

REGULAR MEETING  
November 11, 2014

A Regular Meeting of the Town Board 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 11<sup>th</sup> day of November 2014.

Present: Leonard Kaluzny ----- Supervisor  
Sidney Emmons ----- Councilman  
Clifford Evans ----- Councilman  
Don Gietl-----Councilman  
Frank Puglisi ----- Clerk  
George Schneider ----- Supt. of Highways

Absent: Scott Hillman ----- Councilman

Attended by: Numerous Residents and The Mercury Gazette.

Supervisor Kaluzny called the meeting to order with the Pledge to the Flag at 7:00pm.

Supervisor Kaluzny thanked all of the Veterans in the Town for there service because it was Veterans Day.

Clerk Puglisi took the role. Councilman Emmons made a motion to approve the minutes from the Regular Meeting of October 14<sup>th</sup> 2014, the Special Meeting of September 30<sup>th</sup>, 2014, the Public Hearing of October 22<sup>nd</sup>, 2014, the Budget Workshop of October 22<sup>nd</sup>, 2014, and the Public Hearing of November 6<sup>th</sup>, 2014. Councilman Gietl seconded the motion. The following was

ADOPTED	Ayes	4	(Kaluzny, Emmons, Gietl, Evans)
	Nays	0	

Councilman Emmons made a motion to go into executive session to discuss the Union Contract for the Highway Workers. Councilman Evans seconded the motion. The following was

ADOPTED	Ayes	4	(Kaluzny, Emmons, Evans, Gietl)
	Nays	0	

Executive session started at 7:05pm

Executive session ended at 7:07pm

**Correspondence:**

New York State Disability Insurance- Supervisor Kaluzny stated the Town received a refund of premium of \$73.82 because of the Towns good claim history.

**Public Comment-**

Resident Jack Palmer congratulated the new Town Supervisor, Leonard Kaluzny and new Board Member, Clifford Evans on winning the November election.

**Old Business-**

Union Contract- Councilman Gietl made a motion to accept the Union contract as presented to the board. Councilman Evans seconded the motion. The following by voice vote was

ADOPTED	Supervisor Kaluzny	Ayes
	Councilman Gietl	Ayes
	Councilman Evans	Ayes
	Councilman Emmons	Ayes

Low Use Road Law- Councilman Evans made a motion to accept the low use road law. Councilman Emmons seconded the motion. The following by voice vote was

ADOPTED	Supervisor Kaluzny	Ayes
	Councilman Evans	Ayes
	Councilman Emmons	Ayes
	Councilman Gietl	Ayes

Town Budget- Councilman Evans made a motion to accept and pass the 2015 Preliminary Budget as the Adopted Budget. Councilman Gietl seconded the motion. The following by voice vote was

ADOPTED	Supervisor Kaluzny	Ayes
	Councilman Evans	Ayes
	Councilman Gietl	Ayes
	Councilman Emmons	Ayes

Signs on County Road and Speed Limits- Superintendent Schneider stated he spoke with the person in charge at the County and after a lengthy discussion with the County he was able to put the street names back up with the brackets the Town already had. Superintendent Schneider stated he looked into the process of reducing the speed limit after a resident asked about it at the last meeting. He stated the process was for him to present a resolution to the Board for their approval, and then send it to the County for their approval, and then to the State for their approval. He stated that most of the time the State will then deny the request because we are in a rural area, and there are no schools, and no town police to enforce the speed limit. Councilman Emmons stated he wrote a petition for residence to sign to be sent to the County. This petition will be kept in the Clerks Office and on the Board table for meetings and when enough signatures are on it will be sent to the County.

Councilman Emmons stated he would like to see the Town try and get the speed limits lowered even if it is denied at least it is on the record the Town tried to lower the speed limits. Councilman Gietl stated he was not in favor of lowering the speed limits in the Town because most of the faster traffic is the weekenders that come out, but he would like more caution signs for the Amish.

Solar Panel Report- Clerk Puglisi stated the actual usage for the month was zero and the Town is building credits. Clerk Puglisi stated that the meter readings have gone up instead of down, which means they are not generating power. The electric bill was \$21.40 the charge for basic service and the Town has banked over 4000 kwh.

Electronic Payroll- Supervisor Kaluzny stated Karen the bookkeeper had a few issues with it but he is hoping she will be able to get it working for the coming month.

Generator- Councilman Emmons stated that he has reason to believe that the Fire District will give the Town the generator at no cost to the Town and the Town will just have to buy a transfer switch. If the Fire Department ever needs it they will just borrow it from the Town.

Town Driving on Fire Department Land- Councilman Emmons stated the Fire Department did not have a meeting yet due to the elections but they will give the Highway Superintendent a letter for him to drive on their land to dump sand.

Health Department Issue- Councilman Gietl asked Supervisor Kaluzny if he heard anymore from the Health Department if they were going to do anything further. Supervisor Kaluzny stated he did not hear anything from the County.

