

**TOWN OF WESTERLO
TOWN BOARD WORKSHOP MEETING
OF
TUESDAY, MAY 6, 2025**

The Town of Westerlo Town Board held a workshop meeting on Tuesday, May 6, 2025, 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 6:00 PM.

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

Also attending were: Fire Co. President Adam Alvarez and Member Betty Filkins, Library Trustee Mary Ann Witt, Highway Superintendent David Pecylak and Employees Dan Rohrmiller and Salvatore Spinnato, Previous Highway Superintendent Jody Ostrander, Museum Director Mary Jane Araldi, Clerk to the Assessor/Clerk to the CEO Claire Marshall, PB/ZBA Chairman William Hall & Member Barbara Maughan, Deputy Dog Control Officer Konrad May, Previous PB Member Edwin Stevens, Town Justices Kenneth Mackey & Joshua Ostrander, Confidential Administrator Lisa DeGross, Previous Highway Employee Charles Benninger, Deputy Town Clerks Kathleen Spinnato, Town Clerk Karla Weaver and approximately 12 interested residents.

Supervisor Kryzak made a motion to open the Town Board Workshop meeting, Councilwoman Pecylak seconded; All in favor motion carried.

OLD BUSINESS

ADOPTION OF LOCAL LAW NO. 1 OF 2025 - ACCESSORY DWELLING UNIT (ADU)

The Supervisor indicated the public hearing regarding the proposed ADU Law was on the 15th of April. The corrections that were discussed last time are in there. Still basically have in there that anything larger than 1,500 square ft. requires a special use permit. Councilwoman Pecylak would like to see the size reduced to 1,000 square ft. Discussion ensued regarding the size. The Town Board agreed on 1,200 square ft. Supervisor Kryzak read the proposed law with the corrections (see attached). Supervisor Kryzak made a motion to adopt the following resolution:

- WHEREAS:** the Town Board of the Town of Westerlo has introduced a proposed Local Law to allow for Accessory Dwelling Units and Amend the Town of Westerlo Code where necessary to effectuate these changes, and
- WHEREAS:** a public hearing upon proper notice was held on April 15, 2025, and
- WHEREAS:** the proposed adoption of this Local Law is a Type II action pursuant to SEQRA 6 N.Y.C.R.R. § 617.5 (c) (36) and therefore not subject to further review under SEQRA part 617, now therefore be it
- RESOLVED:** that the Town Board of the Town of Westerlo does hereby enact the proposed Local Law attached hereto and made a part hereof which shall be numbered Local Law # 1 of the year 2025.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 56 - 2025 was thereby duly adopted.

PROPOSED RIGHT TO FARM LAW

Supervisor Kryzak mentioned that the Town Board previously reviewed what other local towns had for Right to Farm templates. The Town is also covered under Albany County but there have been requests from some local farmers that Westerlo have their own, that way if Albany County were to change theirs, Westerlo wouldn't be affected. He indicated letters/questionnaires had been sent out to 30 people with Agriculture exemptions and only two responses were received. He read the proposed law. One of the comments they received was for section 2C #5 and that it lacks feather bearing animals such as emu's and ostriches and they wondered if that was an oversight or if it was intentional. Section 4 under nuisance, agricultural practices conducted on farmland should not be found to be a public or private nuisance, such agricultural practices are #1 reasonable and necessary for a particular farm or farm operation, #2 conduct in a manner that it not negligent or reckless, #3 conduct in conformity with the general accepted and sound agricultural practices, #4 conducted in conformity with all local state and federal laws and regulations, #5 conducted in a manner which does not constitute a threat to public health and safety or cause injury to the health or safety of any person, #6 conducted in a manner which does not construct the free passage or use of navigable waters or public roadways. They are looking to protect farming practices. There are some items that can be added to section 4. There have been issues in the state and Albany County where people are buying real estate. In section 5 - notification and real estate buyers' disclosure, when people buy property, they understand they are in an agricultural district and there will be farming. Mr. Kryzak read this disclosure. He discussed Greenville's Right to Farm Law and questioned if Westerlo wanted to be as specific. He would like the Town Board to review the notification to real estate buyers, nuisance, and whether they feel they should add anything to the definitions or agricultural products sections. He also mentioned the Town Board can do something broad such as deferring to agricultural products as described by the USDA or NYS Department of Agriculture's list. This was tabled.

