

REGULAR MEETING
January 13, 2015

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 13th day of January 2015.

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

Attended by: Numerous Residents, The Mercury Gazette, and 1 Lyndon Constable.

Supervisor Kaluzny called the meeting to order with the Pledge to the Flag at 7:03pm.

Clerk Puglisi took the role. Councilman Gietl made a motion to approve the December 9, 2014 regular meeting minutes, the December 30, 2014 Year-end meeting minutes, and the January 2, 2015 Organizational meeting minutes.

Councilman Hillman seconded the motion. The following motion was

ADOPTED Ayes 5 (Kaluzny, Gietl, Hillman, Evans, Emmons)
 Nays 0

Correspondence-

Letter from Resident Yost- Mr. Yost wrote to the Code Enforcement Officer regarding the status of what is being done to get the property next to his cleaned up. Clerk Puglisi stated Jim Cline the Code Enforcement Officer called just before the meeting and went down and spoke with Mr. Yost and will be writing tickets for the property owner.

Lyndon Fire District- The Lyndon Fire District sent a letter requesting use of the Town Board room for meetings, and continue to purchase diesel and gasoline fuel from the Town, and have their mail picked up and put in to the towns mail cubbies and have access to them. Supervisor Kaluzny stated that the Town cannot resell fuel because the Town is not a vender. Councilman Emmons stated the Fire District is tax exempt just like the Town, and asked Supervisor Kaluzny what can be done. Supervisor Kaluzny stated they could get their own gas tanks. Councilman Gietl asked what other fire departments do for gas. Councilman Emmons stated the

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bigger ones have their own tanks. Highway Superintendent Schneider stated that he does remember signing a tax-exempt form that did state he could not resell the fuel. Councilman Hillman stated what about the State pushing to consolidation resources. Supervisor Kaluzny stated the Town would have to show what they gain by selling fuel. Fire Commissioner Karl Crane asked if the Town can continue supplying the Fire District fuel while they look into if they can get fuel, and what it is going to cost because it will take a little time to get this done. Superintendent Schneider stated legally he was not sure but he has no problem with them continuing to get fuel from the Town until everything is settled. Councilman Gietl asked to check with the Association of Towns to see if it is legal to continue selling the fuel. Superintendent Schneider stated the problem he could see with an audit is that the meters on the pump are not accurate. Councilman Hillman asked do they not work at all and how do we know what to bill them for. Superintendent Schneider stated they work but he does not know how accurate they are, and they go off the numbers when they start and when they end. Supervisor Kaluzny stated he recommends that the Commissioners reimburse the Town for the minimum use of the building \$200.00. Councilman Hillman stated it seems like a waste of time because the taxpayers are paying for it anyway. Supervisor Kaluzny stated it is two separate pockets the Town has a budget and the Fire District has a separate budget. Councilmen Gietl and Hillman stated it was still being paid for by taxpayer money. Councilman Emmons stated within a year it will be a mute point because an addition will be built on to the fire hall, which will provide space for meetings. Councilman Hillman asked what the point of shared service is if we never share services. Superintendent Schneider stated it is not just this, and he asked for a letter to drive the trucks on the fire department property to dump, and in return they want the Town to plow the driveway grade the parking lots, and fix anything that is messed up by the trucks. He stated he will have more money into all of that then it is worth because it is not costing the fire department anything to let him on there. Commissioner Crane stated if this was an issue using the Town Hall it should have been brought up in September during budget time. Supervisor Kaluzny stated there is no issue with using the Town Hall but feels the Commissioners should reimburse the Town the minimum for use.

Councilman Emmons made a motion to table the issue and allow the Fire District to use the Town Hall for free until the warm weather starts. Councilman Evans seconded the motion. The following motion was

ADOPTED	Ayes	4	(Emmons, Evans, Hillman, Gietl)
	Nays	1	(Kaluzny)

Fire Department Agreement for Shared Services- The Lyndon Fire Company sent a shared service contract for the Town to use the property to dump sand and in return the Town will plow and grade and perform maintenance if the trucks or anything else damages the property. Supervisor Kaluzny stated he is not going to

