

**TOWN OF WESTERLO
REGULAR TOWN BOARD MEETING
OF
TUESDAY, OCTOBER 15, 2024**

The Town of Westerlo Town Board held a regular meeting on Tuesday, October 15, 2024, at 6:00 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: Previous Highway Superintendent Jody Ostrander, Acting Highway Superintendent David Pecylak and Highway Employees Salvatore Spinnato, Peter Voisey and Dan Rohrmiller, Previous Highway Employee Chuckie Benninger, Town Justice Joshua Ostrander, Library President Maureen Sikule and Trustee Mary Ann Witt, Confidential Administrator Lisa DeGross, Westerlo Volunteer Fire Co. President Adam Alvarez and Member's Betty Filkins, Kelley Keefe and Alan Clickman, PB/ZBA Chairman William Hall, Museum Member Becky Kryzak, Clerk to the CEO and Assessor Claire Marshall, Deputy Town Clerk's Kathleen Spinnato and Michelle Rose, Town Clerk Karla Weaver and approximately 7 residents and/or interested individuals.

OPEN MEETING

Supervisor Kryzak made a motion to open the regular Town Board meeting of Tuesday, October 15, 2024. Councilwoman Pecylak seconded; all in favor motion carried.

BKW BUS DRIVERS NEEDED

Superintendent Kane from BKW school came out to discuss the opportunity for anyone interested in becoming a full time, part time or substitute bus driver. She recommended that anyone interested should put in an application. BKW will pay for all of the training, finger printing and licensing fees. There is health, vision and dental insurance available.

APPROVAL OF MINUTES

It was noted that the Town Clerk was not present at the October 1, 2024, meeting so a correction needs to be made to the minutes. Supervisor Kryzak made a motion to approve the September 17, 2024, and October 1, 2024, meeting minutes with the correction made to the minutes of October 1, 2024. Councilman Beers seconded; all in favor motion carried.

TOWN CLERK REPORT – SEPTEMBER 2024

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

SUPERVISOR'S REPORT – SEPTEMBER 2024

Mr. Kryzak reviewed the Supervisor's report for September 2024. He reported that the bank balance for the beginning of September was \$3,967,864.12. The Town had \$58,347.71 in deposits and \$580,438.91 in disbursements. The bank balance for the end of September was \$3,445,772.87. He has not received a statement from M&T bank yet. Budget vs Actual is looking good and is on track. Supervisor Kryzak made a motion to approve the Supervisor's report for September. Councilwoman Burnside seconded; all in favor motion carried.

INVESTMENT REPORT – SEPTEMBER 2024

Supervisor Kryzak reported on the investment report that the Town earned \$76,687.16 year to date in interest with Bank of Greene County and \$6,179.00 in interest for the month of September. Mr. Kryzak indicated only \$454.46 is invested in NYCLASS. The Town earned \$1.97 in interest for September and \$18.06 year to date. Supervisor Kryzak made a motion to approve the investment report for September. Councilwoman Pecylak seconded; all in favor motion carried.

BUDGET AMENDMENTS

Supervisor Kryzak read and made a motion to adopt the following budget transfer:

- WHEREAS:** the Town of Westerlo has had unforeseen expense in the following account;
and
WHEREAS: the Chief Fiscal Officer has determined that in order to maintain proper balances within various accounts, a budget amendment is necessary; now therefore be it
RESOLVED: that the Town Board of the Town of Westerlo does hereby authorize Town Supervisor Matthew Kryzak to make the following transfers.

General Fund (2024)

<u>Amount</u>	<u>From Account</u>	<u>To Account</u>
\$4,126.00	(A) 230.4 Park Reserve Fund	(A) 7110.43 Parks – Parts/Repair/Supplies
\$1,442.98	(A) 200.1 Fund Balance	(A) 3510.44 Control of Dogs - Supplies

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 110 - 2024 was thereby duly adopted.