UPDATE ON JUSTICE COURT ASBESTOS TESTING

Supervisor Kryzak mentioned that when the roof was done for the justice court, that some type of hazardous materials got into the building. Samples were taken to test for asbestos and basically no asbestos was found. The report was from Adirondack Environmental Services. Mr. Kryzak reported that all products sampled at the court were negative for asbestos. Adirondack took two samples of homogeneous brown non friable material, a dust that came down around the borders of the ceiling. They took two samples of textured ceiling paint which were dislodged and were also non asbestos. Adirondack did sample the paint on the block walls which was non-asbestos containing. There were also other paint samples throughout the building which were negative. Adirondack took samples of all the remaining portions of the building that the Town is hoping to do work to in the future. Those samples are not back yet because this was expedited to be able to open the building back up.

Councilwoman Burnside asked how many days the court was closed. Court Clerk Motschmann responded they were closed on the 16th through the 22nd, which included a weekend.

Councilman Beers wondered if the court was professionally cleaned. Supervisor Kryzak responded no, there was no hazardous material found. Mr. Kryzak indicated that pictures were included in the report, and Adirondack also pulled samples to test for mold. They were less concerned about mold because there didn't appear to be mold present.

NEW EMPLOYEES

At the April 15th meeting, it wasn't clear what motion Mr. Kryzak was making regarding the appointments. Supervisor Kryzak indicated he did listen to the audio, and it was a little vague. The one appointment they are doing tonight has already started. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Highway Department has hired part-time summer help, be it hereby

RESOLVED: the Town Board sets Joshua Vance's hourly rate for the part-time position of seasonal buildings and maintenance at \$21.20/hr.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 57 - 2025 was thereby duly adopted.

Supervisor Kryzak reported that the person hired for the part-time building maintenance position worked one day and quit. Councilman Beers wondered if this position would be advertised. Supervisor Kryzak indicated there is a second choice that they interviewed, who does not live in Westerlo. Will be looking to appoint that position in the future and will bring it to the Town Board soon. They received seven applications for that position.

NEW BUSINESS

BURNED DOWN STRUCTURE ON CR 408

Mr. Kryzak advised he received some calls and complaints from residents about a structure on CR 408 which burned down on Thanksgiving Day last year. He indicated he wanted to bring it to the Board's attention as they may be forced to see what they can do about that. He needs to get with CEO Jeff Pine. The complaints were regarding debris and people having to drive by it every day.

STOP THE BLEED

The Town would like to do another Stop the Bleed event on Saturday, June 21st at 9 am at the Town Hall. It is sponsored and instructed by the Albany County Sheriff's Office Emergency Medical Services Unit and the Town of Westerlo. If you are looking to participate, the seating is limited. Please contact the Confidential Administrator by phone or email. This training will help you gain the confidence and skills needed to intervene and control bleeding effectively and learn crucial techniques to stop bleeding until medical professionals arrive and can equip yourself with lifesaving knowledge that can benefit your community in times of need. Lisa DeGross advised the limit would most likely be 50 people and is free.

INDEPENDENCE DAY PARADE

The Fire Co. and the Town of Westerlo is hosting an Independence Day parade with a celebration at the park afterwards. The parade starts at 10 am and from 12 pm – 4 pm there is a family day at the park. There is a live band, beer, food and drinks, dunk tank, games, people's choice awards and a corn hole tournament. More information will come out as it gets closer. The Supervisor thanked the Fire Co. for spearheading it. Mrs. DeGroff mentioned anyone who wants to put a float in the parade or if there are students or people who want to march, they should reach out to register with her.

ALCOHOL FOR INDEPENDENCE DAY PARADE

Supervisor Kryzak mentioned he reached out to the insurance company to have alcohol at the Independence Day celebration and found out what needs to be done. He needs to make a resolution regarding what the Town wants to do, and the Town Board needs to approve it. The insurance company will need the resolution. The Tasting Lab will bring a temporary one-day liquor license from NYS to serve. They will cease service 30 minutes before the completion of the event. Supervisor Kryzak made a motion to adopt the following resolution:

- WHEREAS:** Town of Westerlo and the Westerlo Volunteer Fire Company has planned an Independence Day parade and Family Day on July 4, 2025, from noon until 4:00 pm, and
- WHEREAS:** it is planned to have a beer truck vendor, and
- WHEREAS:** the proposed beer truck will be provided by The Tasting Lab, and
- WHEREAS:** The Tasting Lab will apply for a temporary one day liquor license with the State of New York to serve alcohol during the event, and
- WHEREAS:** The Tasting Lab will provide the Town of Westerlo a copy of their certificate of insurance naming The Town of Westerlo as an additional insured prior to operations, now therefore be it
- RESOLVED:** that the Town Board of the Town of Westerlo does hereby approve alcohol on premises during the course of the one-day event.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 58 - 2025 was thereby duly adopted.

