

**TOWN OF WESTERLO
REGULAR TOWN BOARD
MEETING OF
TUESDAY, SEPTEMBER 15, 2020**

The Town of Westerlo Town Board a regular Town Board meeting on Tuesday, August 18, 2020 at the Richard H. Rapp Municipal Building located at 933 County Route 401, Westerlo, NY via ZOOM #93051000713. Supervisor Bichteman opened the meeting at 7:00 PM with the Pledge of Allegiance to the Flag.

Attending were: Supervisor William Bichteman Jr.
Councilwoman Amie L. Burnside
Councilman Richard Filkins
Councilman Matthew Kryzak
Councilman Joseph J. Boone

Also attending were: Town Historian Dennis Fancher, Planning Board Chairperson Verch, Town Attorney Javid Afzali, Highway Superintendent Jody Ostrander and Highway Employees Justin Case, Carl Anderson Jr. and Salvatore Spinnato, previous employees Chuckie Benninger, Deputy Town Clerk Kathleen Spinnato, Acting Town Clerk Karla Weaver and approximately several interested residents.

ZOOM attendees: ZBA Chairman Sefcik, previous BRC member Eric Markson, Library Trustee Laura Tenney and several interested residents.

Councilman Boone made a motion to open the regular Town Board meeting. Councilman Kryzak seconded, all in favor motion carried.

ZOOM MEETINGS

Supervisor Bichteman indicated some improvements have been made since the last meeting in regards to the audio system. He mentioned all comments will be held until privilege of the floor.

SUPERVISOR'S MONTHLY REPORT (AUGUST) AND INVESTMENT REPORT (AUGUST),

Councilman Boone made a motion to approve the Supervisor's monthly report and Investment report for August. Councilman Kryzak seconded, all in favor motion carried.

TOWN CLERK MONTHLY REPORT (AUGUST)

Councilman Kryzak made a motion to approve the Town Clerk's monthly report for August. Councilwoman Burnside seconded, all in favor motion carried.

TOWN BOARD MINUTES

Councilwoman Burnside made a motion to approve the Town Board workshop minutes of 8/4/20 and 9/1/20 and Town Board minutes of 8/18/20. Councilman Kryzak seconded, all in favor motion carried.

PAYMENT OF MONTHLY BILLS (SEPTEMBER)

Councilwoman Burnside inquired about a bill to have locks changed for the water building Supervisor's office and believed the Town Clerk should have a key since she is FOIL officer. The Supervisor indicated there is always someone there to provide the records. Attorney Afzali indicated that usually the Department head would have access to their records in their office. FOIL officer reaches out to the departments to get the records. Mrs. Burnside indicated she received a different answer from Association of Towns. Supervisor Bichteman made a motion to adopt the following resolution:

WHEREAS: the monthly bills have been audited by the town board, be it hereby

RESOLVED: that the following September 2020 invoices be paid Voucher # through Voucher # in the amount of \$.

Councilman Kryzak seconded the motion, a vote resulted as follows:

AYES: Councilwoman Burnside, Councilman Filkins, Councilman Boone,
Councilman Kryzak, Supervisor Bichteman

NAYS: None

RESOLUTION # -2020 was duly adopted.

OLD BUSINESS

PROPOSED TRANSFER STATION FEE SCHEDULE

Supervisor Bichteman provided a proposed resolution to the Town Board for Transfer Station tipping fees which were discussed at previous meetings. Councilman Boone read and Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town Board wishes to offset the rising cost of recycling by establishing transfer and recycling station tipping fees and

WHEREAS: The Town Board having held a public hearing on the efficacies enacting Resident Transfer and Recycling Station fees now therefor be it hereby,

RESOLVED: That the Town establishes Tipping Fees in the amount of:

Residential * \$25.00 per household (2 persons/permit)

\$25.00 per Apartment (multiple family dwelling)

Commercial** \$400.00 per Commercial carrier

*Residential permit fees are valid Jan. 1-Dec. 31 and are renewable
Annually

**Commercial permits are renewable annually from the date of purchase

Councilman Filkins seconded the motion, a vote resulted as follows:

AYES: Councilwoman Burnside, Councilman Filkins, Councilman Boone,
Councilman Kryzak, Supervisor Bichteman

NAYS: None

RESOLUTION # -2020 was duly adopted.

PROPOSED COMBINATION OF PLANNING AND ZONING BOARDS

Councilman Filkins did not believe joining the two boards was a good idea. He indicated it may cost the town more money in the long run.

Councilman Kryzak is not in favor of combining the boards either after hearing from many of the members. He is however in favor of being paid per meeting to control cost.

Councilwoman Burnside is also in agreement to not combine boards.

Since the Town Board showed interest in members being paid per meeting,

Mrs. Verch indicated she contacted an attorney at the NY Planning Federation who advised her that it was not a good idea to merge boards and would be unworkable. Attorney Afzali indicated there is no adjustment that needs to be made under the state law. It is a case by case basis and towns are authorized to do this if they believe it is in their best interest.

