Mr. Kryzak informed the Town Board that the lowest bidder was Grace Roofing at \$29,400.00 offering a 25-year material warranty and a 5-year labor warranty. The second-place bid was from James Edgar at \$38,300.00 with at 20-year material warranty and a 2-year labor warranty. Third was S&L Roofing at \$42,000.00 with a 20-year material warranty and a 1-year labor warranty. Last was Collie Roofing at \$80,000.00 with a 30-year material warranty and a 10-year labor warranty. As far as all the bidding documents that came in, the lowest bidder did have all the appropriate documentation, therefore, Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Justice Court Roof contract needs to be awarded; be it hereby

RESOLVED: The Town Board awards the Justice Court Roof replacement contract to Grace Roofing for Town of Westerlo in the amount of \$29,400.00 with a 25-year material warranty and a 5-year labor warranty.

Councilman Beers seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 44 – 2025 is thereby duly adopted.

Supervisor Kryzak mentioned that's more good news, so now the Court will have a new roof and is on the up and up.

OLD BUSINESS

UPDATE ON PROPOSED ACCESSORY DWELLING UNIT LAW (ADU)

Supervisor Kryzak indicated Mr. Hall was back in the hot seat again. Mr. Kryzak indicated that he would present the proposed ADU Law to the Town Board then if there were any questions, LLRC Chairman Bill Hall being the godfather of the proposed Law since he had put the most work into it could answer any questions they had. Supervisor Kryzak read the following proposed draft ADU Law:

LOCAL LAW NO. 1 OF THE YEAR 2025

Purpose

The purpose and subject of this Local Law is to amend the current Town of Westerlo Zoning Law to define term Accessory Dwelling Unit (ADU), and to amend the current Town of Westerlo Zoning Laws to allow for a detached Accessory Dwelling Unit (ADU).

Authority

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

Legislative Intent

The intent of this Local Law is to adopt a local law to define the term “Accessory Dwelling Unit” and “Recreational Vehicle”, and to amend Sections 8.40 and 8.50 of the current Town of Westerlo Zoning Law to allow for a detached Accessory Dwelling Unit (ADU).

**THE TOWN BOARD OF THE TOWN OF WESTERLO HEREBY ENACTS LOCAL
LAW NO. 1 OF THE YEAR 2025 AS FOLLOWS:**

ACCESSORY DWELLING UNIT DEFINED.

An Accessory Dwelling Unit (ADU) shall be defined as “A secondary, independent dwelling unit on the same parcel as a primary residence. When possible, the driveway for ingress and egress to the ADU will utilize the same driveway as the principal single-family dwelling. The septic and water supply shall be approved by the Albany County Health Department. Only one (1) ADU shall be allowed on any single-family residential lot.

RECREATIONAL VEHICLE DEFINED

A Recreational Vehicle shall be defined as “A vehicle built on a single chassis, 400 square feet or less measured at the largest horizontal projections. Designed to be self-propelled or towable by a light-duty truck. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Also known as a Travel Trailer.

AMEND SECTION 8.40.

Section 8.40 entitled “Rural Development/Agricultural District” of the Town of Westerlo Zoning Law shall be amended to add to the uses permitted by right: One (1) Accessory Dwelling Unit no greater in size than 1500 sq. ft. of living space.

Section 8.40 entitled “Rural Development/Agricultural District” of the Town of Westerlo Zoning Law shall be amended to add to the Uses Permitted Upon Obtaining Site Plan Approval and Special Use Permit: One (1) Accessory Dwelling Unit larger than 1500 sq. ft. of living space.

Section 8.40 entitled “Rural Development/Agricultural District” of the Town of Westerlo Zoning Law shall be amended to replace the Minimum Lot Standards A and B with:

A. SINGLE DWELLING, TWO-FAMILY, AND MULTIPLE DWELLINGS: Minimum lot acres shall be three (3) acres. No structure shall be more than two and one-half (2 1/2) stories, not to exceed thirty-five (35’) feet in height, as defined in the New York State Building Code.

MINIMUM SET BACK AND FRONT LOT LINE (“FRONTAGE”):

Minimum Frontage: 200 ft.