PAYMENT OF MONTHLY BILLS – OCTOBER 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 October 2024 bills, be it hereby
RESOLVED: the following bills be paid Voucher # 523 through Voucher # 584 in the amount of \$256,641.60.

Councilman Beers seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 111 – 2024 was thereby duly adopted.

COMMITTEE AND DEPARTMENT REPORTS

Mr. Kryzak mentioned he has received written reports from the CEO and Justice Court.

CODE ENFORCEMENT OFFICER REPORT

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

Applications processed or pending before the boards

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

Building permits issued – 7

New houses –1 / Swimming Pools – 0 / Additions, renovations - 3

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

Construction inspections- 31

Site visits – 17 / Fire calls – 1 / Fire safety inspections and follow ups - 8

0 - In-service Training hours. 18 hrs. YTD (24 hours required to maintain certification)

JUSTICE COURT

Mr. Kryzak mentioned that the total amount collected for the Justice Court for the month of September was \$796.00.

LIBRARY REPORT

Library President Maureen Sikule reported the following on the Library:

- Vote for your favorite Library collection and program – ballots at the library!
- LEGO's and more program – Monday's 3:30 pm – 5 pm
- STEAM – Thursdays 3:30 pm – 5 pm
- Homework help is also available
- Coffee with Neighbors – Wednesdays 12 pm – 2 pm
- Fiber Art Group - 2nd and 4th Saturday 12 pm – 2 pm
- Presentation by Cornell Cooperative Extension – Set Financial Goals and Make a Savings Plan - Dec. 3rd 6 pm
- Master Gardener coming to create a welcoming garden for hummingbirds and butterflies – Jan. 14th 6 pm

PLANNING BOARD/ZONING BOARD OF APPEALS

Planning/ZBA Chair William Hall reported there are three members attending the Hudson Valley Capital Region Planning and Zoning Workshop Friday. They have approved a subdivision and variance last month and have a special use permit and variance coming up this month.

LLRC

LLRC Chairman William Hall reported, they wrapped up the recommendations for the general zoning laws which they will be sending over to the Town Board excluding the solar and telecommunications. They will have a proposal for an accessory building unit soon as it has been brought up multiple times. Mr. Kryzak asked if they would be willing to review the proposed Right to Farm Law.

HIGHWAY

The Acting Highway Superintendent Dave Pecylak mentioned he has gotten loads of sand for the winter. Got rid of some machinery that has been laying around which brought in almost \$27,000.

APPROVAL OF COMMITTEE AND DEPARTMENT MONTHLY REPORTS

Supervisor Kryzak made a motion to approve the Committee and Department reports as read or submitted. Councilman Beers seconded; all in favor motion carried.

OLD BUSINESS

BROADBAND UPDATE

The USDA has approved the mapping for the Town's Mid-Hudson broadband project. A contract should be signed this week. Mid-Hudson is also working on pole licensing. Once that is complete work can begin. Mr. Kryzak indicated the goal is to begin by spring. Hopefully all remaining portions of town will be covered. The county will also fill in gaps with their grants.

NEW BUSINESS

CDPHP MEDICARE RENEWAL FOR RETIRED EMPLOYEES

Mr. Kryzak advised that the Medicare renewal form for retired employees needs to be approved. The same plan is proposed but costs will be increasing each month from \$328.40/mo. for 2024 to \$383.86/mo. for 2025. Mr. Kryzak needs to sign the CDPHP contract to keep the same plan for the \$383.86/mo. for 2025 for retired individuals. Councilwoman Burnside made a motion to adopt the following resolution:

WHEREAS: The Town Board discussed renewing the CDPHP Medicare Plan; be it hereby
RESOLVED: The Town Board authorizes the Supervisor to sign a contract with CDPHP for the Medicare plan for retired employees, which will be increasing to \$383.86/mo.

Supervisor Kryzak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 112 - 2024 was thereby duly adopted.

