

**TOWN OF WESTERLO  
REGULAR TOWN BOARD MEETING  
OF  
TUESDAY, SEPTEMBER 16, 2025**

The Town of Westerlo Town Board held a regular meeting on Tuesday, September 16, 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: Albany County Sheriff Bray, Town Attorney George McHugh, Previous Highway Superintendent Jody Ostrander, Highway Superintendent David Pecylak and Highway Employees Salvatore Spinnato, Peter Voisey, Dan Rohrmiller, Fire Co. Members Kelley Keefe and Alan Clickman, Library Trustee Mary Ann Witt, Town Justices Kenneth Mackey and Josh Ostrander, and previous Justice Robert Carl, Confidential Administrator Lisa DeGross, Planning/Zoning Board Chair William Hall, Previous Zoning Board Member Richard VanInderstine, Democratic Chairperson Edwin Stevens, Deputy Town Clerk's Michelle Rose, Kathleen Spinnato and Jaimee Motschmann, Town Clerk Karla Weaver and approximately 18 interested persons.

Supervisor Kryzak asked everyone to stand for the Pledge of Allegiance and to stay standing for a moment of silence for Richard "Dick" H. Rapp.

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

Town Clerk Weaver read a brief speech about Dick Rapp, longtime supervisor of the Town of Westerlo.

Supervisor Kryzak mentioned that under Mr. Rapp's tenure, he created the highway department, founded the museum and library, he brought zoning to the Town in 1989, the Town Hall. Pretty much everything the Town has in modern history is because of Mr. Rapp. It's an amazing career and was a public servant of 41 years. He indicated what he did for this town is unachievable by any other person that will ever sit in the supervisor chair of Westerlo.

**COMMENTS FROM COUNCILMAN BEERS**

He indicated that for some reason over the last couple meetings they have not been giving everyone the opportunity to have public comment. Councilman Beers made a motion to adopt the following resolution:

**WHEREAS:** The Town has not been allowing the opportunity of public comment recently, be it hereby

**RESOLVED:** The Town Board authorizes everyone the opportunity to speak at meetings.

Councilman Mahan seconded; a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 105 - 2025 was thereby duly adopted.**

Mr. Beers asked for a roll call vote. Mr. Kryzak indicated they will do public comment tonight.

Councilman Beers mentioned that when he first started on the Town Board, the Board Members used to get packets and the agenda on a Thursday. The last couple of meetings and tonight, he walked in and at 5 pm there was no agenda or meeting packet. Thursday gives him ample time to research things so he can make a smart and hopefully good decision for the taxpayers. He wondered why suddenly, they were getting an agenda and meeting packet an hour before the meeting. Supervisor Kryzak responded that the agenda went out on Monday, and the meeting packets were available for pickup. A lot of the items were new to them. Mr. Beers asked why the Town Board can't go back to getting the packets on a Thursday. Supervisor Kryzak indicated he will try to do the best he can to try to get the stuff out as early as he can. Councilman Beers would like to vote on getting agendas and meeting packets on Thursdays and made a motion to adopt the following resolution:

**WHEREAS:** Councilman Beers indicated agendas and meeting packets used to be available on Thursday nights, be it hereby

**RESOLVED:** Councilman Beers would like the agenda and meeting packets to be available on Thursday nights moving forward giving the Board Members ample time to review.

Supervisor Kryzak indicated that not everything is always available.

Councilman Mahan seconded; a vote resulted as follow:

AYES: Councilman Beers, Councilman Mahan

NAYS: Supervisor Kryzak, Councilwoman Pecylak, Councilwoman Burnside

Motion does not carry.

Mr. Kryzak indicated he will do the best he can.

Mr. Beers noticed for about a year and a half now that he has got an agenda and under new business there are 8 things. Sometimes the Supervisor adds more items that are not on Mr. Beers' agenda, but they are on the Supervisors. He wondered if the Supervisor thinks that is a good idea. He expressed that he should have these on a Thursday night. It happened for the first year he was supervisor until he started getting pressed by himself and Mr. Mahan. Mr. Beers is sure Mr. Kryzak knows what is going on weeks in advance as well as his Deputy Mrs. Burnside and he imagines Councilwoman Pecylak does too. He wondered why that is fair, and he doesn't care if it's not fair to him but it is not fair to these people here that he comes in not prepared. He explained that he's not prepared because he hasn't done his homework, but because the Supervisor hasn't supplied him with it. Supervisor Kryzak asked if he had reached out to him at all, his door is always open. Mr. Beers has been telling him for the last year. Mr. Kryzak indicated he doesn't know what to tell him, he will do the best he can to get the information to him. Mr. Beers questioned why the Supervisor doesn't know what to tell him. He indicated the Supervisor does a horrible job and doesn't know what to tell him. He suggested the Supervisor does a better job so they can serve the people right. Mr. Kryzak indicated some due diligence, and motivation is also on Mr. Beers. Councilman Beers asked Supervisor Kryzak if he wanted him to chase him down, wondering if it was really that hard to email him this information. Mr. Kryzak indicated that he got the agenda on Monday. Mr. Beers questioned needing to knock on Mr. Kryzak's door to say hey Matt, can I please get the info so I can do my job properly. Supervisor Kryzak indicated he could call him. Mr. Beers wondered why he must call him. Mr. Kryzak indicated he could come in to discuss the issues in person. Councilman Beers mentioned it was being done on a Thursday for a year now and suddenly, they're playing games. He walked in tonight and had to go to the Supervisor's office to get the information. It used to be sitting here during the day, and then it became afternoons. It's the Supervisor's job to make sure everyone is ready so they can do a good job. He asked if the Supervisor wants him to knock on his door on Thursday to ask for him to supply any information he should have. Mr. Kryzak indicated that Mr. Beers could text him to meet to go over the information and let him know what's forthcoming. Councilman Beers responded, we don't have to do that. Mr. Kryzak needs to simply email it to him like it used to be done. Mr. Beers questioned in three years, when did he ever have to come see him to get information he should have. Mr. Kryzak indicated Councilman Beers used to come see him, Mr. Beers responded questioning that. Mr. Beers wanted Mr. Kryzak to indicate that he was doing a horrible job and should be embarrassed. Mr. Kryzak indicated he was happy, that is one mans opinion. Councilman Beers indicated it is a joke and not that hard to do his job. It's not a hard job but indicated the Supervisor was doing horrible at it. Supervisor Kryzak mentions he appreciates his very in-depth analysis.

