

**TOWN OF WESTERLO  
TOWN BOARD MEETING  
OF TUESDAY APRIL 19, 2022**

The Town of Westerlo Town Board held a Regular Town Board Meeting on Tuesday, April 19, 2022 at the Richard H. Rapp Municipal Building located at 933 County Route 401, Westerlo, NY 12193. Supervisor Kryzak opened the meeting at 6:00pm with the Pledge of Allegiance to the Flag.

Attending were:      Supervisor Matthew Kryzak  
                            Councilman Josh Beers  
                            Councilwoman Lorraine Pecylak  
                            Councilwoman Amie L. Burnside (left early at 6:20pm)  
                            Councilman Peter Mahan

Also attending were: Highway Superintendent Jody Ostrander and Employee Salvatore Spinnato III, Planning Board Chairperson Beau Loendorf and Members Gerry Boone, Edwin Stevens and William Hall, Museum Committee Members Betty Filkins, Broadband Research Committee (BRC) Member Leonard Laub, Library President Maureen Sikule, Deputy Town Clerk III Kathy Spinnato, Town Clerk Karla Weaver and approximately seven (7) interested residents.

Councilman Beers made a motion to open the Town Board Meeting. Councilwoman Burnside seconded; all in favor motion carried.

**PUBLIC HEARING – PROPOSED LOCAL LAW 4 OF 2022 AUTHORIZING BEST VALUE  
PROCUREMENT**

Councilwoman Burnside made a motion to open the Public Hearing regarding proposed Local Law 4 of 2022 Authorizing Best Value Procurement at 6:01pm. Councilman Beers seconded; all in favor motion carried.

Supervisor Kryzak explained that the proposed Local Law allows the Town to accept the best offer or value and not necessarily the lowest bid. He also mentioned this will give the Town a little lateral movement regarding negotiating running fiber internet in Town.

Councilwoman Burnside made a motion to close the Public Hearing on proposed Local Law 4 of 2022 Authorizing Best Value Procurement at 6:13pm. Supervisor Kryzak seconded; all in favor motion carried.

**PUBLIC HEARING – PROPOSED LOCAL LAW 3 OF 2022 REGARDING A REVISION TO LOCAL  
LAW 1 OF 2020 ENTITLED “AMENDMENT TO ZONING LAW REGARDING CODE  
ENFORCEMENT”**

Councilman Beers made a motion to open the Public Hearing regarding proposed Local Law 3 of 2022 regarding a revision to Local Law 1 of 2020 entitled “Amendment to Zoning Law Regarding Code Enforcement” at 6:14pm. Supervisor Kryzak seconded; all in favor motion carried.

Mr. Kryzak mentioned that in section 14.110 of the current zoning law, no unoccupied trailer shall be left on a vacant lot without a special permit approved by the Town Board. He explained, the Town Board is looking to replace “a special permit approved by the Town Board” with “a Special Use Permit approved by the Planning Board”.

Planning Board Member Edwin Stevens was concerned Westerlo was becoming Homeowners Association. Mr. Kryzak explained that the law itself wouldn’t be changing. The only changes are it would become a Special Use Permit instead of a special permit and the governing board is being switched from the Town Board to the Planning Board. Town Attorney McHugh mentioned that State Building Code calls that trailers cannot be occupied on a lot for more than 180 days.

BRC Member Leonard Laub expressed he didn’t see a difference between someone bringing in an application for building a house they plan to live in on a vacant lot and bringing a trailer that they are going to live in on a vacant lot. Both are subject to the same environment and occupancy requirements. He sees no reason for it not to go before the Planning Board, it’s the same mechanism.

Mr. Kryzak advised the Planning Board will have the discretion to either issue or not issue the Special Use Permit based off the factors provided to them.

Councilman Beers made a motion to close the Public Hearing on proposed Local Law 3 of 2022 regarding a Revision to Local Law 1 of 2020 entitled “Amendment to Zoning Law Regarding Code Enforcement” at 6:32pm. Supervisor Kryzak seconded; motion carried by

**PUBLIC HEARING – PROPOSED LOCAL LAW 2 OF 2022 - TO AMEND LOCAL LAW 2 OF 2021  
“BATTERY ENERGY STORAGE SYSTEMS”**

Councilwoman Pecylak made a motion to open the Public Hearing regarding proposed Local Law 2 of 2022 to Amend Local Law 2 of 2021 “Battery Energy Storage Systems” at 6:33pm. Councilman Beers seconded; motion carried by those present.