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sign it and feels the Town should not enter into this agreement. Superintendent Schneider stated it is going to cost the taxpayers more money to enter into the contract than what it is worth. Councilman Gietl asked if the Highway Department is the only ones that plow or do the Volunteers plow as well. Superintendent Schneider stated the last snow Chuck Bowels asked him to plow and he was having trouble with trucks so Chuck went up and plowed. Supervisor Kaluzny stated the only other problem with it is that the fire department is a private entity and if the Town does this can others use it against the Town. Councilman Hillman stated he agreed it would seem perfectly reasonable if you rut it up you fix it but to plow them out it should be in their budget not ours. Councilman Emmons stated that the Town cannot fool around with private entities which kills it right there. Supervisor Kaluzny stated that he was not able to sign the contract it would have to be Superintendent Schneider because the Board has nothing to do with the Highway Department. Councilman Emmons stated lets send this back to the fire department with the provisions that were talked about, and the wording except for emergency plowing in the front of the hall. Councilman Hillman stated we cannot sign a written agreement to plow their snow because that could potentially be thousands of dollars. Councilman Emmons made a motion to table this issue for further work and information. Councilman Evans seconded the motion. The following motion was

ADOPTED Ayes 5 (Kaluzny, Emmons, Evans, Hillman, Gietl)
 Nays 0

Fire Commissioners letter for generator- The Fire Commissioners sent an agreement for shared services to indefinitely loan a generator to the Town of Lyndon. Supervisor Kaluzny stated he would not sign the agreement because of the way it was worded and spoke with Superintendent Schneider about this and he had concerns. Superintendent Schneider stated it says in an emergency situation the fire chief can take it, most likely the Town would need it in the same emergency situation. Councilman Emmons stated that this generator has not been used in a number of years and the chance of the fire department needing it would be away from the hall and asked how he would like it reworded. Superintendent Schneider was not sure. Commissioner Crane stated that the purpose for putting that in there is if they need it out in the field to light it up for what ever reason. Superintendent Schneider stated he would be ok with that but who gets first dibs on it in an emergency. Supervisor Kaluzny stated that the other problem was that the generator will be indefinitely loaned to the Town of Lyndon, and he thought is was supposed to be given to the Town. Councilman Emmons stated that was a thought back then. Councilman Evans stated he has a generator that the Highway Department can have as long as George Schneider is the Superintendent. Councilman Gietl stated that in his notes back on 11/11/14 the fire company will

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give the generator to the Town. Councilman Emmons stated it's the fire district not company. Councilman Emmons stated it was a dead issue because the agreement is not going to be signed, and the Highway Department will be getting a generator for free from Councilman Evans. Commissioner Crane stated that the Fire District cannot give taxpayer property away for nothing so it is a dead issue as far as I am concerned, George does not want it and won't sign the paper because of what it says, and we cannot give it to you. Superintendent Schneider stated he did not say he did not want it but who gets it in an emergency. Commissioner Crane stated we will let you use it for \$200.00 a year. Supervisor Kaluzny stated the Town gave a fireproof file cabinet to the District for free. Commissioner Crane stated it said you can return it. Supervisor Kaluzny stated yes if the fire district becomes defunct then it would be returned. Councilman Emmons stated it's not worth the controversy. Commissioner Crane stated my suggestion is get your own. The Town Board did not enter into the agreement with the Fire District.

Public Comment-

Councilman Hillman asked as a taxpayer if there has been any movement on the tower being used for High-Speed Internet. Councilman Emmons stated it was still in limbo but it is not going well.

Old Business-

Historian- Supervisor Kaluzny stated that at the organizational meeting the appointment of the Historian was tabled until this meeting. Supervisor Kaluzny stated that his original appointment still stands for Barb Lambert to be Historian and stated to Councilman Emmons that he would appreciate him helping her in anyway. Councilman Emmons stated his first question is why are you firing me why are you firing me. Supervisor Kaluzny stated nobody is firing you. Councilman Emmons stated of course you are, I walked into that meeting and on the list of appointed people the girls name is down not mine so that means I am fired, lets make it real clear and simple why are you firing me. Supervisor Kaluzny stated nobody is being fired its up to the Supervisor who he appoints. Councilman Emmons stated no question I understand that you have the right, but why are you firing me. Supervisor Kaluzny stated that if he had to pick a specific reason its because of the reason you pointed out to all of us that you have not been doing the proper job on the history part of the Town, and you have done more on the genealogy part of the Town, and you don't like the history part that much. Councilman Emmons stated that's not what I said. Councilman Emmons stated you are building a case on flimsy evidence, number one I do both, number 2 I prefer doing the genealogy because its more fun for me, but I do history, I do a lot of history work, anybody can do more or less then I did they can do worse or better. He also stated you are telling me now

