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TOWN OF WESTERLO REGULAR TOWN BOARD MEETING OF TUESDAY, August 19, 2025

The Town of Westerlo Town Board held a regular meeting on Tuesday, August 19, 2025, 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 Joshua Beers
Councilwoman Lorraine Pecylak
Councilwoman Amie Burnside
Councilman Peter Mahan

Also attending were: Highway Superintendent David Pecylak and Employees Sal Spinnato & Dan Rohrmiller, Previous Highway Superintendent Jody Ostrander, Previous Highway Employee Chuckie Berinnger, Hometown Heroes Committee Member/Confidential Administrator Lisa DeGroff, Planning Board Chairperson Bill Hall, Water Board Chairperson Bill Bichteman, Town Justice Josh Ostrander, Library Trustee Members Mary Ann Witt, Fire Co. Members Kim and Kevin Slingerland and Kelly Keefe, Deputy Town Clerk's Jaimee Motschmann & Michelle Rose, Town Clerk Karla Weaver, Town Attorney George McHugh, four Albany County Sheriffs, News Channel 6 reporter and camera person, 5 guest and approximately 13 residents.

Supervisor Kryzak made a motion to open the meeting. Councilman Mahan seconded; all in favor motion carried.

Supervisor Kryzak welcomed Betty Napoli to address the Town Board regarding the accident at County Routes 401 and 404 where her daughter was killed in a car accident involving the family and a tractor trailer. Ms. Napoli thanked the Town Board for their effort to request a speed limit study from the Albany County Department of Transportation but urged the Town to request a blinking light be put in at the intersection. Supervisor Kryzak empathized with Ms. Napoli and indicated that the Town Board would put in the request for a speed study and possible light at the intersection.

TOWN BOARD MINUTES

Supervisor Kryzak made a motion to approve the meeting minutes of July 15, 2025. Councilwoman Burnside seconded, all in favor motion carried.

DRAFT

TOWN CLERK & TAX COLLECTOR REPORT (JULY 2025)

Town Clerk Karla Weaver reviewed the Town Clerk report for July 2025. Supervisor Kryzak made a motion to approve the Town Clerk report for July 2025. Councilwoman Pecylak seconded; all in favor motion carried.

SUPERVISOR REPORT (JULY 2025)

Supervisor Kryzak reported the general fund is 55.7% expended and 129% collected. He indicated the Town needs to move some money from the general fund to other sub account funds. Sales tax still needs to be collected. Highway is 60% expended and 59.5% collected but there is part of the fund balance that needs to be moved over to highway. All the other funds are tracking appropriately. Supervisor Kryzak made a motion to approve the Supervisor's report for June 2025. Councilwoman Pecylak seconded; all in favor motion carried.

INVESTMENT REPORT (JULY 2025)

Supervisor Kryzak reported that at the beginning of July 2025 the balance was \$3,841,039.45. The Town received \$824,549.85 in receipts and disbursed \$767,055.63 which left the Town with a reconciled balance at the end of July of \$4,041,730.85. As far as the collateralization statement from M&T Bank is concerned, the value is \$3,961,349.36, which Mr. Kryzak indicated he will notify the bank that there is a bust between the collateralization amount versus the bank statement by roughly \$100,000.00 for the month of July; however, FDIC will cover whatever isn't collateralized. The total interest earned from BOGC for July was \$4,695.60. Total year-to-date interest earned with BOGC is \$33,978.90. Mr. Kryzak indicated he is keeping a place holder with NYCLASS. The interest earned for the month of July for NYCLASS was \$1.54. The total year-to-date interest for NYCLASS is \$10.53 bringing the total to \$472.66. Sales tax collected for 1st quarter was \$381,969.39 and in the 2nd quarter rendered \$384,688.38 for a total of \$766,657.77. In the budget it was estimated that \$1.4 million would be collected so it is on track. Supervisor Kryzak made a motion to approve the Investment Report for July 2025. Councilwoman Burnside seconded; all in favor motion carried.

BUDGET AMENDMENTS

Supervisor Kryzak made a motion to adopt the following resolution:

- WHEREAS:** the Town of Westerlo has had unforeseen expense in the following account; and
- WHEREAS:** the Chief Fiscal Officer has determined that in order to maintain proper balances within various accounts, a budget amendment is necessary; 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.

DRAFT

Capital Improvement Reserve Fund & General Fund

<u>Amount</u>	<u>From Account</u>	<u>To Account</u>
\$432.00	A200.1 – Fund Balance	A5010.45 – Highway & Street Admin (training)
\$642.05	A200.1 – Fund Balance	A3510.45 – Care of Dogs (stray dog – vet bills)
\$92.55	A200.1 – Fund Balance	A3510.44 – Control of Dogs – Supplies (prescription)
\$75,950.00	230.8 – Cap. Imp. Reserve Fund	A7110.42 – Park – parts/repairs/supplies (tennis/pickleball courts)
\$12,361.79	230.8 – Cap. Imp. Reserve Fund	1620.2 – Capital Outlay – other (new server and set up)

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 89 – 2025 was thereby duly adopted.

APPROVAL OF TRAINING FOR TOWN HISTORIAN

The Town Historian is requesting training in Casanovia, NY to attend the Association of Public Historians of NYS annual meeting. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town Historian is looking to attend training in Casanovia, NY, be it hereby

RESOLVED: The Town Board approves Gayle Hannay attend training at the Association of Public Historians of NYS annual meeting.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 90 – 2025 was thereby duly adopted.