Mr. Kryzak indicated the wording in the law needs to be updated. Instead of the law stating “less than or equal to 600kwh” it should be changed to “32kwh to 600kwh” to enable residents to take advantage of new technology such as Tesla powerwalls. Town Attorney McHugh advised anything below 32kwh will only require a building permit.

Councilman Beers made a motion to close the Public Hearing regarding proposed Local Law 2 of 2022 to Amend Local Law 2 of 2021 “Battery Energy Storage Systems” at 6:38pm. Councilwoman Pecylak seconded; motion carried by those present.

**TOWN BOARD MINUTES**

Councilwoman Pecylak made a motion to approve the meeting minutes of March 15, 2022 and April 5, 2022. Councilman Beers seconded; motion carried by those present.

### **TOWN CLERK & TAX COLLECTOR REPORT (MARCH 2022)**

Town Clerk Weaver reviewed the Town Clerk & Tax Collector reports for March 2022. Councilman Beers made a motion to accept the Town Clerk & Tax Collector reports for March 2022 as submitted. Councilman Mahan seconded; motion carried by those present.

### **BUDGET AMENDMENTS (APRIL 2022)**

Supervisor Kryzak read and Councilwoman Pecylak made a motion to adopt the following resolution:

#### **2022 Budget Amendments / April**

*WHEREAS, the Chief Fiscal Officer has determined that in order to maintain proper balances within various accounts the following transfers are necessary for the Budget Year 2022.*

***NOW, THEREFORE, BE IT RESOLVED***, that the Town Board of the Town of Westerlo does hereby authorize Supervisor Matthew Kryzak to make the following changes to the Town of Westerlo 2022 Budget:

#### ***General Fund***

<u>Amount</u>	<u>From</u>	<u>To</u>
\$350.00	A8664.42 Mapping & Code	A8664.41 Mileage
\$300.00	A8664.43 Training	A8664.41 Mileage
\$90.00	A1990.4 Cont.	A1320.42 Audit Town Clerk
\$45.00	A1990.4 Cont.	A1320.43 Audit Courts

#### ***Appropriation coding***

*Voucher #59 From A1320.44 to A1320.41 Workers Comp*

***NOW, THEREFORE, BE IT RESOLVED***, that the Town Board of the Town of Westerlo does hereby authorize Supervisor Matthew Kryzak to increase the following appropriations from A Fund balance

*\$17,000.00 A1355.12 Assessment Clerk/ Trainee*

#### ***Highway Fund***

#### ***Museum Fund***

<u>Amount</u>	<u>From</u>	<u>To</u>
\$300.00	M7450.47 Maintenance	M7450.48 Celebrations

#### ***Revenue Code***

*M2089 – Other Culture & Rec. – Wreaths Across America*

#### ***Appropriation code***

*M7450.49 Wreaths Across America*

Councilman Mahan seconded; a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 68 - 2022 was thereby duly adopted.**

### **PAYMENT OF MONTHLY BILLS (APRIL 2022)**

Councilman Beers made a motion to adopt the following resolution:

**WHEREAS:** the Town Board has audited the monthly bills, be it hereby  
**RESOLVED:** the following April 2022 bills be paid Voucher # 138 through Voucher # 199 in the amount of \$123,579.90.

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

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

**NAYS:** None

**RESOLUTION # 69 - 2022 was thereby duly adopted.**

### **INVESTMENT REPORT (MARCH 2022)**

Supervisor Kryzak advised that the Town earned \$341.10 in interest for the month of March with the Bank of Greene County. No interest was earned with NYCLASS. Councilman Beers made a motion to accept the Investment Report for March 2022. Councilwoman Pecylak seconded; motion carried by those present.

### **SUPERVISOR REPORT (MARCH 2022)**

Supervisor Kryzak reviewed the Supervisor's report for March 2022. Councilwoman Pecylak made a motion to approve the March 2022 Supervisor report. Councilman Mahan seconded; motion carried by those present.

### **TOWN COURT 2020 & 2021 INTERNAL AUDITS**

Mr. Kryzak advised that he had received the 2020 and 2021 internal audits for the Town of Westerlo Town Court. He indicated they've been sent to the state but needed to be approved by the Town Board. Councilman Beers made a motion to approve the following resolution:

**WHEREAS:** The Town Court for the Town of Westerlo has submitted their 2020 and 2021 internal audits to the Supervisor, be it hereby  
**RESOLVED:** The Town Board approves the 2020 and 2021 internal audits as submitted by the Westerlo Town Court.