Supervisor Bichteman mentioned that no resolution would be required to change the payment schedule other than at the organizational meeting to change the method of pay to per meeting.

Councilman Boone indicated he agreed with the revised payment schedule however believes it is incumbent on the Town Board to address instances where different actions should've been taken. For the betterment of the Town, he believed discussing these matters with the boards would be a good idea so that these errors or misjudgments are not done going forward. It may go a long way to address the concerns and negativity seen recently between board members.

Councilman Kryzak indicated that the majority of the Boards would like their pay reinstated. Supervisor Bichteman mentioned that they were paid for an extended period of time where they did not have any meetings. Councilman Kryzak understood.

Planning Board member Rich Kurylo mentioned he spoke to Doyle Shaver regarding the possibility of returning. Mr. Shaver told him he would be more than happy to come back if pay was reinstated. Supervisor Bichteman believed the position should be open to all applicants. Mr. Kryzak believed Mr. Shaver should be able to withdraw his resignation. Residents mentioned a lot has been invested in him with training, advertising is not done for hiring secretaries and the building inspector withdrew his resignations. Attorney Afzali advised that when a vacancy is open, the Town should follow normal procedure for filling that vacancy. He indicated someone can't resign, have the resignation become effective and then withdraw without having to go through the appointment process again, the Town Board would have to reappoint. Discussion ensued.

Councilman Kryzak made a motion to advertise for two weeks to fill the vacancy on the planning Board. Councilman Boone seconded the motion, all in favor motion carried.

US CENSUS PROGRESS & REMINDER

Supervisor Bichteman reminded the residents to complete the US Census, it's important.

PROPOSED HEALTH INSURANCE PLAN 2021 BUDGET YEAR

Councilman Kryzak read the proposed resolution that he and Councilwoman Burnside created in regards to the Town's health insurance.

WHEREAS: The Town Board authorizes the Supervisor to enter into an agreement with Cool Insuring for the fiscal year 20/21 to provide health insurance benefits along with essential support services for the employees of the town, therefore be it hereby

RESOLVED: Cool Insuring has provided the most cost efficient proposal and should be the town's insurance provider of choice, and

FURTHER RESOLVED: MVP Silver Plan 3 Local HMO will be provided at the employees previous percentage negotiated at the time of hire, and

FURTHER RESOLVED: MVP Gold Plan 2 can be provided if the employee pays the difference between the Silver Plan and the desired Gold Plan, and

FURTHER RESOLVED: The Town will pay 70 % of the employees deductible for the provided MVP Silver 3 Plan, and

FURTHER RESOLVED: The Town will pay 100% of the deductible for those who choose to upgrade to the MVP Gold 2 Plan, and

FURTHER RESOLVED: The Town of Westerlo will offer an incentive for those who decline to participate in the Town provided Health benefits in the amount of \$3,000 annually, and

FURTHER RESOLVED: The current Medicare benefits will not be affected by this resolution however all employee benefits will be represented by Cool Insuring, and

FURTHER RESOLVED: Dental remains unaffected.

The Supervisor asked questions to which Councilman Kryzak and Councilwoman Burnside responded. They reviewed the reasons why Cool Insuring might be selected as the insurance company of choice for the Town. Cool Insuring provided 2021 figures where other insurance companies only provided estimates. Cool also responded to the request for information, and they will assist employees throughout the claims process as Marshall & Sterling had done previously. Councilman Kryzak further explained the reasons why they chose MVP Silver 3 Plan vs. CDPHP Silver. If the Town is going to have a HSA or HRA it is better to stay with the same insurance carrier MVP. Supervisor Bichteman indicated there was no pricing included in the resolution. Councilwoman Burnside indicated she had emailed the figures to him. Councilman Kryzak indicated that a spread sheet was provided on Sept. 1st and it's the same spreadsheet he had tonight he emailed to the Supervisor. He suggested to the Supervisor he could examine those insurance figures and that these are only recommendations made by authorized board members to investigate. The Supervisor indicated it was imperative that this be done by last meeting and it needs to be in so it can be included in the 2021 budget which has to be completed by September 30th it has to be done tonight there are no other meetings before then. Discussions continued between the Supervisor and Councilwoman Burnside and Councilman Kryzak regarding cost inefficiency of HRA fees of \$4.50 per month per person insured if the Town were to switch to CDPHP. They further discussed insurance plan options, the deductible costs for family vs. individual health care insurance plans.

Highway Superintendent Jody Ostrander expressed he was very disappointed in the Town Board's decisions. The \$1,200 equates to a 58 cent per hour loss in wage to the highway dept employees who on top of this already pay \$100 a week toward their insurance. The Highway Dept. has been kicked enough. Status quo with the insurance as he was not anticipating any raises for 2021 either. Supervisor Bichteman advised that the decision to change insurance companies/policies has not been made yet.