REVIEW OF PARK REFUNDS

There was some damage to the parking lot of the Westerlo Veterans Memorial Park. During the event, people did burnouts not only on the parking lot but on the lawn. Based on this, the

DRAFT

Supervisor does not believe the \$200 deposit should be refunded to the applicant. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: There was damage to the parking lot during an event at the Westerlo Veterans Memorial Park, be it hereby

RESOLVED: The Town Board does not approve refunding the applicant the park deposit.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 91 – 2025 was thereby duly adopted.

PAYMENT OF THE MONTHLY BILLS (JULY 2025)

Supervisor Kryzak made a motion to adopt the following resolution:

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

RESOLVED: the following July 2025 bills be paid Voucher # 420 through Voucher # 503 in the amount of \$593,044.41.

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

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

NAYS: None

RESOLUTION # 92 – 2025 was thereby duly adopted.

COMMITTEE REPORTS

Supervisor Kryzak advised that the Town received a written report from the Justice Court for July. He also received a written report from the CEO and two written reports from the Assessor for June and July.

PLANNING/ZONING BOARD OF APPEALS

Chairman Bill Hall reported the Planning/Zoning Board wrapped up a few applications last month with a few variances being approved and one denied. They also approved a special use permit for an RV. Upcoming are a few more variances and another special use permit. He would like the Planning/Zoning Board members to attend the Capital Region training again this year on October 17th at Hudson Valley. Early bird price is \$60 per person. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Planning/Zoning Board of Appeals would like to take the Capital Region training at Hudson Valley this year on October 17th, be it hereby

RESOLVED: The Town Board approves training at an early bird cost of \$60 per member.

DRAFT

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 93 – 2025 was thereby duly adopted.

MUSEUM

Museum President Bill Hall reported archiving is still being done. No fundraising this month.

LOCAL LAW REVIEW COMMITTEE (LLRC)

Mr. Hall reported the LLRC is wrapping up the review of the BESS law. Summary coming to the Town Board soon.

HOMETOWN HEROES

Lisa DeGroff indicated that at the last Hometown Heroes meeting they reviewed outstanding items for the closing ceremony in November. The posting and retiring of colors in the past have been done by youth groups or the Sheriff's department but they are looking for someone to do that. Looking for more youth to participate in the program. Discussed raffles for closing ceremony. Discussed vendors that will be invited to attend the closing ceremony. Confirmed they will still be doing Veteran's night out. Lastly, discussed a fundraiser to help support payment of banners and the preservation and maintenance of veteran's garden.

LIBRARY

Library Trustee Mary Ann Witt reported the following for the library:

- The library is more than just books and is a library of things as well. Many items can be checked out including new pickleball equipment.
- The next Ancestry program is Oct. 21st at 6 pm. Please register at the library.
- The after-school programs are starting up again.
- Story time every Wednesday at 10:30 am.
- As high schoolers go back to school, national honors society and some other classes have requirements for volunteer hours. Volunteering at the library would satisfy that requirement.
- Gaye McCafferty was appointed as the new Library President last week.

HIGHWAY

Highway Superintendent David Pecylak reported the following:

- Just got done with Auctions International – got rid of backhoe for \$8,800, 2 containers went for \$7,850 and \$5,000 for the over the rail mower.

DRAFT

- Got the swing sets installed at the So. Westerlo Park. Just need to get bolts for under them and then it will be good to use.
- They started some patch work on Lake Rd.
- He wants to trade in the Ferris for a new mower. They will give a trade in of \$4,000 and the cost will be \$11,769.17.

Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Highway Superintendent would like to trade in an old Ferris mower for a new one; be it hereby

RESOLVED: The Town Board approves a trade in value of \$4,000 toward the new mower which will cost a total of \$11,769.17.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 94 – 2025 was thereby duly adopted.

BUILDING DEPARTMENT

CEO Pine submitted the following report:

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

Applications processed or pending before the boards

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

Building permits issued – 4

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

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

Construction inspections- 23

Site visits – 14 / Fire calls – 1 / Fire safety inspections and follow ups - 2

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

ASSESSOR

The Assessor submitted the following reports. (See attached.)

MOTION TO APPROVE COMMITTEE & DEPT. REPORTS

Supervisor Kryzak made a motion to accept all committee and department reports.

Councilwoman Pecylak seconded; all in favor motion carried.

OLD BUSINESS

TENNIS AND PICKLEBALL COURT

DRAFT

Supervisor Kryzak mentioned that the two pickleball courts are now open for business. The Town held a ribbon cutting, the county came out and some Town Board members attended as well. There is apparently a pickleball club forming in Westerlo.

BROADBAND UPDATE

Supervisor Kryzak gave an update on Broadband. Mid-Hudson is still working on license agreements. They have upgraded the fiber network which they needed to do to service Westerlo's network. Fiber has already been run to those homes that already have Mid-Hudson for internet. Once the licensing is done, which is expected by the fall, it should be a pretty quick installation.

The Albany County grant came out in the interim which included all the homes that were not covered in the Tonko grant. Westerlo will have 100% coverage. Once the county is received, they can start applying for the pole licenses for those homes that weren't covered under the Tonko grant.

POOL ACCESS

The Supervisor indicated the Town has an agreement with the Village of Ravena for Westerlo residents to use their Mosher Park pool with proof of residence, such as drivers' license. If the driver's license isn't Westerlo, bring a utility bill or something else that says you live in town. There is a \$5 fee per person for a day pass. It doesn't make sense to purchase a season pass currently.