Councilman Mahan seconded; a vote resulted as follows:

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

**NAYS:** None

**RESOLUTION # 70 - 2022 was thereby duly adopted.**

### **COMMITTEE REPORT'S**

Town Clerk Weaver read the following report on behalf of the Museum:

*Westerlo Heritage Museum  
Report to Town Board  
2021 Fourth Quarter report*

*The Museum board continues to meet monthly.*

*New Board Members: Palma Schloer, Betty Filkins, Matt Kryzak, Rebecca Kryzak, Karla Weaver and Danielle Downes.*

*Election of officers of Museum Board: Chair – Palma Schloer; Vice Chair: Betty Filkins and Secretary: Rebecca Kryzak.*

*The Museum has been Closed for the winter. Will reopen in April*

*The Museum had a display of antique bobsled, skies, sleds and ice skates at the Winter Festival. Over \$500.00 was raised for the Museum building fund.*

*We are planning a Brunch for Mom (Sunday, May 1) and the Townwide Garage Sale Days (Saturday, June 11) as our next fundraisers.*

*Several donations have been procured – an lovely antique woman's sitting chair.*

*I have been spending Wednesday mornings at the museum, cleaning, and organizing. I continue to take pictures of the items in the archive and add the picture of the item into the archival program. Also scanning notebooks of school district reports and birth and death notebooks that Jr. bishop had compiled.*

*Respectfully submitted,*

*Mary – Jane Araldi*

*Director*

#### **PLANNING BOARD REPORT**

Planning Board Chairperson Beau Loendorf advised that there will be a Public Hearing for the Carkner application in May. The Planning Board also voted in support for the travel trailers coming to the Planning Board.

#### **HOMETOWN HEROES REPORT**

Hometown Heroes Member Betty Filkins reported on Hometown Heroes. She mentioned proofs are out for anyone who ordered a new banner. Once they hear back on the proofs, they will be ordered and then hung. Mr. Kryzak advised Hannay Reels donated \$10,000 for a veteran's monument at the Town Park. The Hometown Heroes Committee raised money to have 6 flags poles installed for each branch of the military and an American flag.

#### **LIBRARY**

Library President Maureen Sikule advised that the survey is now closed and thanked anyone who filled one out. The Library is now working on updating their long-range plan. There will be Mother's Day bake sale on Saturday, May 7<sup>th</sup>. They are hoping to have a new artist display in the community room which is also now open for use.

#### **KENNETH'S ARMY**

A representative for Kenneth's Army advised that the 8<sup>th</sup> Annual Motorcycle run to support Kenneth Army will be held on June 4<sup>th</sup>. The run will start and end at the Berne Town Park and will include two stops at the Babbling Brook Restaurant and the Voorheesville Rod and Gun Club. There will be a continental breakfast, pig roast, live music and raffle. She explained some of the proceeds from the event will go toward a scholarship to support a graduating senior in BKW to pursue their education in human services. They also will adopt a student that would've been in Kenneth's grade by purchasing them all their school supplies and a years' worth of clothing. They also sponsor an under privileged family for Thanksgiving. Please help them stop child abuse by participating or donating. The cost of the run is \$20 for

a motorcycle/car or \$30 if you have a passenger and the cost includes the continental breakfast and pig roast. The run lasts about three hours.

Councilman Beers made a motion to adopt the following resolution:

**WHEREAS:** Kenneth's Army is a 501c3 non-profit organization that is in need of donations, be it hereby

**RESOLVED:** The Town Board approves allowing monetary donations to be collected in the Town Clerk's office for Kenneth's Army through June 4, 2022.

Councilman Mahan seconded; a vote resulted as follows:

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

**NAYS:** None

**RESOLUTION # 71 – 2022 was thereby duly adopted.**

Supervisor Kryzak offered to personally match any donations up to \$1,000.00. Check donations can be made payable to "Kenneth's Army".

**HIGHWAY REPORT**

Highway Superintendent Jody Ostrander reported the Highway Department is in the process of painting a box from one of 6 wheelers which they had brought to the County to be sandblasted. He is still waiting for the loader he ordered which was supposed to be delivered April 1st.