HEALTH PLAN RENEWAL

Mr. Kryzak provided the Town Board with the updated insurance package from Marshall and Sterling Insurance Co. for MVP. This is the health plan renewal for the employees for 2025. Included is the same plan as the Town had for 2024 which will go up 7% and is less than the 11% originally expected. They did provide other options, but he proposed keeping the same plan. It can be addressed at the next meeting, so the Town Board has time to review. Coverage hasn't changed, just the price increase. Have not yet received dental or vision. Vision renews in April; dental renews now but he is awaiting the information.

2025 PROPOSED TOWN OF WESTERLO TENTATIVE BUDGET DISCUSSION

Supervisor Kryzak provided the Town Board with a breakdown of the Fire Co.'s proposed budget for 2025. A public hearing will be held on it on November 6th along with a public hearing on the 2025 proposed Town of Westerlo Preliminary Budget and a public hearing on the proposed Water District No. 1 water rates.

Mr. Kryzak advised he found a mistake in the Code Enforcement section of the tentative budget which was in the Town's favor. It didn't calculate correctly to the cover page. The total for Code Enforcement 8664 was \$127,575 but should be \$38,777 which factors in the 4% raise for cost of living. That is a \$88,798.00 difference. On the first page of the budget under appropriated fund balance for the general fund, the \$192,822 estimate fund balance amount will reduce to \$104,024. The total line under appropriated fund balance will also decrease from \$209,822 to \$121,024. This will be corrected for the preliminary budget.

Supervisor Kryzak quickly reviewed the budget line by line. He mentioned he looked at other surrounding towns. Town of Rensselaerville's budget is right around \$3.5 million up from \$3.3 million with a population of 1,826 as of the 2020 census. Westerlo is at \$3.7 million with a population is 3,194. Town of Berne population is 2,689 from the 2020 census. Mr. Kryzak indicated Westerlo is looking good and the budget is reasonable. He mentioned there is a 3% overall cost escalation in all cost codes and overall proposed cost of living raises to all town employees of 4% with the exception of Town Board, Town Supervisor and Highway Superintendent.

A resident asked if franchise fees would increase with broadband. Mr. Kryzak responded, no. It's a number that was agreed upon at an earlier date.

Mr. Kryzak added a new attorney fees line of \$30,000 to fund all the attorneys for the three legal cases the Town is currently dealing with.

Supervisor Kryzak mentioned the cemetery increases; they need more help. If they go under, the Town will have to take them over.

Mr. Kryzak indicated Mr. Pecylak did a good job with his budget for the highway department.

Mr. Kryzak advised that the only debt the town has is the bond for the highway truck. He mentioned it doesn't make sense to pay off the bond when getting such a low interest rate but if it comes time that it can be paid off, he would like to do so. The only other debt is the water district for which there isn't much that can be done.

Discussion ensued regarding the cemetery costs.

MOVE 2025 TENTATIVE BUDGET TO 2025 PRELIMINARY BUDGET

Supervisor Kryzak indicated the Tentative Budget needs to be moved to Preliminary so the Town Clerk can advertise the upcoming public hearings. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town Board received the 2025 Town of Westerlo Tentative Budget and reviewed it at the Regular Town Board meeting of Tuesday, October 15th, be it hereby

RESOLVED: The Town Board moves the 2025 Town of Westerlo Tentative Budget to the 2025 Town of Westerlo Preliminary Budget with the correction made to the cover page.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 113 - 2024 was thereby duly adopted.

November 6th 6 pm there will be three public hearings on the proposed Water Dist. No. 1 Water Rates, proposed 2025 Town of Westerlo Fire Co. Budget, proposed 2025 Town of Westerlo Preliminary Budget.

Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town Clerk needs to advertise a public hearing for the proposed 2025 Town of Westerlo Fire Co. Budget, be it hereby

RESOLVED: The Town Board authorizes the Town Clerk to advertise the public hearing for the proposed 2025 Town of Westerlo Fire Co. Budget for November 6th at 6 pm.