DEFENSIVE DRIVING CLASS

The Town has investigated a defensive driving class to be hosted here at Town Hall. NYMIR recommended a company. It is scheduled for Saturday, October 25th from 9 am – 3 pm. The cost of the class for seniors is \$35, otherwise the cost is \$40. You will save 10% on vehicle liability, collision and personal injury for up to three years and may reduce up to 4 points on your driving record. It is sponsored by American Safety Inc. If you want to register, contact Lisa DeGroff.

ALBANY COUNTY DPW RESOLUTIONS FOR SPEED STUDY CR 401/404

The speed study will be done on CR 401 and CR 404. The Town has a letter from the County Commissioner Lisa Ramundo indicating once they have the resolution from the Town of Westerlo they will do the study. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town of Westerlo Town Board has received complaints regarding the

DRAFT

speed limits on CR 401 and CR 404, and in close proximity of the intersection of CR 401 and CR 404, and

WHEREAS: Albany County Department of Public works requires the Westerlo Town Board to pass a resolution to request a New York State Department of Transportation speed study pursuant to Section 1622(1) of the Vehicle and Traffic Law, to establish a lower maximum speed at which vehicles may Proceed on County Route 401 and in close proximity to County Route 404, be it hereby

RESOLVED: The Town Board authorizes the Town Clerk to complete the TE-9c – Request for Linear Speed Limit study and to submit the TE-9c to the Albany County Department of Public Works for signature and submission.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 95 – 2025 was thereby duly adopted.

RESOLUTION TO AMEND THE MUSEUM “SHED” FROM LAST MEETING TO “GARAGE”

The Supervisor mentioned he needs to fix some old business. At the last meeting, the Town Board passed a resolution to go ahead and allow the museum to be exempt from an application to put a shed on the museum property. He indicated it is not a shed and is a garage, so the language needs to be fixed. Supervisor Kryzak indicated he will go ahead and read this and then they can go ahead and approve the garage. Supervisor Kryzak then read:

I, Council member Matthew Krzyak offer the following resolution and move its adoption:

WHEREAS: The previous resolution stated the Westerlo Heritage Museum desired to place a shed on their property and,

WHEREAS: The Town Board wishes to amend the previous resolution to accurately state the type of structure being placed and,

WHEREAS: The Westerlo Heritage Museum desires to place garage on their property and,

WHEREAS: A garage requires a permit and a variance; now therefore be it

DRAFT

RESOLVED: that the Town Board of the Town of Westerlo does hereby exempt the Westerlo Heritage Museum from having to pay a fee for the variance required for the placement of the garage as noted in the current Town of Westerlo Zoning Law.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

Since no motion was made, the resolution is incomplete.

NEW BUSINESS

DCO TRAINING FOR JUSTIN CASE AND CLAY ZEHR

There will be a training course held at Western Turnpike Gulf Course on November 12th and 13th for DCO's. Registration is \$125/ea and needs to be received by Oct. 12th. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The DCO Justin Case and Deputy DCO Clay Zehr would like to attend training on November 12th and 13th at the Western Turnpike Gulf Course on dog control; be it hereby

RESOLVED: The Town Board authorizes training for Justin Case and Clay Zehr at a cost of \$125/ea.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 96 – 2025 was thereby duly adopted.

BOGC GRANTS

The BOGC received four requests from Westerlo, and the bank's grant committee decided to award Westerlo \$1,500. They chose three of the four grant requests. The successful requestee's were the Hometown Heroes, inclusive and accessible playground at the town hall, and updating the historical markers.

NYS TRANSFER STATION GRANT

The Town did receive the transfer station grant. It was \$47,741.20 which was a reimbursable expense that the Town has used to purchase equipment such as a portion of the truck, a portion of the single stream containers and the equipment to transport. For the containers the Town

DRAFT

received \$6,612.50, for the truck the Town received \$31,682.60 and the Town received \$9,446.61 for the hoist.

ALBANY COUNTY PARKS AND REC GRANT

The grant was received for the inclusive and accessible playground from the county. It was \$15,000.00.

Year-to-date total grants received are \$110,741.72. The Supervisor thanked Mrs. DeGroff. The Town will continue to write for grants.

WATER BOARD – REQUEST FOR PROPOSAL (RFP) FOR ENGINEERING FIRMS

Water Board Chairman Bill Bichteman indicated the water system in the town has several problems in the water treatment facility and there is no backup well. Although it was originally part of the original design, it has never functioned or operated. He is proposing an RFP from engineering firms to provide a preliminary engineering report, which will be a review of the system, outline what the deficiencies are, make recommendations, and provide a budget. This is the first step in securing grants for completing the work as well as the cost of the engineering involved. The next step after the report, they will apply for a grant and then eventually ask for an RFP to provide the design and engineering to facilitate whatever the improvements are. Looking for the review to be done this year. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Water Board Chairman Bill Bichteman recommended putting out a Request for Proposal (RFP) for engineering evaluation of the current system and to find a path forward, be it hereby

RESOLVED: the Town Board approves advertising for an RFP for an engineer for the Water District.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 97 – 2025 was thereby duly adopted.

ANNUAL FINANCIAL REPORT (AFR)

The AFR was late coming back due to a shortage of CPAs. The AFR is the financial report from 2024. The Supervisor indicated the high notes are as follows:

- In the general fund, the fund balance does sit as of the end of the year at \$1,971,110.00.