**BRC**

BR Member Leonard Laub advised that Mid-Tel is already lining up the materials that is going to be needed for expansion on fiber and have been willing to work with the Town in terms of where they will run routes. Supervisor Kryzak had the idea to make Mid-Tel responsible for increasing the amount of miles that they run fiber irrespective of the amount of houses. Mr. Kryzak has an RFP drawn up that he intends to bring to the BRC to solicit pricing. They will be given 30 days to respond.

Mid-Hudson is unresponsive. Spectrum is just outside Westerlo; however, were intimidated because they heard about a franchise agreement exclusive with Mid-Hudson which is not so.

Mr. Kryzak advised the Town cannot apply for more matching grants at this time; he wants to make sure the Town doesn't run out of money. Discussion continued.

**APPROVAL OF REPORTS**

Councilman Beers made a motion to accept the Museum, Planning Board, Hometown Heroes, Library, Highway and BRC reports as submitted/read. Councilman Mahan seconded; motion carried by those present.

**OLD BUSINESS**

**LOCAL LAW TO AMEND LL 1 OF 1989 DEFINITIONS MAJOR/MINOR SUBDIVISION**

The Town Attorney advised there is no update on amending Local Law 1 of 1989. He is still working with General Code.

**ADOPTION OF LOCAL LAW 2 OF 2022 TO AMEND LL 2 OF 2021 BATTERY ENERGY STORAGE SYSTEMS**

Supervisor Kryzak made a motion to adopt the following resolution:

**WHEREAS**, the Town Board of the Town of Westerlo has introduced proposed Local Law entitled “A Revision to Local Law entitled “Battery Energy Storage Systems”, to revise the definition of Tier 1 BESS to have an aggregate energy capacity of 32kwh to 600 kwh and, if in a room or enclosed area, consist of only a single Energy Storage System Technology; and

**WHEREAS**, the Town Board duly noticed and held a public hearing on the proposed local law on April 19, 2022; and

**WHEREAS**, the enactment of this local law is a Type II action pursuant to the New York State Environmental Quality Review Act, 6, N.Y.C.R.R. 617.5 as it involves agency administration, management and legislative decision making that does not affect the environment or commit the Town to a future decision on a project, and therefore is exempt from environmental review;

**NOW, THEREFORE BE IT RESOLVED** that the Town Board hereby approves and adopts the proposed Local Law entitled “A Revision to Local Law entitled “Battery Energy Storage Systems”, and number is as Local Law Number 2 of 2022 of the Town of Westerlo, to revise the definition of Tier 1 BESS to have an aggregate energy capacity of 32kwh to 600 kwh and, if in a room or enclosed area, consist of only a single Energy Storage System Technology.

Councilman Beers seconded; a vote resulted as follows:

AYES: Councilman Beers, Councilman Mahan, Supervisor Kryzak, Council-woman Pecylak

NAYS: None

**RESOLUTION # 72 – 2022 was thereby duly adopted. (See attached)**

**ADOPTION OF LOCAL LAW 3 OF 2022 TO AMEND LL 1 OF 2020 ZONING LAW REGARDING CODE ENFORCEMENT**

Supervisor Kryzak made a motion to adopt the following resolution:

**WHEREAS**, the Town Board of the Town of Westerlo has introduced proposed Local Law entitled “Amendment to the Zoning Law Regarding Code Enforcement: Section 14.110”, to correct the approving authority for a special use permit from the Town Board to the Town Planning Board; and

**WHEREAS**, the Town Board duly noticed and held a public hearing on the proposed local law on April 19, 2022; and

**WHEREAS**, the enactment of this local law is a Type II action pursuant to the New York State Environmental Quality Review Act, 6, N.Y.C.R.R. 617.5 as it involves agency administration, management and legislative decision making that does not affect the environment or commit

the Town to a future decision on a project, and therefore is exempt from environmental review;

**NOW, THEREFORE BE IT RESOLVED** that the Town Board hereby approves and adopts the proposed Local Law entitled "Amendment to the Zoning Law Regarding Code Enforcement: Section 14.110", and number is as Local Law Number 3 of 2022 of the Town of Westerlo, to correct the approving authority for a special use permit from the Town Board to the Town Planning Board.

