

REGULAR MEETING  
July 14, 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 14<sup>th</sup> day of July 2015.

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

Absent: Sidney Emmons ----- Councilman

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

Supervisor Kaluzny called the meeting to order with the Pledge to the Flag at 7:01pm.

Supervisor Kaluzny opened the meeting in memory of Kevin Bowles who was a long time resident of Lyndon and Chuck Bowles son. He asked for a moment of silence in his memory.

Councilman Hillman made a motion to accept the Special Meeting Minutes of June 9, 2015 and the Regular Meeting Minutes of June 9, 2015 as written. Councilman Evans seconded the motion. The following motion was

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

**Correspondence-**

Letter from Dale Carlson- Carlson wrote a letter regarding NY Public Officer's Law, Article 6, Section 87-4c, request for public information form on the town website, and Section 1c ii of the same law regarding cost of CDs and lowering the cost of them. Clerk Puglisi stated he spoke with Robert Freeman from the Committee on Open Government and NY Public Officer's Law, Article 6, Section 87-4c does not apply to local government's only State agencies. A detailed discussion took place regarding putting the form on the town website. Councilman Gietl stated it should be as easy as possible for people to get the form. Clerk Puglisi stated that Carlson already has the form on his computer and it is shown by the numerous FOIL request printed from a computer on the form. Councilman Gietl stated he wants the form on the computer. Clerk Puglisi stated he will work on getting the form on the website.

Councilman Hillman asked Clerk Puglisi to look into the law regarding the cost of CDs. Clerk Puglisi will report back to the Board at the next meeting.

Cattaraugus County- The County sent a letter stating that they are going to sell surplus equipment to town's, villages, and school districts for far market value.

### **Public Comment-**

Resident Paul Knapic- asked if the Board is going to do anything with Councilman Emmons seat on the Board. Councilman Gietl stated the Board cannot do anything until Councilman Emmons resigns. Resident Knapic asked if they could put a law in place regarding missing so many meetings. Councilman Gietl asked Clerk Puglisi to look up the law.

### **Old Business-**

CAP Agreement- Supervisor Kaluzny stated he meet with the Town of Allegany Supervisor and there were a few problems with the agreement and if the Town of Allegany does do a reassessment it might cost the Town of Lyndon some money. He stated that the Town of Allegany Supervisor is looking into when the agreement ends, because if the agreement ends at the end of the year instead of the taxable status date the town might have some issues.

Prior Notice Law- Clerk Puglisi read an email from Town Attorney Strassel stating that his position was that the law should be changed to mirror Franklinville's Local Law.

Councilman Gietl made a motion for Resolution 7-2015:

#### **Resolution 7-2015- Introduction of Local Law 2-2015 Prior Notification**

**WHEREAS**, Pursuant to section 136 of the general municipal law and section 10 of the municipal home rule law, the Town of Lyndon may from time to time enact such local laws as it deems necessary; and

**WHEREAS**, the Lyndon Town Board has found a need to repeal local law 1-2013 entitled "Prior Written Notice Local Law Notice of Highway Defects"; and

**WHEREAS**, the Lyndon Town Board has found a need to replace local law 1-2013 with a more suitable law; and

**WHEREAS**, the Lyndon Town Board has indicated its support for the introduction of a local law requiring prior written notification of defects and obstructions on Town highways, bridges, streets, sidewalks, crosswalks, and culverts, and the setting of a public hearing on the matter for the adoption of such local law; now, therefore, be it

**RESOLVED**, that a proposed Local Law identified as Local Law 2-2015, titled "Requiring prior written notification of defects and obstructions on Town highways, bridges, streets, sideways, crosswalks, and culverts in the Town of Lyndon and

repealing local law 1-2013”, attached hereto and made a part hereof, is hereby introduced before the Lyndon Town Board, and the Town Board shall hold a Public Hearing on the matter of adoption of such Local Law.

Signed this 14<sup>th</sup> day of July 2015,

Councilman Evans seconded the motion for Resolution 7-2015. The following Resolution was

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

The Public Hearing will be set at a later date.

Online Building Permits- Supervisor Kaluzny stated that some fees need to be added for change of use from residential to commercial, non living building to a residential home. He also stated there is an operating permit with an annual fee of \$100.00 who is to pay that fee. A detailed discussion took place regarding this issue and the online building permits. Councilman Gietl stated he felt the whole building permit fees should be rewritten and the Board should have a work session to do it and have the building inspector at the work session. A date for the work session will be determined at a later date and the Clerk will properly notice for the work session.