*Front Yard Minimum: 50 ft.
Side Yard Minimum: 50 ft.
Rear Yard Minimum: 50 ft.*

AMEND SECTION 8.50.

Section 8.50 entitled “Residential Hamlet District” of the Town of Westerlo Zoning Law shall be amended to add to the uses permitted by right: One (1) Accessory Dwelling Unit no greater in size than 1500 sq. ft. of living space.

Section 8.50 entitled “Residential Hamlet District” of the Town of Westerlo Zoning Law shall be amended to add to the Uses Permitted Upon Obtaining Site Plan Approval and Special Use Permit: One (1) Accessory Dwelling Unit larger than 1500 sq. ft. of living space.

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.

When the Supervisor finished reading the proposed law, he mentioned that the length and complexity of the draft law was the reason it took so long to get out. LLRC Chairman Bill Hall had a correction for Mr. Kryzak to make in the wording – removing the word “detached” in the Legislative Attempt section. Mr. Kryzak instructed the Town Board members to scratch out the word “detached” under Purpose and under Legislative Attempt on their copies as well. Mr. Kryzak asked the Town Board if there were any questions, there were none. Mr. Kryzak then offered the floor to Mr. Hall to explain parts of the proposed law that may be confusing (e.g. the special use permit being bigger than 1500sq feet). Mr. Hall indicated that this draft law was meant primarily for those that will be aging-in-place with family that are living on the property as well. Mr. Hall explained the current Zoning Law does not allow for any accessory dwelling space such as an apartment over a garage or small house that is detached from the main home. With this law it will allow for one extra living unit on the property of a single-family home. The recreational vehicle (RV) portion of the proposed ADU Law was requested by CEO Jeffrey Pine to clarify the definition of an RV which may be parked on a property. Mr. Hall explained that the portion of the proposed ADU Law with the RV section was pulled from somewhere else to streamline the Zoning Law with another law which Mr. Hall could not remember the name of even though it’s not really related to the draft ADU Law. Mr. Hall explained that the number of square feet was picked because people have been asking the question as to what happens if

there ends up being another house of equal size to the main home on the property. Mr. Hall mentioned that in his opinion not much would be done but if a request of at 1500 square foot unit came up, it would then become a special use and would need a site plan review and must go before the Planning/Zoning Board for review and recommendation. Mr. Kryzak indicated that this RV portion of the law may not have anything to do with the proposed ADU Law unless someone decides to put grandma in an RV as opposed to an actual apartment or permanent dwelling unit. Mr. Hall explained that if you look at the Zoning Law a Special Use Permit is required if there is no house on the property and you want to park an RV on it but there is nothing that says you can or cannot park an RV on a property with a house on the land already. Mr. Hall indicated that this portion regarding the RV will make the overall Law better. Mr. Kryzak asked the Town Board if there were any questions before moving on to schedule a Public Hearing. Councilwoman Pecylak indicated she had a question regarding the size of the Accessory Dwelling Unit as she believed 1000sqft would be enough space for older individuals living space. Mr. Kryzak asked if it would be too big of a hurdle to make the Special Use cut off. Mr. Hall indicated that he had seen other towns have their limit of 1200sqft if the Board wanted to lower it. A member of the audience asked what 1500sqft looked like. Mr. Hall indicated it's a good size since most of these dwellings will be a garage turned into an apartment. Former Highway employee Chuckie Benninger asked what happens once the family members pass on or move out and the dwelling becomes a rental property, the Law doesn't specify regulations regarding how many people can live in the dwelling or the amount it can be rented for. Mr. Hall answered by referring to the current Zoning Laws allowance of rentals on privately owned properties. Mr. Benninger inquired about the 3-acre law as well. Mr. Kryzak indicated that all questions would be discussed at the Public Hearing that would be scheduled. Supervisor Kryzak made a motion to adopt the following resolution:

- WHEREAS:** The Town Board discussed the need to schedule a Public Hearing regarding proposed Local Law 1 of 2025 to amend the current Town of Westerlo Zoning Law to define term Accessory Dwelling Unit (ADU), and to amend the current Town of Westerlo Zoning Laws to allow for a detached Accessory Dwelling Unit (ADU), be it hereby
- RESOLVED:** the Town Board schedules a Public Hearing for April 15, 2025, at 6 PM regarding proposed Local Law No. 1 of 2025 to define the term Accessory Dwelling Units and Recreational Vehicle and to amend Sections 8.40 and Sections 8.50 of the current Town of Westerlo Zoning Law to allow for an Accessory Dwelling Unit (ADU); and further
- RESOLVED:** The Town Board authorizes the Town Clerk to advertise the Public Hearing.