Councilman Mahan seconded; a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 73 – 2022 was thereby duly adopted. (See attached)**

**ADOPTION OF LOCAL LAW 4 OF 2022 AUTHORIZING BEST VALUE PROCUREMENT**

Supervisor Kryzak made a motion to adopt the following resolution:

**WHEREAS**, the Town Board of the Town of Westerlo has introduced proposed Local Law entitled "Best Value Procurement", to allow the Town of Westerlo to award purchase contracts and contracts for services on the basis of best value, as defined in New York State Finance Law §163, to a responsive and responsible bidder or offerer; and

**WHEREAS**, the Town Board duly noticed and held a public hearing on the proposed local law on April 19, 2022; and

**WHEREAS**, the enactment of this local law is a Type II action pursuant to the New York State Environmental Quality Review Act, 6, N.Y.C.R.R. 617.5 as it involves agency administration, management and legislative decision making that does not affect the environment or commit the Town to a future decision on a project, and therefore is exempt from environmental review;

**NOW, THEREFORE BE IT RESOLVED** that the Town Board hereby approves and adopts the proposed Local Law entitled "Best Value Procurement", and number is as Local Law Number 4 of 2022 of the Town of Westerlo, to allow the Town of Westerlo to award purchase contracts and contracts for services on the basis of best value, as defined in New York State Finance Law § 163, to a responsive and responsible bidder or offerer.

Councilman Mahan seconded; a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 74 – 2022 was thereby duly adopted. (See attached)**

## **EMPLOYEE HANDBOOK**

The employee handbook is still being reviewed and will be discussed at the next workshop meeting.

## **RESOLUTION FOR NYSLRS**

The Town Clerk supplied the Town Board with a revised Standard Workday resolution that needed to be approved by the Town Board and resubmitted to NYSLRS for Planning Board Member Beau Loendorf, Planning Board Member Edwin Stevens, and ZBA Member George Spahmer. Supervisor Kryzak made a motion to adopt the following resolution:

**WHEREAS:** NYSLRS requires a Standard Workday Record of Activities be submitted for retirement purposes and,

**WHEREAS:** Planning Board Members Beau Loendorf and Edwin Stevens and ZBA Member George Spahmer have submitted a record of Activities (ROA) and,

**WHEREAS:** NYSLRS requires a Standard Workday Reporting resolution for Beau Loendorf, Edwin Stevens and George Spahmer, be it hereby

**RESOLVED:** The Town Board establish the Standard Workday for Beau Loendorf to be 6 hours, Edwin Stevens to be 6 hours, George Spahmer to be 6 hours and this resolution to be posted on the Town website and Town bulletin board for a period of 30 days.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

**NAYS:** None

**RESOLUTION # 75 -2022 was thereby duly adopted. (See attached)**

## **MPLC UMBRELLA LICENSE**

Town Clerk Weaver had no further information on the MPLC Umbrella movie license. Mr. Kryzak explained that the Town Clerk is looking into showing movies at the Town Hall or Town Park and the cost would be \$700 annually per location.

## **TOWN ACTIVITIES**

Discussion ensued regarding all the activities the Town has planned recently such as the Fall Festival, Christmas Tree Lighting, Winter Festival, Easter EGGstravaganza and soon, a Farmers Market. There is potential for a Summer Carnival, Music in the Park and movies at the Town Hall and park.

Bill Hall commented on the Farmers Market. The Town needs to create an application and policy and procedures to provide to possible vendors.

## **NEW BUSINESS**

### **APPOINTMENT OF CONFIDENTIAL ADMINISTRATOR-ROSEMARY MCHUGH**

Supervisor Kryzak advised that his Confidential Administrator has resigned and he has appointed Rosemary McHugh to the position. He mentioned she is over qualified and a great find for the Town. Mrs. McHugh will be taking over the same salary Amber Bleau-Green received and will be doing the grant writing and accounting as well.

A previous employee was pleased with his experience with Mrs. McHugh as she was very helpful to him; however, he believed all positions should be advertised including the position for the Clerk to the Assessor which Britta Biggs was previously appointed to. He did however understand Mr. Kryzak did not have time to advertise and was lucky to get her. Supervisor Kryzak agreed that for positions the Town Board needs to appoint, such as Planning and Zoning, they did and will advertise. He also agreed that when time permits, he is all in favor of advertising; however, in his office he has the right to hire at his discretion.

Planning Board Member Edwin Stevens mentioned it may have been better to bring her on in on an interim basis and then advertise. Councilwoman Pecylak did not believe she would take the job if that were the case.