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that I am not doing my job so therefore you are firing me. Councilman Gietl stated Sid Emmons is the most qualified person in the county for the job and he ran the county 200-year celebration, and is known throughout the County, and you want to put somebody who does not know much about the whole history of the town in for the job and remove somebody with all that experience it just does not make any sense to me. Councilman Gietl stated he was historian for 2 years and the job is not that hard but he hated the genealogy part Sid loves the genealogy part and I did more history it all depends on who is the historian there is no job qualification for it but for the job Sid has done over the years I cannot see removing him I think you are just being vindictive I don't know what the reason is I don't understand it what so ever. Councilman Hillman stated because Colette told him to. Councilman Emmons stated he feels it's purely political. Supervisor Kaluzny asked Councilman Hillman what did he say. Councilman Hillman stated because Colette told you to do it that's why. Supervisor Kaluzny stated he resents that because Colette did not tell me anything. Councilman Gietl stated this is ridiculous. Councilman Hillman stated Sid has done more for this town then anybody would be willing to do as far as the historian part. Councilman Gietl stated you say you want to work with us but you want everything your way. Supervisor Kaluzny stated what do I want my way. Councilman Gietl stated wait till your truck comes up here lets see what we vote on that, we will wait two years on a truck so you wont get that feather in your hat, I mean we bought a loader last year and you took credit for it, that was already in the works two years ago. Supervisor Kaluzny stated how did I take credit for the loader. Councilman Gietl stated I saw your letter you sent out to the taxpayers and it listed all your little accomplishments for getting elected, well the loader had nothing to do with you. Supervisor Kaluzny stated just like the letter you guys sent out for bashing me or anything you can come up with. Councilman Gietl stated he had nothing to do with any letters. Supervisor Kaluzny stated you read it. Councilman Gietl stated its funny he did not receive the democratic letters. Councilman Hillman stated there was no good reason to remove Sid as historian. Supervisor Kaluzny stated his appointment stands and for the reasons that Sid said, and I took you aside two months ago and told you this and you were all for it. Councilman Emmons stated I was all for it thinking I would have a deputy, train the deputy, and over a period of time when we both agree the person was qualified then I was going to back out, but no dates are set and now you are saying I should be a good guy, and help her out when I was fired. Supervisor Kaluzny stated it sounds like the same thing when Frankie and Bobby were thrown into everything with Dale and Nancy not doing anything. Councilman Hillman stated that was a totally different circumstance that's why. Councilman Emmons stated he was not Dale. Supervisor Kaluzny stated if you love this town as much as you say you do, and you take and put all this time into it why not go forward and help we can make you the deputy. Councilman Emmons stated he does not know what to say and feels now that it is purely political and this

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is your opportunity to take your slam at Sid because he didn't do you any favors earlier in the year, and now you have a chance to get back, and you have the power to do it, I am convinced its not in the good of the order as far as the Historian is concerned, and it has to do with you getting your kicks in. Councilman Hillman stated what is best for the Town is Sid continuing until he wants to bow out. Councilman Emmons stated that the past 6 months have gone very smooth with everybody working together and this just pushes everything back to the first of the year. Supervisor Kaluzny stated it doesn't. Councilman Emmons stated it does because you don't have a reason in hell for what you are doing except political revenge. Supervisor Kaluzny stated prove the political revenge. Councilman Emmons stated here it is I am qualified for the job and have been doing the job and now all of the sudden you say you are gone. A continued detailed discussion took place regarding the appointment of Historian. A detail discussion took place about turning over the records that Councilman Emmons had at his house. Councilman Emmons stated he needs to review the records and will return all of the Towns stuff that the Town paid for. Councilman Emmons stated he was not happy and felt it was purely political. Supervisor Kaluzny stated what can, you present to me in writing that you wrote for the history in 2014. Councilman Emmons stated he did not write one, and he wrote a brief one in 2012. Supervisor Kaluzny asked when was the last one you did. Councilman Emmons stated I have not done one yet it's something that should be done but now you are trying to tell me what to do in my job and how often to do it, and you do not know about the job. Supervisor Kaluzny stated he knows he doesn't. Councilman Emmons stated when they put the sign up in the summer at the school house he got all of these awards of how wonderful a job I was doing and now 6 months later I am no good you fired me. Supervisor Kaluzny stated take it how you want. Councilman Emmons stated he can't do what he wants.