Councilman Mahan seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 45 – 2025 was thereby duly adopted.

NEW BUSINESS

KIWANIS CLUB OF THE HELDERBERGS– 2024 MEMEORIAL DAY PARADE

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

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

RESOLVED: The Town Board authorizes a donation to be made in the amount of \$150 to the Kiwanis Club for the 2025 Memorial Day Parade to be held on Monday, May 26th @ 10 am in the Town of Berne.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 46 – 2025 was thereby duly adopted.

BID PROPOSAL EMERGENCY UTILITY REPAIR

The current utility repair crew bid contract expires on February 28, 2025. One bid was submitted on February 13, 2025, by Peter K. Frueh Inc. for Emergency Utility Repair services for the year 2025. 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 awards the Emergency Utility Repair contract for 2025 to Peter K. Frueh Inc. for the Town of Westerlo.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 47 – 2025 was thereby duly adopted.

TRANSFER STATION

Supervisor Kryzak indicated that the City of Albany Municipal Landfill, where the Town of Westerlo's garbage is deposited, gave the Town a five-day notice in February 2025 of the tipping fee being increased to \$102.08 per ton. Mr. Kryzak informed the Town Board that he was able to negotiate the fee back down to \$82.08 with a 20% discount on mattresses and tires, due to the City of Albany not giving proper advertising of the increase following a change in leadership. Mr. Kryzak indicated that the increase will occur in 2026, and the Town will be able to budget for the increase.

TOWN/DEPUTY CLERK TRAINING

Supervisor Kryzak advised that the New York State Town Clerks Association conference is being held in Syracuse, NY and inquired with Town Clerk Weaver as to the number of days and

amount she requested approval for. Ms. Weaver indicated it would be for \$984.00 registration fee and from Sunday, April 27th to Wednesday, April 30th. Councilwoman Burnside inquired with Ms. Weaver if it would be both herself and Deputy Town Clerk Rose. Ms. Weaver indicated it would only be one of them attending. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town Clerk requested permission for either herself or her deputy to attend the New York State Town Clerks Association conference being held April 27th – April 30th 2025, be it hereby

RESOLVED: the Town Board authorizes either Town Clerk Weaver or Deputy Town Clerk Rose to attend AOT training from April 27th – April 30th at a cost of \$984.00.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 48 – 2025 was thereby duly adopted.

CONFIDENTIAL ADMINISTRATOR TRAINING

Mr. Kryzak advised that there is an annual Association of Towns (AOT) training for the 2025 Town Finance and Personnel School for Confidential Administrator DeGroff to attend. The training will be held in Saratoga Springs, NY for \$250.00. Councilwoman Burnside made a motion to adopt the following resolution:

WHEREAS: The Confidential Administrator to the Supervisor would like to attend the annual Association of Towns (AOT) training for the 2025 Town Finance and Personnel School, be it hereby

RESOLVED: the Town Board authorizes Confidential Administrator DeGroff to attend the AOT training in Saratoga Springs in April at a cost of \$250.00.

Councilman Beers seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 49 – 2025 was thereby duly adopted.