Councilman Beers seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 114 - 2024 was thereby duly adopted.

FIRE SAFETY FALL FESTIVAL

The Town of Rensselaerville Fire Co. has a fire safety fall festival on October 19th from 2 pm -7 pm to learn what to do in an emergency. You can also shop for and win safety supplies and learn about your Fire Co. It is at Hilltown Commons.

WEBSITE

Councilwoman Burnside indicated she sent a few text messages and an email about the website to Councilman Beers. She is trying to figure out why the historian and webmaster have not met. Town Clerk Weaver advised she has spoken to the webmaster. He has been traveling in and out of the country and then had covid. In the meantime, she has posted all the titles to the historian webpage. It is just in need of the links to be posted. She needs the webmaster to train her to post the link for one and she should be able to do the others. The Town Clerk understands that the website needs updating but she has Central Hudson and Nexamp bills that are overdue. It's her duty and obligation to do what is a priority, and right now, that's the bills. She needs the webmaster to help with the set up and then she can handle the upkeep. She can start training her deputy but she is new so she can't do more than she can do.

PUBLIC COMMENT

Previous employee Chuckie Benninger commented about a non-highway employee getting a 4% raise equating to \$3,000 raise when they don't need to show up during inclement weather. Comparing to a highway employee, who will not receive that much of a raise He wishes the Town Board could do more to keep the highway workforce because it's a good one. Mr. Kryzak mentioned there is a proposed 4% raise across the board, but salaries will be set at the organizational meeting. He indicated; the budget process is to fund that. If the Department heads ask for something later, a budget transfer would be done. He advised this is something to bring up during the public hearing.

Mr. Kryzak advised that Albany County Water Board essentially must prove their evaluation. They have to do a reevaluation which hasn't been done in many years. What happens is when they do the reevaluation, they find out they've been getting a deal. He believes from information he has received that it will take Albany County Water Board a very long time to do the reevaluation and a long time to figure out they will owe more money. There are a limited number of people who deal with evaluating reservoirs. Mr. Benninger commented about property that used to be owned by Mr. Bichteman in this area.

Mary Ann Witt asked if there were any updates on the union negotiations and what if any implications there might be if it's not resolved by the organizational meeting when salaries are set. Supervisor Kryzak indicated he received a notification from the labor relations attorney on that and there is a meeting this month with the Public Employers Relation Board (PERB) to basically go through all the positions. It's a slow process, but the Town can negotiate a contract at any time. Most of the time, increases might take effect in 2025, it depends when that negotiation ends up being. It can take an indefinite amount of time or can be a simple process. The process through PERB is slow. He believed there's a meeting in November as well. Highway Employee Peter Voisey understands that the Town could agree at any time and recognize the union. He mentioned the employees are not looking to upset the budget process. Mr. Kryzak agreed about the Town recognizing the union at any time; the Town could sign a contract but at the advice of the labor attorney, he mentioned, how do they sign when they don't know who is represented and represented for what. So, on legal advice, this is the direction the Town was advised to go.

A resident wondered if the Town Board should just ask the highway employees what it is they want and need. Mr. Kryzak indicated the employees can bring what they are looking for forward. Another resident indicated they did bring it forward to Acting Highway Superintendent David Pecylak.

Highway Employee Salvatore Spinnato mentioned he's been an employee for 20 years. The last time the employees were in union negotiations, he was the shop steward and Mr. Bichteman was Supervisor. There were a lot of false truths during that time. They came to an impasse with the Town. He mentioned that some of the current board was here then but whether they were privy to that information he highly doubts. With that being said, he hopes the Town Board takes this seriously. The employees try not to ask for too much and only do what's necessary. They pride themselves on being the best employees on this hill and he takes his plow route very seriously. NYS minimum wage over the last 10 years has gone from \$8 to \$15. In the last 10 years, the highway employees have gone from \$20.03 to \$25.25 which lags compared to the minimum wage increases. Mr. Kryzak asked how many times he's given raises since he's