INVESTIGATION OF COMPLAINTS

Supervisor Kryzak indicated there was one more item not on the agenda because he wasn't sure what he could and couldn't say. He's mentioned that there was an investigation going on and promising transparency when he could do so. He advised he has received essentially what he can speak about from the special counsel handling this investigation. He read verbatim what he could say. (*see attached*)

Supervisor Kryzak advised this was prepared by the special investigator. Councilman Beers commented on the special investigator who is an attorney. He advised they should call him an attorney; it makes it sound like he has some investigative authority. Mr. Beers also wondered why in 2024 there were four complaints against the supervisor's office, he questioned why Mr. Kryzak didn't spend the same time and money to investigate those. Supervisor Kryzak responded that everything that has taken place since he has been in office has been sent to the attorney for review. Mr. Beers mentioned this is a one-sided

investigation. Supervisor Kryzak indicated there are still a bunch of ongoing things. Mr. Beers indicated these things happened from early 2024 to mid-summer 2024, which was a year ago and he hasn't heard anything about it, but he heard something about this. Supervisor Kryzak is only disclosing right now what he promised he would. Councilman Beers asked how much money has been spent on this one-sided investigation; Mr. Kryzak indicated he has not received a bill yet and it was not one sided because every complaint that has ever been sent has been sent to the attorney. Mr. Beers wondered who decided to use William Keniry, the attorney. Mr. Kryzak indicated he spoke about that in a special counsel which he can't talk too much about, there was a consensus, and he was already retained, and the Supervisor can appoint someone to do an investigation, but the Town Board was present for that. Mr. Beers asked when he is going to investigate his office for the four complaints last year. Mr. Kryzak indicated it is currently in their hands. Mr. Beers asked why that wasn't done first as Mr. Kryzak had indicated this happened recently, in March. These things happened in 2024, so Mr. Beers questioned why he was hearing about something that happened in March but not about something that happened last year. Mr. Kryzak indicated the attorney must not have found anything yet. Mr. Kryzak advised that everything has been sent to the attorney that was retained and there are other things still going on.

Councilman Mahan asked Mr. Kryzak if he wrote that up himself, Mr. Kryzak responded, absolutely not. Mr. Mahan would like a copy of that. Mr. Kryzak responded he will have to ask if he can FOIL it. Councilman Mahan indicated if the Supervisor can read it to the public, he's sure he can have a copy of it. Mr. Vadney indicated it has already been published and read. Mr. Kryzak indicated Mr. Vadney should be quiet and that he was disrupting the meeting. Mr. Kryzak asked if he was on his board; Mr. Vadney responded no, but neither is Mr. McHugh. Mr. Kryzak indicated Mr. Mahan can have a copy but the public needs to FOIL it. Mr. Mahan commented that there are a lot of things going on in this town, maybe minor to a lot of people, such as 250 transfer station permits sold but there are over 1,000 residences in town with houses. He believed every time people go up to the transfer station it is theft of services and dump for free, he wondered why. Supervisor Kryzak responded that is a good question, employees should be checking for permits, people who are offending that are supposed to be reported to his office and then they write them letters and go from there. Councilman Mahan indicated it's one more thing no one does anything about yet this thing on the Town Clerk has exploded all of a sudden. Mr. Mahan wondered what the Town is going to do about the permits. Mr. Kryzak indicated the folks at the transfer station should be checking permits and those who violate will receive a letter. Councilwoman Pecylak advised that not everyone in town uses the transfer station. The sheriffs have been engaged before up there. It was suggested to do away with permits, people believe they pay enough in taxes.

PUBLIC COMMENT

Betty Filkins indicated the initial purpose for the permits was that people who do not live in the town were going to the dump. There were a lot of people who were going there for years. It was suggested by Mr. Witt to permit the residents at no cost like it was years ago. The permit did work.