DRAFT

- You can see online that there is about \$600,000.00 of unrestricted fund balance, but the remainder is restricted and has been earmarked for certain expenses.
- Did receive \$1,647,179.00 in revenue in the general fund. Expenses were \$1,862,900.00.
- The adopted budget for 2024 general fund was \$1,803,721.00. It went over by about \$60,000.00 which is basically budget vs. actual but luckily, the Town does have a fund balance to cover that.
- The Highway Dept. does have a fund balance of \$413,087.00 which weren't used and will roll into their fund balance.
- Highway revenue, they did receive \$1,492,193.00.
- Highway expenses, \$1,170,730.00 roughly \$300,000.00 less than anticipated.
- Highway budget for 2024 was \$1,417,850.00.

TOWN PARK – RESERVATION AMENDMENT

An amendment needs to be made to the reservation rules for the town parks. Looking to incorporate a few changes.

- The name of each park has been updated.
- Now it includes examples of damage.
- Applicant must be present for the entire event and is responsible for any damages.

Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: An amendment must be made to the rules for reserving the Town Park, be it hereby

RESOLVED: The Town Board approves the updated changes to the park rules.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 98 – 2025 was thereby duly adopted.

REQUIREMENT FOR TOWNS TO MAINTAIN A .GOV WEBSITE

Right now, the Town has a .com website but the law has been updated that the Town needs to change to a .gov. The Supervisor isn't sure what that cost is going to be yet but will bring that forward to the Town Board later.

DRAFT

ADDITIONAL PARK CAMERAS

Mr. Kryzak asked the Town Clerk if she wanted to discuss the additional park cameras. The Town Clerk indicated that it wasn't her. Lisa DeGroff indicated that the Town Clerk mentioned to her that the Town Board may want to consider additional cameras at the park for the tennis/pickleball courts as well as some other blind spots. Mr. Kryzak indicated he didn't see details on that, but it is a good point to protect the investments they just made. The Town Board agreed to investigate quotes. The Town Clerk indicated you can't even make out a license plate currently. Lisa DeGroff mentioned looking into blind spots and can upgrade for better cameras.

UPGRADED PHONE SYSTEMS

Town Clerk Weaver indicated that the Town's IT company Preville Technology, reached out to her with quotes for a new company that the Town could use for the phone system. There is equipment that is currently in the copy room. There are two options available. One is for the exact same thing the Town currently has a cost of \$175.00/mo. which is more than what the Town currently pays. The other system is a cloud-based system which would eliminate the system in the copy room, it will work in all weather, power outages, tornadoes, etc. The IT Co. agreed to not charge for any time over 2 hours and would cost \$200/mo. It is a new technology that many businesses are now opting for. Currently if the internet is out, the phones do not work. The Town Clerk is not aware of a contract with the current phone provider Zeus Comm. The Supervisor indicated the Town can continue to research this, but the phones don't appear to be an issue currently. The Town Board decided to table it and revisit after the new budget so it can be planned.

PARKING LOT PAVING BIDS

The Town advertised bids for the parking lot paving for Town Court, Highway, and Town Hall. Three quotes were received. The lowest bidder was Callanan \$195,275.00. Second lowest was Bubonia at \$208,094.00. Luizzi Brothers was \$209,000.00. A resident asked why the parking lot behind the highway would be done with all the equipment. Highway Superintendent Pecylak indicated to divert water away from the two buildings. Supervisor Kryzak would like to approve the bid tonight. Councilwoman Pecylak asked if the handicap ramp behind town hall should be fixed before paving. Supervisor Kryzak indicated it doesn't have to be, but it can be, it could be patched later, or we can pave the town hall parking lot last. Mr. Kryzak discussed options for the ramp and suggested speaking to CEO Pine about ADA requirements. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town of Westerlo advertised BIDs for paving the Court, Highway and Town Hall parking lots, be it hereby

DRAFT

RESOLVED: The Town Board awards the project to Callanan Industries for a total of \$195,275.00.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 99 – 2025 was thereby duly adopted.

Capital improvement fund money has been set aside for this purpose.

WILDPLAY TICKETS

Town Clerk Weaver asked the Town Board to approve the purchase of more WildPlay tickets. The tickets would be good through the end of October. The Supervisor indicated if the Town wants more tickets, then they need to get a jump on it because it only runs through October. Councilwoman Pecylak indicated she believes Town employees should get tickets at the same time residents can get them. The Town Board agreed to purchase 10 of each of the classic and kids course tickets at a cost to be determined. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town Board discussed purchasing 20 more WildPlay tickets for kids in Westerlo, be it hereby

RESOLVED: The Town Board authorized the purchase of 10 more kids' course and 10 more classic course WildPlay tickets at a cost to be determined at a later date and which expires at the end of October and will be available to all residents with kids.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

RESOLUTION # 100 – 2025 was thereby duly adopted.

Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: If there are still leftover WildPlay tickets late in the season, be it hereby

RESOLVED: The Town Board authorizes residents to get a second round of ticket.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

DRAFT

RESOLUTION # 101 – 2025 was thereby duly adopted.

ADDITONAL RESOLUTIONS NOT ON AGENDA

Supervisor Kryzak indicated he had additional resolutions tonight to work through that are unpopular.

