

ORGINIZATIONAL MEETING  
JANUARY 14, 2014

The organizational Meeting of the Town of Lyndon, County of Cattaraugus and the State of New York was held at the Town Hall, 852 Lyndon Center Road, Cuba, New York on the 14<sup>th</sup> day of January 2014.

Present:        Robert Oshei ----- Supervisor  
                  Sidney Emmons ----- Councilman  
                  Don Gietl ----- Councilman  
                  Scott Hillman ----- Councilman  
                  Frank Puglisi ----- Clerk  
                  George Schneider ----- Supt. of Highways  
Absent:        Terry Bush ----- Councilman

Attended by: Numerous Residents and The Mercury Gazette.

Notice of said meeting was sent to the Mercury Gazette on January 9, 2014 with the same notice being posted on the same day at the Town Hall.

Supervisor Oshei called the meeting to order at 4:00 pm.

Supervisor Oshei made opening remarks about the meeting time and asked for it to be at 4:00pm instead of 7:00pm and that he was rigid on this. He also stated that the meeting would be one hour, 45 minutes for the Town Board business, and 15 Minutes for the Public.

Supervisor Oshei then asked the Board if he could purchase QuickBooks. He stated it would be between \$200.00 and \$350.00 and then would install it on the Town lap top. Councilman Emmons stated this was not the time for this because it was the organizational meeting. Supervisor Oshei asked for an up and down vote and councilman Emmons said no because it was not the right time. Supervisor Oshei then said it's no, lets move on.

Supervisor Oshei then brought up Shady Lane and a situation regarding their road. He stated emergency vehicles can not make it up the road. He wanted to make the Town Board aware of what the situation is.

Supervisor Oshei then moved on to the appointment of Deputies, stating "We'll each appoint our deputies and they will be sworn at the end of the meeting". The following were duly appointed:

Deputy Town Supervisor ----- Leonard Kaluzny Sr.  
Deputy Town Clerk/ Tax Collector - Carol Evans & Anna Ciesla  
Deputy Highway Supt. ----- Scott Hawley

A motion was made by Councilman Emmons and seconded by Councilman Gietl to approve the Deputies. The motion was carried.

ADOPTED: Ayes 4 Oshei, Emmons, Gietl, Hillman  
                  Nays 0

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A motion was made by Councilman Emmons to change the returned check charge from \$50.00 to the maximum allowable by New York State Town Law. Gietl seconded the motion. The motion was carried.

ADOPTED: Ayes 4 Oshei, Emmons, Gietl, Hillman  
Nays 0

The following organizational appointments were made for 2014:

Rules of Procedure (see Resolution 2-2014)  
Official Newspaper ----- Mercury Gazette  
Bank ----- Community Bank, NA  
Code Enforcement Officer – James Cline  
Dog Control Officer ----- James Morgan  
Registrar of Vital Statistics – Frank Puglisi  
Attorney for Town -----David Brautigam  
IT Technician ----- Dan McConachie  
Mileage ----- .56 per mile (IRS Rate)  
Medical Coverage (see Resolution 3-2014)  
Court Clerk ----- Judy Harrington  
Deputy Court Clerk ----- Frank Puglisi  
Bookkeeper ----- Karen Perrigo  
Standing Committees ---L.E.A.P. and Policy Committee  
Historian ----- Sidney Emmons

Miscellaneous Salaries:

Clothing allowance – Highway workers – per year ----- \$300.00  
B.A.R hourly rate ----- \$10.00  
Temporary Clerical, per hour (Court Clerk, etc) ----- \$10.00  
Temporary Highway Worker, No Class B, per hour ----- \$10.00  
Temporary Highway Worker, Class B, per hour ----- \$11.00  
Full-time Highway Worker with Class B – 1<sup>st</sup> six months----- \$11.00  
Fulltime Highway Worker with Class B – 6<sup>th</sup> thru 18<sup>th</sup> month ----- \$ \*  
Fulltime Highway Worker with Class B- after 18 months ----- \$ \*\*

\* ½ the difference between starting and full-time after 18 months Salary

\*\* Based on Yearly salary of \$36,762.62 and 2080 hours.