#### **TOWN BOARD MINUTES**

Supervisor Kryzak has a few things of record to note. Pg 19 of 24, there was a resolution # 104-2025 and that resolution was adopted. Below was the advertisement for the Assessor, Code Enforcement, PB/ZBA. It says that resolution was not made so the resolution was incomplete

however resolution 104 indicated the ad was to be made and the ad was listed here for information even though they did get three ayes he would like to make a note of that. He asked if the ad had been placed, Town Clerk Weaver responded yes. Supervisor Kryzak made a motion to approve the meeting minutes of August 19, 2025. Councilwoman Burnside seconded, all in favor motion carried.

#### **TOWN CLERK & TAX COLLECTOR REPORT (AUGUST 2025)**

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

#### **SUPERVISOR REPORT (AUGUST 2025)**

Supervisor Kryzak reported the general fund is 74.3% expended and 129% collected. He indicated he does need to distribute funds to other funds throughout the town. You do want to be 75% to remain at or below the budget as of September, so on track to remain below budget at 74.3%. Highway fund is 59% collected which indicates more funds need to be transferred to them. They are also 74.2% expended. Both funds are tracking to be below or at budget currently for 2025. All other funds are tracking to be below or at budget. Looking financially healthy for September 2025. Supervisor Kryzak made a motion to approve the Supervisor's report for August 2025. Councilwoman Pecylak seconded; all in favor motion carried.

#### **INVESTMENT REPORT (AUGUST 2025)**

Supervisor Kryzak reported that the total reconciled balance moving into August was \$3,898,837.19. Did receive an additional \$216,027.39 in receipts in August. In disbursements \$850,671.54 witch left the total reconciled bank balance for August at \$3,276,886.74. The Capital Improvement Reserve Fund which originally transferred \$1.2 million dollars in, spent approximately \$80,000 on three different roofs and have some paving coming up but the interest is out competing the spending on that account and received \$1,082.78 in receipts for the month of August. Despite spending about \$80,000 from that account, the balance is going up to \$1,221,090.31 so the Town will be able to fund out projects. Collateralization statement from M&T Bank indicates the Town is collateralized for \$3,330,000.95, money is safe. Actual interest earned across all accounts for the month of August 2025, earned \$4,293.56 from BOGC. YTD interest earned with BOGC is \$38,323.74. NYCLASS hasn't performed well but the beginning balance for August was \$472.66 and did earn \$1.60 for the month and \$12.60 for the year for a total of \$474.26. Supervisor Kryzak made a motion to approve the Investment Report for August 2025. Councilwoman Pecylak seconded; all in favor motion carried.

#### **BUDGET AMENDMENTS**

Supervisor Kryzak mentioned he will go ahead and read it then will ask for a vote. 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.

**Capital Improvement Reserve Fund & General Fund**

<u>Amount</u>	<u>From Account</u>	<u>To Account</u>
\$21.40	A200.1 – Fund Balance	A 7510.4 Historian – Training
\$499.86	A7550.43 – Festivals/Youth	A7550.44 Donations
\$5,000.00	230.8 – Cap. Imp. Reserve Fund	A1620.2 Capital Outlay – Other (Library paint deposit)

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 106 – 2025 was thereby duly adopted.**

**PAYMENT OF THE MONTHLY BILLS (AUGUST 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 August 2025 bills be paid Voucher # 504 through Voucher # 562 in the amount of \$146,904.06.

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

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

NAYS: None

**RESOLUTION # 107 – 2025 was thereby duly adopted.**

**COMMITTEE REPORTS**

Supervisor Kryzak advised that the Town received a written report from the Justice Court which deposited \$1,499.00 for August. He also received a written report from the CEO.

**LIBRARY**

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

- The next Ancestry program is Oct. 21<sup>st</sup> at 6 pm. Please register at the library.
- There is a new art exhibit for September and October.

- The library is more than just books and is a library of things as well. Pickleball and tennis equipment is available for a 2 wk check out, there are children's bikes and helmets with and without training wheels, adult bikes with helmets and fishing poles.

### **PLANNING/ZONING BOARD OF APPEALS**

Chairman Bill Hall reported the Planning/Zoning Board have a couple applications that were waiting on county approval that didn't come in last month. One public hearing for a variance coming up this coming Monday. There is one new application on the books.