RESOLUTION REGARDING F.O.I.L. OFFICER/RECORD ACCESS OFFICER (RAO)

Supervisor Kryzak mentioned he will go ahead and read this resolution, then the Town Board can discuss it, and he will call for a vote:

- WHEREAS:** Town Clerk Karla Weaver was the duly appointed Records Access Officer for the Town;
- WHEREAS:** this appointment was terminated by the Town Board;
- WHEREAS:** at the February 18, 2025, meeting of the Town of Westerlo Town Board, Town Attorney George McHugh, Esq. was appointed as the Town of Westerlo Records Access Officer, to undertake duties in order to assist the Town in complying with the requirements of the Freedom of Information Law (FOIL) and with the exclusive duty of coordinating any and all agency response to all public requests for access to records; and
- WHEREAS:** the Town has had the opportunity to review and consider the facts and circumstances relative to the Town's present and historical experience concerning these subjects, including the Town's desire to comply with the law in all respects with regard to the Town's FOIL duties and responses to said public requests for access to records; now therefore be it
- RESOLVED:** that (1) Town Attorney George McHugh, Esq. shall be satisfactorily relieved of his FOIL duties, including the duty to coordinate any and all agency response to all public requests for access to records, effective immediately; (2) that Confidential Administrator Lisa DeGroff is immediately appointed the Records Access Officer for the Town of Westerlo, who shall assume and undertake all FOIL duties, including the exclusive duty of coordinating any and all agency response to all public requests for access to records; (3) that the Town shall engage counsel on a fair and reasonable hourly basis and enter into a letter of engagement with Tabner, Ryan & Keniry, LLP as counsel for the Town in connection with and for the purposes of reviewing any and all FOIL requests received by, and responses to be produced by, the Town of Westerlo related to said public requests for access to records.

DRAFT

Mr. Kryzak mentioned he will open discussion to the Town Board for comments before he asks for a vote. Town Attorney George McHugh commented that the Supervisor needed to get a second first. Councilwoman Burnside seconded. Town Clerk Weaver advised that no motion was made. Supervisor Kryzak indicated he just made the motion. Town Clerk Weaver indicated he only advised he was reading it, but she needs a motion. Supervisor Kryzak then made a motion to adopt the above resolution. Councilwoman Burnside seconded. Mr. Kryzak asked if there were any comments/questions from the Town Board before he asked for a vote.

Councilman Beers asked why the Town Board was relieving Mr. McHugh of his duties. Mr. Kryzak indicated as of right now there is a situation where the F.O.I.L. process has been weaponized and turned into a harassment case, where people are harassing. Mr. Beers asked if Mr. Kryzak had proof of that or if that was just hearsay. Mr. Kryzak responded; he does and will not discuss that; it can be discussed with legal counsel. Mr. Beers indicated that Mr. McHugh is doing such a good job, they should just keep him there. Mr. Kryzak indicated there is a lot more under that. Mr. McHugh responded, he appreciates that.

Mr. Kryzak asked for a vote:

AYES: Supervisor Kryzak, Councilwoman Burnside, Councilwoman Pecylak

NAYS: Councilman Beers, Councilman Mahan

RESOLUTION # 102 – 2025 was thereby duly adopted.

RESOLUTION TO ENTER INTO AN AGREEMENT WITH TABNER, RYAN, KENIRY FOR REVIEW OF F.O.I.L. REQUESTS

Mr. Kryzak indicated there is a second portion of this which deals with the same problems the Town's been dealing with. The second part of that resolution was engaging Tabner, Ryan and Keniry, the law firm, to help deal with the issues the Town has been having with F.O.I.L. and the weaponization of. He is looking for authorization to enter into agreement to continue with Tabner, Ryan. Mr. McHugh interrupted Mr. Kryzak, indicating that it was already in the last resolution. Mr. Kryzak asked if he needed to capture that again, Mr. McHugh responded he didn't think so, instead suggesting that Mr. Kryzak just get a motion authorizing him to sign it. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: As part of the first resolution, the Town is entering into a continued agreement with Tabner, Ryan, and Keniry, as legal counsel in connection with the F.O.I.L. process, be it hereby

RESOLVED: The Town Board authorizes the Supervisor to sign the agreement with Tabner, Ryan, and Keniry as of August 19th to review any and all F.O.I.L.

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requests received by, and responses to be produced by the Town of Westerlo.

Councilwoman Burnside seconded; a vote resulted as follows:

AYES: Supervisor Kryzak, Councilwoman Burnside, Councilwoman Perylak,

NAYS: Councilman Beers, Councilman Mahan

RESOLUTION # 103 – 2025 was thereby duly adopted.

Mr. Mahan asked why Tabner, Ryan, and Keniry need to be on retainer. Mr. Kryzak indicated that they can be utilized at any time. Councilman Mahan mentioned that the Town is paying them for nothing. Mr. Kryzak indicated it can't be discussed in the open, it can be discussed with legal counsel as there are other things to be discussed with legal counsel which they can do right after this meeting.

Mr. Kryzak indicated there are other resolutions to work through which he will read and be clear.

TERMINATION OF CLERK TO THE ASSESSOR/CLERK TO THE CEO/CLERK TO THE PLANNING/ZONING BOARD

Mr. Kryzak indicated this is a resolution of the Town of Westerlo Town Board:

- WHEREAS:** in February of 2025 the Town engaged counsel to conduct a confidential investigation into complaints made by Town Employees regarding Town Clerk Karla Weaver; and
- WHEREAS:** the confidential investigation resulted in a report received and considered by the Town Board, and
- WHEREAS:** the Town Board having considered the report and facts and circumstances relevant thereto, and further, those in particular pertaining to the conduct of another Town Employee, Claire Marshall, and
- WHEREAS:** the Town Board has been and remains required to assess and consider disciplinary options relative to the conduct of Town Clerk Karla Weaver and Town Employee Claire Marshall based upon the findings of the confidential investigation and the conduct of said individuals, among other things; now therefore be it
- RESOLVED:** that Town Employee Claire Marshall is terminated from her position of employment by the Town, effective immediately, as a result of her conduct and violations of the Town of Westerlo Employee Handbook, among other things.