Highway Superintendent David Pecylak mentioned he went to a meeting in Albany about the landfill, they are planning on closing it January 1, 2027. They were asked how much tipping fees were going to go up, it could be \$120/ton or \$220/ton. The Supervisor indicated the town will need to look into trucking somewhere else or have the containers at the transfer station and having the containers hauled off

somewhere where landfills are still open. Some towns charge \$3 a bag to dispose of garbage. There are expenses at the transfer station that the Town needs to cover, every year it gets a little bit more and more.

Mr. Benninger commented on Mr. Winters house that burned down; advising he has three autistic children. Mr. Benninger asked since Thanksgiving when has there been a clear week that you could clean that mess up. You must give the guy a break. Before we go tearing what's left of his house down, give the guy a chance. The Supervisor mentioned the intention was just to let the Town Board know that he had received complaints and try to figure out what to do to work with those folks and maybe their insurance company to deal with that. Resident Rick Haley commented that back when Dick Rapp was supervisor, his neighbor blew his house up and he spoke to every councilmember about having it cleaned up and to this day it's still a mess. He questioned why everyone is worried about this poor guy who has problems. He mentioned the Town Board needs to stop and think about what's right.

Mary Ann Witt mentioned these are her feelings on the topic she wants to talk about. She grew up surrounded by veterans, she married into a career military family, spent over 40 years serving veterans. She was appalled to find out that the flag can is sitting at the dump on the porch. She indicated the Town Board previously discussed it, people talked about how disrespectful it is being at the transfer station. There are so many other opportunities. This is a community that says it is so veteran focused and veteran respectful and that is nothing but disrespectful. Those flags represent everybody in this country who fought, who served and died, and they are at the dump. There are enough cameras around this building that it could be put at Town Hall or at the park. It is disrespectful to have it at the dump. Supervisor Kryzak indicated the reason it was at the transfer station is because there have been a lot of people who have pulled flags out of the garbage, that way it is a convenient place for if somebody sees a flag it can be pulled out and put in the receptacle. He indicated if it is found to be disrespectful, the Town can always move it. Mrs. Witt indicated people can gather those flags and bring them to an appropriate place to have them put until they can be appropriately destroyed. Councilwoman Burnside indicated it's because people are finding them in the dumpster. Mrs. Witt responded that people could take them down to the town building. Mrs. Burnside indicated they are not though. Councilman Beers clarified; Mrs. Witt is saying the people who work there can get the flags to dispose of. Mr. Witt advised he lost friends who served with him under that flag, he is a disabled vet, it is incomprehensible that the Town would be so disrespectful to put that at the dump. He mentioned that anyone who came up with the idea of putting it there and approved of it is despicable. Supervisor Kryzak indicated if it is found insensitive, it can be moved. He wouldn't call it despicable, but his opinion is respected. Veterans were thanked by Mr. Slingerland for their service. Mr. Vadney talked about hypocrisy and saluting the flag and then doing something like that.

Mr. Vadney mentioned at the last meeting there was a comment made by Mr. Beers on these two people the Board attempted to hire and hired inappropriately that was corrected today. He questioned why Mr. Kryzak blurted out that it was advertised, yet his clerk Mrs. DeGroff had to correct him. Also, at the last meeting Mr. Kryzak was questioned about Mr. McHugh's FOIL training and he insisted for the second or third time publicly that he was attending FOIL training when in fact Mr. Beers had proof that there was no FOIL training, but Mr. Kryzak insisted. When Mr. Beers pursued Mr. Kryzak on that he backpadded. This investigation sounds like something that came out of communist Russia or communist China or

Hitler's Germany. He indicated that the Supervisor singlehandedly commissioned an investigation, won't tell anybody about it, he guesses it will set the town back several thousand dollars, to pursue somebody when as Mr. Beers indicated, there were four incidents/complaints lodged with the Supervisor that have received no attention whatsoever, or attention that he can't talk about it because it's confidential. In this investigation, the Supervisor cited a paragraph from the employee handbook, and you stressed that Ms. Weaver didn't cooperate but in that same paragraph 905, the Supervisor did not cooperate and follow handbook procedures. He wondered if the Supervisor really thinks a disgruntled employee is going to have anything good to say about anybody. He has never heard of such an idiotic investigation in his life. As for weaponizing FOIL, FOIL is there for anyone who wants access to public records to freely access public records subject to some limitations. He asked how someone can weaponize that. If there are five points made during a Town Board meeting, and he wants those records, he's not going to get them just by asking Mr. Kryzak for the records. He needs to FOIL it, by submitting written requests for each of those points. He questioned what weaponizing Freedom of Information means. Mr. Kryzak indicated he will not discuss any of that right now. Mr. Vadney responded that Mr. Kryzak isn't going to talk about it because he doesn't know anything about it. Mr. Kryzak indicated if Mr. Vadney is going to keep insulting him, he can sit down and be quiet. Mr. Vadney mentioned that Mr. Kryzak shouldn't point at him. Mr. Kryzak indicated that Mr. Vadney lost his opportunity and privilege, he does not have the right to speak at this meeting, you have the right to attend. Mr. Kryzak shouted that since Mr. Vadney didn't listen, he closed the meeting.