### **LOCAL LAW REVIEW COMMITTEE (LLRC)**

Mr. Hall reported that the LLRC is wrapping up BESS and digging into solar. Touched on some sign and lighting issues. Mr. Hall would like to recommend Sean Leary as a member of the LLRC. Supervisor Kryzak indicated he has a resolution here basically appointing Mr. Sean Leary to the LLRC which is an advisory Board for review of the Town laws. Mr. Kryzak read the following resolution:

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

- WHEREAS:** There was a vacancy on Local Law Committee, and
- WHEREAS:** A Westerlo resident has expressed an interest and has been interviewed and,
- WHEREAS:** Sean Leary has expressed an interest in assuming the position of Local Law Committee Member to fill the remainder of the vacancy for a term to expire, December 31, 2025, and now therefore be it
- RESOLVED:** that the Town Board of the Town of Westerlo does hereby appoint Sean Leary to the position of Local Law Committee Member for the remainder of a one-year term effective September 16, 2025, to December 31, 2025.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

Since no motion was made, the resolution is incomplete.

### **MUSEUM**

Museum Director Mary-Jane Araldi mentioned that the Museum will have a display at the Fall Festival of old farm equipment. She has been archiving items from the Hiawatha Grange which was disbanded in 2014. At last night's Historical Society meeting, she got more pictures of when the museum and library opened and also the 175<sup>th</sup> parade so she has more pictures to archive. Supervisor Kryzak indicated that there is a recommendation for a new member for the Museum which is Amy Austin. Mr. Kryzak indicated he has a resolution to read:

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

- WHEREAS:** There was a vacancy on Museum Committee, and

**WHEREAS:** The vacant position has been advertised and,

**WHEREAS:** A Westerlo applicant has applied and been interviewed and,

**WHEREAS:** Amy Austin has expressed an interest in assuming the position of Museum Committee Member to fill the remainder of the vacancy for a term to expire, December 31, 2025, and now therefore be it

**RESOLVED:** that the Town Board of the Town of Westerlo does hereby appoint Amy Austin to the position of Museum Committee Member for the remainder of a five-year term effective September 16, 2025, to December 31, 2025.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

Since no motion was made, the resolution is incomplete.

Supervisor Kryzak prepared to approved the committee and department reports and asked if there was anyone else.

### **HIGHWAY**

Highway Superintendent David Pecylak reported the following:

- The highway department has been patching roads.
- Been doing work on Boomhower and Dunbar Hollow roads.
- Filled some holes in on Hillside and Basic.
- Filled holes with stone on Otto and Crawford roads.
- Will start pulling in trucks to prepare for winter.
- On the one-ton truck, they did find some holes in the frame, and they are pretty bad wants permission to get quotes for a 1 ton F350 truck.

Mr. Kryzak asked if the Town Board was in favor of the Highway Supervisor starting the shopping process to replace a vehicle with significant rust damage, no opposition was heard. Mr. Krzyak asked for a second

Councilwoman Pecylak seconded; a vote resulted as follows

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

NAYS: None

Since no motion was made, the resolution is incomplete.

Mr. Pecylak mentioned he was looking into the possibility of purchasing a 10-wheeler. The two 6-wheelers they have are from 2012 and one of them had to be pulled back with a chain last

year with some issues. Supervisor Kryzak asked if everyone on the Town Board was okay with Mr. Pecylak starting the shopping process to replace the 10-wheeler; no opposition was heard. Councilwoman Burnside seconded; a vote resulted as follows

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

NAYS: None

Since no motion was made, the resolution is incomplete.

### **BUILDING DEPARTMENT**

CEO Pine submitted the following report:

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

Applications processed or pending before the boards

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

Building permits issued – 12

New houses 2 / Swimming Pools – 2 / Additions, renovations - 2

Accessory structures – 4 Solar Pv – 1/ Other – 0 Cell tower / commercial - 2

Construction inspections- 17

Site visits – 12 / Fire calls – 0 / Fire safety inspections and follow ups - 9

1 - In-service Training hours. 25 hrs. YTD (24 hours required to maintain certification for 2026)

### **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**

#### **WEBSITE CHANGE FROM .COM TO .GOV**

Supervisor Kryzak mentioned at the last meeting the website requirement going from a .com to a .gov before the end of the year. In the meeting packets there is a breakdown with a few options that the Town has with moving from a .com to a .gov. He will ask for a vote at the workshop meeting on October 7<sup>th</sup>. There are some pricing and options for what this will entail.

### **BLAISDELL WHITE MEMORIAL PARK PLAYGROUND EQUIPMENT**

The new swings, slide and mulch are in place.

#### **ADDITIONAL PARK CAMERAS – QUOTE REVIEW**

Last time the Town Board discussed installing new cameras at the park with higher resolution. Did get a quote from Self Secured Networks. The Supervisor indicated the current equipment will only allow 4 more cameras. He is recommending new equipment be installed for future upgrades and provided the Board with the quote. Discussion is tabled until the next meeting and then they will vote. Discussion continued regarding burnouts.