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Councilwoman Burnside seconded; a vote resulted as follows:

AYES: Supervisor Kryzak, Councilwoman Burnside, Councilwoman Perylak,

NAYS: Councilman Beers, Councilman Mahan

Since no motion was made, the resolution is incomplete.

Councilman Beers asked why the Town Board is terminating an employee publicly in front of everybody, asking why he wouldn't just bring an employee in to talk to them to let them go. Supervisor Kryzak indicated this was recommended by counsel. Councilman Mahan asked why he and Councilman Beers were not involved in this decision. Supervisor Kryzak responded, they were, they met with counsel. Mr. Mahan advised that nothing was discussed about termination. Mr. Kryzak mentioned again that they met with counsel. Mr. Beers indicated the Supervisor is just doing this to embarrass people. Mr. Kryzak responded, well, there are more resolutions to go, and they do have a meeting afterward with counsel to discuss another issue. Mr. Beers and Mr. Mahan indicated the Supervisor has a meeting. Mr. Kryzak indicated that Councilmen Beers and Mahan don't need to participate.

RESOLUTION THAT THE TOWN CLERK UNDERTAKE TRAINING

Supervisor Kryzak read the following resolution:

- WHEREAS:** in February of 2025 the Town engaged counsel to conduct a confidential investigation into complaints made by Town Employees regarding Town Clerk Karla Weaver; and
- WHEREAS:** the confidential investigation resulted in a report received and considered by the Town Board, and
- WHEREAS:** the Town Board having considered the report and facts and circumstances relevant thereto, and further, those in particular pertaining to the conduct of another Town Employee, Claire Marshall, and
- WHEREAS:** the Town Board has been and remains required to assess and consider disciplinary options relative to the conduct of Town Clerk Karla Weaver and Town Employee Claire Marshall based upon the findings of the confidential investigation and the conduct of said individuals, among other things; be it hereby
- RESOLVED:** that (1) that Town Clerk Karla Weaver, as a result of her conduct and certain findings of the confidential investigation, among other things, shall promptly undertake, complete and pay for no less than seven (7) hours of online or in person training and classes in the following relevant subject matters: **proper work place conduct and professionalism, ethics, bullying**

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and harassment, hostile work environment, anger management, sexual harassment, and ethics for government employees, and submit to the Town written certificates of completion for each class on or before the November 18, 2025 meeting of the Town of Westerlo Town Board; (2) that the Town may, in order to assist and facilitate cooperation, supply Town Clerk Karla Weaver with a suggested list of the classes and a website link to access each required class on or before August 26, 2025; (3) that the Town will hold in abeyance further consideration of this matter so long as Town Clerk Karla Weaver promptly advises the Town Board of her compliance and undertakes to timely complete these indicated educational measures.

Councilwoman Burnside seconded; a vote resulted as follows:

AYES: Supervisor Kryzak, Councilwoman Burnside, Councilwoman Perylak,

NAYS: Councilman Beers, Councilman Mahan

Since no motion was made, the resolution is incomplete.

Councilman Beers asked when the Supervisor plans to investigate the claims in his office because there were four of them that are now over a year old. Supervisor Kryzak indicated it could be discussed with legal counsel. Mr. Beers advised that Mr. Kryzak told him back in May that it would be discussed three months ago. Supervisor Kryzak indicated they have been investigated. Mr. Beers wondered where the report was. Resident Bobby Sherman wondered why the Town Board was doing this publicly. Mr. Kryzak commented to please not interrupt his meeting, there are further resolutions to go through.

Councilman Mahan wondered if that was why there were four sheriffs' attending tonight. Supervisor Kryzak responded that Mr. Mahan is interrupting his meeting. Mr. Beers wondered why with all the crime in Albany; there were four deputies here. Mr. Kryzak responded again, be quiet, that Mr. Beers was interrupting the meeting. Mr. Beers indicated it's their personal security.

RESOLUTIONS TO ADVERTISE FOR CLERK TO THE CEO/CLERK TO THE ASSESSOR/CLERK TO THE PLANNING/ZONING BOARD

Supervisor Kryzak indicated there is a resolution to make to advertise and fill the vacancy for the position of the Clerk to the Assessor, CEO and PB/ZBA. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: There is a vacancy for the position of clerk to the Code Enforcement Officer, Assessor and Planning Board/Zoning Board of Appeals and,

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WHEREAS: The Town Supervisor's office prepared an advertisement for the vacant position; be it hereby

RESOLVED: that the Town Board of the Town of Westerlo does hereby authorize the Town Clerk to advertise for the vacant position of Clerk to the Code Enforcement Officer, Assessor, Planning Board/Zoning Board of Appeals for the position that will pay \$21,200.00 annually for a period of two weeks.

Councilwoman Pecylak seconded; a vote resulted as follows:

AYES: Supervisor Kryzak, Councilwoman Burnside, Councilwoman Perylak,

NAYS: Councilman Beers, Councilman Mahan

RESOLUTION # 104 – 2025 was thereby duly adopted.