The Town Board heard strong opinions of the following residents attending in person; Rick Rupeka, Barbara Russell, and Bobby Sherman in support of no decreases to either health insurance plan options or the additional increases to the percentage being paid currently by the Highway Department employees for health care insurance. Mr. Sherman questioned how the Town lost 5 people but is still in serious trouble with the budget. Councilman Kryzak indicated they are discussing next years budget.

Mr. Ostrander indicated there are employees teetering on this decision tonight. Councilman Kryzak expressed concern regarding more employees walking out if health insurance is changed. Supervisor Bichteman understood and discussed tax increases. Councilwoman Burnside indicated the Supervisor will need to use the old health insurance numbers for the budget.

More strong opinions were heard from Rick Rupeka. Councilman Boone provided his comments regarding Supervisor Bichteman mentioning that he has taken on a large responsibility for the Town. Mr. Ostrander indicated the Board is making it hard for him to do his job. Councilman Boone understood but indicated the Town has never been through a pandemic. Highway employee Justin Case questioned why the Town of Westerlo was having such big problems when every Town around is hiring, has a better insurance plan, nobody pays 20%, boot allowance is lowest here, we are the lowest paid. He indicated the Town of Westerlo roads are better, they work harder on these roads and we are losing more than everyone. He believed there was something wrong when everyone around is hiring and we are firing and losing insurance. Councilman Filkins responded that the Board does not see the budget until the Supervisor presents it to them.

Supervisor Bichteman indicated that whatever numbers the Board tells him to use for the health insurance budget is what he will put down. He expressed disappointed because sometimes the conversations he has with people turns out to be different when they get to the meeting. Councilman Kryzak advised he has had similar experiences. Councilman Kryzak suggested keeping the gold plan as is and try to make the budget work. It's the worst-case scenario.

The Town Board discussed, for budget purposes, leaving health insurance as it is for next year.

BUDGETING FOR PLANNING AND MUNICIPAL DEVELOPMENT

Supervisor Bichteman spoke with a few members of the Comprehensive Plan, Attorney Afzali and Barton and Ledjidge?? Concerning mapping that would be required to determine the

appropriate areas for alternative energy sites within the Town. If we do a global mapping limiting certain areas of the town as potential sites and change the language of the Zoning Law regarding the adequacy for special use permits that would be nondiscriminatory for solar, wind and battery powers. He proposes budgeting \$11,100.00 for the consultant fund in the 2021 budget. Councilman Kryzak indicated he was in support but have spent \$8,726.00 this year and are not in the 3rd quarter. Councilman Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town wishes to promote the successful completion of the Comprehension Plan Committee mission and;

WHEREAS: The expenditure of funds in the 2021 Budget year will be required to provide the necessary funding to retain consulting services, now therefore, be it hereby;

RESOLVED: That the Town board establishes a budget and the amount of \$ 11,100.00 to be included in the 2021 Town of Westerlo Budget For Planning and Municipal Development – line item (8684.4).

Councilman Boone seconded the motion, a vote resulted as follows:

AYES: Supervisor Bichteman, Councilman Kryzak, Councilman Boone

NAYS: Councilman Filkins, Councilwoman Burnside

RESOLUTION # -2020 was duly adopted.

NEW BUSINESS

STORY WALK

Supervisor Bichteman gave an update on the Story Walk proposed by the Library in the Westerlo Town Park. Both he and Councilman Kryzak volunteered their time to help dig post holes at the park.

HIGHWAY GARAGE ENERGY GRANT

The Supervisor announced the Highway Energy Grant is completed. The Highway Department did an excellent job. They completed insulating the highway garage & new ceiling and the Town received \$30,000.

HEALTH INSURANCE-OPTION/OUT INCENTIVES

Supervisor announced that obviously the Health Insurance is not on the table any longer.

PLANNING BOARD REPORTS

Dorothy Verch submitted and read the Planning Board Reports for the months of July and August 2020.

MERGER OF PLANNING AND ZONING BOARDS

No action was taken earlier in the meeting with regards to combining the Planning and Zoning Boards, therefore it was suggested that the Town Board make a motion to withdraw. Councilwoman Burnside made a motion to withdraw merger of the Boards. Seconded by Councilman Filkins, all in favor motion carried.

PUBLIC COMMENT

There were no public comments.

EXECUTIVE SESSION

Supervisor Bichteman announced the Town Board will be entering into executive session to discuss a personnel disciplinary matter before the Board. Councilman Boone made a motion to enter into executive session at 9:12pm. Seconded by Councilman Kryzak, all in favor motion carried.

Councilman Boone made a motion to adjourn the executive session at 10:28pm. Seconded by Councilman ???, all in favor motion carried.

ADJOURNMENT OF MEETING

Councilman Kryzak made a motion to adjourn the Town Board meeting. Councilman Filkins seconded, all in favor motion carried. Meeting adjourned at 10:29pm.

Respectfully Submitted,

Karla J. Weaver