## **NEW BUSINESS**

### **MILEAGE REIMBURSEMENT AND CREDIT CARD POLICY**

Supervisor Kryzak indicated that everyone got a memo from him discussing mileage reimbursement and the credit card policy. It was to remind everyone when things are due so there are no longer issues. The memo was issued August 20<sup>th</sup> and was for employee mileage reimbursement and use of personal credit/debit cards. He read the following from the memo:

*As a reminder to all employees who wish to submit for mileage reimbursement according to the employee handbook policy 505 Expense and Reimbursement, all required documentation, and corresponding receipts must be submitted to the Town Clerk for reimbursement by the end of each month. Receipts over 60 days old are ineligible for reimbursement. In addition, per the credit card use policy, adopted by the Town of Westerlo Board on January 21<sup>st</sup>, section c item 2, personal credit/debit card may not be used for any legitimate town purchases.*

He mentioned he knows people are trying to do the best they can with their mileage but there were some issues. Try to get those in within 30 days to make sure they get paid.

### **WATER DISTRICT RE-LEVY**

Mr. Kryzak mentioned the next thing he has is the Water District Re-Levies. These debts need to be re-levied to property taxes. Mr. Kryzak read the following resolution:

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

- WHEREAS:** The Town Board of the Town of Westerlo has been provided with a list of residents in Water District #1 with unpaid debts to the Water District # for 2025 and,
- WHEREAS:** The unpaid debts need to be relevied on the 2026 property tax bills and,
- WHEREAS:** The Town Board has reviewed the Westerlo Water District #1 unpaid invoices/relevy report; now therefore be it
- RESOLVED:** the Town Board authorizes the Albany County Legislature to relevy onto the 2026 Town of Westerlo Property Tax bills the unpaid water bills for the period of 10/15/2024 through 07/15/2025 totaling \$27,242.42.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

Since no motion was made, the resolution is incomplete.

### **JUSTICE COURT MINI SPLIT BID AWARD**

Supervisor Kryzak mentioned there were 4 bids received with three separate bidders with pricing. The lowest conforming offer came from First Choice Plumbing and Heating to supply two carrier 24k btu split systems with wifi at a cost of \$20,200. First Choice Plumbing and

Heating also submitted a bid for two Mitsubishi 24k btu split systems with wifi for \$23,950. Savic Nano Construction Services submitted a bid for two Samsung 24k btu systems with wifi for \$24,135. Colony Mechanical Contractors submitted a bid for two Samsung 24k btu systems with wifi for \$33,000. He would like to award the bid to the lowest conforming offer to First Choice Plumbing and Heating for the 2 carrier 24k btu systems with wifi for the cost of \$20,200.

Councilwoman Burnside seconded; a vote resulted as follows:

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

NAYS: None

Since no motion was made, the resolution is incomplete.

Mr. Kryzak announced he also has a resolution to read so he doesn't butcher it.

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

**WHEREAS:** The Town of Westerlo advertised for bids to provide and install two mini-split systems in the Justice Court Office and Court Room, and

**WHEREAS:** Four quotes were received from three separate companies; now therefore be it

**RESOLVED:** that the Town Board of the Town of Westerlo does award the project to First Choice Plumbing and Heating for two carrier 24k btu systems with wifi for a total of \$20,200.

Councilwoman Pecylak seconded; a vote resulted as follows

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

NAYS: None

Since no motion was made, the resolution is incomplete.

### **PAYROLL COMPANIES**

Mr. Kryzak mentioned that at the last meeting the Town Board discussed possibly changing payroll companies. Currently the Town is using ADP which is like banging your head against the wall. There have been lots of mistakes, with cost codes, lots of time and money spent reconciling cost codes and errors with the accountant and they have terrible customer service. In the Town Board's folders there is a spreadsheet with all the data for three separate payroll companies, Acudata, ADP and Edmunds GovTech. Although we currently use Edmunds for other programs, they are the most expensive and offer the least number of services for the money. He would like the Board to review, and they can vote on it at the next meeting. Confidential Administrator Lisa DeGroff mentioned if anyone has any questions about the different payroll companies to reach out to her. Acudata is the only one that can start right now, January 1<sup>st</sup> as long as they know by November 1<sup>st</sup>. Mr. Kryzak will call for a vote at the next meeting.

### **TOWN BOARD MEETING AUDIO FILE**

Mr. Kryzak asked Councilwoman Pecylak if she would like to present her idea. Councilwoman Pecylak would like to make a motion to adopt the following resolution:

**WHEREAS:** Town Workshop Meeting and Regular Town Board Meeting audio recordings are not readily accessible to the public, and

**WHEREAS:** A member of the public must submit a Freedom Of Information Law request to receive a copy of or listen to an audio recording of a Town Workshop Meeting and/or a Regular Town Board Meeting and,

**WHEREAS:** Making Town Workshop Meeting and Regular Town Board Meeting audio files easily accessible to the public and,

**WHEREAS:** Making audio files easily accessible creates transparency, now therefore be it

**RESOLVED:** that the Town Board of the Town of Westerlo does hereby establish that all audio Town Workshop Meeting and Regular Town Board Meeting audio files be posted on the Town website when draft meeting minutes are posted effective September 16, 2025.