AD FOR PART TIME CLERK TO THE ASSESSOR/CODE ENFORCEMENT OFFICER/PLANNING BOARD/ZONING BOARD OF APPEALS

Supervisor Kryzak indicated he does have the ad which he advised he will read and then they can go ahead and vote for approval:

The Town of Westerlo is seeking applicants for a part time clerk to the Assessor/Code Enforcement Officer/Planning Board/Zoning Board of Appeals. The position is salaried, \$21,200.00/year, paid weekly. Hours will be Mon – Wed, Thu evenings and one evening a month for PB/ZBA meetings, attendance at other public meetings may be required. The successful applicant will be able to refer to zoning laws, deeds, maps and information supplied by the Assessor and Code Enforcement Officer and the PB/ZBA committee. The applicant will be required to respond to the public and provide information as well as other office related duties such as draft correspondence, file and operate office equipment. Experience working with assessments and/or code enforcement a bonus. Training will be provided. A good working knowledge of Westerlo's geographic area, modern office terminology, procedures, equipment, and Microsoft Office. Knowledge of RPS is a bonus. Interested applicants are encouraged to send a resume with cover letter, no later than September 30, 2025, to Town of Westerlo, Attn: Confidential Administrator, 933 County Route 401, Westerlo, NY 12193 or by email to ConfidentialAdmin@TownOfWesterloNY.com

Supervisor Kryzak asks for a second.

Councilwoman Pecylak seconded, a vote resulted as follows:

AYES: Supervisor Kryzak, Councilwoman Burnside, Councilwoman Perylak,

NAYS: Councilman Beers, Councilman Mahan

Since no motion was made, the resolution is incomplete.

DRAFT

Councilman Mahan asked who decided the punishment. Supervisor Kryzak indicated they sat in a meeting, and they can take that portion to the confidential meeting they are going into now. Mr. Mahan responded the Town Board did not decide on punishment.

PUBLIC COMMENT

No public comment was allowed. Mr. Kryzak indicated there was a meeting they needed to attend.

ADJOURN THE MEETING

With there being no further comments or questions, Supervisor Kryzak made a motion to close the meeting. Councilwoman Pecylak seconded; all in favor motion carried. Meeting adjourned at 7:21 pm.

Respectfully submitted,

Karla Weaver
Town Clerk

ASSESSOR'S MONTHLY DEPARTMENTAL REPORT

To: Westerlo Town Board
From: Melanie Bunzey, Assessor
Date: June 12, 2025
Re: Monthly Report

Board of Assessment Review ("BAR") hearings were held on Wednesday, May 28, 2025 from 4-8 pm. There was only one appearance. The other Complaints were mailed in. There was a total of six Complaints filed: 1 for Costanza Solar Farm; 1 for Leaning Evergreen LLC; 1 for the owner of 202 Elm Lane (the only personal appearance); 3 for Albany County Water Board.) The Board voted to not decrease any of the assessment with the exception of 202 Elm Lane for excessive assessment.

I will be making the single assessment change and update STAR information as instructed by the NYS Tax & Finance Department for those that are not eligible for the Basic STAR exemption and enter all sales up to the point of preparing, printing and filing the 2025 Final Roll due July 1st.

The following 2025 STAR reports have been received from New York State and processed:

Report #1 – Enhanced STAR Eligibility Report
Report #2 – Income Greater than \$250,000 Report
Report #3 – Voluntary Exemption Removal Report – Initial
Report #4 – Tentative Roll Corrections Report

A "New Sales Transmittal Report" was submitted to the State with 4 sales since last submittal (see attached.)

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

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ASSESSOR'S MONTHLY DEPARTMENTAL REPORT

To: Westerlo Town Board
From: Melanie Bunzey, Assessor
Date: August 14, 2025
Re: Monthly Report

My apologies for not submitting a report for June. This report contains information for July.

It is my hope that I will be reappointed for another term. They new appointment cycle/term of office will be from October 1, 2025 to September 30, 2031. I have met all qualifications for reappointment and would very much like to continue as Westerlo's Assessor.

The 2025 Final Assessment Roll was run and filed with the Town Clerk timely on July 1, 2025. I will start to prepare for the upcoming School Tax Roll once I receive all the necessary information to do so.

Hannay's 10-year Business Improvement Exemption expires in 2026 and was removed so that it will not appear on the 2026 roll.

We were served with a Notice of Petition by the attorneys representing Leaning Evergreen LLC who filed a grievance Complaint but was denied any change in assessment by the Board of Assessment Review members. The Notice was requested by the attorney representing the Town on this matter and emailed to her on 8/7/25.

I have requested that the Board of Assessment Review night be switched back to the usual 4th Tuesday in May because I will not be serving for two towns in the future. The next hearings should be Tuesday, May 26, 2026.

The following 2025 STAR reports have been received from New York State and processed:

- Report #1 – Enhanced STAR Eligibility Report
- Report #2 – Income Greater than \$250,000 Report
- Report #3 – Voluntary Exemption Removal Report – Initial
- Report #4 – Tentative Roll Corrections Report
- Report #5 – STAR Delinquency Report
- Report #6 – Voluntary Exemption Removal Report
- Report #7 – Final Roll Corrections
- Report #8 – STAR Credit Eligibility Report
- Report #9 – Senior Income Level Report
- Report #10 – NYS Tax Return Deceased Report
- Report #11 – STAR Credit Issued Report

An updated Roll was requested by the Greenville Central School District so that they can update and complete the tax rates for 2025-2026. It was provided as requested.

A "New Sales Transmittal Report" was submitted to the State with 18 sales since last submittal (see attached.)

Please note that although I appreciated being provided with a laptop for home use, it was a small laptop and the font for RPS is already small and I had a great deal of trouble reading text. Therefore, I turned in the laptop to Lisa DeGroff on 6/12/25.