FARMER'S MARKET RELOCATION

Farmer's Market Chairman Bill Hall explained to the Town Board that due to low patron attendance which has resulted in vendor participation to also be low in the past it is being proposed to move the Farmer's Market to a location on State Route 32. Mr. Hall has spoken with vendors and customers who feel it would be more beneficial to move the Farmer's Market to Route 32. Supervisor Kryzak inquired as to where it would be moved and if Mr. Hall had received permission from a local business owner on Route 32. Mr. Hall indicated that Mr. John Dolce had agreed to let the Farmer's Market be held on either of his properties. Mr. Hall indicated that he felt it would be beneficial to conduct the market at Town Line Motorsports since the parking lot is flat and can accommodate people. Mr. Kryzak indicated that his only

concern was insurance liability. Mr. Hall mentioned that each vendor would add not only Town of Westerlo but also Town Line Motorsport to their Certificates of Liability. Mr. Kryzak asked the Town Board if they had any questions or concerns. All indicated they did not. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town Board discussed the need to move the Town of Westerlo Farmers Market from the Town Park to a location on SR 32 owned by John Dolce, be it hereby

RESOLVED: The Town Board approve the relocation of the Farmer's Market to a location to be determined and owned by John Dolce on State Route 32 pending appropriate insurance documentation is provided.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 50 – 2025 was thereby duly adopted.

FARMER'S MARKET CO-MARKET MANAGER

Farmer's Market Manager Bill Hall explained to the Town Board that one of the regular vendors from the Farmer's Market, Chelsea Ford, had been requesting to be more involved with the Farmer's Market operations. Mr. Hall was seeking approval for Ms. Ford to be Co-Market Manager of the Farmer's Market to be able to make decisions when he is unavailable.

Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: Farmers Market Manager Bill Hall discussed the interest in making a regular vendor at the Farmers Market Co-Market Manager, be it hereby

RESOLVED: The Town Board approves Chelsea Ford as Co-Market Manager of the Farmer's Market pending appropriate personal information is provided.

Councilman Mahan seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 51 – 2025 was thereby duly adopted.

MUSEUM COMMITTEE APPOINTMENTS

Supervisor Kryzak advised that there were three Museum Board Member vacancies to be filled and there were three different expiration dates for those seats, one of which expires in 2029.

Mr. Kryzak asked the three candidates, Claire Marshall, Peter Mahan and Joshua Beer who wanted the term through 2029. Mr. Mahan volunteered with Claire Marshall. The audience expressed laughter. Mrs. Marshall agreed to taking the seat that ended in 2029. Mr. Kryzak announced that Mrs. Marshall has been voluntold. Mr. Kryzak then mentioned, if going by age, Mr. Mahan can have until 2026 if he was okay with it, Mr. Mahan indicated he was comfortable with that time, that he will be 100 then. The audience expressed laughter. Mr. Kryzak informed Mr. Beers that his seat would expire on December 31, 2025, which Mr. Beers was okay with.

Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: There are currently three vacancies on the Museum Board Trustees due to the resignation of Matt Kryzak, Becky Kryzak and Danielle Downes, be it hereby,

RESOLVED: The Town Board appoints the following people to the respective terms: Claire Marshall with a term expiring December 31, 2029; Peter Mahan with a term expiring December 31, 2026; and Josh Beers with a term expiring on December 31, 2025.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 52 – 2025 was thereby duly adopted.

Museum Director Mary Jane Araldi indicated that she had forgotten to mention in her report that the Museum Board had received another Trustee resignation within the last few days. Mr. Kryzak informed Mrs. Araldi the position had been filled since there had been two previous and the most recent one made it three. Mrs. Araldi indicated that the Town advertised for three. Mr. Hall indicated that the Museum Board can have up to seven members. Mr. Kryzak explained that if Mrs. Araldi wanted to fill the Museum Board up to seven members it could be done at a later date.

NEWSLETTER

Supervisor Kryzak indicated that the last business that needed to be discussed concerned the length of the quarterly newsletter and trying to downsize. Town Clerk Weaver who does the newsletter explained that she had already received six flyers from one group and a few from the cemeteries. Mr. Kryzak indicated she should do the best she can and they can talk about it before it goes out. She has already been working on it.