Supervisor Kryzak seconded; a vote resulted as follows:

AYES: Councilwoman Pecylak, Supervisor Kryzak, Councilwoman Burnside

NAYS: Councilman Mahan, Councilman Beers

**RESOLUTION # 108 - 2025 was thereby duly adopted.**

Mr. Kryzak indicated what they did was that all audio files will be posted to the website with the meeting minutes as well, that way people don't need to FOIL those which will cut down on effort for people looking for audio files and the Town providing them. In a matter of transparency and making things easier for people fishing for audio files, they will now be posted as soon as applicable with the meeting minutes so folks can listen to the meeting at their leisure.

### **F.O.I.L. PROCEDURES**

Supervisor Kryzak advised there is information in the Town Board's packet for FOIL procedures. He indicated they have worked with TRK, our own legal counsel, as well as the Committee on Open Government to go ahead and comply and get some good FOIL procedures and policies for the Town of Westerlo. That way everyone has something to follow as far as FOIL procedures go. Mr. Kryzak read the following:

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

**WHEREAS:** the Town of Westerlo recognizes that in accordance with New York State Public Officers Law §87 and the Federal Freedom of Information Act ("FOIA"), the Town of Westerlo must implement procedures and regulations that govern public requests for information; and

**WHEREAS:** the Town of Westerlo has had an opportunity to review the current Town operating procedures and regulations and has determined that it is necessary for the Town of Westerlo to formally implement procedures and regulations that govern public requests for information pursuant to NYS Public Officers Law §87 and FOIA, now therefore be it

**RESOLVED:** that the following procedures and regulations shall govern public requests for information pursuant to NYS Public Officers Law §87 and FOIA in the Town of Westerlo:

Section 1: Purpose and Scope:

1. The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy and confidentiality.
2. These regulations provide information concerning the procedures by which records may be obtained.
3. The Town of Westerlo shall furnish to the public the information and records required by the Freedom of Information Act, as well as records otherwise available by law.
4. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

Section 2: Designation of Records Access Officer:

1. The Town of Westerlo is responsible for ensuring compliance with the regulations herein, and shall designate a Records Access Officer.
2. The Records Access Officer shall be responsible for ensuring appropriate responses to public requests for access to records.
3. The Records Access Officer shall ensure that Town of Westerlo personnel:
  - a. Maintain an up-to-date subject matter list,
  - b. Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.
  - c. Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.
  - d. Upon locating the records, take one of the following actions:

- i. Make records available for inspection; or
  - ii. Deny access to the records in whole or in part and explain in writing the reasons therefore.
- e. Upon request for copies of records:
  - i. Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; or,
  - ii. Permit the requester to copy those records.
- f. Upon request, certify that a record is a true copy; and
- g. Upon failure to locate records, certify that:
  - i. The Town of Westerlo is not the custodian for such records, or
  - ii. The records of which the Town of Westerlo is a custodian cannot be found after a diligent search.

Section 3: Location:

1. Records shall be available for public inspection and copying at:

**The Town of Westerlo Town Hall  
933 Co Rd 401, Westerlo, NY 12193**

Section 4: Hours for Public Inspection:

1. Requests for public access to records shall be accepted and records reasonably produced during all hours regularly open for business. These hours may change, and they are presently:

**Monday – 8:00am to 4:00pm**

**Tuesday – 8:00am to 4:00pm**

**Wednesday – 8:00am to 4:00pm**

**Thursday – 8:00am to 4:00pm**

**Friday - closed**

**Saturday - closed**

**Sunday – closed**

Section 5: Requests for Public Access to Records:

1. Written requests for records shall be required. Written requests may be submitted by traditional hard copies or by electronic means.
2. If records are maintained on the internet, the requester shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium.

3. A response shall be given within five business days of receipt of a request by:
  - a. Informing the person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
  - b. Granting or denying access to records in whole or in part;
  - c. Acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgement, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.
4. In determining a reasonable time for granting or denying a request under the circumstances of a request, the Records Access Officer shall consider the volume of a request, the ease or difficulty in locating, retrieving, or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the Town of Westerlo, other and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.
5. The failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which the Records Access Officer:
  - a. Fails to grant access to the records sought, denies access in writing, or fails to acknowledge the receipt of a request within five business days of the receipt of a request;
  - b. Acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;
  - c. Furnished an acknowledgement of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;

- d. Fails to respond to a request within a reasonable time after the approximate date given or within twenty business days after the date of the acknowledgment of the receipt of a request;
- e. Determines to grant a request in whole or in part within twenty business days of the acknowledgement of the receipt of a request, but fails to do so, unless the Town of Westerlo provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;
- f. Does not grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or
- g. Responds to a request, stating that more than twenty business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

Section 6: Subject Matter List:

- 1. The Records Access Officer shall maintain a reasonably detailed current list by subject matter of all records in the Town of Westerlo's possession, whether or not records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law.
- 2. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
- 3. The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.
- 4. All Town of Westerlo Employees shall promptly assist in good-faith the Records Access Officer in updating and maintaining the subject matter list by promptly and with as much detail as reasonably possible, responding to requests by the Records Access Officer related to the updating and maintaining of the subject matter list, among other things reasonably required of Employees by the RAO.

Section 7: Denial of Access to Records:

- 1. Denial of access to records shall be in writing stating the reason therefore and advising the requester of the right to appeal to the Town of Westerlo FOIL Appeals Officer, who shall be identified by name, title, business address, and business phone number.
- 2. If requested records are not provided promptly, as required in Section 5 of these regulations, such failure shall also be deemed a denial of access.