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

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18 CORPORATE WOODS BOULEVARD, SUITE 8
ALBANY, NEW YORK 12211

TRKLAW.COM

PHONE: (518) 465-9500
FAX: (518) 465-5112

FAX AND EMAIL SERVICE NOT ACCEPTED

WILLIAM F. RYAN, JR.
WILLIAM J. KENIRY*
ERIC N. DRATLER**
ANDREW E. CLARK
FARRAH C. FIACCO
MATTHEW D. MOSDELL
*ALSO ADMITTED IN THE STATE OF MASSACHUSETTS
**ALSO ADMITTED IN THE STATE OF FLORIDA

JOHN W. TABNER
(1951-2021)
HON. WILLIAM H. KENIRY
JUSTICE OF THE SUPREME COURT RETIRED
(1955-2024)

August 18, 2025

Via E-Mail Only: (George.d.mchugh@gmail.com)

George McHugh, Esq., Town Attorney
Town of Westerlo
933 County Route 401
Westerlo, New York 12193

**RE: FOIL Response Counsel
Our File No.: 29243**

Dear Mr. McHugh:

We are providing you, on behalf of the Town, with this written letter of engagement pursuant to the Rules of the Appellate Divisions of the Supreme Court. At the appropriate time, please confirm that our retention has been approved by the Town Board and please return a copy of this letter, signed by the Supervisor.

The anticipated scope of the services to be provided is limited to the provision of legal advice to the Town designated and appointed Records Access Officer and/or Town Attorney, with respect to legal compliance concerning disclosure of any and all documents identified by the Town to be lawfully produced in response to requests for public information received by the Town of Westerlo pursuant to the Freedom of Information Law (Article 6 Public Officers Law, commonly known as FOIL).

The scope of our services is subject to change and does not include litigation, tax advice, appeals or any unusual or extraordinary services as not all legal work necessary to accomplish a result is necessarily foreseeable. Sometimes work becomes necessary that could not have been anticipated. In any event, we will keep you apprised and will act in a manner to advance your best interests. The rules of our profession prohibit any guaranty of a particular outcome or result.

You are retaining our firm, consisting of a number of attorneys, law clerks, paralegals and support staff, all of whom will be providing or assisting in your legal representation. William J. Keniry, Esq., will be in charge of the administration of your case, but other attorneys and persons may also participate in your representation. My hourly rate is currently \$400.00.

Generally, we assign case responsibilities and tasks based on the degree of experience and expertise required for a particular component of your representation. We will continue to assign

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TABNER, RYAN & KENIRY, LLP

August 18, 2025

Page 2

and direct work and research needed on this matter to the most effective and economical level in the legal team.

We will keep you informed of the status of the matter, explain the pertinent law, the available courses of action, and the attendant risks. We will notify you of significant developments and will be available for meetings and telephone conversations with you at mutually convenient times.

In order for us to begin representation, we will require a retainer payment of WAIVED and 00/100 Dollars (\$ WAIVED .00). The amount of the eventual fee will be based upon our regular schedule of hourly time charges, and any out-of-pocket disbursements (such as Court costs, messenger services, transcripts of proceedings/depositions/Court transcripts, process server fees, legal research charges, and significant photocopying and postage) incurred on your behalf. A fee of 2.99% will be applied to the amount of payment of any Court fees, i.e. filing, when using a credit card. Copies of all papers will be supplied to you as they are prepared, for which you may be billed a reasonable photocopy charge.

The billing practice in your case will be to bill you monthly for work performed on an hourly basis. Billing is itemized to reflect the nature of the services, the persons performing the services, the total time spent on the matter and the total fees and disbursements. The hourly rate for the partners ranges from \$385.00 to \$400.00 per hour, the hourly rate for associates ranges from \$300.00 to \$350.00 per hour, and the hourly rate for legal assistants and paralegals ranges from \$130.00 to \$290.00 per hour. These rates are subject to change.

Bills are expected to be paid within thirty (30) days of the date of the invoice. Upon receipt of our bill, you should review the bill and bring to our attention any questions you may have. You will not be charged for time expended in discussing any aspect of a bill. We will extend our best efforts on your behalf, but we do not guarantee a favorable outcome. Payment of legal fees in such matters is NOT contingent upon obtaining a favorable outcome or determination. We apply monthly interest charges at nine (9%) percent per year on past-due balances.

In the event that you dispute any fees, you may exercise the right to arbitrate fee disputes under Part 137 of the Rules of the Chief Administrator of the Courts, a copy of which will be provided to you upon written request.

We reserve the right to withdraw from the representation whenever withdrawal is required or permitted by ethical standards of practice. In the event a substitution of attorneys becomes necessary, you are expected to provide the necessary consent for substitution of attorneys of your choice and cooperate fully in effecting such substitution.

You may discharge us at any time and, in such event, you will be charged only for time and disbursements actually incurred up to the point of discharge.

We do not retain files for an indefinite time. On a limited basis, we retain certain limited materials and file content electronically, for a brief, limited period from when the work on the

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TABNER, RYAN & KENIRY, LLP

August 18, 2025

Page 3

matter is completed. At any time thereafter, files may be destroyed without further notice. If, after the matter is completed, you wish to receive a copy of those portions of the file that are considered the client's, please let us know, immediately, in writing, and we will provide you with a copy at your expense.

This letter of engagement is provided to you to comply with the rules of one of the many courts in which we practice, as well as to establish a positive and constructive commencement of our professional relationship. We look forward to working with you.

In accord with our professional standards, we must promptly receive a signed copy of this letter in order to properly form an attorney-client relationship with you. To acknowledge that, you have to read, understand, and agree to the terms of this agreement, please sign where indicated below and then return to me.

With best wishes.

Very truly yours,

TABNER, RYAN & KENIRY, LLP

William J. Keniry
Direct Dial: (518) 512-5304
wjk@trklaw.com

WJK/

READ, UNDERSTOOD, AND ACCEPTED:

Matthew Kryzak, Supervisor
Date: _____, 2025