PUBLIC COMMENT

Resident Daniel Smith inquired about Town committees and wondered if it was possible to create a Dog Warden Committee to speak to the Town Board regarding the recent run of dog bites occurring within the Town from a particular dog owner's various dogs. Siobhan Cashin-Smith, another resident in Town indicated that she had been chased recently by these dogs. Mr. Smith indicated that over the past 3 or 4 years the current Dog Warden's efforts in taking the case to court have not achieved a reasonable outcome, and those dogs continue to be a problem. Mr. Smith spoke of his own dog that passed away in 2024, but she had not been able to spend time free of her pen during the past 3 years of her life due to the other dogs being aggressive and violent toward humans and other dogs. Ms. Cashin-Smith, who spoke about being chased by the dogs and her son barely missing being attacked by the dogs along with another teenager who took refuge in the church nearby a few days prior. She indicated that the police had been called during one of these instances, yet nothing occurred. Mr. Smith indicated that when the police were called and a court date was provided, it resulted in a ruling that the

dogs needed to be in a covered kennel with a roof and if they are out of the kennel they need to be leashed and muzzled. He mentioned after sitting through a few court hearings he had quit going and believed nothing was being accomplished through the court system. He indicated that eight people have been bitten in the past few years. Mr. Kryzak expressed sympathy to the constituents and explained that there were proceedings that would happen soon to deal with the worst offending dog. Mr. Kryzak informed the audience he was not at liberty to discuss the case but assured them things were in the works. Ms. Cashin-Smith indicated that in the meantime while waiting for something to be done she still felt unsafe. Mr. Smith indicated that if the Town was unable to protect the residents of Westerlo then someone may take matters into their own hands and do something about the dogs. Mr. Smith indicated he is a law-abiding citizen and would not risk going to jail to take care of the problem dogs but inferred that someone else may. Mr. Smith then left the meeting. Ms. Cashin-Smith spoke of the burn ban that the dog owner is not adhering to, and she has the smell of various household items including mattresses and tires, being burned, even when the fire department has been called. She indicated that the alleged perpetrator does not receive any disciplinary action. Mr. Kryzak inquired about whether the Department of Environmental Protection made a visit to the home in question. Ms. Cashin-Smith was unable to verify that information. Mr. Kryzak reiterated that the Town and Justice Court were trying to do as much as possible to rectify the issue. Councilman Mahan inquired about a leash law within the Town limits. He asked the Supervisor if there was a leash law. Mr. Kryzak indicated that he wasn't 100% sure of the exact law without it in front of him but believed that it said something where the animal needed to be contained to the owner's property. There was much discussion around this issue. Former Highway Superintendent Jody Ostrander spoke to the amount of Town funds that had been spent toward the efforts to rectify the dog problem indicating that the Town has attempted but there are limits. Mr. Kryzak indicated that he was unclear as to how much he could reveal.

Westerlo Volunteer Fire Co. President Adam Alvarez informed the Town Board about the new fire truck for which the Fire Co. was looking to purchase within the next year and had found a newer used truck for \$350,000. Mr. Kryzak indicated that once the proposed ADU Law is completed he will sit down with Mr. Alvarez to discuss options for the Town to add into the budget a contribution to the Fire Co. for the purchase of the new truck.

Mrs. Betty Filkins informed the Town Board and audience of the pancake breakfast being hosted by the Westerlo Vol. Fire Co. at Woodman's Hall on March 22nd from 8 am-11 am as a fundraiser for the new fire truck. Mrs. Filkins advised that a constituent had inquired about the Fire Co. receiving tax money from the Town for the fire truck. Mrs. Filkins indicated that she informed the person that some of the money for the Fire Co. does come from the property taxes, but they also try to get donations. Mrs. Filkins indicated that they would also be conducting a raffle of a Wheelbarrow of Cheer at the 4th of July celebration. Mr. Kryzak indicated that he would not be able to work the breakfast due to being injured and having to use a wheelchair. Mr. Kryzak thanked the Fire Co. for all they did.

Former Highway Employee Chuckie Benninger inquired about the Veterans picnic in June asking if it was open to guests of the veterans as well. The Confidential Administrator answered that it's open to the public. Councilwoman Burnside added it's for veterans and their families. Mr. Kryzak indicated the picnic was to honor the veterans and their families.