Discussion ensued regarding the position that was created for the Clerk to the Assessor. Mr. Kryzak advised that he is attempting to promote within. He wants Ms. Biggs to learn to become an Assessor as a backup plan as the Assessor is near retirement age. He indicated that out of necessity and appropriate accounting they have created this new position.

A question arose if it was conflict of interest with Mrs. McHugh being the Town Attorney's wife. Mr. McHugh advised he would recuse himself if there were ever a personnel matter that involved her that the Town Board needed legal counsel on.

\$64,600 is annual salary for the Confidential Administrator position. Councilman Beers made a motion to adopt the following resolution:

**WHEREAS:** The Town Supervisor has hired Rosemary McHugh to replace Amber Bleau-Green as the Confidential Administrator, be it hereby  
**RESOLVED:** The Town Board set the salary for Rosemary McHugh at \$64,600 annually.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 76 - 2022 was thereby duly adopted.**

#### **DESKTOP COMPUTER FOR ASSESSOR CLERK**

The Assessor's Clerk is in need of a computer. The Town Clerk asked if the Town Board would like to authorize a purchase and IT setup not to exceed \$1,000 with the understanding that the programs would be an additional cost. Supervisor Kryzak made a motion to adopt the following resolution:

**WHEREAS:** The Assessor's Clerk is in need of a computer, be it hereby  
**RESOLVED:** The Town Board authorize the purchase of a computer for the Clerk to the Assessor with an amount not to exceed \$1,000.00 which shall also include the amount for the IT set up.

Councilwoman Pecylak seconded; a vote resulted as follows:

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

NAYS: None

**RESOLUTION # 77 – 2022 was thereby duly adopted.**

### **IT BACKUP UPGRADE**

The Town Clerk mentioned she received an email from the Town's IT company advising the backup system currently in place is being discontinued. The IT company has suggested an image-based backup to the cloud. There is a onetime cost of \$399 and a monthly charge of \$149.00 plus \$10 per computer. Mr. Laub will review to confirm it is a good option. This was tabled.

### **TOWN HALL LOCKS**

Town Clerk Weaver mentioned that all of the doors at the Town Hall have different keys. She wondered if the Town Board had any interest in having the locksmith out to rekey everything or if we should wait until the south entrance door is replaced. Mr. Kryzak suggested reaching out for a quote. BRC Member Leonard Laub suggested having key pads installed. The Town Board believed that was a good idea. The Town Clerk will contact Hilltown Locksmith to see if he has the ability to install key pads or swipe cards.

### **PUBLIC COMMENT**

Previous Town Board Member Joseph Boone thanked the Town Board for filling the vacancy on the Town Board as well as Confidential Administrator Amber Bleau Green for her time working for the Town of Westerlo. He also mentioned Mr. Kryzak is allowed to hire per the Town Law book and believed he did a good job filling the position.

### **ADJOURNMENT OF MEETING**

With there being no further business or public comment, Councilman Beers made a motion to adjourn the meeting. Councilman Mahan seconded; motion carried by those present. Meeting adjourned at 8:17 pm.

Respectfully Submitted,

Karla Weaver, Town Clerk

### ***TOWN BOARD TOWN OF WESTERLO***

#### ***Local Law No. 4 of the Year 2022***

#### ***A Local Law Authorizing Best Value Procurement***

*Be it enacted by the Town Board of the Town of Westerlo that a local law entitled "Best Value Procurement", shall be enacted and established as follows:*

#### ***Best Value Procurement***

#### ***Authority and Purpose.***

*New York General Municipal Law § 103 requires competitive bidding for purchase contracts and contracts for services and has historically required that such bids be awarded to the lowest responsible bidder whose bid meets the requirements of the specifications for the project. This section was amended to provide that, through enactment of a local law so providing, towns may award purchase contracts and contracts for services on the basis of best value, as defined in New York State Finance Law § 163, to a responsive and responsible bidder or offerer. The Town Board hereby determines*

*that it is in the best interest of the Town and its residents for the Town Board to have the authority to award purchase contracts and contracts for services on the basis of best value. This “best value” option may be, but is not required to be, used to award an applicable purchase contract to optimize quality, cost, and efficiency among responsive and responsible offers instead of the lowest responsible bidder.*

**Definitions.**

*Whenever used in this article, the following terms shall have the meanings indicated:*