3. Any person denied access to records may appeal within thirty days of a denial.
4. The time for deciding an appeal by the Town of Westerlo FOIL Appeals Officer shall commence upon receipt of a written appeal identifying:
  - a. The date and location of requests for records;
  - b. A description, to the extent possible, of the records that were denied; and
  - c. The name and return address of the person denied access.
5. The failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.
6. The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

**Committee on Open Government  
Department of State  
One Commerce Plaza  
99 Washington Avenue, Suite 650  
Albany, New York 12231**

7. The Town of Westerlo FOIL Appeals Officer shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government as set forth in subdivision (6) of this section.

Section 8: Fees:

1. There shall be no fee charged for:
  - a. Inspection of records;
  - b. Search for records; or
  - c. Any certification pursuant to this part.
2. Fees for paper copies may be charged, provided that:
  - a. The fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches.
  - b. The fee for photocopies of records in excess of 9 by 14 inches shall not exceed the actual cost of reproduction; or



- c. The Town of Westerlo redacts portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.
3. The fee the Town of Westerlo may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:
  - a. An amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and
  - b. The actual cost of the storage devices or media provided to the person making the request in complying with such request; or
  - c. The actual cost to the Town of Westerlo of engaging an outside professional service to prepare a copy of a record, but only when the Town of Westerlo's information technology equipment is inadequate to prepare a copy, and if such service is in fact used to prepare the copy.
4. When the Town of Westerlo has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the Town of Westerlo shall be required to retrieve or extract such record or data electronically. In such case, the Town of Westerlo may charge a fee in accordance with paragraph 3(a) and (b) above.
5. The Town of Westerlo shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of a Town of Westerlo employee's time is needed, or if it necessary to retain an outside professional service to prepare a copy of the record.
6. The Town of Westerlo shall require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.

Section 9: Public Notice:

1. A notice containing the title or name and business address of the Town of Westerlo Records Access Officer, the Town of Westerlo FOIL Appeals Officer, and the location where records can be seen or copies can be made shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

Section 10: Severability:

1. If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

Mr. Kryzak indicated the resolution which was just read was put together by our legal counsel, TRK, and with advice from the Committee on Open Government. He asked for a second.

Councilwoman Pecylak seconded; a vote resulted as follows:

AYES: Councilwoman Pecylak, Supervisor Kryzak, Councilwoman Burnside

NAYS: Councilman Mahan, Councilman Beers

Since no motion was made, the resolution is incomplete.

### **BUDGET MEETING SCHEDULE**

Mr. Kryzak reviewed the budget meeting schedule and public hearing schedule. Everyone needs to get their department budgets to him by September 20<sup>th</sup>. He will get the Tentative Budget to the Town Clerk by September 30<sup>th</sup>. The Town Clerk will present that budget to the Town Board by October 5<sup>th</sup>. The Town Board will meet on October 6<sup>th</sup> where it can be workshopped. He is looking to hold a public hearing on Wednesday, November 6<sup>th</sup> at the Town Board workshop meeting. Need to make sure the budget is approved no later than November 20<sup>th</sup>. All the dates are listed in the AOT manual.

### **CEO/ASSESSOR/PB/ZBA CLERK INTERVIEWS FOR OCTOBER WORKSHOP MEETING**

Supervisor Kryzak announced that the interviews for the CEO/ASSESSOR/PB/ZBA Clerk are scheduled for the October workshop meeting which will be held in executive session and looking to appoint that position as soon as possible.

### **PARK GRANT**

Another park grant from Albany County in the amount of \$15,000 will be used to provide a gazebo in the park. YTD grants \$125,741.72. Thank you to Mrs. DeGroff.

### **REMINDER FOR ANNUAL TRAINING FOR EMPLOYEES**

Supervisor Kryzak reminded employees of annual training, which is Thursday, September 25<sup>th</sup> 8 am or 6 pm. Courses must be completed by October 5<sup>th</sup>. All employees are required to take NYS sexual harassment and discrimination and workplace violence prevention. Mrs. DeGroff indicated if employees have taken the training through another entity for 2025, they can provide her with a copy of that certificate.

### **PUBLIC COMMENT**

Resident Salvatore Spinnato V addressed the Town Board with some recommendations for the park. He asked the Town Board to consider putting a bridge over the drainage trench in the park so he and his friends can cross without going into traffic. His father, Highway Employee

Salvatore Spinnato IV commented that due to a need for proper drainage in the park, there was a project this year to install bigger pipes, so flooding is reduced. A side effect of that is that the ditch had to be substantial to accommodate all the water and volume that comes through town. He provided the Town Board with a rendering, cost and material list of what he proposes building at the Town Park. If approved, he has a group of volunteers to put forth the labor to make it happen. The proposed cost is under \$1,000. It would be 16' long x 6' wide. It would be positioned between the ball field and playground. He is proposing the bridge would be level with the ground and wheelchair accessible. Richard VanIlderstine V was also accompanying his friend Mr. Spinnato. Mr. Kryzak indicated the Town is in excellent financial shape and there are excess funds in the park reserve fund. Supervisor Kryzak made a motion to adopt the following resolution:

**WHEREAS:** There is a large trench in the Westerlo Veterans Memorial Park which causes children to walk into traffic, be it hereby

**RESOLVED:** The Town Board approves the building of a 16x6' bridge for an estimated cost of \$1,000 but not to exceed \$2,000.