The Town Clerk attempted to notify the Supervisor that she had important items to discuss tonight still.

ADJORNMENT OF MEETING

Supervisor Kryzak made a motion to close the Town Board Workshop meeting. Councilwoman Burnside seconded; A vote resulted as follows:

AYES: Supervisor Kryzak, Councilwoman Burnside, Councilwoman Pecylak

No vote was heard by Councilman Beers or Councilman Mahan.

The meeting adjourned at 7:10 pm.

Respectfully submitted,

Karla Weaver

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 an 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 an 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 1200 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 1200 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 1200 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 1200 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

Special Counsel Report of Investigation and Findings

April 25, 2025

Talking Points

BACKGROUND/JURISDICTION

- This matter was initiated on two written complaints submitted on the Town of Westerlo complaint report form, both dated February 13, 2025, the first consisting of three (3) pages and the second consisting of six (6) pages. The complaints include allegations of bullying, harassment, sabotage, the creation of a hostile work environment, and the violation of Employee Handbook policies commencing January 2023 and continuing thereafter. The Town Employee who was the subject of the Complaints is Town Clerk Karla Weaver.
- The investigator, William J. Keniry, Esq., was retained by written Letter of Engagement, dated February 20, 2025, which was signed by the Town Supervisor on February 27, 2025, consistent with the process detailed in the Employee Handbook.
- The Complainant was interviewed. A former Town of Westerlo Employee/Witness was interviewed. Numerous documents, email communications and records were submitted to the investigator by the Complainant and the witness. Respondent Karla Weaver refused to be interviewed and refused to cooperate with the investigation.

FINDINGS

1. The Town of Westerlo Employee Handbook states that "[a]ll employees are required to cooperate in an investigation." (Town of Westerlo Employee Handbook Section 905: Complaint Procedure and Investigations - Investigation of Complaint). Here, despite multiple opportunities over more than ample time, Respondent Karla Weaver did not provide her attorney, Jasper Mills, Esq. with dates and times that she was available to meet with the investigator. As such, based upon her conduct Attorney Mills did not respond to the investigator's many requests to meet, thereby preventing the investigator from interviewing Respondent Karla Weaver. Notably, no effort was made by Respondent Karla Weaver to cooperate or in the end, even communicate by responding to the investigator. Based on the foregoing, the investigator finds that Respondent Karla Weaver deliberately and intentionally did not cooperate with the instant investigation. Respondent failed and refused to provide any dates and times to be interviewed. **Based upon the circumstances, it is inferred that had Respondent Karla Weaver answered questions posed, her answers would not have supported her position or been favorable to her.**

2. Upon reviewing the documentary evidence and the statements of the Complainant, there is not legally sufficient evidence to support a finding that Respondent Karla Weaver engaged in conduct that qualifies as illegal workplace harassment, as defined by New York State law. New York State requires that workplace harassment be predicated on an individual's protected characteristic. (See NY Exec. § 296(1)(h)). There is sufficient evidence that Respondent Karla Weaver's conduct is harassing in nature. However, Complainant has not reported that Weaver, or any other Town employee, has harassed Complainant on the basis of any protected characteristic as defined by New York State Law. **Based on the foregoing, the investigator does not find that Respondent Karla Weaver's conduct, although plainly harassing in nature, qualifies as illegal workplace harassment, as strictly defined by New York State law.**