### **New Business-**

Weight Limit Law- Superintendent Schneider stated in the past he worked with the former Supervisor on this law but nothing came of it. He stated there is a couple different ways to do the law either seasonal or year round. Superintendent Schneider stated he feels it should be year round but just have trucks be bonded in the spring when the most damage is done to the roads. Councilman Emmons suggested Superintendent Schneider come up with the numbers and Clerk Puglisi can write the law and put the numbers into it.

Board of Assessment Review- Supervisor Kaluzny stated that Mr. Schichtel's term has ended on the review board and the Town now has a policy to fill vacancies and asked the Board how they wanted to go about filling the position. Councilman Emmons stated we should do the policy and if Mr. Schichtel wants the position again

he can put in his resume. Clerk Puglisi stated he would put in a notice in the paper and there will be a special meeting at 6:30pm on December 9<sup>th</sup> to interview candidates for the position.

Bank Resolution- Councilman Emmons made the following resolution,  
Resolution 13-2014 – Supervisor Banking

**WHEREAS**, security and safety of Town banking accounts is paramount, and the Community Bank, NA requires formal Board notice to amend signature cards, and **WHEREAS**, the Supervisor’s term of office, held by Leonard Kaluzny Sr., expires 12/31/2014, and being Leonard Kaluzny Sr. was reelected as Supervisor and his new term begins 1/1/2015,

**BE IT RESOLVED**, that all Lyndon Town Supervisor’s primary banking privileges and responsibilities continue to be under Leonard Kaluzny Sr.

Councilman Evans seconded the resolution. The following resolution was

ADOPTED        Ayes     4     (Kaluzny, Emmons, Evans, Gietl)  
                     Nays     0

### **Supervisor Report-**

A detailed report was given to the Board. Supervisor Kaluzny stated there is \$185,724.86 in the General and Highway Funds and \$23,023.31 in the Tax Stabilization Fund. He stated the Town received the third quarter sales tax check from the County for \$37,047.12, which is not reflected in the report. Councilman Emmons asked how does that stand with what the Town has been getting. Supervisor Kaluzny stated it was within a thousand dollars from what we have been receiving this year. Councilman Emmons made a motion to accept the Supervisor report. Councilman Evans seconded the motion. The following was

ADOPTED        Ayes     3     (Emmons, Evans, Gietl)  
                     Nays     0

### **Clerks Report-**

A detailed report was given to the Board. Clerk Puglisi stated he took in \$1,270.40 and paid out \$1,270.40. \$865.91 to the Supervisor, \$348.69 to the DEC, \$18.80 to the County for DPW Tickets, \$37.00 to New York Ag and Markets for dog licenses.

### **Justice Report-**

A detailed report was given to the Board. Supervisor Kaluzny stated the Justice took in \$75.00 in fines that will stay with the Town. Supervisor Kaluzny stated the Town Prosecutor is working out well. Councilman Emmons asked if there has been any activity for the Prosecutor? Clerk Puglisi stated yes in December we have two trials that she will be handling and 3 Vehicle Tickets she will handle as well.

**Highway Report-**

Superintendent Schneider gave a detailed report to the Board. He stated all is running and they have been hauling sand for the winter. He stated Machias and Farmersville were helping one day and Franklinville helped haul the next day because the road was being closed. Superintendent Schneider sent the CHIPS paper work in to the State so the Town can get paid in December. He stated there was a lot more paperwork this year then last year. He stated the Town should be getting a check for \$68,257.44, which is approximately \$35,000 less then what we could have got, but there was not enough money in the budget and the weather did not allow for more work to be done. He stated the \$35,000 will be able to be carried over and added to next year's money. He stated the Highway Workers have been using their comp time on the nicer days because snow plowing will begin. He stated the State auditor said the Town should put its fuel contract out to bid, but as long as the price is under or equal to state bid it was ok, however the Town of Franklinville put theirs out to bid and saved a lot of money. He stated he is going to put the Towns fuel out to bid next month.

Permission to Use Highway Garage for Fire District Election- Councilman Emmons stated the Fire District needs permission to use the first bay for the District election. Superintendent Schneider stated Kathy Behm already called him and he told her there was no problem with using it.

Fire Department using Town Hall- Councilman Emmons stated the Fire Department would like to use the Town Hall for their meetings on the first Tuesday of the month. Councilman Evans stated he thought they already gave them permission to use it.

Councilman Gietl made a motion to pay Town Abstract 11 of the General Fund claims 159 thru 169 for \$2,291.02 and Abstract 11 of the Highway Fund claims 108 thru 116 for \$22,322.74. Councilman Emmons seconded the motion. The following was

ADOPTED        Ayes    4    (Kaluzny, Gietl, Emmons, Evans)  
                     Nays    0

Being no further business or concerns Councilman Gietl made a motion to adjourn the meeting. Councilman Emmons seconded the motion. All Ayes the meeting was adjourned at 7:49pm.

Respectfully Submitted,

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Frank Puglisi, Lyndon Town Clerk