Councilwoman Burnside seconded; a vote resulted as follows:

AYES: Councilwoman Pecylak, Supervisor Kryzak, Councilwoman Burnside

NAYS: Councilman Mahan, Councilman Beers

**RESOLUTION # 109 - 2025 was thereby duly adopted.**

Mr. Spinnato IV indicated if CEO Pine would like to get with him, he's happy to address any special considerations that he may have.

Fire Co. Member Kelley Keefe asked about the Freese property and the mess over there. She wondered if there is any chance the Town can clear the debris. Mr. Kryzak advised that the Town does not own it. Mr. Kryzak will put in a request to see if we can get it mowed or if the Town has permission to access that property. She also commented about the After Party signs. Someone asked her that was not from around here what the After Party was. She wondered if the sign should include what it's after. Mrs. DeGroff indicated it's on there. Supervisor Kryzak mentioned there could be a way to add additional signage, so people understand what the After Party is after.

Mr. Harold Vadney was hopeful that the Town Attorney would be here because he would like to discuss the irregular resolutions that were not passed at the August 19<sup>th</sup> meeting. There is a definite procedure for passing resolutions. Make a motion, read the motion, second and vote. This is done everywhere and recommended by AOT. It seems that in 15 instances in the meeting of August 19<sup>th</sup>, Mr. Kryzak makes a motion but unfortunately upon recommendation of the Town Clerk that he make a motion, Mr. Kryzak simply proceeded and didn't make a motion and now has at least three resolutions which are unlawful and unenforceable. Mr. Kryzak disagrees and appreciates his legal analysis but will put that to the Town Attorney. Mr. Vadney advised it's called Nunc Pro Tunc. There is also a resolution that was irregular and didn't receive

a motion to change the library the term from shed to a garage. That resolution was not passed because there was no motion. You can only go back on these things for minor errors. These corrections can only be made if it's a minor correction or typo. That means they need to totally review and pass the motions properly at a future meeting. Going back to Nunc Pro Tunc, a latin phrase meaning now as before, there was no necessity to recite the entire text of 21 NYCRR the NY Code of Rules and Regulations in the so called resolution. If text was copied and pasted, it was totally wrong. That is not a policy, it is a state regulation that has the force of law. It is not the FOIA. NY statute is the FOIL. The federal statute is the FOIA. It needs to be changed in the resolution. He indicated if the Town Attorney was here and listened to what Mr. Kryzak was reading, he should have jumped in as he should of last meeting to tell Mr. Kryzak he needs to make a motion and not have the Town Clerk tell him to make a motion. He would be able to tell you that there is no such thing as Public Officers Law 87. It is Public Officers Law Article 6 section 80-90 which is what should be recited. It needs to be changed for that resolution to be accurate, complete and correct and he wondered why the Town Attorney didn't catch this and who wrote it. The NYS Legislature wrote it, not the Town of Westerlo. It's not a town policy it is a state statute.

Mr. Vadney also wondered how the Town gets away with using the term confidential as loosely as it does. He understands that the attorney client privilege is confidential but once the attorney stops giving advice, OML triggers which means just like back in February when the Supervisor came back and announced that he had made a consensus in an exempt session, that was not minuted and the vote not recorded to reflect that consensus is a violation of the OML.

Mr. Vadney continued about ignorance and unknowing. It is a ridiculous situation when you have a town attorney making what he's making and then disappears when he should be up there telling Mr. Kryzak he needs to make a motion for that resolution to be lawfully adopted and getting the statutes wrong. Then you hire an outside law firm, an extra expense to advise your administrative assistant who has been appointed as RAO when you have a town attorney who should be doing the same thing, the same thing he allegedly does for the Albany County Sheriff. Why he can't do that same thing in the Town of Westerlo and the Town has to engage with an outside law firm at \$350 - \$400/hr. He is abusing the concept of confidentiality and has done numerous times and continues to do it. What Mr. Kryzak is doing is unlawful. Mr. Vadney is unsure if the Supervisor is looking for a lawsuit or article 78, but most of what he's done needs to be reversed because it is inconsistent with law. He is not here to debate, just making the comments and it still goes on and on. Supervisor Krzyak asked if Mr. Vadney could provide him with his legal credentials where this is coming from. Mr. Vadney indicated Mr. Kryzak should not get snotty with him. Mr. Kryzak responded asking if he is an attorney. Mr. Vandey mentioned one doesn't have to be an attorney, and that he's not one of his board members that he can step over. Mr. Kryzak indicated that Mr. Vadney is the reason we've had to spend extra money with the FOIL process. Mr. Vadney responded, that's not up to him. If he reads the

legislative intent, the declaration paragraph 100 of OML or paragraph 80 of the FOIL, if he had any knowledge of FOIL or OML, Mr. Kryzak would not make such a stupid statement.

Barbara Russell requested that the Town make the agenda on the Facebook page look like the one provided at the meeting. It is hard with all the graphics and colors to grasp it; she would like to keep it simple. Councilman Beers indicated they need to fill time. Town Clerk Weaver explained to the Supervisor that the plain agenda is on the website, but there is a different document created for Facebook which she does not do. Mr. Kryzak indicated he will look into it. Ms. Russell suggested making it the same forgetting all the graphics, which is extreme. Mr. Kryzak indicated he will look into it.