3. In determining whether a hostile work environment was created, the Supreme Court Appellate Division, Third Department requires "proof of a workplace permeated with discriminatory intimidation, ridicule, and insult that is sufficiently severe or pervasive to alter the conditions of the plaintiff's employment and create an abusive working environment." (Mikesh v. Cty. Of Ulster, 2025 NY Slip Op 01987; citing Long v. Aerotek, Inc., 202 AD3d 1216, 1218 [3d Dept 2022]). Here, Respondent Karla Weaver's behavior can be identified as ridicule and insult because there is sufficient evidence showing that Respondent is purposely mean, rude, and unpleasant towards individuals that Respondent does not like. This repugnant conduct on Respondent's part has been of a long-standing and chronic pattern, sadly, and unlawfully targeted at the specific person in the Complainant's position. Further, Respondent Karla Weaver's behavior can be defined as sufficiently severe to alter the conditions of an individual's employment because there is sufficient evidence showing that individuals (both Complainant and Witness) were required to adjust how they conducted their daily employment activities to work around Respondent's behavior. Unfortunately for the Town, Respondent's unlawful hostile actions caused a highly qualified person to leave the Town's employ in order to avoid the unbearable behavior of Respondent. To this end, the investigator observed that Complainant experienced visible signs of stress during Complainant's interview and the Witnesses' demeanor changed during the interview when discussing the Respondent. Additionally, the evidence shows that Respondent Karla Weaver created a hostile work environment prior to Complainant's employment at the Town, and that the actions currently complained of fit within Respondent Karla Weaver's pattern of previous conduct. **Based on the foregoing, the investigator finds that Respondent Karla Weaver engaged in bullying, created a hostile work environment, and has a historical pattern of engaging in such conduct.**

4. The Town of Westerlo prohibits acts of sabotage, including the work of another employee. (See Town of Westerlo Employee Handbook Section 404: Corrective Discipline-Per Se Violations). Here, there is sufficient evidence that Respondent Karla Weaver has a pattern of purposely delaying her responses to Complainant so as to prohibit and hinder Complainant from completing assigned tasks. The evidence also shows that Respondent Karla Weaver likely engaged in the writing of a grant, without authorization. The evidence further suggests that Respondent Karla Weaver used third parties to further sabotage Complainant's work. Based upon the review of the FOIL requests submitted by a third party,

the evidence strongly suggests that Respondent Karla Weaver enlisted the third party as her surrogate and proxy to weaponize FOIL requests, thereby creating significantly more work for Complainant. Again, this conduct appears to be a further continuation of a pattern of the same conduct engaged in by Respondent over time. Notably, the alteration of records by Respondent, as reported by the Witness, would also constitute the sabotage of work of another. **Based on the foregoing, the investigator finds that Respondent Karla Weaver sabotaged Complainant's work.**

EMPLOYEE HANDBOOK POLICY VIOLATIONS

5. Handbook Policy 404

There is sufficient evidence to support the finding that Respondent Karla Weaver violated Handbook Policy 404. The Town of Westerlo prohibits the willful work slowdown, work stoppage, or interfering with or restricting the performance of another employee or in any other way interfering with Town operations. (See Town of Westerlo Employee Handbook Section 404: Corrective Discipline - Misconduct). The evidence suggests that Respondent Karla Weaver willfully interfered with Complainant's work performance by purposely delaying responses and pushing back against Complainant's requests. The evidence suggests that Respondent Karla Weaver's interference can be categorized as a willful work slowdown due to the amount of time Complainant was caused to wait for Respondent Karla Weaver's responses in order to complete assigned tasks. The evidence further suggests that, based on the totality of the circumstances, Respondent Karla Weaver interfered with Town operations by enlisting a third party as her surrogate and proxy to weaponize FOIL requests, and that she has done so in the past. A municipality can often expend significant time, money, and resources in preparing a proper response to FOIL requests. By enlisting a third party to submit multiple, highly detailed FOIL requests in a short period of time, Respondent Karla Weaver has promoted and encouraged the misuse of taxpayer property, resources, and Town employee time expended in an effort to prepare proper responses to the FOIL requests. The evidence further suggests that Respondent Karla Weaver interfered with Town operations by enlisting a third party as her surrogate and proxy to read a letter aloud publicly during a Town Board meeting. The letter discussed a personnel matter between Town employees wherein another Town Employee was personally identified, and the employee's actions were insinuated to be misconduct. Based upon a review of the Town of Westerlo Employee Handbook, Respondent Karla Weaver should have addressed her concerns pursuant to the employee complaint procedures listed therein. Respondent did not file a formal complaint, as required when concerns about another Town employee's behavior arose. Instead, Respondent chose to attack a co-worker in public, serving no proper or productive purpose and in a manner only to serve Respondent's own selfish ends to grasp more power and control of internal affairs at Town Hall. The reading of the letter aloud in a public setting inappropriately placed internal Town operations into the public eye, thereby deliberately circumventing established Town complaint procedures. No proper business or professional basis existed for such conduct. The only basis was an attempt to smear a co-worker serving no purpose other than selfish ends. **Based on the foregoing, the investigator finds that Respondent Karla Weaver violated Handbook Policy 404 and has engaged in a pattern of such conduct.**