**BEST VALUE**

*The basis for awarding purchase contracts and services to the offerer that optimizes quality, cost and efficiency, among responsive and responsible offerers.*

**Applicability; dollar thresholds.**

*The provisions of this article apply to Town purchase contracts, including contracts for services involving an expenditure of more than \$20,000, but excluding purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the New York Labor Law and any other contract that may in the future be excluded under state law from the best-value option. If the dollar thresholds of New York General Municipal Law § 103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be deemed simultaneously amended to match the new General Municipal Law thresholds.*

**Best value standards.**

*Goods and services procured and awarded on the basis of the best value are those that the Town Board determines optimize quality, cost and efficiency, among responsive and responsible bidders or offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. The criteria may include, but shall not be limited to, any or all of the following: cost of maintenance, proximity to the end user if distance or response time is a significant term, durability, availability of replacement parts or maintenance contractors, longer product life, product performance criteria, and quality of craftsmanship.*

**Documentation.**

*Whenever any contract is awarded on the basis of best value instead of lowest responsible bidder, the basis for determining best value shall be thoroughly and accurately documented.*

**Local Law 3 of 2022**

***A Revision to Local Law entitled “Amendment to the Zoning Law regarding Code Enforcement”***

*BE IT ENACTED by the Town Board of the Town of Westerlo, County of Albany, the following revision to the Local Law Entitled "Amendment to the Zoning Law regarding Code Enforcement" as follows:*

*Section 14.110. TRAVEL TRAILERS OUTSIDE TRAVEL TRAILER PARKS No unoccupied trailer shall be left on a vacant lot, without a special use permit approved by the Town Planning Board. No occupied travel trailer shall be used as a year-round occupancy.*

## Local Law 2 of 2022

### A Revision to Local Law entitled "Battery Energy Storage Systems"

**BE IT ENACTED** by the Town Board of the Town of Westerlo, County of Albany, the following revision to the Local Law Entitled "Battery Energy Storage Systems" as follows:

1. Tier 1 BESS have an aggregate energy capacity 32kwh to 600kwh and, if in a room or enclosed area, consist of only a single Energy Storage System technology.

Office of the New York State Comptroller  
**NYSLRS**  
New York State and Local Retirement System  
110 State Street, Albany, New York 12244-0001  
Please type or print clearly  
in blue or black ink

Employer Location Code

3 0 2 7 1

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

Received Date

*Corrected copy*

**Standard Work Day and  
Reporting Resolution for  
Elected and Appointed Officials**

**RS 2417-A**

(Rev. 11/19)

BE IT RESOLVED, that the Town of Westerlo

/ 39271

hereby established the following standard work days for these titles and will

report the officials to the New York State and Local Retirement based on their record of activities:

Name	Social Security Number	NYSLRS ID	Title	Current Term Begin & End Dates	Standard Work Day	Record of Activities Result	Not Submitted	Pay Frequency	Tier 1
<b>Elected Officials:</b>									
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
<b>Appointed Officials:</b>									
Beau Loendorf			Planning Board Member/Chair	2/2/2021-12/31/2025	6	1.50	<input type="checkbox"/>	monthly	<input type="checkbox"/>
George Spahmer			Zoning Board Member	5/18/2021-12/31/2025	6	1.04	<input type="checkbox"/>	monthly	<input type="checkbox"/>
Edwin Stevens			Planning Board Member	1/1/2018-12/31/2022	6	.20	<input type="checkbox"/>	monthly	<input type="checkbox"/>
Karla J. Weaver									

I, Karla J. Weaver, (Name of Secretary or Clerk) secretary/clerk of the governing board of the Town of Westerlo, (Name of Employer) of the State of New York,

(Circle one)

(Name of Employer)

do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 19th day of April, 2022 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Westerlo (Name of Employer) on this 20th day of April, 2022.

*Karla J. Weaver*  
(Signature of Secretary or Clerk)

**Affidavit of Posting:** I, Karla J. Weaver

(Name of Secretary or Clerk) being duly sworn, deposes and says that the posting of the Resolution began on

04/20/2022

(Date) and continued for at least 30 days. That the Resolution was available to the public on the:

Employer's website at: townofwesterlonyn.com

Official sign board at: 933 County Route 401, Westerlo, NY

Main entrance Secretary or Clerk's office at: \_\_\_\_\_

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