Councilman Beers asked the Supervisor why Town Attorney George McHugh was removed as the RAO. Mr. Kryzak advised it was just discussed. It needs to be a full-time employee for the Town to do the amount of volume of FOIL requests. Mr. Beers wondered when they figured that out. Supervisor Kryzak indicated they discussed that. Councilman Beers asked, when the Supervisor initially figured that out. Mr. Kryzak responded that they discussed that with legal counsel, he doesn't know the exact date. Councilwomen Burnside and Pecylak didn't think Mr. Beers was here. Mr. Kryzak wasn't sure which meetings Mr. Beers was there and which meetings he wasn't. Mr. Beers advised him he missed two meetings in four years so he's sure he was here. Mr. Beers asked if Mr. Kryzak was going to answer him, Mr. Kryzak responded no. Mr. Beers asked if it was because he didn't want to or didn't know. Mr. Kryzak responded it's because the way he is.

Resident Stewart Elderd spoke about an incident and wanted to know who runs Concerned Citizens of Westerlo on Facebook that wrote something about him changing one letter of his name and that he is going to retaliate against people in Westerlo for being against him. He indicated everyone knows who he is. He comes to meetings, has lived here all his life, is part of the republican committee. If someone has a problem, come to him. Mr. Vadney asked if Mr. Elderd had a copy of that post. Mr. Elderd responded it was Captain Weaslewacker. Board Members Pecylak and Burnside and Supervisor Kryzak pointed out Mr. Vadney. Mr. Elderd advised he has no right to judge him. Mr. Vadney indicated he is grossly mistaken. Councilwoman Pecylak mentioned Mr. Vadney doesn't even live here. Mr. Elderd indicated Mr. Vadney called him a space cadet. Mr. Kryzak asked Mr. Elderd to address his questions to the Town Board. He responded again that if anyone has a problem with him to approach him, he will not retaliate. Councilwoman Pecylak mentioned they wouldn't say anything about him, they know him, he's a great neighbor.

Councilman Mahan asked Supervisor Kryzak when if there is a problem with a Town Board member or employee that they use a private attorney over the rule book. Mr. Kryzak replied they don't use a private attorney over the rule book, you can engage a private attorney to decide what to do with town law and what to do with the Town handbook. Mr. Mahan

wondered if they supersede the handbook, Supervisor Kryzak responded, no they do not supersede the handbook. They can give legal advice and direction on the handbook and also NYS law. That's why you use an attorney for advice. Mr. Mahan indicated his word; the outcome was like binding. Mr. Mahan indicated the Town Clerk never had a chance to explain her problem, legally, yet the Town already found her guilty. Mr. Kryzak advised that the Town Clerk is a public official so it can be discussed in public if they want. The Town Clerk advised, she's not hiding anything. Supervisor Kryzak indicated she was asked to participate and wondered if she did. Town Clerk Weaver indicated she is not going to comment but is happy to hear what he has to say about it, otherwise he can speak to her attorney. Mr. Kryzak indicated they can not speak about other employees, however if they want to go down that road, that is all he has to say about it. He indicated if the Town Clerk was invited to participate in something and declined, well then there is your chance. The Town Clerk asked if she should hang her own noose, Mr. Kryzak responded, no, she shouldn't. Councilman Mahan indicated in other words, a person needs to indoctrinate themselves to be possibly guilty with a statement, he would tell her not to. Mr. Kryzak indicated she should cooperate with the investigation, which is stated in the handbook, all employees are required to participate in an investigation, if you don't want to participate, that is the advice you got from somebody but not from what the requirement is in the Town handbook. Councilman Mahan questioned that the Town needs to go through the handbook. Mr. Kryzak indicated there is a union contract coming up very quickly. Councilman Beers commented that the handbook was started three years ago, and we failed to finish it. A resident asked if the handbook was passed; Supervisor Kryzak responded yes, it has been adopted. Councilman Beers asked what year it was adopted. Mr. Kryzak responded, he thinks 2020. Mr. Beers questioned if the handbook was adopted as Mr. Kryzak indicated he thinks so. Mr. Kryzak indicated, no it is adopted. Mr. Kryzak indicated if Mr. Beers would quit yelling, he could give him an explanation. Councilman Beers wondered why if Mr. Kryzak has been doing this for four years, why he doesn't know anything. Supervisor Kryzak responded he's so terrible, and he didn't have the document in front of him. Mr. Beers responded that Mr. Kryzak was just asked a question, and Mr. Kryzak's response went from it was, to I think, and he wondered which it was. Supervisor Kryzak responded, since the handbook is not here, he believes it was adopted in 2020, whatever it says on the front, the one that they've most recently signed for is the one that is being used. Mr. Mahan advised he did not sign for one. Supervisor Kryzak indicated if Mr. Beers knows what it is to feel free to tell him. Mr. Beers responded that the Supervisor has been here since 2019 and should know. Mr. Beers advised he wasn't here in 2020.

#### **ADJOURN THE MEETING**

Supervisor Kryzak made a motion to close the meeting. Councilwoman Pecylak seconded; a vote resulted as follows:

AYES: Supervisor Kryzak, Councilwoman Burnside, Councilwoman Pecylak

No votes were heard from Councilmen Beers or Mahan.

Meeting adjourned at 7:24 pm.

Preliminary

Respectfully submitted,

Karla Weaver  
Town Clerk