6. Handbook Policy 406

There is sufficient evidence to support the finding that Respondent Karla Weaver violated Handbook Policy 406. The Town of Westerlo prohibits the release of records contained in an employee's personnel file to a third party without the written consent of the employee, unless federal, state or local law requires otherwise. (See Town of Westerlo Employee Handbook Section 406: Personnel File). Based on the totality of the circumstances, the evidence suggests that Respondent Karla Weaver improperly disclosed information contained in Complainant's personnel file to a third party for the improper purposes of enlisting the third party as her surrogate and proxy to weaponize FOIL requests. Complainant did not authorize any such disclosure at any time. **Based on the foregoing, the investigator finds that Respondent Karla Weaver violated Handbook Policy 406.**

7. Handbook Policy 407

There is sufficient evidence to support the finding that Respondent Karla Weaver violated Handbook Policy 407. The Town of Westerlo prohibits the disclosure of confidential information acquired by an individual in the course of their official duties or the use of such information to further their personal interest. (See Town of Westerlo Employee Handbook Section 407: Code of Ethics -Subsection 3(b)). Upon review of the FOIL requests submitted by a third party, in addition to the statements of Complainant and Witness, the evidence suggests that Respondent disclosed confidential information learned in the course of her official duties to a third party to further her selfish desires, objectives and personal vendetta against Complainant. The timing and nature of the FOIL requests were too specific for an ordinary member of the public to have enough knowledge of the facts and circumstances to prepare a request for additional documentation. In this instance, Respondent's refusal to cooperate is significant in highlighting her likely heavy involvement. Notably, only circumstantial evidence was provided to support this finding. However, a reasonable person could well conclude that Respondent violated Handbook Policy 407 when reviewing the totality of the circumstances and taking into consideration the Witness statements that Respondent has engaged in this very behavior in the past. Based on the foregoing, the investigator finds that Respondent Karla Weaver violated Handbook Policy 407 and has engaged in a pattern of such conduct over time.

8. Conclusion

Pursuant to the Town of Westerlo Employee Handbook **"a violation of an Employee Handbook provision may form the basis for administrative action by the Town and any subsequent judicial proceeding."** (See Town of Westerlo Employee Handbook Section 103).

INCIDENTAL FINDINGS

9. Freedom of Information Law (FOIL)

There is sufficient evidence to establish that FOIL requests are being weaponized in the Town of Westerlo. There is both a pattern and nexus of this activity originating with

Respondent. The frequency and nature of the FOIL requests reviewed are generally inconsistent with those ordinarily submitted in other municipalities for the common, legitimate, and proper purposes of obtaining appropriate public information. As such, here, taxpayer resources and Town employee time are being inappropriately expended to prepare responses to the FOIL requests. Based on the foregoing, the investigator encourages the Town of Westerlo to review their FOIL procedures so as to prevent future weaponization.

10. Segregation of Duties/Controls

Based on the totality of the circumstances and a review of all available evidence, the credible evidence also suggests that Respondent Karla Weaver may have altered, forged and tampered with documents created in the course of her work, including in her official duties as Town Clerk. This misconduct emanates from what appears to be Respondent's unchecked and persistent campaign for more power and more control over people in the Town's employ, as well as duties assigned and properly segregated to others. Based on the foregoing, the investigator encourages the Town of Westerlo to review their employee job descriptions, segregation of duties/checks and balances procedures, as well as guidance from the office of the New York State Comptroller, so as to prevent future misconduct.

TO BE READ PRIOR TO PUBLIC COMMENT

Given that there are still several questions to be posed to the Special Counsel concerning his Report, and potentially further investigation on issues that arose during the investigative process, the Town Board is limited in the questions we can address at this time regarding the investigation and the Report. The priority for the Town Board is to protect the investigative process and the interests of the Complainant, the Subject of the investigation, witnesses, and the Town of Westerlo. A redacted copy of the Special Counsel's Investigation Report is available to the public through the Freedom of Information process investigation so you are welcome to request a copy through the FOIL process.