Mrs. Marshall inquired as to why the Town was paying the entire amount of a voucher to Town Attorney George McHugh for an AOT training since he also works for the Town of Berne. Supervisor Kryzak informed Mrs. Marshall that the towns alternate each year in paying for the training for Mr. McHugh and he advised this year was Westerlo's turn. Councilman Beers asked when the Town Board agreed to that. Mr. Kryzak responded that basically the Supervisors communicate and say okay, we all have the same attorney. Mr. Beers asked which town paid for the training last year. Mr. Kryzak responded that he did not know that information but would be able to get it if Mr. Beers requested further information.

Councilman Mahan wondered why the Town paid tax for Mr. McHugh's training voucher. Mr. Kryzak responded that when the Attorney purchased it there was a tax down there. Mr. Beers indicated the Town is tax exempt. Mr. Kryzak agreed that the Town was tax exempt; however, as far as meals and stuff he would have to see, he did not believe that meals would be tax exempt.

Mrs. Marshall clarified her previous question due to dealing with the Town Assessor who also works for the Town of Berne and her expenses are normally split between the two Towns. Mr. Kryzak agreed that's what the Town does if towns share an Assessor, the towns will just split the costs and there are a couple ways it will be split moving forward so the Town doesn't pay that every year.

Then Mrs. Marshall asked, why there is a number 9 on the agenda that was not discussed. Mr. Kryzak indicated that the topic was still considered confidential at that time and would be brought to the Town Board later when it is no longer considered confidential and will be handled by the Town Board.

Mrs. Marshall inquired about the presence of Town Attorney McHugh prior to the Town Board meeting in the Supervisor's office with the Supervisor and Councilwomen Pecylak and Burnside and if that was considered an Executive Session. Mr. Kryzak advised, no, all the doors were open, and I was in there with my leg up. Mr. Kryzak mentioned Councilwomen Burnside and Pecylak brought the bills down to him and he met with the Town Attorney prior to everyone else coming in. He indicated there were just people in his office, doors were open, and Mr. Mahan came in to take pictures. Councilwoman Burnside indicated that Mr. Mahan had come into the room with a recording device taking a video. Mr. Kryzak informed everyone that anyone was welcome to come into his office at that time. The Supervisor insisted that if there are more than two Board Members in the room, they are not allowed to converse about anything related to Town business. Mr. Mahan questioned that they could have three Board members together; Mr. Kryzak and Mrs. Burnside responded yes, it's no different when they go

in the Town Clerk's office when Mr. Beers and Mr. Mahan are in there, they just can't talk Town business. Mr. Mahan mentioned that they should have all been invited. Mr. Kryzak indicated that they were invited. Mr. Mahan insisted that he and Councilman Beers are the outcasts here.

Mr. Kryzak asked Mrs. Marshall if she had any other questions. Mrs. Marshall had one more inquiry. She wondered where Mr. McHugh was. Mr. Kryzak informed Mrs. Marshall that Mr. McHugh was not present due to having another meeting to attend tonight. Supervisor Kryzak advised he had a meeting with him today after Mr. McHugh met with another set of attorneys, so he is doing the Town legal work, no legal work gets done here and he had another appointment he needed to get to. Mrs. Burnside advised that he was here to advise the Town Board and they were all there and then Mr. Mahan came in. If Mr. Mahan had any questions he could have asked. Mr. Kryzak advised Mrs. Burnside that it was last month, she responded, no tonight.

Deputy Town Clerk Jaimee Motschmann inquired about training and questioned if Mr. Kryzak was notified of the training months in advance. Mr. Kryzak responded, yeah generally, the way things landed with not having the workshops and stuff like that, for Mr. McHugh's training he didn't have a chance to put it out in front of all the Town Board ahead of time. Mr. Kryzak indicated that training is encouraged for continuing education, and he wouldn't deny anyone training. Mrs. Motschmann indicated that she does training for the court and is notified about training months in advance. Mr. Kryzak responded; it's just how it all fell; he didn't get a chance to put it out before everybody beforehand.

ADJOURNMENT OF MEETING

With there being no further comments or questions from the public, Supervisor Kryzak made a motion to adjourn the meeting. Seconded by Councilman Beers; all in favor motion carried. The meeting adjourned at 6:59 pm.

Respectfully submitted,

Karla Weaver, Town Clerk