been in office, Mr. Spinnato reviewed the raises over the years. Mr. Kryzak indicated he would meet with him. Mr. Spinnato knows he is the last employee hired where his insurance is paid for but everyone else pays 20% which makes raises minimal. NYSDOT is currently paying \$26.99 for a comparable position. NYS Thruway is \$33.71. He mentioned that NYS is finding out they can't keep people in these positions because they are not paid enough. The employees need the dollars to go along with the health insurance so they can pay their bills and put food on their tables. Mr. Spinnato indicated last time they were in union negotiations; they were told to wait and then were told they wouldn't be getting a raise because they were in negotiations. He also mentioned that the Town of Knox went up 9% last year. Mr. Kryzak indicated he is approachable, and he is happy to meet with him. Councilman Mahan wondered how much more of a raise the highway employees were looking for; Mr. Spinnato responded, that's up to the employees. Acting Highway Superintendent Pecylak advised he asked the Supervisor for 6%. Councilman Beers mentioned there are 7 employees in the highway department, that is roughly \$6,800 which they should be able to find in the budget. Mr. Kryzak advised that the salaries get set at the organizational meeting but if it's the Town Board's consensus to do a higher raise then they can find the money in the budget. Discussion ensued regarding 30 hour a week full-time employees. Mr. Kryzak mentioned that there is a union negotiation coming up. He mentioned that the Town can't all of a sudden turn up the dial on something, they have to ratchet it up at a course, can't just come out of the gates and give a huge bonus, there is a scale. When you sit down with the union, there is a scale for cost-of-living raises. Rates are set in January, and then they will do the best they can for union negotiations.

Highway Employee Peter Voisey questioned what the proper procedure was for the proposed raise; is it to be done in January or during budget discussions. Supervisor Kryzak responded that the best financial practice is before you adopt a budget, the Town Board would put in a realistic percentage that they are looking to adopt at the organizational meeting in January. Or you can make a budget amendment/transfer.

Previous Employee Chuckie Benninger commented about comparing apples to apples and looking at every individual. Most towns have help wanted signs. He mentioned longevity pay. Supervisor Kryzak cautioned if he did that, he would have to push the 2% tax cap for the next 3 years; some residents believed he should. He mentioned that the Town is in a good financial situation. There is time, there is a public hearing. He indicated it can be added before the end of the year and can get another stab at it with union negotiations. Councilman Mahan indicated people shouldn't be hired at the previous salary unless they are really qualified, Councilwoman Pecylak agreed and believed that should change. Supervisor Kryzak believed there should be some discretion with department heads for longevity, or merit.

Kelley Keefe commented regarding Mr. Spinnato's position and pay. She made the argument that if he left tomorrow with 20 years of experience, at \$25.25/hr., the Town would just hire someone new to fill the position at the same rate. Mr. Kryzak mentioned how raises are done at his company; explained the longevity percentage which is up to the department supervisor. All can be entertained.

Resident Bobby Sherman mentioned some people received a big pay raise and now they keep getting the same pay raise as everyone else. Mr. Kryzak indicated he takes the recommendation from the department head. When the Highway Supervisor and Town Clerk tell him what they want to do, he

brings it to the Town Board. There should be a standard cost of living, everyone should get that. If a department head says they have a rockstar employee and wants to give more, that would be brought to the Town Board for a decision.

Supervisor Kryzak mentioned investing in Westerlo's future. Wages will be increased, taxes will go up, need to save. Loans haven't had to be taken out since he became supervisor, everything has been paid in cash.

Councilwoman Pecylak thanked everyone for coming forward with what they want and for the civil conversation tonight.

Councilwoman Burnside mentioned the highway department is very much appreciated.

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 Councilwoman Pecylak; all in favor motion carried. The meeting adjourned at 7:42 pm.

Respectfully submitted,

Karla J. Weaver, Town Clerk