The Board gives blanket authorization for the Supervisor to execute payments for all payrolls and payments associated with payroll withholding, payroll reports, employee health insurance, disability, and retirement. Supervisor is also directed to prepay all utility bills, justice fees and charge accounts where a delay in payment may result in late charges to the Town. All prepaid vouchers are to be approved and signed by the board at the next regular Board meeting. All other obligations are to be audited and authorized by Board prior to payment. The Board authorizes the Supervisor and Town Bookkeeper to, monthly, bring any negative account balances to zero by transferring funds from appropriate surplus accounts. Board approval and documentation of such is to be noted in the official minutes of Board meetings.

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Judy Harrington presented the Court Records to Clerk Puglisi for the internal audit. Councilman Emmons addressed the public and explained why this was done and told the public that the internal audit for all other departments was done on January 7, 2014 by Councilman Emmons and Councilman Gietl.

Supervisor Oshei asked Highway Superintendent Schneider to give a highway report and it was given. He stated that they have been sanding the roads on the weekends more because of the rain causing slick spots on the road. Councilman Gietl thanked him for the report and pointed out that this is still the organizational meeting and not time for the highway report.

An extensive discussion then took place about the time for the meeting. Councilmen Gietl and Hillman expressed concerns that the public and working members of the board would not be able to make the 4 pm meetings. Supervisor Oshei stated that most people will not care when the meetings are and that he has personal reasons to be home in his crib by 5:30pm, and that he does not leave his house after that time. Councilman Emmons stated that the majority of the board determines the time. Hillman attempted to explain his point and was told by Oshei to "not speak again or you'll be out of order". Supervisor Oshei wanted to have a public hearing on this issue. Emmons stated "I think we should follow procedure" and "The Board determines the time. That is law". Supervisor Oshei stated he would resign if the meetings were after 4:00pm and Leonard Kaluzny could take over as the Supervisor. Councilman Emmons suggested that they approve all of the other organizational appointments before they discuss the meeting date and time.

Councilman Emmons made a motion to approve the Town appointments other than the meeting time. Supervisor Oshei seconded the motion.

The motion carried.

ADOPTED: Ayes 4 Oshei, Emmons, Gietl, Hillman  
Nays 0

Supervisor Oshei made a motion "that I want the meetings anytime between noon and 4 pm on any day of the week, any of the seven days of the week". There was no second and the motion failed.

Councilman Hillman made a motion to have the Board meetings continue on the second Tuesday of the month and have them at 7:00 pm. Councilman Gietl seconded the motion. Following discussion, Emmons called for the vote.

The motion carried.

ADOPTED: Ayes 3 Emmons, Gietl, Hillman  
Nays 1 Oshei

Supervisor Robert Oshei then stated that I am off and Leonard Kaluzny takes over. Both Gietl and Hillman asked if you are sure you want to do this? Oshei stated he was positive. Emmons then asked Supervisor Oshei for a written resignation notice. Oshei then gave Clerk Puglisi written notice.

Emmons stated "Lenny is the deputy and he can serve in place until the Board has appointed a Supervisor".

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An extensive discussion followed about the law and who would be the next supervisor and the Board said they were unclear on the law and it would be discussed further at the 7:00pm meeting.

A taxpayer inquired about public notices of the special and regular meetings. Another taxpayer noted that both meetings were listed in the Mercury Gazette.

NOTE: Clerk Puglisi realized that the digital recorder had stopped taping and immediately started taping on another device.

The Board asked Mr. Kaluzny to come down and close the meeting. Mr. Kaluzny stated that he was not sworn in and the Board told him to come down and get sworn in. The Board then instructed Clerk Puglisi to swear him in. Clerk Puglisi then left the room to get the oath book and bible. Clerk Puglisi swore Leonard Kaluzny in as Town Supervisor with the Town Board, Public, and Mercury Gazette looking on. \*

Councilman Gietl made a motion to adjourn the organizational meeting and Councilman Hillman seconded the motion. All voted Ayes. The meeting ended at 4:30pm.

Respectfully Submitted:

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Frank Puglisi – Town Clerk

\* A note in the margin should explain that Kaluzny was sworn in by the Clerk as Supervisor when he was the legally appointed deputy Supervisor (see page one), and it was specified he was Deputy Supervisor until the Bd has appointed a successor (page three).