### **New Business-**

Policy and Procedures- Clerk Puglisi stated that during court they needed an original Local Law with a signature on it and he was unable to find it. He stated that it started a project and he went back to 1964 to current and read the minutes and tracked down all of the local laws and indexed them by year and category. He stated that all of the originals are all in sheet protectors in a binder. Clerk Puglisi stated that he also made a binder of all the local laws for the public to look at which is also indexed by year and category. Clerk Puglisi asked the Board to enact the following policy:

This Policy was written by the Lyndon Town Clerk and submitted to the Town Board to be implemented to have a set standard on how Local Laws should be filed at the Town Hall.

The Town Clerk will sign, certify, and seal three original Local Laws, with one original being filed with the Secretary of State, the second original sent to the Town Attorney, and the third original filed in the Town.

The Towns original must be kept in the records vault in the binder labeled Original Local Laws. This original must include the original file certificate from the Secretary of State stapled to the law and then placed in a protective sheet. The Town Clerk must then index the local law by year, law order, and Category, and then add it to the master index.

The Town Clerk will make a copy of the local law and certificate of filing and place it in the binder labeled Lyndon Town Laws. This binder is for the public to

look at and go through. The Town Clerk must maintain the indexing of this binder, which includes by year, law order, category, and add the law to the master index.

The Town Clerk must keep a file with a copy of the signed local law, the public notice and affidavit of printing, a copy of the Board resolution and a copy of the certificate of filing.

This Policy will take effect immediately.

Councilman Evans made a motion to adopt the policy. Councilman Gietl seconded the motion. The following was

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

### **Supervisor Report-**

A detailed written report was given to the Board. Supervisor Kaluzny stated the Town has \$358,347.73 in the General and Highway Accounts, and \$33,026.35 in the Tax Stabilization Account. Councilman Evans made a motion to accept the written Supervisor report. Councilman Hillman seconded the motion. The following was

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

### **Clerk Report-**

A detailed report was given to the Board. Clerk Puglisi stated he took in \$1,081.60 and paid out \$1,081.60. \$902.20 to the Supervisor, \$150.40 to the County for DPW Tickets, and \$29.00 to NY Ag and Markets.

Clerk Puglisi stated he would be attending the Court Clerk training in Niagara Falls in September.

### **Justice Report-**

A detailed report was given to the Board. Supervisor Kaluzny stated the Court took in \$2,233.00 for the month of June.

### **CEO Report-**

A detailed report was given to the Board.

### **Highway Report-**

Highway Superintendent Schneider gave a detailed report to the Board. He stated everything is running and the Town has received the new pick up on July 2<sup>nd</sup>. He stated that the 10-wheeler and plow equipment has been ordered and no date has been set when they will be received. Superintendent Schneider stated the Highway Workers have been doing roadwork and some minor flood repairs to the roads. He

stated they have been working on Carpenter Hill road, which is the major project for the year and is hoping to be able to skid pave and chip roads next week. He stated the roads that will be chipped will be Carpenter Hill Road, Snyder Road, and North Center. Superintendent Schneider stated he meet with Eric Butler regarding the Counties use of our radio frequencies and signed a consent for them to use the frequency and the County will buy the Town new radios if they end up using the frequency.

Councilman Gietl made a motion to pay Abstract 7 of the General Fund, Claims 105 thru 124 for \$4,091.79 and Abstract 7 of the Highway Fund, Claims 66 thru 76 for \$91,896.27. Councilman Evans seconded the motion. The following was

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

Councilman Hillman stated he spoke with several contractors about the new court building and got estimates ranging from \$145,000 to \$155,000. He stated he is concerned about the cost of the building and moving forward with the project. Councilman Evans stated that we have to do something with the money we received or we are going to lose it. Supervisor Kaluzny stated that he has also gone out and gotten prices that have come now where near the prices Councilman Hillman received. Supervisor Kaluzny stated the engineer also has not gotten back with us regarding the second design yet that both Councilman Gietl and Hillman wanted. More details will be gotten and discussed at the next Board meeting.

**Executive Session-**

Councilman Evans moved to enter into an executive session to discuss information with respect to investigation of a criminal offense, which would jeopardize effective law enforcement if disclosed. Councilman Hillman seconded the motion. The following was

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

Executive Session Started: 8:21 pm

Executive Session Ended: 8:42 pm

Councilman Evans made a motion to have the new town property adjacent to the west side of the Town Hall surveyed. Councilman Hillman seconded the motion. The following was

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

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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 8:43 pm.

Respectfully Submitted,

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Frank Puglisi  
Lyndon Town Clerk