Records Vault- Clerk Puglisi stated that it was very cold in the records room and the heater/air conditioner is not working. He contacted Gail Fisher of the records management department of the State and the temperature in the records room should be between 65 to 70 degrees and right now it is 20 degrees, and the humidity should be between 40% and 50% and it is 60% right now. Clerk Puglisi stated the life span of the unit was 12 years, and the records management grants would potentially pay for this. Councilman Emmons stated we should put in for the grant because the equipment is old. Councilman Hillman made a motion to have Clerk Puglisi apply for the Records Management Grant. Councilman Evans seconded the motion. The following was

ADOPTED Ayes 5 (Kaluzny, Hillman, Evans, Emmons, Gietl)
 Nays 0

New Business-

Bids for plow trucks- Superintendent Schneider stated he has been talking with other Highway Superintendents and the cost of a truck is between \$210,000 and \$220,000. He stated to get a better figure he suggest putting the trucks out to bid which any bid can be denied or accepted, or piggyback off of other Towns bids. A detailed discussion took place about the trucks and the financial standing of the Town. Supervisor Kaluzny explained that with a bond the Town would be required to pay the interest on the bond but are not required to put anything on the principle of the bond, and it would be renewed ever year by the bank. Councilman Evans made a motion to have Superintendent Schneider put the trucks out to bid.

Councilman Hillman seconded the motion. The following motion was
ADOPTED Ayes 5 (Kaluzny, Evans, Hillman, Emmons, Gietl)
Nays 0

Superintendent Schneider stated the bids can be opened at the February meeting.

February Meeting Date- Councilman Emmons made a motion to change the regular and special meetings of February 10, 2015 to February 17, 2015. The special meeting will be at 6:00pm and the regular meeting at 7:00pm. Councilman Evans seconded the motion. The following motion was

ADOPTED Ayes 5 (Kaluzny, Emmons, Evans, Hillman, Gietl)
Nays 0

Supervisor Report-

A detailed report was given to the Board. Supervisor Kaluzny stated there is \$334,614.76 in the General and Highway funds, and \$23,023.70 in the Tax Stabilization fund. He noted the transfers from the year-end meeting are not reflected in the Tax Stabilization fund. Councilman Evans made a motion to accept the Supervisor Report as written. Councilman Hillman seconded the motion. The following motion was

ADOPTED Ayes 5 (Kaluzny, Evans, Hillman, Emmons, Gietl)
Nays 0

Clerk Report-

A detailed report was given to the Board. Clerk Puglisi stated he took in \$472.35 and paid out \$472.35. \$425.75 to the Supervisor, \$9.00 to Ag and Markets and, \$37.60 to the County for DPW Ticket Sales.

Tax Collector Report-

A detailed report was given to the Board. Clerk Puglisi stated from 1/1/15 to 1/9/15 he took in \$130,444.06 and paid the Supervisor on 1/12/15 \$130,444.06.

Justice Report-

A detailed report was given to the Board.

CEO Report-

A detailed report was given to the Board. Supervisor Kaluzny stated there were 9 permits issued.

Highway Report-

Superintendent Schneider gave a detailed report to the Board; he stated all is running right now. He stated the 1994 Auto Car had a problem for the last two weeks with the fuel gelling up in the cold, but he removed the water separator filter and replaced the fuel line and it appears to be working. The 2007 truck had to be brought to buffalo for work on the fan but it is now running well. Superintendent Schneider stated Highway Worker Hawley came back today and his check engine light is on and they are trying different things in the shop to get it to work. Superintendent Schneider stated the Highway Department has been plowing snow and dealing with the ice.

Councilman Emmons made a motion to pay Abstract 1 of the General fund claims 1 thru 14 for \$55,216.16 and Abstract 1 of the Highway fund claims 1 thru 13 for \$16,978.36. Councilman Evans seconded the motion. The following motion was ADOPTED

Ayes	5	(Kaluzny, Emmons, Evans, Hillman, Gietl)
Nays	0	

Being no further business or concerns Councilman Gietl made a motion to adjourn the meeting. Councilman Evans seconded the motion. All Ayes the meeting was adjourned at 8:51pm.

Respectfully Submitted,

Frank Puglisi
Lyndon Town Clerk